

REPORT OF THE GENERAL GOVERNMENT LEGISLATIVE SUBCOMMITTEE

(Cobb-Hunter, Hayes, Ballentine, Willis, Murphy- Staff Contact: Terikah Staggers)

SENATE BILL 127

S. 127 – Senators Johnson and Peeler: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-11-10, RELATING TO DEFINITIONS FOR THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO INCLUDE THE CATAWBA NATION WITHIN THE DEFINITION OF EMPLOYER; AND BY ADDING SECTION 9-11-43 SO AS TO PROVIDE THAT THE CATAWBA NATION IS ELIGIBLE FOR ADMISSION TO THE POLICE OFFICERS RETIREMENT SYSTEM AND TO PROVIDE FOR THE PROCESS FOR ADMISSION

Received by Ways and Means: ***3/4/2025***

Summary of Bill:

This bill expands the definition of employers eligible to apply for participation in the Police Officers Retirement System (PORS), to include the Catawba Nation. Furthermore, the bill requires the Catawba Nation to adhere to the admissions process, and meet the requirements set forth in Section 9-11-40 of the South Carolina Code of Laws.

Estimated Revenue Impact:

N/A

Subcommittee Action/Explanation

The proposed amendment would add the Masters in Equity to the Police Officer Retirement System. The Masters in Equity would be responsible for covering the cost to transfer their service to the Police Officer Retirement System (PORS). The amendment also adds a critical needs return-to-work exemption for PORS, should the retiree have a twelve consecutive month separation from employment. Additionally, a twelve-month separation of employment is added as an exception to the earnings limitation, in the South Carolina

Retirement System (SCRS). The bill is reported out favorable from the General Government Subcommittee, as amended.

Full Committee Action/Explanation

Other Notes/Comments:

This bill will have no impact on state revenue. No additional costs are anticipated for PEBA to implement changes as detailed by the bill. Should the Catawba Nation apply for participation in the Police Officers Retirement System (PORS), fewer than five new participants are anticipated. Thus, the impact to PORS would be minimal. Fiscal impact statements and other data are available from related bills. An updated fiscal impact statement has been requested and is pending.

SOUTH CAROLINA
HOUSE AMENDMENT

AMENDMENT NO. _____

Samantha Allen
April 29, 2025

ADOPTED	REJECTED	TABLED	ADJOURN DEBATE	RECONSIDERED	ROO

Clerk of the House

ADOPTION NO. _____

BILL NO: S. 127

(Reference is to the original version)

The General Government Subcommittee proposes the following amendment (LC-127.SA0001H):

Amend the bill, as and if amended, by adding appropriately numbered SECTIONS to read:

SECTION X. Article 1, Chapter 11, Title 9 of the S.C. Code is amended by adding:

Section 9-11-28. (A) After December 31, 2025, any person who is a full-time master-in-equity shall participate in the South Carolina Police Officers Retirement System for his service as a master-in-equity.

(B) From July 1, 2025, to January 1, 2026, a full-time master-in-equity who elects to transfer credited service received under the South Carolina Retirement System to the South Carolina Police Officers Retirement System may do so upon payment of the accumulated employer and

employee contributions and interest in the South Carolina Retirement System plus five percent of his annual salary in effect as of June 30, 2025, for each year of service prorated for periods of less than a year. After January 1, 2026, a master-in-equity may elect to transfer credited service received under the South Carolina Retirement System to the South Carolina Police Officers Retirement System as provided in Section 9-11-40(9).

SECTION X. Section 9-11-90(4)(a)(ii) of the S.C. Code is amended by adding:

(D) the member has not been engaged to perform services for a participating employer in the system or any other system provided in this title for compensation in any capacity, whether as an employee, independent contractor, leased employee, joint employee, or other classification of worker, for a period of at least twelve consecutive months subsequent to retirement. The exemption provided under this subitem does not apply unless the member first certifies to the system that he satisfies the requirements for the exemption. If a member inaccurately certifies that he satisfies the requirements for the exemption provided in this subitem, the member is responsible for reimbursing the system for any benefits wrongly paid to the member; or

(E) compensation received by the retired member from the covered employer is for employment in a critical needs law enforcement position as determined by the Law Enforcement Training Council. For the provisions of this subitem to apply, the Law Enforcement Training Council must review and approve, from the documentation provided by the covered employer, that no qualified, nonretired member is available for employment in the position, and that the member selected for employment meets the requirements of this subitem. No later than January 1, 2026, and each January first thereafter, the Law Enforcement Training Council must submit a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee of the positions requested for inclusion in the earnings limitation exception under this subitem for the following fiscal year. Effective July 1, 2026, and each July first thereafter, the earnings limitation exception provided in this subitem only applies to those positions approved

by action of the General Assembly for the fiscal year in response to the report submitted by the Law Enforcement Training Council. The Law Enforcement Training Council shall develop guidelines and curriculum for these officers to be recertified and may not require recertification through basic training for those that have been inactive for a year or more.

SECTION X. Section 9-1-1790(A)(2) of the S.C. Code is amended by adding:

(d) the member has not been engaged to perform services for a participating employer in the system or any other system provided in this title for compensation in any capacity, whether as an employee, independent contractor, leased employee, joint employee, or other classification of worker, for a period of at least twelve consecutive months subsequent to retirement. The exemption provided under this subitem does not apply unless the member first certifies to the system that he satisfies the requirements for the exemption. If a member inaccurately certifies that he satisfies the requirements for the exemption provided in this subitem, the member is responsible for reimbursing the system for any benefits wrongly paid to the member.

Renumber sections to conform.

Amend title to conform.



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE

STATEMENT OF ESTIMATED FISCAL IMPACT

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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number: S. 0127 Introduced on January 14, 2025
Subject: Catawba Nation
Requestor: Senate Finance
RFA Analyst(s): Tipton
Impact Date: February 10, 2025

Fiscal Impact Summary

This bill allows police officers employed by the Catawba Nation to participate in the Police Officers Retirement System (PORS) managed by the Public Employee Benefit Authority (PEBA) upon approval by the PEBA Board of Directors. The bill establishes additional requirements and conditions for the Catawba Nation to obtain this benefit.

This bill will have no impact on PEBA, as the agency indicates their requirements will be managed with existing staff and resources. Further, this bill will have no impact on the state retirement system, as PEBA anticipates fewer than five new PORS participants from the Catawba Nation.

Explanation of Fiscal Impact

Introduced on January 14, 2025

State Expenditure

This bill allows police officers employed by the Catawba Nation to participate in PORS. The bill specifies that the Catawba Nation may become an employer for this purpose by applying to the Board of Directors of PEBA and complying with statutory requirements for employers of PORS participants. The bill establishes other timelines and conditions required for the Catawba Nation to obtain this benefit, and states that nothing will impact the nation's sovereign immunity with respect to state laws unrelated to the retirement system inclusion.

PEBA indicates that the requirements of the agency will be managed with existing staff and resources and will result in no fiscal impact. Further, PEBA indicates that adding Catawba Nation police officers to PORS will have a minimal effect on the retirement system, as the agency anticipates fewer than five new participants as a result.

State Revenue

N/A

Local Expenditure & Revenue

N/A

Frank A. Rainwater, Executive Director

South Carolina General Assembly
126th Session, 2025-2026

S. 127

STATUS INFORMATION

General Bill

Sponsors: Senators Johnson and Peeler

Companion/Similar bill(s): 3363

Document Path: SR-0093KM25.docx

Introduced in the Senate on January 14, 2025

Introduced in the House on March 4, 2025

Currently residing in the House Committee on **Ways and Means**

Summary: Catawba Nation

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
12/11/2024	Senate	Prefiled
12/11/2024	Senate	Referred to Committee on Finance
1/14/2025	Senate	Introduced and read first time (Senate Journal-page 84)
1/14/2025	Senate	Referred to Committee on Finance (Senate Journal-page 84)
2/19/2025	Senate	Committee report: Favorable Finance
2/25/2025	Senate	Read second time (Senate Journal-page 16)
2/25/2025	Senate	Roll call Ayes-43 Nays-0 (Senate Journal-page 16)
2/26/2025	Senate	Read third time and sent to House (Senate Journal-page 20)
3/4/2025	House	Introduced and read first time (House Journal-page 11)
3/4/2025	House	Referred to Committee on Ways and Means (House Journal-page 11)

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VERSIONS OF THIS BILL

12/11/2024

12/11/2024-A

02/19/2025

1 ~~Indicates Matter Stricken~~
2 Indicates New Matter

3
4 COMMITTEE REPORT
5 February 19, 2025
6

7 **S. 127**

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9 Introduced by Senators Johnson and Peeler

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11 S. Printed 2/19/25--S.
12 Read the first time January 14, 2025
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16 **THE COMMITTEE ON SENATE FINANCE**

17 To whom was referred a Bill (S. 127) to amend the South Carolina Code of Laws by amending
18 Section 9-11-10, relating to definitions for the South Carolina Police Officers Retirement System, so
19 as to, etc., respectfully

20 **REPORT:**

21 That they have duly and carefully considered the same, and recommend that the same do pass:
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23 HARVEY PEELER for Committee.
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8
9 **A BILL**
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11 TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-11-10,
12 RELATING TO DEFINITIONS FOR THE SOUTH CAROLINA POLICE OFFICERS
13 RETIREMENT SYSTEM, SO AS TO INCLUDE THE CATAWBA NATION WITHIN THE
14 DEFINITION OF EMPLOYER; AND BY ADDING SECTION 9-11-43 SO AS TO PROVIDE THAT
15 THE CATAWBA NATION IS ELIGIBLE FOR ADMISSION TO THE POLICE OFFICERS
16 RETIREMENT SYSTEM AND TO PROVIDE FOR THE PROCESS FOR ADMISSION.
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18 Be it enacted by the General Assembly of the State of South Carolina:
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20 SECTION 1. Section 9-11-10(17) of the S.C. Code is amended to read:
21

22 (17) "Employer" means:

23 (a) the State;

24 (b) a political subdivision, agency, or department of the State which employs police officers and
25 which has been admitted to the system as provided in Section 9-11-40; ~~and~~

26 (c) a service organization, the membership of which is composed solely of persons eligible to be
27 members as defined by this section, if the compensation received by the employees of the service
28 organization is provided from monies paid by the members as dues, or otherwise, or from funds derived
29 from public sources and if the contributions prescribed by this chapter are to be paid from the funds of
30 the service organization-; and

31 (d) the Catawba Nation upon its admission to the system as provided in Section 9-11-43.
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33 SECTION 2. Chapter 11, Title 9 of the S.C. Code is amended by adding:
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35 Section 9-11-43. (A) The Catawba Nation may become an employer for the purposes of this chapter
36 by applying to the board for admission to the system pursuant to Section 9-11-40, complying with the
37 requirements of Section 9-11-40, and complying with the board's rules and regulations. The application
38 must set forth the requested date of admission, which must be the January first, the April first, the July
39 first, or the October first next following receipt by the board of the application.

40 (B) An employee of the Catawba Nation may not become a member of the system unless
41 substantially all of the employee's time is devoted solely to the performance of governmental service

1 as a police officer pursuant to Section 27-16-70(C).

2 (C) Notwithstanding any other provision of law, as a condition to joining the system, the Catawba
3 Nation agrees to be subject to all of the state laws, regulations, administrative policies, and plan
4 provisions related to the administration and enforcement of the requirements of the system and agrees
5 that any and all disputes arising pursuant to or by virtue of its participation in the system will be resolved
6 in the appropriate state court or administrative tribunal, notwithstanding any sovereign immunity that
7 might otherwise apply. Nothing in this subsection shall be construed to affect, modify, diminish, or
8 otherwise impair any sovereign immunity enjoyed by the Catawba Nation with respect to any other
9 provision of state law unrelated to the administration and enforcement of the requirements of the
10 system.

11
12 SECTION 3. This act takes effect upon approval by the Governor.

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