

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

464D0746

HOUSE BILL NO. 1306

Introduced by: Representatives Duenwald and Brown (Jarvis) and Senator Drake

1 FOR AN ACT ENTITLED, An Act to retroactively apply the annual increase in workers'
2 compensation benefits to certain disabilities.

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

4 Section 1. That § 62-4-7 be amended to read as follows:

5 62-4-7. In case of total disability as defined in subdivision 62-4-6(23), compensation shall
6 be paid at the rate provided by § 62-4-3 for life with an annual increase in the amount of the
7 benefit allowance for each year commencing on the July first that is at least twelve months
8 following the date on which the benefit was first payable equal to one hundred percent of the
9 annual percentage change in the consumer price index for urban wage earners and clerical
10 workers as computed by the United States Department of Labor for the prior calendar year, not
11 to exceed a three percent increase compounded annually. The annual increase in benefit
12 allowance provided by this section also applies to any total disability occurring before July 1,
13 1989.

14 For injuries occurring on or after July 1, 1993, if an employee is entitled to compensation
15 under this section and is also receiving old-age insurance benefits under section 202 of the Social
16 Security Act (42 U.S.C., § 402), the compensation payable shall be a sum equal to one hundred
17 fifty percent of the compensation payable under ~~§ 62-4-7~~ this section less the old-age insurance

1 benefit under § 202 of the Social Security Act (42 U.S.C., § 402). However, benefits payable
2 by the employer may not exceed the amount payable pursuant to ~~§ 62-4-7~~ this section. This
3 section does not apply to any person who is entitled to old-age insurance benefits at the time of
4 the injury.