**South Carolina General Assembly**

124th Session, 2021-2022

**H. 3032**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Gilliam, Atkinson, McCravy, Fry, Daning, V.S. Moss, Cobb‑Hunter, Long, Pope, Caskey, Yow, McGarry, Huggins and T. Moore

Document Path: l:\council\bills\nbd\11015dg21.docx

Companion/Similar bill(s): 328, 3557, 3595, 4918

Introduced in the House on January 12, 2021

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

Summary: Retirement system, earning limitations upon return to work to covered employment in SCRS and SCPORS

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 House Prefiled

12/9/2020 House Referred to Committee on **Ways and Means**

1/12/2021 House Introduced and read first time ([House Journal‑page 43](file:///h:\hj\20210112.docx))

1/12/2021 House Referred to Committee on **Ways and Means** ([House Journal‑page 43](file:///h:\hj\20210112.docx))

1/13/2021 House Member(s) request name added as sponsor: Caskey

2/3/2021 House Member(s) request name added as sponsor: Yow

2/9/2021 House Member(s) request name added as sponsor: McGarry

3/2/2021 House Member(s) request name added as sponsor: Huggins, T.Moore

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**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\3032_20201209.docx)

**A** **BILL**

TO AMEND SECTIONS 9‑1‑1790 AND 9‑11‑90, CODE OF LAWS OF SOUTH CAROLINA, 1976, 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 INCREASE THE AMOUNT THAT MAY BE EARNED WITHOUT AFFECTING THE MONTHLY RETIREMENT ALLOWANCE FROM TEN THOUSAND DOLLARS TO FIFTY THOUSAND DOLLARS.

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

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

“(1) A retired member of the system who has been retired for at least thirty 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~~ fifty 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~~ fifty 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 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. Nothing in this subsection may be construed to require an employer to hire a person after that person has retired.”

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

“(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 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~~ fifty 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~~ fifty 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 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. Nothing in this subsection may be construed to require an employer to hire a person after that person has retired.”

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

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