

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 310** SLS 20RS 488
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 22, 2020 5:46 AM	Author: WARD
Dept./Agy.: Transportation and Development	Analyst: Alan M. Boxberger
Subject: Provides for a death benefit for certain DOTD employees	

TRANSPORTATION/DEV DEPT OR INCREASE SD EX See Note Page 1 of 1

Provides for a \$100,000 death benefit for a DOTD employee who is killed in a hazardous situation in the course and scope of his employment. (gov sig)

Proposed law provides that it is public policy of the Department of Transportation and Development (DOTD) to provide financial security to the families of deceased DOTD workers who suffer death as a result of any injury arising out of a hazardous situation, while in the course and scope of employment; provides that the surviving spouse of such a DOTD worker shall be paid \$100,000 in death benefits; provides that in absence of a surviving spouse, the child or children shall be paid the benefit; provides that in the absence of a surviving spouse or children, the named beneficiary of the employee shall be paid the benefit; provides that in the absence of a named beneficiary, the worker's estate shall be paid the benefit; provides that the \$100,000 death benefit be shall be paid out of the Transportation Trust Fund and that all recipients of the benefit shall waive all rights to sue the department; and provides that DOTD shall promulgate rules as necessary to implement proposed law.

EXPENDITURES	2020-21	2021-22	2022-23	2023-24	2024-25	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total						

REVENUES	2020-21	2021-22	2022-23	2023-24	2024-25	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

Proposed law will create a \$100,000 expenditure for the Department of Transportation and Development (DOTD) out of the statutorily dedicated Transportation Trust Fund in each instance that a DOTD employee is killed in a hazardous situation while in the course and scope of his or her employment. This provision will reallocate monies to pay for death benefits that would otherwise be used for the construction, maintenance and operations of the state transportation system.

For informational purposes, DOTD reports that in the past four years there were three employees killed while in the performance of job duties that would trigger payment of the \$100,000 death benefit.

The Office of Risk Management (ORM) reports that it will not realize an expenditure impact related to the provisions of proposed law. The payment prescribed in the bill does not involve ORM or the Self-Insurance Fund. Proposed law provides that payment of the \$100,000 death benefit is contingent upon the beneficiary waiving rights to sue DOTD for the wrongful death of the employee. ORM notes this does not appear to require waiver of other benefits payable to the employee's survivors, such as worker's compensation and Louisiana State Employees Retirement System benefits. ORM also notes that unless the death was intentionally caused by DOTD, the exclusive remedy of worker's compensation would prevent any suit in tort for the employee's death.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

<p><u>Senate</u></p> <p><input checked="" type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}</p> <p><input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}</p>	<p><u>House</u></p> <p><input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}</p> <p><input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}</p>
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Evan Brasseaux
Evan Brasseaux
Staff Director