**South Carolina General Assembly**

125th Session, 2023-2024

**S. 250**

**STATUS INFORMATION**

General Bill

Sponsors: Senator M. Johnson

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Introduced in the Senate on January 10, 2023

Last Amended on February 27, 2024

Currently residing in the Senate

Summary: Workers' Com Commissioners

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/30/2022 Senate Prefiled

11/30/2022 Senate Referred to Committee on **Judiciary**

1/10/2023 Senate Introduced and read first time ([Senate Journal‑page 127](h:\sj\20230110.docx))

1/10/2023 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 127](h:\sj\20230110.docx))

2/9/2023 Scrivener's error corrected

3/30/2023 Senate Referred to Subcommittee: M.Johnson (ch), Sabb,
Matthews, Talley, Adams

7/27/2023 Scrivener's error corrected

2/21/2024 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 7](h:\sj\20240221.docx))

2/22/2024 Scrivener's error corrected

2/27/2024 Senate Committee Amendment Adopted ([Senate Journal‑page 23](h:\sj\20240227.docx))

2/28/2024 Scrivener's error corrected

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**VERSIONS OF THIS BILL**

[11/30/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/250_20221130.docx)

[02/09/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/250_20230209.docx)

[07/27/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/250_20230727.docx)

[02/21/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/250_20240221.docx)

[02/22/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/250_20240222.docx)

[02/27/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/250_20240227.docx)

[02/28/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/250_20240228.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Amendment Adopted

February 27, 2024

S. 250

Introduced by Senators M. Johnson and Malloy

S. Printed 02/27/24--S. [SEC 2/28/2024 4:08 PM]

Read the first time January 10, 2023

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A bill

TO AMEND SECTION 42‑3‑20 OF THE South Carolina CODE OF LAWS, RELATING TO THE MEMBERSHIP OF THE SOUTH CAROLINA WORKERS’ COMPENSATION COMMISSION, SO AS TO PROVIDE FOR QUALIFICATIONS TO SERVE AS A COMMISSIONER; TO AMEND SECTION 42‑3‑40, RELATING TO COMMISSIONERS’ SALARIES, SO AS 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), RELATING TO THE DEFINITION OF “JUDGE”, TO INCLUDE COMMISSIONERS OF THE WORKERS’ COMPENSATION COMMISSION; AND TO AMEND SECTION 9‑8‑40, RELATING TO MEMBERSHIP IN THE SYSTEM, SO AS TO PROVIDE FOR THE MEMBERSHIP OF COMMISSIONERS OF THE WORKERS’ COMPENSATION COMMISSION.

Amend Title To Conform

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

SECTION 1. Section 42‑3‑20(A) of the S.C. 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. Effective for appointments made on or after July 1, 2024, a person is eligible to be a commissioner if, at the time of his appointment, he is a citizen of the United States and of this State, has attained the age of thirty‑two years upon his appointment, has been a licensed attorney for at least eight years upon his appointment, and has been a resident of this State for five years immediately preceding his appointment.

(2) Notwithstanding the provisions of this section, commissioners serving on July 1, 2024, are not required to be a licensed attorney to be eligible to continue serving as a commissioner.

(3) 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 S.C. 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) A commissioner shall be entitled to judicial retirement as provided under the provisions of Chapter 8 of Title 9, provided the commissioner meets all eligibility requirements under Section 42-3-20(A) effective at the commissioner’s initial appointment after July 1, 2024.

SECTION 3. Section 9‑8‑10(16) of the S.C. 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 S.C. 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, who have not retired and are eligible pursuant to Section 42-3-20, 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 commissioners with an initial appointment on or after July 1, 2024, and to their subsequent reappointments.

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