

20:16:19:20. Amount of additional survivor protection benefits. The additional survivor protection payable under § 20:16:19:19 shall, on the death of the employee or expiration of benefits that may have been paid pursuant to § 20:16:19:17 because there is no eligible child, entitle the surviving spouse to an annual amount, payable in monthly installments, equal to 40 percent of the highest annual earnings earned by the employee during any one of the last three years of credited service multiplied by the improvement factor from § 20:16:19:39 commencing on the July first that is at least 12 full calendar months following the date of termination of employment with the commission. The additional survivor protection benefit continues until the spouse dies, becomes eligible for a benefit under § 20:16:19:22, or attains age 65, whichever is earlier. If the spouse is not already eligible for a benefit under § 20:16:19:22, the spouse becomes eligible for a benefit as stated in § 20:16:19:22 when the spouse attains the age 65.

Any employee who participated in the § 20:16:19:19 benefit on March 16, 2001, is eligible for the benefits payable under this section. If an employee terminates employment with any successor employer for any reason other than death, the employee is not eligible for a benefit under this section. However, the spouse is eligible for a benefit under § 20:16:19:22 when the spouse reaches age 65 if the employee dies before retirement.

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.