

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0726

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1208** - 02/15/2001

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 No claim for reimbursement from the subsequent injury fund shall may be filed by June 30, 1999.
8 ~~Only those claims timely filed with the division by June 30, 1999, pursuant to the requirements~~
9 ~~of § 62-4-34.1 in effect prior to July 1, 1999, and completed by October 1, 1999, pursuant to~~
10 ~~the requirements set forth in § 62-4-34.4 in effect prior to July 1, 1999, shall be eligible for~~
11 ~~reimbursement from the subsequent injury fund. Any claim timely filed by June 30, 1999, and~~
12 ~~completed by October 1, 1999, based on a subsequent injury that occurs on or after July 1, 2001.~~
13 Any claim for reimbursement filed as set forth in this section, shall be approved or denied by the
14 division pursuant to the requirements of §§ 62-4-34 to 62-4-36.3, inclusive, in effect prior to

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