

20:16:19:23. Election of joint and survivor benefit. To be effective, the 100 percent joint and survivor option election shall be made by written request filed with the board not less than 12 full calendar months prior to the employee's retirement date. If the election is not filed at least 12 full calendar months prior to the employee's retirement date, the option may not take effect until after 12 full calendar months have elapsed after election, and it shall then be effective for all subsequent months. Until the option takes effect, the benefit shall be payable in the normal form only, as if the option had not been elected. Benefits to be paid may not be retroactively adjudged when the option is put into effect. If the pensioner should die before the 100 percent joint and survivor option takes effect, the beneficiary shall receive 60 percent of the pensioner's benefit under § 20:16:19:22.

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.