

## Session 116 - (2005-2006)

### S\*0618 (Rat #0200, Act #0153 of 2005) General Bill, By Alexander, Setzler, Short, Verdin and Knotts

**Summary:** State Retirement System Preservation and Investment Reform Act

AN ACT TO ENACT THE STATE RETIREMENT SYSTEM PRESERVATION AND INVESTMENT REFORM ACT BY AMENDING SECTIONS 8-11-620, AS AMENDED, AND 9-1-2210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LUMP-SUM PAYMENTS FOR UNUSED ANNUAL LEAVE FOR STATE EMPLOYEES AND THE TEACHER AND EMPLOYEE RETENTION INCENTIVE PROGRAM (TERI), SO AS TO DEFER THE LUMP-SUM PAYMENT OF UNUSED ANNUAL LEAVE FOR TERI PARTICIPANTS UNTIL THE TERMINATION OF TERI PARTICIPATION AND REVISE THE CALCULATION OF THE RETIREMENT BENEFIT FOR TERI PARTICIPANTS, PROVIDE FOR THE RECALCULATION OF THAT BENEFIT AT THE END OF TERI PARTICIPATION, AND REQUIRE TERI PARTICIPANTS TO MAKE SOUTH CAROLINA RETIREMENT SYSTEM (SCRS) EMPLOYEE CONTRIBUTIONS; TO ELIMINATE A LUMP-SUM PAYMENT FOR UNUSED ANNUAL LEAVE FOR RETIRED REEMPLOYED STATE EMPLOYEES; BY AMENDING SECTION 8-17-370, AS AMENDED, RELATING TO EXEMPTIONS FROM THE STATE EMPLOYEE GRIEVANCE PROCEDURE ACT, SO AS TO EXEMPT TERI PARTICIPANTS, REEMPLOYED STATE EMPLOYEES RETIRED FROM THE SCRS, AND THE CHIEF INVESTMENT OFFICER AND EMPLOYEES OF THE STATE RETIREMENT SYSTEM INVESTMENT COMMISSION ESTABLISHED BY THIS ACT; BY AMENDING SECTION 9-1-1020, AS AMENDED, RELATING TO EMPLOYEE CONTRIBUTIONS TO SCRS, SO AS TO INCREASE CONTRIBUTIONS; BY ADDING SECTION 9-1-1175 SO AS TO INCREASE SCRS EMPLOYER CONTRIBUTIONS; BY AMENDING SECTION 9-20-50, AS AMENDED, RELATING TO EMPLOYER AND EMPLOYEE CONTRIBUTIONS FOR PURPOSES OF THE STATE OPTIONAL RETIREMENT PROGRAM, SO AS TO CONFORM EMPLOYER CONTRIBUTIONS TO THE PROVISIONS OF SECTION 9-1-1175, AS ADDED BY THIS ACT; BY REPEALING SECTIONS 9-1-1200 AND 9-1-1220, RELATING TO SCRS EMPLOYER CONTRIBUTIONS; BY AMENDING SECTION 9-1-1770, AS AMENDED, RELATING TO THE SCRS DEATH BENEFIT, SO AS TO PROVIDE FOR COVERAGE FOR A RETIRED SCRS CONTRIBUTING MEMBER; BY AMENDING SECTION 9-1-1790, AS AMENDED, RELATING TO RETURN TO COVERED EMPLOYMENT OF SCRS RETIREES, SO AS TO ELIMINATE THE EARNINGS LIMIT, REDUCE THE PERIOD OF THE REQUIRED BREAK IN SERVICE, AND TO REQUIRE SCRS RETIREES IN COVERED EMPLOYMENT TO MAKE EMPLOYEE CONTRIBUTIONS; BY AMENDING SECTION 9-1-1810, AS AMENDED, RELATING TO SCRS BENEFIT COST-OF-LIVING ADJUSTMENTS, SO AS TO REQUIRE AN ANNUAL BENEFIT INCREASE EQUAL TO THE LESSER OF ONE PERCENT OR THE INCREASE IN THE CONSUMER PRICE INDEX AND PROVIDE THOSE CIRCUMSTANCES WHERE AN ADDITIONAL INCREASE, NOT TO EXCEED A TOTAL INCREASE OF FOUR PERCENT, MAY BE GRANTED; BY AMENDING SECTIONS 9-11-90 AND 9-11-120, BOTH AS AMENDED, RELATING TO THE RETURN OF RETIREES OF THE SOUTH CAROLINA POLICE OFFICER RETIREMENT SYSTEM (SCPORS) TO COVERED EMPLOYMENT AND THE PRERETIREMENT DEATH BENEFIT FOR SCPORS, SO AS TO REQUIRE SCPORS RETIREES IN COVERED EMPLOYMENT TO MAKE EMPLOYEE CONTRIBUTIONS AND PROVIDE FOR DEATH BENEFIT COVERAGE FOR A RETIRED SCPORS CONTRIBUTING MEMBER; BY AMENDING SECTIONS 9-1-10, AS AMENDED, 9-9-10, AS AMENDED, 9-11-10, AS AMENDED, AND 9-11-30, RELATING TO DEFINITIONS FOR PURPOSES OF SCRS, SCPORS, AND THE GENERAL ASSEMBLY RETIREMENT SYSTEM AND THE DUTIES OF THE STATE BUDGET AND CONTROL BOARD WITH RESPECT TO SCPORS, SO AS TO ELIMINATE THE DISABILITY RETIREMENT MEDICAL BOARD AND PROVIDE FOR THE INTERPRETATION OF REFERENCES TO "MEDICAL BOARD"; BY REPEALING SECTIONS 9-1-220 AND 9-9-35, RELATING TO THE DISABILITY MEDICAL BOARD UNDER SCRS AND SCPORS; BY AMENDING SECTION 9-1-1310, AS AMENDED, RELATING TO THE DUTIES OF THE STATE BUDGET AND CONTROL BOARD AS TRUSTEE AND INVESTOR OF EQUITY-SECURITY ASSETS OF THE VARIOUS STATE RETIREMENT SYSTEMS, SO AS TO PROVIDE THAT THE BOARD SHALL SERVE AS TRUSTEE OF THESE SYSTEMS WITH ALL RESPONSIBILITIES FOR INVESTING ASSETS IN THE RETIREMENT SYSTEM INVESTMENT COMMISSION ESTABLISHED BY THIS ACT, PROVIDE THE INVESTMENTS ALLOWED FOR THESE ASSETS, AND PROVIDE THAT THESE ASSETS ARE NOT FUNDS OF THE STATE BUT ARE INSTEAD HELD IN TRUST AND SUBJECT TO THE MANAGEMENT AND INVESTING OF THE COMMISSION; BY AMENDING SECTION 9-1-1340, RELATING TO CONFLICTS OF INTEREST, SO AS TO CONFORM IT TO THE PROVISIONS OF THIS ACT; BY REPEALING SECTIONS 9-8-160, 9-9-150, AND 9-11-240, RELATING TO THE INVESTMENT OF FUNDS AND DUTIES OF THE STATE BUDGET AND CONTROL BOARD WITH RESPECT TO VARIOUS STATE RETIREMENT SYSTEMS; BY AMENDING ARTICLES 1 AND 3, CHAPTER 16 OF TITLE 9, RELATING TO THE DUTIES OF TRUSTEE, FIDUCIARIES, AND AGENTS FOR PURPOSES OF THE VARIOUS STATE RETIREMENT SYSTEMS AND THE ASSETS OF THE SYSTEMS AND THE INVESTMENT OF THE ASSETS OF THESE SYSTEMS, SO AS TO REVISE THE DUTIES OF THE STATE RETIREMENT SYSTEMS INVESTMENT PANEL (SRSIP) AND ESTABLISH THE STATE RETIREMENT SYSTEM INVESTMENT COMMISSION (SRSIC), PROVIDE

FOR ITS MEMBERSHIP, AND ITS DUTIES AS THE ENTITY CHARGED WITH THE INVESTMENT OF ALL ASSETS OF THE VARIOUS STATE RETIREMENT SYSTEMS, ITS EMPLOYMENT OF A CHIEF INVESTMENT OFFICER AND OTHER EMPLOYEES AND AGENTS, PROVIDE FOR THE COMMISSION'S FIDUCIARY STATUS AND THE FIDUCIARY STATUS OF ITS MEMBERS, THE CHIEF INVESTMENT OFFICER, AND ITS AGENTS, AND PROVIDE ADDITIONAL STANDARDS OF CONDUCT APPLICABLE TO THESE FIDUCIARIES AND SANCTIONS FOR VIOLATIONS, TO CONFORM EXISTING PROVISIONS RELATING TO FIDUCIARY DUTIES, RESPONSIBILITY FOR INVESTING, AND THE ANNUAL INVESTMENT PLAN, INCLUDING REPORTING REQUIREMENTS FOR THE ASSETS OF THE RETIREMENT SYSTEM AND THE DUTIES OF THE STATE BUDGET AND CONTROL BOARD AS TRUSTEE AND THE DUTIES OF SRSIC AS INVESTOR-FIDUCIARY OF SYSTEM ASSETS TO THE PROVISIONS OF THIS ACT, TO REVISE THE ANNUAL INVESTMENT PLAN REQUIREMENTS WITH RESPECT TO MAXIMUM ASSET ALLOCATION TO EQUITY SECURITIES AND BROKERAGE TRANSACTIONS, AND TO PROVIDE THAT THE SRSIC SHALL STRIVE FOR MINORITY REPRESENTATION IN HIRING AND PROCUREMENT, BY EXPRESSING THE INTENT OF THE GENERAL ASSEMBLY THAT SRSIC MAXIMIZE THE RETURN ON SYSTEM ASSETS; BY AMENDING SECTION 30-4-70, AS AMENDED, RELATING TO MEETINGS WHICH MAY BE CLOSED TO THE PUBLIC, SO AS TO CONFORM IT TO THE ESTABLISHMENT OF THE SRSIC, AND TO PROVIDE EFFECTIVE DATES AS TO THE TIMES THE VARIOUS PROVISIONS OF THIS ACT TAKE EFFECT AND HOW THESE PROVISIONS AFFECT PARTICULAR GROUPS OF EMPLOYEES AND RETIREES, TO PROVIDE TRANSITION PROVISIONS, AND TO MAKE THE PROVISIONS OF THIS ACT SEVERABLE. - ratified title

03/15/05	Senate	Introduced and read first time SJ-7
03/15/05	Senate	Referred to Committee on Finance SJ-7
03/16/05	Senate	Committee report: Favorable Finance SJ-20
03/30/05	Senate	Special order, set for 3/30/05 SJ-33
04/05/05	Senate	Special order, set for 04/05/05 SJ-20
04/07/05	Senate	Amended SJ-21
04/07/05	Senate	Read second time SJ-21
04/12/05	Senate	Read third time and sent to House SJ-25
04/13/05	House	Introduced and read first time HJ-21
04/13/05	House	Referred to Committee on Ways and Means HJ-23
05/11/05	House	Committee report: Favorable with amendment Ways and Means HJ-10
05/17/05	House	Requests for debate-Rep(s). EH Pitts, Bingham, Merrill, Parks, Umphlett, Toole, Huggins, Ott, Cotty, Vick, Cooper, Bowers, GR Smith, Young, Kirsh, and Chellis HJ-20
05/18/05	House	Amended HJ-122
05/18/05	House	Read second time HJ-139
05/18/05	House	Roll call Yeas-106 Nays-7 HJ-139
05/19/05	House	Read third time and returned to Senate with amendments HJ-60
05/19/05	Senate	House amendment amended SJ-107
05/19/05	Senate	Returned to House with amendments SJ-107
05/24/05	House	Non-concurrence in Senate amendment HJ-3
05/24/05	Senate	Senate insists upon amendment and conference committee appointed Setzler, Ryberg, and Alexander SJ-18
05/24/05	House	Conference committee appointed Reps. Cooper, Kirsh, and Young HJ-197
06/02/05	Senate	Free conference powers granted SJ-50
06/02/05	Senate	Free conference committee appointed Setzler, Ryberg, and Alexander SJ-50
06/02/05	House	Free conference powers granted HJ-97
06/02/05	House	Free conference committee appointed Reps. Kirsh, Cooper, and Young HJ-101
06/02/05	House	Free conference report received and adopted HJ-101
06/02/05	Senate	Free conference report received and adopted SJ-50
06/02/05	House	Ordered enrolled for ratification HJ-135
06/06/05		Ratified R 200
06/10/05		Signed By Governor
06/15/05		Copies available
06/15/05		Effective date See Act for Effective Date
06/16/05		Act No. 153