CHAPTER 2

Retirement and Preretirement Advisory Panel

Editor’s Note

2008 Act No. 311, Section 55, provides as follows:

“Upon the effective date of this act, Regulations 19‑900 through 19‑997 of the South Carolina Code of Regulations shall have no application whatsoever to the operation of Title 9 of the 1976 Code.”

**SECTION 9‑2‑10.** Advisory panel.

There is created the South Carolina Retirement and Preretirement Advisory Panel for the purpose of advising the Director of the South Carolina Retirement System and the Director of the State Personnel Division on matters relating to retirement and preretirement programs and policies.

HISTORY: 1976 Act No. 696 Section 1; 2012 Act No. 278, Pt IV, Subpt 2, Section 45, eff July 1, 2012.

Effect of Amendment

The 2012 amendment removed “hereby” and substituted “Panel” for “Board”.

CROSS REFERENCES

South Carolina Retirement System, see Sections 9‑1‑10 et seq.

Ethics Commission Opinions

Registered lobbyist is not prohibited from being reappointed to South Carolina Retirement and Pre‑Retirement Advisory Board since it has no authority to exercise sovereign power of State. Op. S.C. St. Ethics Comm., SEC AO94‑007, September 15, 1993.

**SECTION 9‑2‑20.** Membership of panel; terms of offices; vacancies; officers.

(a) The panel shall consist of eight members appointed by the Board of Directors of the South Carolina Public Employee Benefit Authority and must be constituted as follows:

(1) one member representing municipal employees;

(2) one member representing county employees;

(3) three members representing state employees, one of whom must be retired and one of whom must be an active or retired law enforcement officer who is contributing to or receiving benefits from the Police Officers Retirement System. If this law enforcement member is retired, the other two members representing state employees do not have to be retired;

(4) two members representing public school teachers, one of whom must be retired;

(5) one member representing the higher education teachers. The board of directors shall invite the appropriate associations, groups, and individuals to recommend persons to serve on the panel.

(b) The terms of the members shall be for four years and until their successors have been appointed and qualify. No member shall serve more than two consecutive terms. After serving two consecutive terms a member shall be eligible to serve again, four years after the expiration of his second term. Provided that of those first appointed, four of the members shall serve for a term of two years. In the event of a vacancy, a successor shall be appointed in the same manner as the original appointment to serve the unexpired term.

(c) A chairman, vice chairman, and secretary shall be elected from among the membership to serve for terms of two years.

HISTORY: 1976 Act No. 696 Section 2; 1991 Act No. 170, Section 4, eff June 28, 1991; 2012 Act No. 278, Pt IV, Subpt 2, Section 45, eff July 1, 2012.

Editor’s Note

1991 Act No. 170, Section 5, effective June 28, 1991, provides as follows:

“The three present members of the South Carolina Retirement and Preretirement Advisory Board representing state employees, as provided by Section 9‑2‑20(a)(3) of the 1976 Code, shall continue to serve their current terms of office. When the first of these three members’ terms expires after the effective date of this act, his successor so appointed must be the active or retired law enforcement officer required by Section 9‑2‑20(a)(3) as amended by this act.”

Effect of Amendment

The 1991 amendment in subsection (a), item (3), inserted a requirement that one of the members representing state employees must be a law enforcement officer.

The 2012 amendment substituted “panel” for “board” and substituted “Board of Directors of the South Carolina Public Employee Benefit Authority” for “State Budget and Control Board” in subsection (a); substituted “board of directors” for “Budget and Control Board” and “panel” for “board” in subsection (a)(5); (a)(5); and made other nonsubstantive changes.

**SECTION 9‑2‑30.** Meetings of panel.

The panel shall meet once a year with the Director of the South Carolina Retirement System, once a year with the State Personnel Director, and once a year with the Executive Director of the South Carolina Public Employee Benefit Authority. The chairman may call additional meetings of the panel at such other times as considered necessary and shall give timely notice of such meetings.

HISTORY: 1976 Act No. 696 Section 3; 2012 Act No. 278, Pt IV, Subpt 2, Section 45, eff July 1, 2012.

Effect of Amendment

The 2012 amendment substituted “panel” for “board” throughout; substituted “Executive Director of the South Carolina Public Employee Benefit Authority” for “State Budget and Control Board”; and, substituted “considered” for “deemed”.

**SECTION 9‑2‑40.** Duties of panel.

The panel shall review retirement and preretirement programs and policies, propose recommendations, and identify major issues for consideration.

HISTORY: 1976 Act No. 696 Section 4; 2012 Act No. 278, Pt IV, Subpt 2, Section 45, eff July 1, 2012.

Effect of Amendment

The 2012 amendment substituted “panel” for “board”, and made other nonsubstantive changes.

CROSS REFERENCES

Certain educational and informational program being made a part of the preretirement education program, see Section 43‑21‑150.

**SECTION 9‑2‑50.** Staff assistance from other agencies; other resources.

The panel is authorized to seek reasonable staff assistance from the South Carolina Retirement System, the State Personnel Division, and other state agencies which may be concerned with a particular area of study. The panel is also encouraged to use such resources as faculty and students at public universities, colleges, and technical education schools in South Carolina.

HISTORY: 1976 Act No. 696 Section 5; 2012 Act No. 278, Pt IV, Subpt 2, Section 45, eff July 1, 2012.

Effect of Amendment

The 2012 amendment substituted “panel” for “board” throughout, and made other nonsubstantive changes.