**A** **BILL**

TO AMEND SECTION 11‑11‑420, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONSTITUTIONAL LIMIT ON THE ANNUAL INCREASE IN THE NUMBER OF PERMANENT STATE GOVERNMENT PERSONNEL POSITIONS AND THE FORMULA FOR CALCULATING THE ANNUAL LIMIT, SO AS TO REVISE THE BASELINE CALCULATION BY REQUIRING IT TO INCLUDE THE NUMBER OF PERMANENT STATE GOVERNMENT POSITIONS IN FISCAL YEAR 2010‑2011 RATHER THAN 1980‑1981 AND THE STATE’S POPULATION FROM THE MOST RECENT UNITED STATES DECENNIAL CENSUS RATHER THAN THE 1980 CENSUS.

Whereas, the General Assembly finds that Section 11‑11‑420 of the 1976 Code is the statutory language implementing the annual limit in the increase of the number of state employees imposed pursuant to Section 7(d), Article X of the Constitution of this State; and

Whereas, Section 7(d), Article X of the Constitution of this State provides that once enacted, Section 11‑11‑420 may not be amended or repealed except by a special vote of the General Assembly consisting of at least two‑thirds of the members present and voting in the House of Representatives and, the Senate, but not less than three‑fifths of the total membership of each body; and

Whereas, it is the intention of the General Assembly to revise the formula used to calculate the limit provided pursuant to Section 11‑11‑420. Now, therefore,

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

SECTION 1. Section 11‑11‑420(A) of the 1976 Code is amended to read:

“(A) In any fiscal year, the ratio of the number of permanent state positions to the total annually updated resident population of the State may not exceed that ratio of permanent state positions as existed in fiscal year ~~1980‑81~~ 2010‑2011 compared to the total resident population of the State as determined by the ~~1980~~ most recent United States decennial census. The number of permanent state positions ~~shall~~ must be based on full‑time annual equivalency funded in whole or in part by appropriations of the General Assembly as defined by the South Carolina Classification and Compensation System or its successor.”

SECTION 2. This act takes effect upon approval by the Governor and first applies for calculating the annual limit on increases in the number of state employees for fiscal year 2011‑2012.

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