

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

715I0655

SENATE COMMERCE COMMITTEE ENGROSSED NO.

SB 156 - 02/11/2003

Introduced by: Senators McCracken, Bogue, and Symens and Representatives Kraus,
McLaughlin, and Miles

1 FOR AN ACT ENTITLED, An Act to revise certain provisions to provide workers'
2 compensation benefits to children of deceased employees.

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

4 Section 1. That § 62-4-12 be amended to read as follows:

5 62-4-12. The amount of compensation which shall be paid for an injury to the employee
6 resulting in death, if the employee leaves a spouse, ~~child or~~ and any children, shall be paid at the
7 rate provided by § 62-4-3 for life or until remarriage in the case of a spouse, ~~and in the event of~~
8 remarriage. If the spouse remarries, two years' benefits shall be paid to the spouse in a lump sum;
9 ~~and in the case of a child or~~. The amount of compensation which shall be paid for an injury to
10 the employee resulting in death, if the employee leaves any children and no spouse, shall be paid
11 at the rate provided by § 62-4-3 until the child is age eighteen or for life in the case of ~~a~~ any child
12 ~~or children who are~~ is physically or mentally incapable of ~~supporting themselves~~ self-support or
13 until age twenty-two ~~if the~~ for any child ~~or children are~~ enrolled as a full-time student in any
14 accredited educational institution. ~~If the child or children are~~ any child is not in the custody of
15 the surviving spouse, the compensation shall be divided pursuant to the provisions of § ~~29-1-5~~



1 section 2 of this Act.

2 Section 2. That chapter 62-4 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 The amount of compensation which shall be paid for an injury to the employee resulting in
5 death, if the employee leaves any child who is not in the custody of the surviving spouse, shall
6 be paid at the rate provided by § 62-4-3, with half of the amount being paid to the surviving
7 spouse. The other half shall be paid to the surviving child or in equal shares to the surviving
8 children, until age eighteen, or for life in the case of a child who is physically or mentally
9 incapable of self-support, or until age twenty-two for any child enrolled as a full-time student in
10 any accredited educational institution. When a child is no longer eligible for benefits, his or her
11 share shall be paid to the surviving spouse.