

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

844B0575

SENATE STATE AFFAIRS COMMITTEE

ENGROSSED NO. **SB225** - 2/3/98

Introduced by: Senators Everist, Rounds, and Shoener and Representatives Jorgensen,
Duniphan, and Matthews

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to workers'
2 compensation during a period of rehabilitation.

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

4 Section 1. That § 62-4-5.1 be amended to read as follows:

5 62-4-5.1. If an employee suffers disablement as defined by subdivision 62-8-1(3) or an injury
6 and is unable to return to the employee's usual and customary line of employment, the employee
7 shall receive compensation at the rate provided by § 62-4-3 up to sixty days from the finding of
8 an ascertainable loss if the employee is actively preparing to engage in a program of rehabilitation
9 as shown by a certificate of enrollment. Moreover, once such employee is engaged in a program
10 of rehabilitation which is reasonably necessary to restore the employee to suitable, substantial
11 and gainful employment, the employee shall receive compensation at the rate provided by
12 § 62-4-3 during the entire period that ~~he~~ the employee is engaged in such program. For the
13 purpose of this title, suitable, substantial, and gainful employment, as defined by § 62-4-55, shall
14 only be considered as:

15 (1) Evidence of the necessity for a claimant to engage in a program of rehabilitation

1 intended to restore the injured employee; or

2 (2) Evidence of employment that is not sporadic resulting in an unsubstantial income.

3 The employee shall file a claim with the employee's employer requesting such compensation
4 and the employer shall follow the procedure specified in chapter 62-6 for the reporting of injuries
5 when handling such claim. If the claim is denied, the employee may petition for a hearing before
6 the department.

1 **BILL HISTORY**

2 1/26/98 First read in Senate and referred to State Affairs. S.J. 201

3 2/2/98 Scheduled for Committee hearing on this date.

4 2/2/98 State Affairs Do Pass Amended, Passed, AYES 6, NAYS 3. S.J. 275