

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

554J0433

HOUSE BILL NO. 1039

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

1 FOR AN ACT ENTITLED, An Act to specify the service needed to receive benefits in the
2 South Dakota Retirement System.

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

4 Section 1. That subdivision (73) of § 3-12-47 be amended to read as follows:

5 (73) "Vested," the right to an annuity payable at normal retirement age from the system
6 after three years of ~~credited~~ contributory service, even if the member leaves the
7 employment of a participating unit, provided that the member does not withdraw
8 accumulated contributions. A member who leaves the employment of a participating
9 unit is not entitled to benefits under §§ 3-12-95, 3-12-98, 3-12-99, 3-12-104, and
10 3-12-105.

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

12 (47) "Normal retirement," the termination of employment ~~of~~ and application for benefits
13 by a member with five ~~three~~ or more years of credited contributory service on or after
14 his ~~the member's~~ normal retirement age for any cause other than death;

15 Section 3. That § 3-12-98 be amended to read as follows:



1 3-12-98. A contributing member who becomes disabled and who has rendered at least three
2 years of ~~credited~~ contributory service since the member's most recent entry into active status and
3 prior to becoming disabled or was disabled by accidental means while performing ~~his~~ usual
4 duties for ~~his~~ an employer, is eligible for a disability allowance ~~provided such~~ if the disability
5 is expected to be of long, continued, and indefinite duration of at least one year. In order to be
6 eligible for a disability allowance, a member shall be disabled on the date the contributory
7 service ends. Any member who fails to file with the administrator an application for disability
8 benefits within three years of the date on which the member's contributory service ends, forfeits
9 all rights to disability benefits. For purposes of this section, a transfer within a participating unit,
10 or a change in employment from one participating unit to another participating unit if there is
11 no break in contributory service, does not constitute a new entry into active status.

12 Section 4. That § 3-12-81 be repealed.

13 ~~3-12-81. For purposes of earning retirement benefits, such reemployed former employee~~
14 ~~who did not have five years of credited service and did not redeposit his contributions with the~~
15 ~~system shall be treated as a new employee in establishing eligibility for benefits and meeting~~
16 ~~other service requirements.~~