

2020 First Extraordinary Session

HOUSE BILL NO. 71

BY REPRESENTATIVES DUPLESSIS AND HUGHES

FUNDS/FUNDING: Provides for a death benefit for certain public employees who die from COVID-19 (Item #11)

1 AN ACT

2 To enact R.S. 36:4(B)(1)(cc) and Chapter 13-A of Title 42 of the Louisiana Revised Statutes  
3 of 1950, to be comprised of R.S. 42:1021, and to repeal, effective July 1, 2023, R.S.  
4 36:4(B)(1)(cc) and Chapter 13-A of Title 42 of the Louisiana Revised Statutes of  
5 1950, to be comprised of R.S. 42:1021, relative to a death benefit for certain  
6 employees of public healthcare facilities who died of COVID-19; to create a special  
7 fund in the treasury, from which the benefit is paid, and a board to administer the  
8 fund and the benefit; to provide conditions of eligibility for the benefit; to provide  
9 for beneficiaries to whom a payment is made; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. This Act shall be known as the Larrice Anderson Act.

12 Section 2. Chapter 13-A of Title 42 of the Louisiana Revised Statutes of 1950,  
13 comprised of R.S. 42:1021, is hereby enacted to read as follows:

14 CHAPTER 13-A. COVID-19 DEATH BENEFIT

15 §1021. COVID-19 death benefit for certain public employees

16 A.(1) There is hereby established in the state treasury a special fund to be  
17 known as the COVID-19 Death Benefit Fund, hereinafter referred to as the "fund".  
18 Interest earned on the investment of monies in the fund shall be deposited in and  
19 credited to the fund. Unexpended and unencumbered monies in the fund at the close  
20 of each fiscal year shall remain in the fund. Monies in the fund shall be

1        appropriated, administered, and used solely for the purposes of paying a death  
2        benefit as provided by this Section.

3                (2) The fund shall be comprised of all monies appropriated, donated, or  
4        otherwise made available to provide funding for the purposes of paying the death  
5        benefit as provided by this Section. All of such monies required to be deposited in  
6        the state treasury in accordance with Article VII, Section 9(A) of the Constitution of  
7        Louisiana shall be deposited in the fund after first meeting the requirements of  
8        Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond  
9        Security and Redemption Fund.

10               B. The state shall pay a death benefit to the survivors or estate of an  
11        employee of a publicly owned healthcare facility in Louisiana who meets the  
12        following criteria:

13               (1) The employee reported for work at a publicly owned healthcare facility  
14        in Louisiana after March 1, 2020.

15               (2) The employee contracted COVID-19 within forty-five days after a day  
16        he reported for work.

17               (3) The employee died prior to December 31, 2020, and COVID-19 caused  
18        or contributed to the death as documented by a licensed physician.

19               C. The benefit provided by this Section shall be paid to:

20               (1) The surviving spouse of the employee.

21               (2) If the employee is not survived by a spouse, the benefit shall be paid to  
22        the surviving child or children of the employee.

23               (3) If the employee is not survived by a spouse or child, the benefit shall be  
24        paid to the employee's estate.

25               D. The amount of the COVID-19 death benefit is three times the  
26        compensation received by the employee from the public healthcare facility in his  
27        final year of employment.

28               E. There is hereby created the COVID-19 Death Benefit Review Board  
29        which shall determine eligibility for receiving a COVID-19 death benefit and

1 administer the fund created by this Section. The board shall consist of five licensed  
2 healthcare providers appointed by the governor. Each appointment by the governor  
3 is subject to Senate confirmation. In making his appointments the governor shall  
4 select three members nominated by the secretary of the Louisiana Department of  
5 Health; the secretary shall nominate two names for each vacancy to be filled. The  
6 governor shall appoint two other members, without nomination, who have at least  
7 twenty-five years of public health service. The board shall elect a chairman from its  
8 membership. A vacancy shall be filled in the manner of the original appointment.

9                   F. A claimant for the COVID-19 death benefit shall submit an application  
10                   to the board prior to December 31, 2022, and the board shall not consider an  
11                   application filed after that date.

12           Section 3. R.S. 36:4(B)(1)(cc) is hereby enacted to read as follows:

13 §4. Structure of executive branch of state government

14 \* \* \*

15                   B. The office of the governor shall be in the executive branch of state  
16                   government.

(1) The following agencies and their powers, duties, functions, and responsibilities are hereby transferred to the office of the governor:

19 \* \* \*

(cc) The COVID-19 Death Benefit Review Board (R.S. 42:1021) is placed in the office of the governor, division of administration, and shall perform and exercise its powers, duties, functions, and responsibilities as provided in R.S. 36:802.

23 \* \* \*

Section 4. R.S. 36:4(B)(1)(cc) and Chapter 13-A of Title 42 of the Louisiana  
Revised Statutes of 1950, to be comprised of R.S. 42:1021, are hereby repealed in their  
entirety.

27           Section 5. Any funds remaining in the COVID-19 Death Benefit Fund on July 1,  
28   2023, shall be transferred to the state general fund.

- 1           Section 6.(A) Sections 1, 2, 3, and 5 and this Section of this Act shall become  
2 effective upon signature of this Act by the governor or, if not signed by the governor, upon  
3 expiration of the time for bills to become law without signature by the governor, as provided  
4 by Article III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the  
5 governor and subsequently approved by the legislature, Sections 1, 2, 3, and 5 and this  
6 Section of this Act shall become effective on the day following such approval.
- 7           (B) Section 4 of this Act shall become effective on July 1, 2023.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 71 Original

2020 First Extraordinary Session

Duplessis

**Abstract:** Provides for a death benefit to be paid to the survivors or estate of employees of publicly owned healthcare facilities who die of COVID-19 under certain circumstances.

Proposed law provides for the payment of a death benefit to any employee of a publicly owned healthcare facility in La. who:

- (1) Reported for work at a public healthcare facility after March 1, 2020.
- (2) Contracted COVID-19 within 45 days after a day he reported for work.
- (3) Died prior to Dec. 31, 2020, and COVID-19 caused or contributed to the death.

Proposed law provides that the benefit shall be paid to:

- (1) The surviving spouse of the employee.
- (2) The surviving child or children of the employee if the employee did not have a surviving spouse.
- (3) The employee's estate if the employee did not have a surviving spouse or children.

Proposed law provides that the amount of the benefit is three times the compensation received by the employee from the public healthcare facility in his final year of employment.

Proposed law creates a special fund in the treasury, monies from which shall be used to pay the benefit. Creates a five-member board to administer the fund and determine eligibility for a benefit. Provides that the board is composed of five licensed healthcare providers appointed by the governor.

Proposed law requires that applications for the benefit be filed by Dec. 31, 2022. Repeals proposed law and requires transfer of funds remaining in the special fund created by proposed law to the state general fund.

Effective upon signature of governor or lapse of time for gubernatorial action, except repeal which is effective July 1, 2023.

(Adds R.S. 36:4(B)(1)(cc) and R.S. 42:1021; Repeals R.S. 36:4(B)(1)(cc) and R.S. 42:1021)