

Regular Session, 2012

SENATE BILL NO. 520

BY SENATOR BROOME

WORKERS' COMPENSATION. To provide for death benefit awards to dependent children of deceased employee. (8/1/12)

1 AN ACT

2 To amend and reenact R.S. 23:1231(B)(2), 1251(2), and 1253, relative to workers'
3 compensation benefits; to provide for death benefit awards to dependent children;
4 to provide for payment to adopted or natural children of deceased employee; to
5 restrict payments to certain persons; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:1231(B)(2), 1251(2) and 1253 are hereby amended and reenacted
8 to read as follows:

9 §1231. Death of employee; payment to dependents; surviving parents

10 * * *

11 B.(1) * * *

12 (2) However, if the employee leaves no legal dependents entitled to benefits
13 under any state or federal compensation system, **one lump sum of seventy-five**
14 **thousand dollars shall be paid to the surviving biological and adopted children**
15 **of the employee to be divided equally among them, which shall constitute the**
16 **sole and exclusive compensation in such cases. If the employee leaves no legal**
17 **dependents and no biological or adopted children entitled to benefits under any**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

DIGEST

Broome (SB 520)

Present law provides for the payment of death benefits under the Louisiana Workers' Compensation Law. Provides that if the employee leaves no legal dependents entitled to benefits under any state or federal compensation system, \$75,000 shall be paid in a lump sum to each surviving parent of the deceased employee, constituting the sole and exclusive compensation.

Proposed law provides that the death benefit shall be paid to surviving biological and adopted children of the employee, to be divided equally among them, constituting the sole and exclusive compensation. Provides that if there are no surviving children, then the \$75,000 shall be paid to each surviving parent.

Present law provides for a child to be presumed wholly and actually dependent upon the deceased employee if the child is under the age of 18, or over the age of 18 if physically or mentally incapacitated from earning, and dependent on the parent with whom he is living at the time of the injury of the parent, or until age 23 if enrolled and attending an accredited educational institution on a full-time basis.

Proposed law retains present law and further provides that the child is a dependent if there is a valid child support court order, regardless of whether the child support is actually being paid.

Proposed law provides that regardless of dependency, no payment shall be made to the concubine of the deceased employee nor the concubine's children, unless the children are related to the deceased employee by blood or adoption.

Effective August 1, 2012

(Amends R.S. 23:1231(B)(2), 1251(2) and 1253)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Labor and Industrial Relations to the original bill.

1. Technical Amendments.