**A** **BILL**

TO AMEND SECTIONS 9‑1‑1790 AND 9‑11‑90, CODE OF LAWS OF SOUTH CAROLINA, 1976, BOTH RELATING TO THE EARNINGS LIMITATION UPON RETURN TO COVERED EMPLOYMENT IN THE SOUTH CAROLINA RETIREMENT SYSTEM AND THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM RESPECTIVELY, SO AS TO PROVIDE THAT A MEMBER MAY RETURN TO EMPLOYMENT WITHOUT REGARD TO EARNINGS, WITHOUT AFFECTING THE MONTHLY RETIREMENT ALLOWANCE THE MEMBER IS RECEIVING FROM THE SYSTEM IF THE MEMBER HAS NOT BEEN ENGAGED TO PERFORM SERVICES FOR A PARTICIPATING EMPLOYER IN ANY SYSTEM PROVIDED FOR BY LAW FOR COMPENSATION IN ANY CAPACITY FOR A PERIOD OF AT LEAST TWELVE CONSECUTIVE MONTHS SUBSEQUENT TO RETIREMENT.

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

SECTION 1. Section 9‑1‑1790 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

“( ) Notwithstanding any other provision of this section, a retired member may be hired and return to employment covered by any system provided for by law, without regard to earnings, without affecting the monthly retirement allowance the member is receiving from the system if the member has not been engaged to perform services for a participating employer in any system provided for by law 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. Before utilizing this provision, a member must certify to the system that he satisfies the requirements of this provision. If a member inaccurately certifies that he satisfies the requirements, the member is responsible for reimbursing the system for any benefits wrongly paid to the member.”

SECTION 2. Section 9‑11‑90 of the 1976 Code is amended by adding an appropriately numbered subsection:

“( ) Notwithstanding any other provision of this section, a retired member may be hired and return to employment covered by any system provided for by law, without regard to earnings, without affecting the monthly retirement allowance the member is receiving from the system if the member has not been engaged to perform services for a participating employer in any system provided for by law 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. Before utilizing this provision, a member must certify to the system that he satisfies the requirements of this provision. If a member inaccurately certifies that he satisfies the requirements, the member is responsible for reimbursing the system for any benefits wrongly paid to the member.”

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

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