

Chapter 32

WORKERS' COMPENSATION-AMENDMENTS

Original House Bill No. 52

AN ACT relating to worker's compensation; specifying the age at which surviving children's benefits terminate; providing for semimonthly payment of temporary total disability benefits; making a technical correction; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 27-14-403(b), (c)(intro) and (e)(i) is amended to read:

27-14-403. Awards generally; method of payment.

(b) Notwithstanding the date of death or the date of the determination of permanent total disability, in the case of permanent total disability or death, each child of an employee shall be paid one hundred fifty dollars (\$150.00) per month for payments made after July 1, 2001, until the child dies or reaches the age of ~~majority~~ eighteen (18) years, whichever first occurs, or if the child is physically or mentally incapacitated until the child dies or attains the age of twenty-one (21) years, whichever first occurs. If the child is enrolled or preregistered in an educational institution including a post-secondary education institution, the child shall receive the amount provided by this section until the child attains the age of twenty-one (21) years. The amount awarded under this subsection shall be adjusted for inflation annually by the division, using the consumer price index or its successor index of the United States department of labor, bureau of labor statistics.

(c) All awards stated in ~~subsection (a) of~~ this section except awards under ~~subsections paragraph (a)(i), subsection (b), paragraphs (e)(ii), (iv) and (v) and (h)(ii) and subsection (k)~~ of this section shall be paid monthly at the rates prescribed by this subsection. For permanent partial impairment under paragraph (a)(ii) of this section, the award shall be

paid monthly at the rate of two-thirds (2/3) of the statewide average monthly wage for the twelve (12) month period immediately preceding the quarterly period in which the injury occurred as determined pursuant to W.S. 27-14-802. For temporary total disability under paragraph (a)(i) of this section, the award shall be ~~paid monthly calculated~~ at the rate of two-thirds (2/3) of the injured employee's actual monthly earnings at the time of injury but not to exceed the statewide average monthly wage for the twelve (12) month period immediately preceding

the quarterly period in which the injury occurred as determined pursuant to W.S. 27-14-802 with one-half (1/2) of the monthly award paid on or about the fifteenth of the month and one-half (1/2) paid on or about the thirtieth of the month. For permanent partial and permanent total disability or death under paragraphs (a)(iii), (iv) and (v) of this section, the award shall be paid monthly computed as follows:

(e) If an injured employee dies as a result of the work related injury whether or not an award under paragraphs (a)(i) through (iv) of this section has been made:

(i) All awards under paragraphs (a)(i) through ~~(iii)~~ (iv) of this section shall cease as of the date of death;

Section 2. This act is effective July 1, 2004.

Approved March 3, 2004.