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COMMITTEE REPORT

April 15, 2010

**S. 1303**

Introduced by Senator Fair

S. Printed 4/15/10--S. [SEC 4/16/10 1:20 PM]

Read the first time March 23, 2010.

**THE COMMITTEE ON CORRECTIONS AND PENOLOGY**

To whom was referred a Bill (S. 1303) to amend Section 42‑7‑65, as amended, Code of Laws of South Carolina, 1976, relating to the average weekly wage designated for certain categories of employees, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

MICHAEL L. FAIR for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

See Below

**EXPLANATION OF IMPACT:**

The department indicates that if this bill is not enacted it would experience a gradual and significant decline in Prison Industries revenue (other funds) since the U. S. Department of Justice would not approve the continuation or expansion of Prison Industries Enhancement Certification Programs. Otherwise, the department indicates it does not anticipate a significant impact from enactment of this bill.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND SECTION 42‑7‑65, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AVERAGE WEEKLY WAGE DESIGNATED FOR CERTAIN CATEGORIES OF EMPLOYEES, SO AS TO ESTABLISH THE AVERAGE WEEKLY WAGE FOR AN INMATE WHO WORKS IN A FEDERALLY APPROVED PRISON INDUSTRIES ENHANCEMENT CERTIFICATION PROGRAM.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 42‑7‑65 of the 1976 Code, as last amended by Act 98 of 2005, is further amended to read:

“Section 42‑7‑65. Notwithstanding the provisions of Section 42‑1‑40, for the purpose of this title and while serving in this capacity, the total average weekly wage of the following categories of employees is the following:

(1) for all members of the State and National Guard, regardless of rank, seventy‑five percent of the average weekly wage in the State for the preceding fiscal year, or the average weekly wage the service member would be entitled to, if any, if injured while performing his civilian employment, if the average weekly wage in his civilian employment is greater;

(2) for all voluntary firemen of organized voluntary rural fire units and voluntary municipal firemen, thirty‑seven and one‑half percent of the average weekly wage in the State for the preceding fiscal year;

(3) for all members of organized volunteer rescue squads, thirty‑seven and one‑half percent of the average weekly wage in the State for the preceding fiscal year;

(4) for all volunteer deputy sheriffs, thirty‑seven and one‑half percent of the average weekly wage in the State for the preceding fiscal year; and

(5) for all volunteer state constables appointed pursuant to Section 23‑1‑60, while performing duties in connection with their appointments and authorized by the State Law Enforcement Division, thirty‑seven and one‑half percent of the average weekly wage in the State for the preceding fiscal year.

The wages provided in items (2), (3), (4), and (5) of this section may not be increased as a basis for any computation of benefits because of employment other than as a volunteer. Persons in the categories provided by items (2), (3), (4), and (5) must be notified of the limitation on average weekly wages prescribed in this section by the authority responsible for obtaining coverage under this title.

‘Volunteer firemen’ and ‘rescue squad members’ mean members of organized units whose membership is certified to the municipal clerk or chairman of the council of the municipality or county in which their unit is based by the chief officer of the unit concerned. A ‘volunteer deputy sheriff’ is a volunteer whose membership is certified by the sheriff to the governing body of the county. No volunteer deputy sheriff may be included under the provisions of this title unless approved by the governing body of the county or municipality. A voluntary constable appointed pursuant to Section 23‑1‑60 must be included under the provisions of this title only while performing duties in connection with his appointment and as authorized by the State Law Enforcement Division. The workers’ compensation premiums for these constables must be paid from the state general fund upon warrant of the Chief of the State Law Enforcement Division. Notwithstanding any other provision of law, voluntary firemen of organized volunteer fire units and members of organized volunteer rescue squads are covered under this title by the county governing body unless the governing body of the county opts out of the coverage.

The average weekly wage for inmates of the State Department of Corrections as defined in Section 42‑1‑480 is forty dollars a week. However, the average weekly wage for an inmate who works in a federally approved Prison Industries Enhancement Certification Program must be based upon the inmate’s actual net earnings after any statutory reductions. The average weekly wage for county and municipal prisoners is forty dollars a week. The average weekly wage for students of high schools, state technical schools, and state‑supported colleges and universities while engaged in work study, marketing education, or apprentice programs on the premises of private companies or while engaged in the Tech Prep or other structured school‑to‑work programs on the premises of a sponsoring employer is fifty percent of the average weekly wage in the State for the preceding fiscal year.”

SECTION 2. This act takes effect upon approval by the Governor.

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