

AN ACT

ENTITLED, An Act to provide for the inclusion of certain jailers as Class B members of the South Dakota Retirement System.

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

Section 1. That subdivision (25) of § 3-12-47 be amended to read as follows:

(25) "Deputy county sheriff," an employee of a county that is a participating unit, appointed by the board of county commissioners pursuant to §§ 7-12-9 and 7-12-10, who is a permanent full-time employee and whose position is subject to the minimum educational and training standards established by the law enforcement standards commission pursuant to chapter 23-3. The term, deputy county sheriff, does not include jailers or clerks appointed pursuant to §§ 7-12-9 and 7-12-10 unless the participating unit has requested that the jailer be considered as a deputy county sheriff and the Board of Trustees has approved the request;

Section 2. That subdivision (55) of § 3-12-47 be amended to read as follows:

(55) "Policemen," any employee in the police department of any participating municipality holding the rank of patrolman, including probationary patrolman, or higher rank and whose position is subject to the minimum educational and training standards established by the Law Enforcement Officers Standards Commission pursuant to chapter 23-3. The term, policemen, does not include civilian employees of a police department nor any person employed by a municipality whose services as a policeman require less than twenty hours a week and six months a year. If a municipality which is a participating unit operates a city jail, the participating unit may request that jailers appointed pursuant to § 9-29-25 be considered policemen, subject to the approval of the board;

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 firefighter 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. If a jailer becomes a Class B member other than a justice, judge, or magistrate judge pursuant to section 1 or 2 of this Act, the jailer is eligible to convert prior credited service as a jailer under this section.

An Act to provide for the inclusion of certain jailers as Class B members of the South Dakota Retirement System.

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I certify that the attached Act originated in the

SENATE as Bill No. 11

\_\_\_\_\_  
Secretary of the Senate

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\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 11  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office this \_\_\_\_\_ day of \_\_\_\_\_ ,

19\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 19\_\_\_\_

\_\_\_\_\_  
Governor

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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