~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

April 6, 2022

**H. 4918**

Introduced by Reps. Thayer, Pope, White, Erickson, Gilliam, Long, Wooten, Atkinson, Magnuson, Haddon, T. Moore, Hyde, Allison, R. Williams, Jefferson, Yow, Forrest, B. Newton, W. Newton, Herbkersman and McGarry

S. Printed 4/6/22--H.

Read the first time February 3, 2022.

**A** **BILL**

TO AMEND SECTION 9‑11‑90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EARNINGS LIMITATION UPON RETURN TO COVERED EMPLOYMENT IN THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO INCREASE THE AMOUNT THAT MAY BE EARNED WITHOUT AFFECTING THE MONTHLY RETIREMENT ALLOWANCE FROM TEN THOUSAND DOLLARS TO FIFTY THOUSAND DOLLARS FOR CERTAIN RETIRED MEMBERS.

Amend Title To Conform

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

SECTION 1. Section 9‑11‑90(4)(a)(ii) of the 1976 Code is amended to read:

“(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;

(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, 2023, 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, 2023, 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 2. 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 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.”

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

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