

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0726

HOUSE BILL NO. 1208

Introduced by: Representatives Michels, Duniphan, and Sebert and Senators Munson,
Brosz, Brown (Arnold), and Everist

1 FOR AN ACT ENTITLED, An Act to extend the date for filing claims with the subsequent
2 injury fund.

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

4 Section 1. That § 62-4-34.7 be amended to read as follows:

5 62-4-34.7. Administration of the subsequent injury fund by the Division of Insurance and
6 reimbursement of complete and valid claims shall continue until approved, denied, or settled. Any
7 claim for reimbursement from the subsequent injury fund shall be filed by ~~June 30, 1999~~
8 January 1, 2002. Only those claims timely filed with the division by ~~June 30, 1999~~ January 1,
9 2002, pursuant to the requirements of § 62-4-34.1, in effect prior to July 1, 1999, and completed
10 by ~~October 1, 1999~~ April 1, 2002, pursuant to the requirements set forth in § 62-4-34.4, in effect
11 prior to July 1, 1999, shall be eligible for reimbursement from the subsequent injury fund. Any
12 claim timely filed by ~~June 30, 1999~~ January 1, 2002, and completed by ~~October 1, 1999~~ April 1,
13 2002, as set forth in this section, shall be approved or denied by the division pursuant to the
14 requirements of §§ 62-4-34 to 62-4-36.3, inclusive, in effect prior to July 1, 1999. The division
15 shall continue to make any necessary assessments pursuant to the requirements set forth in

1 § 62-4-35 in effect prior to July 1, 1999, until all eligible claims completed as set forth in this
2 section that are approved by the division or determined by the court to be eligible for
3 reimbursement are paid, and until all matters in litigation concerning the subsequent injury fund
4 are resolved. Any claim in matters being litigated concerning the subsequent injury fund is not
5 eligible for interest or costs. Any remaining balance in the fund after all obligations of the fund
6 have been satisfied shall be deposited in the general fund. Priority of payment shall be determined
7 as of the date and time they are determined by the division to be complete and valid. No claim
8 against the subsequent injury fund is vested until it is complete as set forth in this section. Any
9 completed claim regardless of the date of injury or the date of notice of claim is subject to the
10 two-thirds method of reimbursement pursuant to § 62-4-34 in effect prior to July 1, 1999.