**South Carolina General Assembly**

124th Session, 2021-2022

**S. 930**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Harpootlian

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Introduced in the Senate on December 7, 2021

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

Summary: Workers' Com Commissioners

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/7/2021 Senate Introduced and read first time ([Senate Journal‑page 15](file:///h:\sj\20211207.docx))

12/7/2021 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 15](file:///h:\sj\20211207.docx))

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**VERSIONS OF THIS BILL**

[12/7/2021](file:///p:\pprever\2021-22\930_20211207.docx)

**A** **BILL**

TO AMEND SECTION 42-3-20 OF THE 1976 CODE, RELATING TO THE MEMBERSHIP OF THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION, TO PROVIDE FOR QUALIFICATIONS TO SERVE AS A COMMISSIONER; TO AMEND SECTION 42-3-40 OF THE 1976 CODE, RELATING TO COMMISSIONERS’ SALARIES, TO PROVIDE THAT COMMISSIONERS ARE ENTITLED TO JUDICIAL RETIREMENT AS PROVIDED UNDER THE PROVISIONS OF CHAPTER 8 OF TITLE 9; TO AMEND SECTION 9-8-10(16) OF THE 1976 CODE, RELATING TO THE DEFINITION OF “JUDGE,” TO INCLUDE COMMISSIONERS OF THE WORKERS’ COMPENSATION COMMISSION; AND TO AMEND SECTION 9-8-40 OF THE 1976 CODE, RELATING TO MEMBERSHIP IN THE SYSTEM, TO PROVIDE FOR THE MEMBERSHIP OF COMMISSIONERS OF THE WORKERS’ COMPENSATION COMMISSION.

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

SECTION 1. Section 42-3-20(A) of the 1976 Code is amended to read:

“Section 42-3-20. (A)(1) The commission shall consist of seven members appointed by the Governor with the advice and consent of the Senate for terms of six years and until their successors are appointed and qualify. No person is eligible to be a commissioner who is not, at the time of his appointment, a citizen of the United States and of this State, has not attained the age of thirty‑two years upon his appointment, has not been a licensed attorney for at least eight years upon his appointment, and has not been a resident of this State for five years immediately preceding his appointment.

(2) In the event the Governor does not fill a vacancy within sixty days after the vacancy occurs, the commission by majority vote shall deputize a person with suitable experience, training, and knowledge to serve as a deputy commissioner to serve until such time as the Governor fills the vacancy. As soon as the Governor appoints a replacement who is confirmed by the Senate, the deputy commissioner shall immediately cease to serve in that office. While serving as a deputy commissioner, the deputy commissioner has the power and authority to swear or cause the witnesses to be sworn and shall transmit all testimony and shall make a recommendation to the commission for an award. The commission must determine the award based upon testimony received by the deputy commissioner and may consider the deputy commissioner's recommendation.”

SECTION 2. Section 42-3-40 of the 1976 Code is amended to read:

“Section 42-3-40. (A) The annual salary for the commissioners shall be eighty‑five percent of the salary paid to the circuit judges of the State. The commissioners shall receive a subsistence allowance of thirty‑five dollars a day while in the performance of their duties outside the Columbia office.

(B) Commissioners shall be entitled to judicial retirement as provided under the provisions of Chapter 8 of Title 9.”

SECTION 3. Section 9-8-10(16) of the 1976 Code is amended to read:

“(16) ‘Judge’ means a justice of the Supreme Court or a judge of the court of appeals, circuit or family court of the State of South Carolina. Subject to the provisions of Section 9‑8‑40, ‘judge’ also means an administrative law judge or a commissioner serving on the South Carolina Workers’ Compensation Commission as provided in Section 42-3-20.”

SECTION 4. Section 9-8-40 of the 1976 Code is amended to read:

“Section 9-8-40. (A)(1) All persons who are judges or solicitors on July 1, 1979, and who have not attained age seventy‑two shall become members of the system as of that date.

(2) All administrative law judges on July 1, 2014, who have not retired may elect to become a member of the system. Administrative law judges making that election may transfer prior service into the system as provided in Section 9‑8‑50, and to the extent the service thus transferred occurred after the member took office as an administrative law judge, that service is deemed earned service in the system.

(3) All commissioners of the Workers’ Compensation Commission, as provided in Section 42-3-20, who have not retired may elect to become a member of the system. Commissioners making that election may transfer prior service into the system as provided in Section 9‑8‑50, and to the extent the service thus transferred occurred after the member took office as a commissioner, that service is deemed earned service in the system.

(4) All other persons become members of the system on taking office as judge, solicitor, ~~or~~ circuit public defender, or commissioner before attaining age seventy‑two.

~~(2)~~(B) If a member of the system ceases to be a judge, solicitor, ~~or~~ circuit public defender, or commissioner for reasons other than death or retirement, he then ceases to be a member of the system, whether or not he withdraws his accumulated contributions.”

SECTION 5. This act takes effect upon approval by the Governor and applies to new commissioners appointed to serve at the expiration of the current terms of office for each commissioner.

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