



2026 South Dakota Legislature  
**Senate Bill 52**  
**ENROLLED**

AN ACT

**ENTITLED An Act to clarify statutes governing the administration of disability benefits by the South Dakota Retirement System.**

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

**Section 1. That § 3-12C-816 be AMENDED:**

**3-12C-816.** Upon receipt of an application for disability benefits after June 30, 2015, along with statements from a health care provider and the member's employer, the executive director shall determine whether the member is eligible for disability benefits. The executive director may request the advice of the disability advisory committee with respect to any application. The recommendation of the disability advisory committee is not binding on the executive director. The disability advisory committee or the executive director may require an independent medical examination of the member to be conducted by a disinterested health care provider selected by the disability advisory committee or the executive director to evaluate the member's condition. The disability advisory committee or the executive director may require a functional capacity assessment of the member to be conducted by a licensed professional qualified to administer the assessment. The assessment may be used to evaluate the member's qualification for benefits. Refusal to undergo an examination or assessment pursuant to this section is cause for denying the application.

The executive director shall issue an order to approve or deny a member's application for disability benefits, and shall mail the order to the member's last known address by certified mail.

**Section 2. That § 3-12C-817 be AMENDED:**

**3-12C-817.** A member whose application for disability benefits is approved shall receive the benefits beginning with the month following the date on which the member's contributory service terminates. If any member fails to terminate contributory service

within one year after receiving notice that the member's application has been approved, the member's application approval expires.

**Section 3. That § 3-12C-822 be AMENDED:**

**3-12C-822.** A member's disability benefits terminate if the member is no longer disabled, as certified by a health care provider. Upon receipt of certification, the executive director shall determine whether the member meets the qualifications for disability benefits. In making this determination the executive director shall follow the same procedure used in making the initial determination of disability provided in § 3-12C-816. A member's disability benefits must be suspended and subject to termination if the member refuses to undergo an examination or assessment requested by the disability advisory committee or the executive director.

If the executive director determines that the member no longer qualifies for disability benefits, the executive director must issue an order to terminate the member's benefits and send the order to the member's last known address through certified mail. The member's benefits terminate sixty days after the date the order is mailed to the member.

An Act to clarify statutes governing the administration of disability benefits by the South Dakota Retirement System.

\_\_\_\_\_  
I certify that the attached Act originated in  
the:  
Senate as Bill No. 52

\_\_\_\_\_  
Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_,  
2026 at \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of the Senate

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
President of the Senate

The attached Act is hereby  
approved this \_\_\_\_ day of  
\_\_\_\_\_, A.D., 2026

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
Speaker of the House

Attest:

Filed \_\_\_\_\_, 2026  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of State

Senate Bill No. 52  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State