

# State of South Dakota

NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018

400Z0443

## SENATE BILL NO. 35

Introduced by: The Committee on Retirement Laws at the request of the South Dakota Retirement System

1 FOR AN ACT ENTITLED, An Act to revise the classification of juvenile corrections agents  
2 in the South Dakota Retirement System and to revise certain terminology regarding  
3 correctional staff.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That subdivision (18) of § 3-12-47 be amended to read:

6 (18) "Class B member," a member who is a justice, judge, state law enforcement officer,  
7 magistrate judge, police officer, firefighter, county sheriff, deputy county sheriff,  
8 ~~penitentiary~~ correctional security staff, parole agent, air rescue firefighter, campus  
9 security officer, court services officer, juvenile corrections agent, conservation  
10 officer, or park ranger and is either a foundation member or a generational member;

11 Section 2. That § 3-12-47 be amended by adding a NEW SUBDIVISION to read:

12 (26A) "Correctional security staff," the warden, deputy warden, and any other correctional  
13 staff holding a security position as verified by the Department of Corrections and  
14 approved by the Bureau of Human Resources and the Bureau of Finance and  
15 Management, and determined by the board as Class B members;



1 Section 3. That § 3-12-47 be amended by adding a NEW SUBDIVISION to read:

2 (50A) "Juvenile corrections agent," a designee of the secretary of corrections charged with  
3 the care, custody, and control of juveniles committed to the Department of  
4 Corrections until the age of twenty-one;

5 Section 4. That subdivision (64) of § 3-12-47 be amended to read:

6 (64) ~~"Penitentiary correctional staff," the warden, deputy warden, and any other~~  
7 ~~correctional staff holding a security position as determined by the Department of~~  
8 ~~Corrections and approved by the Bureau of Human Resources and the Bureau of~~  
9 ~~Finance and Management. For purposes of administration of this chapter final~~  
10 ~~determination of penitentiary correctional staff as Class B members shall be made by~~  
11 ~~the board of trustees based on the recommendation of the Department of Corrections,~~  
12 ~~Bureau of Human Resources, and the Bureau of Finance and Management;~~

13 Section 5. That § 3-12-92.1 be amended to read:

14 3-12-92.1. For purposes of determining the benefits of a penitentiary correctional security  
15 staff, for credited service earned prior to July 1, 1978, the benefits shall be calculated pursuant  
16 to § 3-12-91 and for credited service after July 1, 1978, the benefits shall be calculated pursuant  
17 to § 3-12-92.

18 Section 6. That § 3-12-130 be amended to read:

19 3-12-130. A current contributing Class B member other than a justice, judge, or magistrate  
20 judge, may convert credited service as a county sheriff or deputy county sheriff before January  
21 1, 1980, or credited service as a county sheriff or deputy county sheriff while not certified from  
22 January 1, 1980, to June 30, 1988, inclusive; credited service as a police officer while not  
23 certified from July 1, 1983, to June 30, 1988, inclusive; credited service as a penitentiary  
24 correctional security staff member before July 1, 1978; credited service as a conservation officer

1 before July 1, 1983; credited service as a parole agent before July 1, 1991; and credited service  
2 as an air rescue firefighter before July 1, 1992, from credited service as a Class A member with  
3 benefits provided in accordance with § 3-12-91 to credited service as a Class B member other  
4 than a justice, judge, or magistrate judge, with benefits provided in accordance with § 3-12-92,  
5 by election to make, or have made on the member's behalf, contributions based on the higher  
6 of the member's current compensation, or the member's final average compensation calculated  
7 as if the member retired on the date of election, at an actuarially-determined percentage times  
8 each year of service for which the member wishes to receive Class B credit. The provisions of  
9 this section also apply to a current contributing Class B member, other than a justice, judge, or  
10 magistrate judge, who previously has purchased equivalent public service pursuant to the  
11 provisions of § 3-12-84.

12 Payment of a deposit with the system for the conversion of credited service in accordance  
13 with this section shall be determined and due at the time the notice of intention to make the  
14 payment is received by the system. The amount due may be paid by periodic level installments  
15 over a period of up to ten years, the value of which, if discounted for interest at the assumed rate  
16 of return, is equal to the amount due at the date of the notice. If a member dies before  
17 completion of the installment payments, the surviving spouse may complete the payments due  
18 to the system, but unless the payments are being made by a participating unit, the amount shall  
19 be paid in full within ninety days of the member's death or retirement. If the periodic payments  
20 are not completed or paid when due, the executive director may make a pro rata adjustment to  
21 the credited service, benefits payable under this chapter or schedule of payments to allow for  
22 the default.

23 If the credited service of any member or group of members becomes Class B credited service  
24 on a prospective basis after June 30, 1993, the prior credited service as a Class A member may

1 be converted to Class B credited service in accordance with this section. If a jailer becomes a  
2 Class B member other than a justice, judge, or magistrate judge, the jailer is eligible to convert  
3 prior credited service as a jailer under this section.