

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

905M0210

SENATE BILL NO. 10

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

1 FOR AN ACT ENTITLED, An Act to establish and revise certain provisions relating to South
2 Dakota Retirement System disability benefits.

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

4 Section 1. That chapter 3-12 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 A member's disability allowance shall terminate one year after the earliest of the following:

7 (1) The member no longer is disabled;

8 (2) The member no longer is subject to the medical condition that caused the disability;

9 (3) The member refuses to undergo a medical examination requested by the system for
10 the purpose of reviewing the medical condition that caused the disability;

11 (4) The member returns to continuous employment in the position the member held prior
12 to becoming disabled; or

13 (5) The member returns to continuous employment in a position of comparable level to
14 the position the member held prior to becoming disabled.

15 However, a member's disability allowance shall terminate immediately if the member's



1 disability allowance is converted to a service retirement allowance pursuant to § 3-12-103.

2 Section 2. That § 3-12-141 be amended to read as follows:

3 3-12-141. No application for disability benefits under this chapter may be determined until
4 the employer has certified to the system that, within the employer's understanding of the
5 member's medical condition and the employer's knowledge of the member's employment
6 requirements and duties, the employer is unable to provide either effective accommodations to
7 the member in the member's current position or comparable level employment in another
8 position to the member.