**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 4249**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Daning

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Companion/Similar bill(s): 3620

Introduced in the House on March 19, 2019

Currently residing in the House Committee on **Ways and Means**

Summary: Retirement benefits after returning to covered employment

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/19/2019 House Introduced and read first time ([House Journal‑page 3](file:///h:\hj\20190319.docx))

3/19/2019 House Referred to Committee on **Ways and Means** ([House Journal‑page 3](file:///h:\hj\20190319.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4249&session=123&summary=B) at the website

**VERSIONS OF THIS BILL**

[3/19/2019](file:///p:\pprever\2019-20\4249_20190319.docx)

**A** **BILL**

TO AMEND SECTIONS 9‑1‑1790 AND 9‑11‑90, 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 AND THE POLICE OFFICER RETIREMENT SYSTEM, RESPECTIVELY, 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) of the 1976 Code is amended to read:

“Section 9‑1‑1790. (A)~~(1)~~ 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 other system provided in this title ~~and earn up to ten thousand dollars~~ without affecting the monthly retirement allowance the member is receiving from the system. ~~If the retired member continues in service after earning ten thousand dollars in a calendar year, the member’s allowance must be discontinued during his 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 9‑1‑1590 apply. If a retired member of the system returns to employment covered by this system or any other system provided in this title sooner than ~~thirty~~ fifteen days after retirement, the member’s retirement allowance is suspended while the member remains employed by the participating employer. 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.

~~(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.~~”

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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