

# State of South Dakota

NINETIETH SESSION  
LEGISLATIVE ASSEMBLY, 2015

400W0202

## HOUSE BILL NO. 1010

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to disability and  
2 surviving spouse benefits for members of the South Dakota Retirement System.

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

4 Section 1. That § 3-12-95.5 be amended to read as follows:

5 3-12-95.5. If no family benefit is being paid pursuant to § 3-12-95.4, a surviving spouse of  
6 a contributing member who had acquired at least three years of contributory service or  
7 noncontributory service as delineated in subsections (b), (e), (g), and (h) of subdivision 3-12-  
8 47(24) or died while performing usual duties for the employer and who died after June 30, 2015,  
9 shall, upon attaining the age sixty-five, receive a surviving spouse benefit calculated as follows,  
10 whichever is applicable:

11 (1) If a family benefit had been paid, sixty percent of the family benefit paid at the time  
12 the family benefit ended, increased by the improvement factor from the date the last  
13 family benefit was paid; or

14 (2) If a family benefit had not been paid, sixty percent of the amount calculated pursuant  
15 to subsection (a) or (b), whichever is greater, increased by the improvement factor



1 from the date of the member's death:

2 (a) Twenty-five percent of the member's final average compensation at the time  
3 of the member's death; or

4 (b) The member's unreduced accrued retirement benefit at the time of the  
5 member's death.

6 The surviving spouse benefit shall be paid in monthly installments for the life of the  
7 surviving spouse.

8 Section 2. That § 3-12-207 be amended to read as follows:

9 3-12-207. The disability benefit approved pursuant to § 3-12-206 is the greater of the  
10 following calculations:

11 (1) Twenty-five percent of the member's final average compensation at the date of  
12 disability; or

13 (2) The member's unreduced accrued retirement benefit at the date of disability.

14 The disability benefit shall be paid in monthly installments for the life of the member unless  
15 the benefit terminates pursuant to ~~§ 3-12-211~~ § 3-12-210.

16 For purposes of determining the eligibility of a surviving spouse benefit, the disability  
17 benefit is considered a retirement benefit when the member attains the age of sixty-five.