

By: Warren

To: Insurance

HOUSE BILL NO. 382

1 AN ACT TO AMEND SECTION 71-3-25, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE WORKERS' COMPENSATION BENEFITS FOR FUNERAL EXPENSES;
3 AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. Section 71-3-25, Mississippi Code of 1972, is
6 amended as follows:

7 71-3-25. If the injury causes death, the compensation shall
8 be known as a death benefit and shall be payable in the amount and
9 to or for the benefit of the persons following:

10 (a) An immediate lump sum payment of Two Hundred Fifty
11 Dollars (\$250.00) to the surviving spouse, in addition to other
12 compensation benefits.

13 (b) Reasonable funeral expenses not exceeding Five
14 Thousand Dollars (\$5,000.00) exclusive of other burial insurance
15 or benefits.

16 (c) If there be a surviving spouse and no child of the
17 deceased, to such surviving spouse thirty-five percent (35%) of
18 the average wages of the deceased during widowhood or dependent
19 widowhood and, if there be a surviving child or children of the
20 deceased, the additional amount of ten percent (10%) of such wages
21 for each such child. In case of the death or remarriage of such

22 surviving spouse, any surviving child of the deceased employee
23 shall have his compensation increased to fifteen percent (15%) of
24 such wages, provided that the total amount payable shall in no
25 case exceed sixty-six and two-thirds percent (66-2/3%) of such
26 wages, subject to the maximum limitations as to weekly benefits as
27 set up in this chapter. The commission may, in its discretion,
28 require the appointment of a guardian for the purpose of receiving
29 the compensation of a minor dependent. In the absence of such a
30 requirement, the appointment of a guardian for such purposes shall
31 not be necessary, provided that if no legal guardian be appointed,
32 payment to the natural guardian shall be sufficient.

33 (d) If there be a surviving child or children of the
34 deceased but no surviving spouse, then for the support of each
35 such child twenty-five percent (25%) of the wages of the deceased,
36 provided that the aggregate shall in no case exceed sixty-six and
37 two-thirds percent (66-2/3%) of such wages, subject to the maximum
38 limitations as to weekly benefits as set up in this chapter.

39 (e) If there be no surviving spouse or child, or if the
40 amount payable to a surviving spouse and to children shall be less
41 in the aggregate than sixty-six and two-thirds percent (66-2/3%)
42 of the average wages of the deceased, subject to the maximum
43 limitations as to weekly benefits as set up in this chapter, then
44 for the support of grandchildren or brothers and sisters, if
45 dependent upon the deceased at the time of the injury, fifteen
46 percent (15%) of such wages for the support of each such person;
47 and for the support of each parent or grandparent of the deceased,
48 if dependent upon him at the time of injury, fifteen percent (15%)
49 of such wages during such dependency. But in no case shall the
50 aggregate amount payable under this subsection exceed the
51 difference between sixty-six and two-thirds percent (66-2/3%) of
52 such wages and the amount payable as hereinbefore provided to

53 surviving spouse and for the support of surviving child or
54 children, subject to the maximum limitations as to weekly benefits
55 as set up in this chapter.

56 (f) The total weekly compensation payments to any or
57 all beneficiaries in death cases shall not exceed the weekly
58 benefits as set up in this chapter and shall in no case be paid
59 for a longer period than four hundred fifty (450) weeks or for a
60 greater amount than the multiple of four hundred fifty (450) weeks
61 times sixty-six and two-thirds percent (66-2/3%) of the average
62 weekly wage for the state.

63 (g) All questions of dependency shall be determined as
64 of the time of the injury. A surviving spouse, child or children
65 shall be presumed to be wholly dependent. All other dependents
66 shall be considered on the basis of total or partial dependence as
67 the facts may warrant.

68 SECTION 2. This act shall take effect and be in force from
69 and after July 1, 2000.