

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

418N0639

SENATE BILL NO. 202

Introduced by: Senator Gray and Representative Lust

1 FOR AN ACT ENTITLED, An Act to increase the exemption from process of certain
2 retirement benefits.

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

4 Section 1. That § 43-45-16 be amended to read as follows:

5 43-45-16. Any person ~~shall have~~ has the right to select and designate a total of ~~two hundred~~
6 ~~fifty~~ four hundred thousand dollars and the income and distributions therefrom from the
7 employee's benefit plans as exempt from execution, attachment, garnishment, seizure, or taking
8 by any legal process. This exemption is subject to the right of the State of South Dakota and its
9 political subdivisions to collect any amounts owed to them. This section permits benefits under
10 such plan or arrangement to be payable to a spouse, former spouse, child, or other dependent
11 of a participant in such plan to the extent expressly provided for in a qualified domestic relations
12 order as defined in 29 U.S.C. § 1056(d) or in § 401(a)(13) of the Internal Revenue Code.

