

**20:16:19:22. Joint and survivor benefit.** Upon the death of any pensioner, any employee, or former employee who has reached normal retirement age, the surviving spouse is eligible to receive a normal pension benefit, payable in monthly installments, equal to 60 percent of the pension benefit that the pensioner, employee, or former employee was receiving or was eligible to receive at the time of death. In lieu of the 60 percent pension benefit, an employee or former employee entitled to a normal or early pension benefit may elect to receive a smaller monthly pension during the pensioner's lifetime by electing a 100 percent joint and survivor benefit. After the employee's or former employee's death, the reduced benefit elected by the employee or former employee shall be continued to the employee's or former employee's beneficiary, called a "contingent annuitant," during the latter's lifetime.

**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.

**Cross-Reference:** Family benefits payable on death of employee before retirement, § 20:16:19:17.