



2026 South Dakota Legislature

House Bill 1174

Introduced by: **Representative Kull**

1 **An Act to classify 911 telecommunicators as Class B members of the South Dakota**
 2 **Retirement System.**

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

4 **Section 1. That § 3-12C-101 be AMENDED:**

5 **3-12C-101.** Terms used in this chapter mean:

- 6 (1) "Actuarial accrued liability," the present value of all benefits less the present value
 7 of future normal cost contributions;
- 8 (2) "Actuarial experience analysis," a periodic report that reviews basic experience
 9 data and furnishes actuarial analysis that substantiates the assumptions adopted
 10 for the purpose of making an actuarial valuation of the system;
- 11 (3) "Actuarial valuation," a projection of the present value of all benefits and the
 12 current funded status of the system, based upon stated assumptions as to rates of
 13 interest, mortality, disability, salary progressions, withdrawal, and retirement as
 14 established by a periodic actuarial experience analysis that takes into account the
 15 census data of all active members, vested terminated members, retired members,
 16 and their beneficiaries under the system;
- 17 (4) "Actuarial value of assets," equal to the fair value of assets;
- 18 (5) "Actuarially determined contribution rate," the fixed, statutory contribution rate,
 19 no less than the normal cost rate with expenses assuming the minimum COLA, and
 20 no greater than the normal cost rate with expenses assuming the maximum COLA;
- 21 (6) "Air rescue firefighter," an employee of the Department of the Military who is
 22 stationed at Joe Foss Field, Sioux Falls, and who is directly involved in firefighting
 23 activities on a daily basis;
- 24 (7) "Approved actuary," any actuary who is a member of the American Academy of
 25 Actuaries or an associate or a fellow of the Society of Actuaries who meets the
 26 qualification standards of the American Academy of Actuaries to issue actuarial

- 1 opinions regarding the system, or any firm retaining the actuary on the firm's staff,
 2 and who is appointed by the board to perform actuarial services;
- 3 (8) "Assumed rate of return," the actuarial assumption adopted by the board pursuant
 4 to § 3-12C-227, as the annual assumed percentage return on trust fund assets,
 5 compounded;
- 6 (9) "Beneficiary," the person designated by a member of the system to receive any
 7 payments after the death of the member;
- 8 (10) "Benefits," the amounts paid to a member, spouse, child, or beneficiary as a result
 9 of the provisions of this chapter;
- 10 (11) "Board," the Board of Trustees of the South Dakota Retirement System;
- 11 (12) "Calendar quarter," a period of three calendar months ending March thirty-first,
 12 June thirtieth, September thirtieth, or December thirty-first of any year;
- 13 (13) "Campus security officer," an employee of the Board of Regents whose position is
 14 subject to the minimal educational training standards established by the Law
 15 Enforcement Officers Standards Commission, pursuant to chapter 23-3, who
 16 satisfactorily completes the training required by chapter 23-3, within one year of
 17 employment, and whose primary duty as a sworn law enforcement officer is to
 18 preserve the safety of the students, faculty, staff, visitors, and the property of the
 19 university. The employer shall file with the system evidence of the appointment as
 20 a sworn law enforcement officer at the time of employment and shall file evidence
 21 of satisfactory completion of the training program pursuant to chapter 23-3, within
 22 one year of employment;
- 23 (14) "Certified school employee," any employee of a participating unit who is required
 24 to have a certificate, as defined in § 13-42-1;
- 25 (15) "Class A credited service," service credited as a Class A member of the system;
- 26 (16) "Class A member," any member, and who other than a Class B member or a Class C
 27 member, and who is either a foundation member or a generational member. A
 28 member is a Class A member until proof is supplied to the executive director that
 29 a member is a Class B member;
- 30 (17) "Class B credited service," service credited as a Class B member of the system;
- 31 (18) "Class B judicial member," any Class B member who is a justice, judge, or
 32 magistrate judge;
- 33 (19) "Class B member," ~~a member who is a justice, judge, state law enforcement officer,~~
 34 ~~magistrate judge, police officer, firefighter, county sheriff, deputy county sheriff,~~
 35 ~~correctional security staff, parole agent, air rescue firefighter, emergency medical~~

- 1 ~~services personnel, campus security officer, court services officer, juvenile~~
 2 ~~corrections agent, gaming enforcement agent, conservation officer, or park ranger,~~
 3 ~~and is either a foundation member or a generational member who is:~~
- 4 (a) An air rescue firefighter;
 5 (b) A campus security officer;
 6 (c) A conservation officer;
 7 (d) Correctional security staff;
 8 (e) A county sheriff;
 9 (f) A court services officer;
 10 (g) A deputy county sheriff;
 11 (h) Emergency medical services personnel;
 12 (i) A firefighter;
 13 (j) A full-time 911 telecommunicator, as defined in § 34-45-22, provided that,
 14 if the 911 telecommunicator is employed by a political subdivision of the
 15 state, the political subdivision has adopted an ordinance designating 911
 16 telecommunicators as Class B members;
 17 (k) A gaming enforcement agent;
 18 (l) A judge;
 19 (m) A justice;
 20 (n) A juvenile corrections agent;
 21 (o) A magistrate judge;
 22 (p) A park ranger;
 23 (q) A parole agent;
 24 (r) A police officer; or
 25 (s) A state law enforcement officer;
- 26 (20) "Class B public safety member," any Class B member other than a justice, judge,
 27 or magistrate judge;
- 28 (21) "Class C credited service," service credited as a Class C member of the system;
- 29 (22) "Class C member," any retiree, vested member, or other member of the cement
 30 plant retirement plan ~~including any retiree or any vested member;~~
- 31 (23) "Class D credited service," service credited as a Class D member of the system;
- 32 (24) "Class D member," any member who was a member of the Department of Labor
 33 and Regulation employees' retirement plan as of June 30, 2020;
- 34 (25) "Classified employee," an employee:

- 1 (a) Of a public school district who is not required by law to be a certified school
 2 employee;
- 3 (b) Of a college or university under the control of the Board of Regents who is
 4 not a faculty member or an administrator and comes within the provisions
 5 of chapter 3-6D;
- 6 (c) Of a public corporation;
- 7 (d) Of a chartered governmental unit; or
- 8 (e) Who participates in the system and is not provided for elsewhere in this
 9 chapter;
- 10 (26) "Comparable level position," a member's position of employment that is generally
 11 equivalent to the member's prior position of employment in terms of required
 12 education, required experience, required training, required work history,
 13 geographic location, and compensation and benefits;
- 14 (27) "Conservation officer," an employee of the Department of Game, Fish and Parks
 15 and the Division of Wildlife or Division of Custer State Park who is employed
 16 pursuant to § 41-2-11 and whose position is subject to the education and training
 17 requirements ~~as to education and training~~ provided for in chapter 23-3;
- 18 (28) "Consumer price index," the consumer price index for urban wage earners and
 19 clerical workers calculated by the United States Bureau of Labor Statistics;
- 20 (29) "Contributory service," service to a participating unit during which contributions
 21 were made to a South Dakota Retirement System, which may not include years of
 22 credited service as provided for in § 3-12C-509 or 3-12C-511;
- 23 (30) "Correctional security staff," the warden, deputy warden, and any other
 24 correctional staff holding a security position, as verified by the Department of
 25 Corrections ~~and~~ approved by the Bureau of Human Resources and Administration
 26 and the Bureau of Finance and Management, and determined by the board as Class
 27 B members;
- 28 (31) "Court services officer," an individual appointed pursuant to § 26-7A-8;
- 29 (32) "Covered employment," a member's employment as a full-time employee of a
 30 participating unit;
- 31 (33) "Deputy county sheriff," an individual who is:
- 32 (a) An employee of a county that is a participating unit;
- 33 (b) Appointed by the board of county commissioners, pursuant to §§ 7-12-9
 34 and 7-12-10; ~~and~~

- 1 (c) Subject to the minimum educational and training standards established by
 2 the Law Enforcement Officers Standards Commission, pursuant to chapter
 3 23-3-
- 4 ~~The term does not include jailers or clerks; and~~
- 5 (d) Not a clerk or a jailer appointed pursuant to §§ 7-12-9 and 7-12-10, unless
 6 the participating unit has requested that the jailer be considered as a deputy
 7 county sheriff and the board has approved the request;
- 8 (34) "Disability advisory committee," a committee composed of:
- 9 (a) The secretary of the Department of Human Services or the secretary's
 10 designee;
- 11 (b) An attorney appointed by the executive director; and
- 12 (c) A physician appointed by the executive director;
- 13 (35) "Effective date of retirement," the first day of the month in which a retirement
 14 benefit is payable;
- 15 (36) "Eligible retirement plan," a plan described in section 402(c)(8)(B) of the Internal
 16 Revenue Code;
- 17 (37) "Eligible rollover distribution," any distribution to a member of accumulated
 18 contributions pursuant to § 3-12C-602. ~~The term does not include, excluding~~
 19 any portion of a distribution that represents contributions made to the system on an
 20 after-tax basis ~~nor~~ or distributions paid as a result of the member reaching the
 21 required beginning date;
- 22 (38) ~~"~~"Emergency medical services personnel," an individual who is licensed by the
 23 State Board of Medical and Osteopathic Examiners in accordance with chapter 36-
 24 4B and actively practices emergency medical services;
- 25 (39) "Employer," this state and any board, bureau, commission, or department, ~~bureau,~~
 26 ~~board, or commission~~ of this state, any political subdivision of this state, or any
 27 public corporation of this state that elects to become a participating unit;
- 28 (40) "Employer contribution," an amount contributed by the employer of a contributing
 29 member, excluding any member contribution made by an employer after June 30,
 30 1984, pursuant to § 3-12C-401;
- 31 (41) "Equivalent public service," any public service other than as a justice, a judge, or
 32 a magistrate judge and comparable to Class B service, as defined by this section,
 33 if the service is in the employ of a public entity that is not a participating unit;
- 34 (42) "Executive director," the executive director of the South Dakota Retirement
 35 System;

- 1 (43) "Fair value of assets," the total assets of the system at ~~fair market value for~~
2 ~~securities traded on exchanges; for securities not traded on exchanges, a value~~
3 ~~based on similar securities; and for alternative investments, reported net asset~~
4 ~~value;~~
5 (a) Fair market value, for securities traded on exchanges;
6 (b) A value based on similar securities, for securities not traded on exchanges;
7 and
8 (c) The reported net asset value, for alternative investments;
9 (44) "Fair value funded ratio," the fair value of assets divided by the actuarial accrued
10 liability;
11 (45) "Fiduciary," any person who:
12 (a) Exercises any discretionary authority or control over the management of
13 the system or the management or disposition of the system's assets;
14 (b) Renders investment advice for a fee or other compensation, direct or
15 indirect, or has any authority or responsibility to do so; or
16 (c) Has any discretionary authority or responsibility in the administration of the
17 system;
18 (46) "Foundation member," any member of the system whose contributory service
19 began before July 1, 2017;
20 (47) "Firefighter," any full-time firefighter who works at least twenty hours a week and
21 at least six months a year. ~~The term does not include, excluding~~ any volunteer
22 firefighter;
23 (48) "Full-time employee," any employee who is considered full-time by the
24 participating unit and is customarily employed by the participating unit for twenty
25 hours or more a week and at least six months a year, regardless of classification
26 of employment as seasonal, temporary, leased, contract, or any other designation;
27 (49) "Fund," the public employees' retirement fund or funds established for the
28 administration of this chapter;
29 (50) "Gaming enforcement agent," any employee of the South Dakota Commission on
30 Gaming who is appointed pursuant to § 42-7B-56 and who must, as a condition of
31 employment, be law enforcement certified;
32 (51) "Generational member," any member of the system whose contributory service
33 began after June 30, 2017;

- 1 (52) "Health care provider," a physician or other health care practitioner who is licensed,
2 registered, certified, or otherwise authorized by law to provide specified health
3 services;
- 4 (53) "Juvenile corrections agent," a designee of the secretary of corrections who is
5 charged with the care, custody, and control of juveniles committed to the
6 Department of Corrections until the age of twenty-one, or a person who is charged
7 with the care, custody, and control of juveniles at a juvenile corrections facility
8 under the control of a participating unit;
- 9 (54) "Law enforcement officer," any agent of the Division of Criminal Investigation,
10 officer of the South Dakota Highway Patrol, police officer, county sheriff, or deputy
11 county sheriff;
- 12 (55) "Member," any individual who is contributing or has made contributions to the
13 system and is either a foundation member or generational member. ~~An~~, provided
14 that an individual's membership ceases when the individual withdraws the
15 individual's accumulated contributions after termination of employment;
- 16 (56) "Member contribution," any amount contributed by a member, including any
17 member contribution made by an employer after June 30, 1984, pursuant to § 3-
18 12C-401;
- 19 (57) "Military service," a period of active duty with the United States Army, the United
20 States Navy, the United States Air Force, the United States Marine Corps, or the
21 United States Coast Guard, from which duty the member received an honorable
22 discharge or an honorable release;
- 23 (58) "Municipality," any incorporated municipal government under chapter 9-3, or any
24 chartered governmental unit, as provided for in S.D. Const., Art. IX;
- 25 (59) "Noncontributory service," for any foundation member, service delineated in
26 subdivisions 3-12C-502(2), (5), (7), and (8), and for any generational member,
27 service pursuant to § 3-12C-514;
- 28 (60) "Normal cost," the expected long-term cost of the system benefits and expenses
29 expressed as a percentage of payroll;
- 30 (61) "Normal retirement," the termination of employment and application for benefits
31 by a member with three or more years of contributory service or noncontributory
32 service on or after the member's normal retirement age;
- 33 (62) "Other public benefits," eighty percent of the primary insurance amount or primary
34 social security benefits that would be provided under federal social security;
- 35 (63) "Other public service," service:

- 1 (a) For the government of the United States, including military service;
- 2 (b) For the government of any state or political subdivision thereof of a state;
- 3 (c) For any agency or instrumentality of the government of the United States
- 4 or the government of a state or political subdivision of a state; or
- 5 (d) As an employee of an association of government entities described in this
- 6 subdivision;
- 7 (64) "Park ranger," an employee of the Department of Game, Fish and Parks within the
- 8 Division of Parks and Recreation and whose position is subject to the education and
- 9 training requirements as ~~to education and training~~ provided for in chapter 23-3,
- 10 and whose primary duty is law enforcement in the state park system;
- 11 (65) "Parole agent," an employee of the Department of Corrections employed pursuant
- 12 to § 24-15-14, who directly supervises parolees on a daily basis;
- 13 (66) "Participating unit," this state, any board, bureau, commission, or department,
- 14 ~~bureau, board, or commission~~ of this state, and any political subdivision or public
- 15 corporation of this state that has employees who are members of the system;
- 16 (67) "Plan year," a period extending from July first of one calendar year through June
- 17 thirtieth of the following calendar year;
- 18 (68) "Police officer," any employee in the police department of any participating
- 19 municipality, holding the rank of patrol officer or probationary patrol officer, or
- 20 holding a higher rank, and whose position is subject to the minimum educational
- 21 and training standards established by the Law Enforcement Officers Standards
- 22 Commission pursuant to chapter 23-3. ~~The term does not include a civilian~~
- 23 ~~employee of a police department nor any individual employed by a municipality~~
- 24 ~~whose services as a police officer require less than twenty hours a week and six~~
- 25 ~~months a year. If, including a jailer if a municipality that is a participating unit~~
- 26 ~~operates a city jail, and the participating unit ~~may elects to~~ request ~~that any~~~~
- 27 ~~appointment of the jailer appointed, pursuant to § 9-29-25, to be considered a~~
- 28 ~~police officer, subject to the approval of the board, and excluding any civilian~~
- 29 ~~employee of a police department and any individual employed by a municipality~~
- 30 ~~whose services as a police officer are performed for less than twenty hours a week~~
- 31 ~~and six months a year;~~
- 32 (69) "Political subdivision," any municipality, school district, county, chartered
- 33 governmental unit, public corporation or entity, and special district created for any
- 34 governmental function;

- 1 (70) "Present value of all benefits," the present value of all benefits expected to be paid
 2 to all retired, terminated, and active members and beneficiaries, based on past
 3 and future credited service and future compensation increases;
- 4 (71) "Projected compensation," a deceased or disabled member's final average
 5 compensation multiplied by the COLA commencing each July first for each complete
 6 twelve-month period elapsed between the date of the member's death or disability,
 7 whichever occurred earlier, and the date the member would attain normal
 8 retirement age or the benefit commences, whichever occurred earlier;
- 9 (72) "Projected service," the credited service plus the service that the member would
 10 have been credited with at normal retirement age had the member continued in
 11 the system and received credit at the same rate the member was credited during
 12 the year covered by the compensation that was used in the calculation of the
 13 disability or family benefit;
- 14 (73) "Qualified military service," service in the uniformed services, as defined in
 15 § 414(u)(5) of the Internal Revenue Code;
- 16 (74) "Retiree," any foundation or generational member who retires with a lifetime
 17 benefit payable from the system;
- 18 (75) "Retirement," the severance of a member from the employ of a participating unit
 19 with a retirement benefit payable from the system;
- 20 (76) "Retirement benefit," the monthly amount payable upon the retirement of a
 21 member;
- 22 (77) "Single premium," the lump-sum amount paid by a supplemental pension
 23 participant pursuant to a supplemental pension contract in consideration for a
 24 supplemental pension benefit;
- 25 (78) "Social investment," investment, divestment, or prohibition of investment of the
 26 assets of the system for ~~purposes other than maximum risk-adjusted investment~~
 27 ~~return, which other purposes include~~ ideological purposes, environmental
 28 purposes, political purposes, religious purposes, ~~or~~ purposes of local or regional
 29 economic development, or any other purpose other than maximum risk-adjusted
 30 investment return;
- 31 (79) "State employee," an employee of any board, bureau, commission, or department
 32 of this state;
- 33 (80) "Supplemental pension benefit," any single-premium immediate pension benefit
 34 payable pursuant to §§ 3-12C-1504 and 3-12C-1505;

- 1 (81) "Supplemental pension contract," any agreement between a participant and the
 2 system upon which a supplemental pension is based, including the amount of the
 3 single premium, the type of pension benefit, and the monthly supplemental pension
 4 payment amount;
- 5 (82) "Supplemental pension contract record," the record of:
 6 (a) Each supplemental pension participant reflecting relevant participant data;
 7 (b) A designation of ~~any~~ a beneficiary, if any;
 8 (c) The amount of the participant's ~~funds~~ moneys rolled into the fund;
 9 (d) The provisions of the participant's supplemental pension contract; and
 10 (e) Any supplemental pension payments made pursuant to the contract;
- 11 (83) "Supplemental pension participant," any member who is a retiree receiving a
 12 benefit from the system, or, if the member is deceased, the member's surviving
 13 spouse who is receiving a benefit from the system, and who chooses to purchase
 14 a supplemental pension benefit pursuant to the provisions of this chapter. For
 15 purposes of this chapter, "participant" means the same meaning as "supplemental
 16 pension participant";
- 17 (84) "Supplemental pension spouse," any individual who was married to a supplemental
 18 pension participant at the time the participant entered into the supplemental
 19 pension contract;
- 20 (85) "System," the South Dakota Retirement System created in this chapter;
- 21 (86) "Trustee," a member of the Board of Trustees; and
- 22 (87) "Unfunded actuarial accrued liability," the actuarial accrued liability less the
 23 actuarial value of assets.

24 **Section 2. That § 34-45-22 be AMENDED:**

25 **34-45-22.** ~~The term, 911 telecommunicator, as used in §§~~ For purposes of §§ 3-
 26 12C-101 and 34-45-22 to 34-45-32, inclusive, "911 telecommunicator" means any
 27 employee of the state, or any political subdivision thereof of the state, whose primary
 28 full-time or part-time duties are receiving, processing, and transmitting public safety
 29 information received through a 911 emergency reporting system as defined in § 34-45-1.