

AN ACT

ENTITLED, An Act to allow class B members of the South Dakota Retirement System to purchase certain public service as class B service.

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

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

"Equivalent public service," any public service other than as a justice, a judge, or a magistrate judge and comparable to class B service as defined by this section, if the service is in the employ of a public entity that is not a participating unit.

Section 2. That chapter 3-12 be amended by adding thereto a NEW SECTION to read as follows:

If a current contributing class B member of this system, other than a justice, a judge, or a magistrate judge, has equivalent public service for which the member is not entitled to retirement benefits from another public retirement system, the member may elect to deposit or have deposited on the member's behalf an amount equal to seventy-five percent of twice the appropriate class B rate of contribution multiplied by the higher of the member's annual compensation at the time of making the election, or the member's final compensation calculated as if the member retired on the date of the election, for each year of equivalent public service for which the member wishes to receive credit as a class B member.

Section 3. That § 3-12-130 be amended to read as follows:

3-12-130. A current contributing class B member other than a justice, judge or magistrate judge, may convert credited service as a county sheriff or deputy county sheriff prior to January 1, 1980; credited service as a penitentiary correctional staff member prior to July 1, 1978; credited service as a conservation officer prior to July 1, 1983; credited service as a parole agent prior to July 1, 1991; and credited service as an air rescue fire fighter prior to July 1, 1992,

from credited service as a class A member with benefits provided in accordance with § 3-12-91 to credited service as a class B member other than a justice, judge or magistrate judge, with benefits provided in accordance with § 3-12-92, by election to make, or have made on the member's behalf, contributions based on the higher of the member's current compensation, or the member's final compensation calculated as if the member retired on the date of election at a rate of four and one-half percent for each year of service for which the member wishes to receive credit. The provisions of this section also apply to a current contributing class B member, other than a justice, judge, or magistrate judge, who previously has purchased equivalent public service pursuant to the provisions of § 3-12-84.

Payment of a deposit with the system for the conversion of credited service in accordance with this section shall be determined and due at the time the notice of intention to make the payment is received by the system. The amount due may be paid by periodic level installments over a period of up to ten years, the value of which, if discounted for interest at the current effective rate as established by the board pursuant to § 3-12-121 for investment return for purposes of the actuarial valuation, is equal to the amount due at the date of the notice. If a member dies before completion of the installment payments, the surviving spouse may complete the payments due the system, but unless the payments are being made by a participating unit, the amount shall be paid in full within ninety days of the member's death or retirement. If the periodic payments are not completed or paid when due, the administrator may make a pro rata adjustment to the credited service, benefits payable under this chapter or schedule of payments to allow for the default.

If the credited service of any member or group of members becomes class B credited service on a prospective basis on or after July 1, 1993, the prior credited service as a class A member may be converted to class B credited service in accordance with this section.

An Act to allow class B members of the South Dakota Retirement System to purchase certain public service as class B service.

=====

I certify that the attached Act originated in the SENATE as Bill No. 33

Secretary of the Senate
=====

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 33
File No. _____
Chapter No. _____

=====

Received at this Executive Office this ____ day of _____, 19__ at ____ M.

By _____
for the Governor
=====

The attached Act is hereby approved this _____ day of _____, A.D., 19__

Governor
=====

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State