



2024 South Dakota Legislature

Senate Bill 69

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

1 **An Act to amend certain provisions pertaining to the South Dakota Retirement**
 2 **System.**

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

4 **Section 1. That § 3-12C-814 be AMENDED:**

5 **3-12C-814.** No application for disability benefits pursuant to § 3-12C-812 may be
 6 determined until the member's employer has ~~certified to the system that, within the~~
 7 ~~employer's understanding of the member's medical condition and the employer's~~
 8 ~~knowledge of the member's employment requirements and duties, the employer is unable~~
 9 ~~to provide to the member either effective accommodations in the member's current~~
 10 ~~position or employment in a comparable level position~~ submitted a completed form and
 11 supporting documentation that provides the member's position, usual duties of the
 12 position, any modifications or accommodations provided, and the member's employment
 13 history with the employer.

14 **Section 2. That § 3-12C-815 be AMENDED:**

15 **3-12C-815.** No application for disability benefits pursuant to § 3-12C-812 may be
 16 determined until a health care provider has ~~certified to the system that the employee has~~
 17 ~~a disability~~ completed a form providing an evaluation of the member's diagnosis,
 18 complicating conditions, including limitations or restrictions, and the member's ability to
 19 perform the duties required by the member's employment. If no form is provided by a
 20 health care provider, the member must submit other medical documentation of the
 21 diagnosis, complicating conditions, including limitations or restrictions, and the member's
 22 ability to perform usual duties required by the member's employment.

23 **Section 3. That § 3-12C-1208 be AMENDED:**

1 **3-12C-1208.** No retirement benefit may be paid unless the system has received
2 a completed application for a retirement benefit, including the benefit option elected. The
3 application ~~shall~~ must be signed by the generational member, and the member shall
4 provide a copy of the member's current driver license or other picture identification card
5 issued by a government agency or tribe. If the member is married, the spouse ~~shall~~ must
6 sign the application and provide a copy of the spouse's current driver license or other
7 picture identification card issued by a government agency or tribe.

8 A member who is married is not required to obtain the signature of the member's
9 spouse if the member submits a completed form, in which the member certifies, under
10 the penalty of perjury, that the member is unable to obtain the signature of the member's
11 spouse because either:

12 (1) The member does not know where the member's spouse is and has made a good
13 faith effort to locate the spouse; or

14 (2) Exceptional circumstances make it inappropriate for the member to obtain the
15 signature of the member's spouse.

16 If the member is unable to obtain the signature of the member's spouse for either
17 reason, the member must elect the sixty percent joint and survivor benefit pursuant to §
18 3-12C-1209 and provide documentation to support the assertion of subdivision (1) or (2)
19 of this section.