

AN ACT

ENTITLED, An Act to revise certain provisions to provide workers' compensation benefits to children of deceased employees.

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

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

62-4-12. The amount of compensation which shall be paid for an injury to the employee resulting in death, if the employee leaves a spouse, child or children, shall be paid at the rate provided by § 62-4-3 for life or until remarriage in the case of a spouse. If the spouse remarries, two years' benefits shall be paid to the spouse in a lump sum. The amount of compensation which shall be paid for an injury to the employee resulting in death, if the employee leaves any children and no spouse, shall be paid at the rate provided by § 62-4-3 until the child is age eighteen or for life in the case of any child who is physically or mentally incapable of self-support or until age twenty-two for any child enrolled as a full-time student in any accredited educational institution. If any child is not in the custody of the surviving spouse, the compensation shall be divided pursuant to the provisions of section 2 of this Act.

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

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

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I certify that the attached Act originated in the

SENATE as Bill No. 156

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 156
File No. _____
Chapter No. _____

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Received at this Executive Office this ____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State