**South Carolina General Assembly**

124th Session, 2021-2022

**S. 361**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Rice and Adams

Document Path: l:\council\bills\bh\7293sa21.docx

Introduced in the Senate on January 12, 2021

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

Summary: Retirement system, earning limitations 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 Senate Prefiled

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

1/12/2021 Senate Introduced and read first time ([Senate Journal‑page 284](file:///h:\sj\20210112.docx))

1/12/2021 Senate Referred to Committee on **Finance** ([Senate Journal‑page 284](file:///h:\sj\20210112.docx))

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**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\361_20201209.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 OFFICERS RETIREMENT SYSTEM, RESPECTIVELY, SO AS TO CHANGE THE AMOUNT THAT MAY BE EARNED FROM TEN THOUSAND DOLLARS TO AN AMOUNT NOT TO EXCEED THE RETIREMENT EARNINGS TEST EXEMPT LOWER AMOUNT FOR INDIVIDUALS BELOW NORMAL RETIREMENT AGE.

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 read:

“(A)(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 thousand dollars~~ an amount described in item (3) 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~~ an amount described in item (3) 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.

(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.

(3) For purposes of this section, the earnings limitation is equal to the annual retirement earnings test exempt lower amount as set by the Social Security Administration, the amount of which for 2020 was $18,240. The retirement earnings test exempt lower amount is calculated by the Social Security Administration for individuals below federally defined normal retirement age, and who will not attain federally defined normal retirement age, within the current calendar year. Federally defined normal retirement age, as outlined in Title 20, Chapter 3, of the Code of Federal Regulations, is used for informational and computation purposes only and does not supplant subitem (2). After the determination of the retirement earnings test exempt amounts is issued by the Social Security Administration for the applicable calendar year, the Public Employee Benefit Authority shall notify individuals subject to the earnings limitation imposed pursuant to this section, of the amount for the calendar year, and publish this notification in a conspicuous location on its website.”

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 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~~ an amount described in subitem (iii) 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~~ an amount described in subitem (iii) 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.

(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.

(iii) For purposes of this section, the earnings limitation is equal to the annual retirement earnings test exempt lower amount as set by the Social Security Administration, the amount of which for 2020 was $18,240. The retirement earnings test exempt lower amount is calculated by the Social Security Administration for individuals below federally defined normal retirement age, and who will not attain federally defined normal retirement age, within the current calendar year. Federally defined normal retirement age, as outlined in Title 20, Chapter 3, of the Code of Federal Regulations, is used for informational and computation purposes only and does not supplant subitem (ii). After the determination of the retirement earnings test exempt amounts is issued by the Social Security Administration for the applicable calendar year, the Public Employee Benefit Authority shall notify individuals subject to the earnings limitation imposed pursuant to this section, of the amount for the calendar year, and publish this notification in a conspicuous location on its website.”

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

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