

By: Senator(s) Carmichael

To: Insurance

SENATE BILL NO. 2913

1 AN ACT TO AMEND SECTION 71-3-73, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE ASSESSED AMOUNT PAID BY AN EMPLOYER OR ITS INSURANCE
3 CARRIER IN EVERY CASE OF COMPENSABLE DEATH OF AN EMPLOYEE TO BE
4 DEPOSITED INTO THE SECOND INJURY TRUST FUND; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** Section 71-3-73, Mississippi Code of 1972, is
8 amended as follows:

9 71-3-73. (1) If an employee who has previously lost, or
10 lost the use of, one (1) hand, one (1) arm, one (1) foot, one (1)
11 leg, or one (1) eye, becomes permanently and totally incapacitated
12 through the loss, or loss of use, of another member or organ, the
13 employer shall be liable only for the compensation payable for
14 such second injury. In addition to such compensation and after
15 the completion of the payment therefor, the employee shall be paid
16 the remainder of the compensation that would be due for permanent
17 total incapacity, out of a special fund known as the "Second
18 Injury Trust Fund," and created for such purpose in the following
19 manner:



20 In every * * * claim involving the death of an employee under
21 this chapter, the employer or, if insured, * * * its insurance
22 carrier shall pay to the commission * * * One Thousand Dollars
23 (\$1,000.00) to be deposited with the State Treasurer for the
24 benefit of * * * the Second Injury Trust Fund. * * * The One
25 Thousand Dollar (\$1,000.00) per death payments shall be suspended
26 when the total amount in the fund, including accumulated interest,
27 exceeds Seven Hundred Fifty Thousand Dollars (\$750,000.00), and no
28 further contributions to * * * the fund shall be made * * * until
29 the total amount in the fund, including accumulated interest,
30 because of payments made pursuant to this section falls below Four
31 Hundred Thousand Dollars (\$400,000.00). The commission shall
32 direct the distribution of payments from the fund.

33 (2) During fiscal year 2017 and thereafter, the Workers'
34 Compensation Commission shall have full authority to assess
35 employers or insurers the amounts provided in this section for
36 deposit into the Second Injury Trust Fund, however, such funds
37 shall not be used for the support of the agency.

38 **SECTION 2.** This act shall take effect and be in force from
39 and after July 1, 2019.

