**South Carolina General Assembly**

124th Session, 2021-2022

**S. 328**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Fanning

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Companion/Similar bill(s): 3032, 3557, 3595, 4918

Introduced in the Senate on January 12, 2021

Currently residing in the Senate Committee on **Finance**

Summary: Retirement system, amount earned upon returning to employment

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 Senate Prefiled

12/9/2020 Senate Referred to Committee on **Finance**

1/12/2021 Senate Introduced and read first time ([Senate Journal‑page 267](file:///h:\sj\20210112.docx))

1/12/2021 Senate Referred to Committee on **Finance** ([Senate Journal‑page 267](file:///h:\sj\20210112.docx))

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**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\328_20201209.docx)

**A** **BILL**

TO AMEND SECTION 9‑1‑1790, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AMOUNT OF COMPENSATION THAT MAY BE EARNED UPON RETURNING TO COVERED EMPLOYMENT UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO EXEMPT CERTIFIED EDUCATORS FROM THE EARNINGS LIMITATION; AND TO AMEND SECTION 9‑11‑90, RELATING TO THE AMOUNT OF COMPENSATION THAT MAY BE EARNED UPON RETURNING TO COVERED EMPLOYMENT UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO DELETE THE EARNINGS LIMITATION.

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

SECTION 1. Section 9‑1‑1790(A)(2) of the 1976 Code is amended to read:

“(2) The earnings limitation imposed pursuant to this item does not apply if the member meets at least one of the following qualifications:

(a) the member retired before January 2, 2013;

(b) the member has attained the age of sixty‑two years at retirement; ~~or~~

(c) compensation received by the retired member from the covered employer is for service in a public office filled by the appointment of the Governor and with confirmation by the Senate, by appointment or election by the General Assembly, or by election of the qualified electors of the applicable jurisdiction; or

(d) the retired member is a certified educator.”

SECTION 2. Section 9‑11‑90(4)(a) of the 1976 Code is amended to read:

“(a)~~(i)~~ Notwithstanding the provisions of subsections (1) and (2) of this section, a retired member of the system who has been retired for at least ~~thirty~~ fifteen consecutive calendar days may be hired and return to employment covered by this system or any system provided in this title ~~and may earn up to ten thousand dollars~~ without affecting the monthly retirement allowance the member is receiving from this system. ~~If the retired member continues in service after having earned ten thousand dollars in a calendar year, the member’s retirement allowance must be discontinued during the member’s period of service in the remainder of the calendar year.~~ If the employment continues for at least forty‑eight consecutive months, the provisions of Section 9‑11‑90(3) apply. If a retired member of the system returns to employment covered by the South Carolina Police Officers Retirement System or any other system provided in this title sooner than ~~thirty~~ fifteen consecutive calendar days after retirement, the member’s retirement allowance is suspended while the member remains employed by a participating employer of any of these systems. If an employer fails to notify the system of the engagement of a retired member to perform services, the employer shall reimburse the system for all benefits wrongly paid to the retired member.

~~(ii)~~ ~~The earnings limitation imposed pursuant to this item does not apply if the member meets at least one of the following qualifications:~~

~~(A)~~ ~~the member retired before January 2, 2013;~~

~~(B)~~ ~~the member has attained the age of fifty‑seven years at retirement; or~~

~~(C)~~ ~~compensation received by the retired member from the covered employer is for service in a public office filled by the appointment of the Governor and with confirmation by the Senate, by appointment or election by the General Assembly, or by election of the qualified electors of the applicable jurisdiction.~~”

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

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