

Session 119 - (2011-2012)

H*4967 (Rat #0323, Act #0278 of 2012) General Bill, By House Ways and Means

Similar (H 4898)

Summary: SC Retirement System

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 9-1-1815 AND 9-1-1085 SO AS TO PROVIDE FOR ANNUAL INCREASES IN RETIREMENT ALLOWANCES PAID BY THE SOUTH CAROLINA RETIREMENT SYSTEM (SCRS) AND TO PHASE IN INCREASES IN EMPLOYER AND EMPLOYEE CONTRIBUTIONS TO SCRS AND PROVIDE FOR FURTHER CONTRIBUTION ADJUSTMENTS AFTER THE PHASE-IN PERIOD; TO AMEND SECTION 9-1-10, AS AMENDED, RELATING TO DEFINITIONS FOR PURPOSES OF SCRS, SO AS TO ADD CLASS THREE EMPLOYEES AS DEFINED AS INDIVIDUALS WITH AN EFFECTIVE DATE OF SYSTEM MEMBERSHIP AFTER JUNE 30, 2012, TO ADD DEFINITIONS APPLICABLE FOR THE ELIGIBILITY AND CALCULATION OF RETIREMENT BENEFITS FOR CLASS THREE MEMBERS, TO FURTHER DEFINE "EARNABLE COMPENSATION" WITH RESPECT TO OVERTIME PAY, AND TO REVISE THE REFERENCE TO THE GOVERNANCE OF SCRS; TO AMEND SECTIONS 9-1-1020, AS AMENDED, 9-1-1050, AND 9-1-1080, RELATING TO SCRS EMPLOYEE AND EMPLOYER CONTRIBUTIONS, SO AS TO CONFORM TO THE REVISED CONTRIBUTIONS SCHEDULE; TO AMEND SECTION 9-1-1140, AS AMENDED, RELATING TO ESTABLISHING SERVICE CREDIT TO SCRS, SO AS TO PROVIDE THAT PAYMENTS FOR SERVICE CREDIT MUST BE ACTUARILY NEUTRAL BASED ON THE MEMBER'S CURRENT AGE AND SERVICE CREDIT SUBJECT TO A STATUTORY MINIMUM PAYMENT AND PROVIDE THAT ADDITIONAL SERVICE CREDIT AT RETIREMENT BASED ON UNUSED ACCUMULATED SICK LEAVE APPLIES ONLY TO CLASS ONE AND CLASS TWO SCRS MEMBERS; TO AMEND SECTION 9-1-1510, AS AMENDED, RELATING TO ELIGIBILITY FOR RETIREMENT UNDER SCRS, SO AS TO PROVIDE THE RETIREMENT ELIGIBILITY REQUIREMENTS FOR CLASS THREE MEMBERS; TO AMEND SECTION 9-1-1515, AS AMENDED, RELATING TO SCRS EARLY RETIREMENT, SO AS TO LIMIT ELIGIBILITY TO CLASS ONE AND CLASS TWO SCRS MEMBERS; TO AMEND SECTIONS 9-1-1540, AS AMENDED, 9-1-1560, AS AMENDED, AND 9-1-1570, RELATING TO DISABILITY RETIREMENT UNDER SCRS, SO AS TO CONFORM ELIGIBILITY REQUIREMENTS FOR CLASS THREE MEMBERS, PROVIDE THAT ELIGIBILITY DETERMINATION FOR DISABILITY RETIREMENT APPLICATIONS RECEIVED AFTER DECEMBER 31, 2013, MUST BE BASED ON THE MEMBER QUALIFYING FOR SOCIAL SECURITY DISABILITY BENEFITS, PROVIDE FOR THE CALCULATION OF DISABILITY BENEFITS, AND CONFORM THE REVIEW FOR SOUTH CAROLINA RETIREMENT SYSTEM MEMBERS ON DISABILITY RETIREMENT OF THEIR DISABLED STATUS TO THE NEW ELIGIBILITY REQUIREMENTS; TO AMEND SECTION 9-1-1550, AS AMENDED, RELATING TO THE CALCULATION OF THE SCRS RETIREMENT BENEFIT, SO AS TO PROVIDE THE CALCULATION FOR CLASS THREE MEMBERS; TO AMEND SECTIONS 9-1-1650 AND 9-1-1660, BOTH AS AMENDED, RELATING TO RETURN OF CONTRIBUTIONS AND ELIGIBILITY FOR AN ANNUITY ON TERMINATION BEFORE RETIREMENT, SO AS TO CONFIRM THOSE PROVISIONS FOR CLASS THREE MEMBERS AND TO PROVIDE THAT THE PERSON NAMED BY AN SCRS MEMBER TO RECEIVE A RETURN OF THE MEMBER'S CONTRIBUTIONS ON THE MEMBER'S DEATH MAY ELECT TO RECEIVE AN ANNUITY IF THE DECEASED MEMBER WAS ELIGIBLE TO RETIRE AT THE TIME OF DEATH WHETHER OR NOT THE MEMBER WAS IN SERVICE; TO AMEND SECTION 9-1-1790, AS AMENDED, RELATING TO RETURN TO COVERED EMPLOYMENT BY A RETIRED SCRS MEMBER, SO AS TO INCREASE FROM FIFTEEN TO THIRTY DAYS THE BREAK IN SERVICE REQUIRED FOR SUCH A RETURN TO SERVICE WITHOUT A SUSPENSION OF RETIREMENT BENEFITS, TO PROVIDE THAT AFTER EARNING TEN THOUSAND DOLLARS IN A CALENDAR YEAR FROM A COVERED EMPLOYER, THE RETIREMENT ALLOWANCE OF THE SCRS MEMBER IS SUSPENDED FOR THE REMAINDER OF THE CALENDAR YEAR AND TO PROVIDE THOSE MEMBERS EXEMPT FROM THIS LIMIT; TO AMEND SECTION 9-1-2210, AS AMENDED, RELATING TO THE TEACHER AND EMPLOYEE RETENTION INCENTIVE PROGRAM (TERI), SO AS TO END TERI PARTICIPATION AFTER JUNE 30, 2018; TO REPEAL SECTIONS 9-1-1810 AND 9-1-2210 RELATING RESPECTIVELY TO ANNUAL ADJUSTMENTS IN SCRS RETIREMENT ALLOWANCES BASED ON INCREASES IN THE CONSUMER PRICE INDEX AND TO THE PROSPECTIVE REPEAL AFTER JUNE 30, 2018, OF TERI; BY ADDING SECTION 9-9-5 SO AS TO CLOSE THE RETIREMENT SYSTEM FOR MEMBERS OF THE GENERAL ASSEMBLY OF THE STATE OF SOUTH CAROLINA (SCGARS) TO MEMBERS OF THE GENERAL ASSEMBLY FIRST ELECTED AT OR AFTER THE 2012 GENERAL ELECTION AND TO PROVIDE THAT THESE PERSONS INSTEAD OF ENROLLING IN SCGARS INSTEAD SHALL JOIN SCRS OR THE STATE OPTIONAL RETIREMENT PROGRAM; TO AMEND SECTION 9-9-120, RELATING TO TRANSFER SERVICE AND MEMBER CONTRIBUTIONS FOR SCGARS, SO AS TO INCREASE THE MEMBER CONTRIBUTIONS FROM TEN TO ELEVEN PERCENT OF EARNABLE COMPENSATION; BY ADDING SECTIONS 9-11-312 AND 9-11-225 SO AS TO PROVIDE FOR ANNUAL INCREASES IN RETIREMENT ALLOWANCES PAID BY THE SOUTH

CAROLINA POLICE OFFICERS RETIREMENT SYSTEM (SCPORS) AND TO PHASE IN INCREASES IN EMPLOYER AND EMPLOYEE CONTRIBUTIONS AND PROVIDE FOR FURTHER CONTRIBUTION ADJUSTMENTS AFTER THE PHASE-IN PERIOD; TO AMEND SECTION 9-11-10, AS AMENDED, RELATING TO DEFINITIONS FOR PURPOSES OF SCPORS, SO AS TO ADD CLASS THREE EMPLOYEES DEFINED AS INDIVIDUALS WITH AN EFFECTIVE DATE OF SYSTEM MEMBERSHIP AFTER JUNE 30, 2012, TO ADD DEFINITIONS APPLICABLE FOR THE ELIGIBILITY AND CALCULATION OF BENEFITS FOR CLASS THREE MEMBERS AND TO REVISE THE REFERENCE TO THE GOVERNANCE OF SCPORS; TO AMEND SECTION 9-11-50, AS AMENDED, RELATING TO ESTABLISHING SERVICE CREDIT IN SCPORS, SO AS TO PROVIDE THAT PAYMENTS FOR SERVICE CREDIT MUST BE ACTUARILY NEUTRAL BASED ON THE MEMBER'S CURRENT AGE AND SERVICE CREDIT SUBJECT TO A STATUTORY MINIMUM PAYMENT AND PROVIDE THAT ADDITIONAL SERVICE CREDIT AT RETIREMENT BASED ON ACCRUED UNUSED SICK LEAVE APPLIES ONLY TO CLASS ONE AND CLASS TWO SCPORS MEMBERS; TO AMEND SECTION 9-11-60, AS AMENDED, RELATING TO ELIGIBILITY FOR RETIREMENT FOR SCPORS MEMBERS, SO AS TO CONFORM THESE REQUIREMENTS FOR CLASS THREE MEMBERS; TO AMEND SECTION 9-11-120, AS AMENDED, RELATING TO THE SCPORS PRERETIREMENT AND POSTRETIREMENT DEATH BENEFIT, SO AS TO CONFORM POSTRETIREMENT DEATH BENEFIT TO CLASS THREE REQUIREMENTS; TO AMEND SECTION 9-11-80, AS AMENDED, RELATING TO DISABILITY RETIREMENT UNDER THE SCPORS, SO AS TO CONFORM ELIGIBILITY REQUIREMENTS FOR CLASS THREE MEMBERS, PROVIDE THAT ELIGIBILITY DETERMINATION FOR DISABILITY RETIREMENT APPLICATIONS RECEIVED AFTER DECEMBER 31, 2013, MUST BE BASED ON THE MEMBER QUALIFYING FOR SOCIAL SECURITY DISABILITY BENEFITS, PROVIDE FOR THE CALCULATION OF DISABILITY BENEFITS, AND CONFORM THE REVIEW FOR SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM MEMBERS ON DISABILITY RETIREMENT OF THEIR DISABLED STATUS, SO AS TO CONFORM THIS REVIEW TO THE NEW ELIGIBILITY REQUIREMENTS; TO AMEND SECTION 9-11-90, AS AMENDED, RELATING TO RETURN TO COVERED EMPLOYMENT OF A RETIRED SCPORS MEMBER, SO AS TO INCREASE FROM FIFTEEN TO THIRTY DAYS THE BREAK IN SERVICE REQUIRED FOR SUCH A BREAK IN SERVICE WITHOUT A SUSPENSION OF RETIREMENT BENEFITS, TO PROVIDE THAT AFTER EARNING TEN THOUSAND DOLLARS IN A CALENDAR YEAR FROM A COVERED EMPLOYER, THE RETIREMENT ALLOWANCE OF THE SCPORS MEMBER IS SUSPENDED FOR THE REMAINDER OF THE CALENDAR YEAR AND TO PROVIDE THOSE MEMBERS ARE EXEMPT FROM THIS LIMIT; TO AMEND SECTION 9-11-130, AS AMENDED, RELATING TO RETURN OF CONTRIBUTIONS AND ELIGIBILITY FOR AN ANNUITY ON TERMINATION BEFORE RETIREMENT, SO AS TO CONFORM THESE PROVISIONS FOR CLASS THREE MEMBERS AND TO PROVIDE THAT THE PERSON NAMED BY A SCPORS MEMBER TO RECEIVE A RETURN OF THE MEMBER'S CONTRIBUTIONS ON THE MEMBER'S DEATH MAY ELECT TO RECEIVE AN ANNUITY IF THE DECEASED MEMBER WAS ELIGIBLE TO RETIRE AT THE TIME OF DEATH WHETHER OR NOT THE MEMBER WAS IN SERVICE; TO AMEND SECTIONS 9-11-210 AND 9-11-220, BOTH AS AMENDED, RELATING TO CONTRIBUTIONS OF SCPORS MEMBERS, SO AS TO CONFORM TO THE REVISED CONTRIBUTION SCHEDULE; TO REPEAL SECTIONS 9-11-70, 9-11-75, AND 9-11-310 RELATING RESPECTIVELY TO EARLY RETIREMENT, CONTRIBUTIONS, AND ANNUAL ADJUSTMENT IN SCPORS RETIREMENT ALLOWANCES BASED ON INCREASES IN THE CONSUMER PRICE INDEX; TO REPEAL SECTION 9-16-310 RELATING TO THE STATE RETIREMENT SYSTEMS INVESTMENT PANEL; TO AMEND CHAPTER 4, TITLE 9, RELATING TO RETIREMENT LAW, SO AS TO ESTABLISH THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY (PEBA), PROVIDE FOR ITS MEMBERSHIP AND THEIR COMPENSATION, DEVOLVE FROM THE STATE BUDGET AND CONTROL BOARD TO PEBA THE ADMINISTRATION OF THE EMPLOYEE INSURANCE PROGRAM (EIP), ADMINISTRATION OF THE RETIREMENT DIVISION, COTRUSTEESHIP OF THE STATE RETIREMENT SYSTEM, AND THE DUTIES OF THE SOUTH CAROLINA DEFERRED COMPENSATION COMMISSION (SCDCC), TO PROVIDE THOSE ACTIONS OF PEBA REQUIRING APPROVAL BY THE STATE BUDGET AND CONTROL BOARD OR ITS SUCCESSOR, TO REQUIRE PEBA TO MAINTAIN A PUBLIC TRANSACTION REGISTER, AND TO REQUIRE AN ANNUAL FIDUCIARY AUDIT OF PEBA; TO AMEND SECTIONS 1-11-703, AS AMENDED, 1-11-710, AS AMENDED, 1-11-720, AS AMENDED, 1-11-725, 1-11-730, AS AMENDED, 1-11-740, 1-11-750, 1-11-770, 8-23-20, AS AMENDED, 8-23-30, AS AMENDED, 8-23-70, 8-23-110, 9-1-20, 9-1-210, 9-1-310, AS AMENDED, 9-1-1515, AS AMENDED, 9-1-1830, 9-2-10, CHAPTER 2 OF TITLE 9, SECTIONS 9-8-10, AS AMENDED, 9-8-30, 9-8-60, AS AMENDED, 9-9-10, AS AMENDED, 9-9-30, 9-10-10, 9-10-60, AS AMENDED, 9-11-30, AS AMENDED, 9-12-10, 9-16-10 AND 9-16-55, BOTH AS AMENDED, 9-18-10, 9-20-30, AS AMENDED, 9-21-20, AS AMENDED, 59-1-470, RELATING TO VARIOUS ELEMENTS OF THE EMPLOYEE INSURANCE PROGRAM, STATE RETIREMENT SYSTEM, AND THE SOUTH CAROLINA DEFERRED COMPENSATION COMMISSION, SO AS TO CONFORM THESE PROVISIONS TO PEBA GOVERNANCE; TO AMEND SECTION 9-1-1310, AS AMENDED, RELATING TO THE TRUSTEE OF THE RETIREMENT SYSTEM AND INVESTMENTS ALLOWED FOR THE ASSETS OF THE RETIREMENT SYSTEM, SO AS TO PROVIDE THAT PEBA AND THE STATE

BUDGET AND CONTROL BOARD, OR ITS SUCCESSOR, ARE COTRUSTEES OF THE RETIREMENT SYSTEM; TO AMEND SECTION 9-16-315, RELATING TO THE RETIREMENT SYSTEM INVESTMENT COMMISSION, SO AS TO ADD A NONVOTING EX OFFICIO MEMBER, REVISE THE QUALIFICATIONS FOR APPOINTMENT, AND PROVIDE AN ANNUAL SALARY FOR MEMBERS; BY ADDING SECTION 9-16-380 SO AS TO PROVIDE FOR AN ANNUAL FIDUCIARY AUDIT OF THE RETIREMENT SYSTEM INVESTMENT COMMISSION; BY ADDING SECTION 9-16-335 SO AS TO PROVIDE THAT THE ANNUAL ASSUMED RATE OF RETURN ON RETIREMENT SYSTEM INVESTMENTS MUST BE SET BY THE GENERAL ASSEMBLY BY LAW AND TO PROVIDE THAT THE ASSUMED RATE OF RETURN EFFECTIVE JULY 1, 2012, IS SEVEN AND ONE-HALF PERCENT; TO AMEND SECTIONS 9-1-1135, 9-8-185, 9-9-175, AND 9-11-265, RELATING TO MEMBERS' ACCOUNTS IN THE VARIOUS CONTRIBUTORY STATE RETIREMENT SYSTEMS, SO AS TO PROVIDE THAT INTEREST IS NOT PAID ON INACTIVE ACCOUNTS AND TO DEFINE "INACTIVE ACCOUNTS"; TO AMEND SECTION 22-1-15, RELATING TO QUALIFICATIONS FOR MAGISTRATES, SO AS TO PROVIDE AN EXEMPTION FOR CERTAIN MAGISTRATES WHO RETIRE AND ARE SUBSEQUENTLY REAPPOINTED TO THEIR OFFICE WITHIN ONE YEAR, TO PROVIDE FOR STUDIES OF LEGISLATIVE AND STATEWIDE CONSTITUTIONAL OFFICERS COMPENSATION, "SPIKING" IN THE CALCULATION OF AVERAGE FINAL COMPENSATION IN SCRS AND SCPORS, AND DISABILITY RETIREMENT ELIGIBILITY, TO PROVIDE THE AGENCIES CHARGED WITH CONDUCTING THE STUDIES AND TO PROVIDE FOR THE COMPLETION DATE OF THESE STUDIES. - ratified title

03/08/12	House	Introduced, read first time, placed on calendar without reference (House Journal-page 13)
03/20/12	House	Requests for debate-Rep(s). Merrill, McLeod, Quinn, Seller, Patrick, Herbkersman, Tallon, Brantley, Erickson, Brannon, Ott, Funderburk, Jefferson, King, Johnson, Parker, Allison, J.H. Neal, Skelton, Hiott, R.L. Brown, G.A. Brown, Anderson, Clyburn, Hosey, Branham, Hayes, Weeks, Hardwick, Horne, V.S. Moss, G.R. Smith, Alexander, Dillard, Munnerlyn, Bales, and Gilliard (House Journal-page 70)
03/21/12	House	Amended (House Journal-page 87)
03/21/12	House	Read second time (House Journal-page 87)
03/21/12	House	Roll call Yeas-86 Nays-27 (House Journal-page 91)
03/22/12	House	Read third time and sent to Senate (House Journal-page 52)
03/27/12	Senate	Introduced and read first time (Senate Journal-page 12)
03/27/12	Senate	Referred to Committee on Finance (Senate Journal-page 12)
05/04/12	Senate	Committee report: Favorable with amendment Finance (Senate Journal-page 1)
05/16/12	Senate	Committee Amendment Amended and Adopted (Senate Journal-page 86)
05/16/12	Senate	Read second time (Senate Journal-page 86)
05/16/12	Senate	Roll call Ayes-39 Nays-1 (Senate Journal-page 86)
05/17/12		Scrivener's error corrected
05/17/12	Senate	Read third time and returned to House with amendments (Senate Journal-page 7)
05/22/12	House	Debate adjourned until Wed., 05-23-12 (House Journal-page 27)
05/23/12	House	Debate adjourned until Tues., 05-29-12 (House Journal-page 35)
05/29/12	House	Debate adjourned (House Journal-page 31)
05/30/12	House	Senate amendment amended (House Journal-page 128)
05/30/12	House	Roll call Yeas-113 Nays-0
05/30/12	House	Senate amendment amended
05/30/12	House	Roll call Yeas-104 Nays-9
05/30/12	House	Roll call Yeas-56 Nays-61 (House Journal-page 5)
05/30/12	House	Roll call Yeas-113 Nays-0
05/30/12	House	Returned to Senate with amendments (House Journal-page 128)
05/31/12	Senate	Non-concurrence in House amendment (Senate Journal-page 16)
05/31/12	Senate	Roll call Ayes-0 Nays-36 (Senate Journal-page 16)
05/31/12	House	House insists upon amendment and conference committee appointed Reps. Bingham, Merrill and Cobb-Hunter (House Journal-page 5)
05/31/12	Senate	Conference committee appointed Setzler, Ryberg and Alexander
06/20/12	Senate	Free conference powers granted (Senate Journal-page 67)
06/20/12	Senate	Roll call Ayes-43 Nays-0 (Senate Journal-page 67)
06/20/12	Senate	Free conference committee appointed Setzler, Ryberg, and Alexander (Senate Journal-page 67)
06/20/12	House	Free conference powers granted

06/20/12 House Free conference committee appointed Bingham, Merrill, Cobb-Hunter
06/21/12 House Free conference report adopted
06/21/12 House Roll call Yeas-88 Nays-9
06/21/12 House Free conference committee appointed Bingham, Merrill, Cobb-Hunter
06/21/12 Senate Additional Free Conference Powers Granted
06/21/12 Senate Roll call Ayes-43 Nays-0
06/21/12 Senate Free conference report adopted (Senate Journal-page 34)
06/21/12 Senate Roll call Ayes-43 Nays-0 (Senate Journal-page 34)
06/21/12 Senate Ordered enrolled for ratification (Senate Journal-page 34)
06/22/12 Ratified R 323
06/26/12 Signed By Governor
07/03/12 Effective date See Act for Effective Date
07/09/12 Act No. 278