

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

400C0352

## SENATE BILL NO. 11

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

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

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

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

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

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

14 (55) "Policemen," any employee in the police department of any participating municipality  
15 holding the rank of patrolman, including probationary patrolman, or higher rank and  
16 whose position is subject to the minimum educational and training standards

1 established by the Law Enforcement Officers Standards Commission pursuant to  
2 chapter 23-3. The term, policemen, does not include civilian employees of a police  
3 department nor any person employed by a municipality whose services as a policeman  
4 require less than twenty hours a week and six months a year. If a municipality which  
5 is a participating unit operates a city jail, the participating unit may request that jailers  
6 appointed pursuant to § 9-29-25 be considered policemen, subject to the approval of  
7 the board;

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

9 3-12-130. A current contributing Class B member other than a justice, judge, or magistrate  
10 judge, may convert credited service as a county sheriff or deputy county sheriff prior to  
11 January 1, 1980; credited service as a penitentiary correctional staff member prior to July 1,  
12 1978; credited service as a conservation officer prior to July 1, 1983; credited service as a parole  
13 agent prior to July 1, 1991; and credited service as an air rescue firefighter prior to July 1, 1992,  
14 from credited service as a Class A member with benefits provided in accordance with § 3-12-91  
15 to credited service as a Class B member other than a justice, judge, or magistrate judge, with  
16 benefits provided in accordance with § 3-12-92, by election to make, or have made on the  
17 member's behalf, contributions based on the higher of the member's current compensation, or the  
18 member's final compensation calculated as if the member retired on the date of election at a rate  
19 of four and one-half percent for each year of service for which the member wishes to receive  
20 credit. The provisions of this section also apply to a current contributing Class B member, other  
21 than a justice, judge, or magistrate judge, who previously has purchased equivalent public service  
22 pursuant to the provisions of § 3-12-84.

23 Payment of a deposit with the system for the conversion of credited service in accordance  
24 with this section shall be determined and due at the time the notice of intention to make the  
25 payment is received by the system. The amount due may be paid by periodic level installments

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

10 If the credited service of any member or group of members becomes Class B credited service  
11 on a prospective basis on or after July 1, 1993, the prior credited service as a Class A member  
12 may be converted to Class B credited service in accordance with this section. If a jailer becomes  
13 a Class B member other than a justice, judge, or magistrate judge pursuant to section 1 or 2 of  
14 this Act, the jailer is eligible to convert prior credited service as a jailer under this section.