

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

400D0228

## SENATE BILL NO. 19

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 benefit improvements for the members of the  
2 South Dakota Retirement System.

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

4 Section 1. That § 3-12-91 be amended to read as follows:

5 3-12-91. Upon retirement, a member shall receive a normal retirement allowance,  
6 commencing at normal retirement age or thereafter as provided in § 3-12-90, for Class A  
7 credited service, equal to the larger of ~~1.55%~~ 1.625% of final compensation for each year of  
8 Class A credited service before July 1, ~~2000~~ 2002, plus 1.3% of final compensation for each year  
9 of Class A credited service after July 1, ~~2000~~ 2002, or ~~2.25%~~ 2.325% of final compensation for  
10 each year of Class A credited service before July 1, ~~2000~~ 2002, plus 2.0% of final compensation  
11 for each year of Class A credited service after July 1, ~~2000~~ 2002, less other public benefits. For  
12 purposes of this section, federal military retirement or federal national guard retirement benefits  
13 are not other public benefits. Class A credited service includes all credited service under this or  
14 any of the retirement systems consolidated pursuant to § 3-12-46.

15 Section 2. That § 3-12-92 be amended to read as follows:

16 3-12-92. Upon retirement, a member shall receive a normal retirement allowance,

1 commencing at normal retirement age or thereafter as provided in § 3-12-90, for Class B  
2 credited service other than as a justice, judge, or magistrate judge, equal to ~~2.25%~~ 2.325% of  
3 final compensation for each year of Class B credited service other than as a justice, judge, or  
4 magistrate judge before July 1, ~~2000~~ 2002, plus 2.0% of final compensation for each year of  
5 Class B credited service other than as a justice, judge, or magistrate judge after July 1, ~~2000~~  
6 2002.

7 Section 3. That § 3-12-92.4 be amended to read as follows:

8 3-12-92.4. Upon retirement, a member shall receive a normal retirement allowance,  
9 commencing at normal retirement age or thereafter as provided in § 3-12-90, for the first fifteen  
10 years of Class B credited service as a justice, judge, or magistrate judge equal to ~~3.583%~~ 3.658%  
11 of final compensation for each year of Class B credited service as a justice, judge, or magistrate  
12 judge before July 1, ~~2000~~ 2002, plus 3.333% of final compensation for each year of Class B  
13 credited service as a justice, judge, or magistrate judge after July 1, ~~2000~~ 2002. A member shall  
14 also receive for Class B credited service as a justice, judge, or magistrate judge in excess of  
15 fifteen years, ~~2.25%~~ 2.325% of final compensation for each year of Class B credited service as  
16 a justice, judge, or magistrate judge before July 1, ~~2000~~ 2002, plus 2.0% of final compensation  
17 for each year of Class B credited service as a justice, judge, or magistrate judge after July 1,  
18 ~~2000~~ 2002.

19 Section 4. That § 3-12-92.6 be amended to read as follows:

20 3-12-92.6. Each member who retired prior to July 1, ~~1999~~ 2000, and each beneficiary of a  
21 deceased member who retired prior to July 1, ~~1999~~ 2000, shall receive a retirement allowance  
22 based on the provisions of § 3-12-91, 3-12-92, or 3-12-92.4 as applicable based on the member's  
23 final compensation, credited service, and other public benefits at retirement and the benefit  
24 formulas in §§ 3-12-91, 3-12-92, and 3-12-92.4 when improved by the improvement factor from  
25 the date of retirement to July 1, ~~1999~~ 2000.

1 Increased benefits as provided by any amendment to this section are prospective in nature  
2 and are effective July 1, ~~1999~~ 2000.

3 Each member or beneficiary of a member who retired prior to July 1, 1974, who is receiving  
4 benefits pursuant to § 3-12-126 or each member or beneficiary of a member who elected to retire  
5 pursuant to § 3-12-127, shall have a benefit increased by an additional 2.0% as of July 1, ~~1999~~  
6 2000, in lieu of the increase provided in this section.

7 If a member retired prior to normal retirement age, the allowance shall be adjusted in  
8 accordance with the law in effect at the time of retirement. If a member elected an alternate  
9 method of payment under the law in effect at the time of retirement, the allowance shall be  
10 adjusted in accordance with the law in effect at the time of retirement. If the additional allowance  
11 is to be paid to a beneficiary of a deceased member, the additional allowance shall be adjusted  
12 in accordance with the law in effect at the time of the member's retirement.

13 No member or beneficiary whose retirement allowance terminated prior to July 1, ~~1999~~ 2000,  
14 may receive any benefits pursuant to this section.