

**20:16:17:22. Joint and survivor benefit.** In lieu of the pension otherwise payable, an employee entitled to a normal or early retirement pension may elect to receive a smaller monthly pension during the employee's lifetime by electing a 50 percent or 100 percent joint and survivor benefit. After the employee's death the percentage of the reduced benefit elected by the employee shall be continued to the employee's beneficiary, called a "contingent annuitant," during the latter's lifetime. If a 50 percent or 100 percent joint and survivor option is not elected, an automatic 50 percent joint and survivor option shall be made unless an employee and spouse specifically choose not to elect either of the joint and survivor options.

**Source:** 28 SDR 109, effective February 11, 2002; 36 SDR 207, effective July 1, 2010; 40 SDR 197, effective May 27, 2014.

**General Authority:** SDCL 3-12-222.

**Law Implemented:** SDCL 3-12-218, 3-12-219.