

1 IN THE SENATE

BY SENATOR ORBECK

2

SENATE BILL NO. 177

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIRST LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to Alaska Workmen's Com-
7 pensation amending Sec. 32, Chapter 193,
8 SLA 1959; and providing for an effective
9 date."

10

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11

Section 1. Section 32, Chapter 193, SLA 1959 is hereby

12

amended to read as follows:

13

Sec. 32. Second Injury Fund. (1) There is hereby
14 created a Second Injury Fund, to be administered by the
15 Commissioner of Labor in accordance with the orders and awards
16 of the Board.

17

(2) Whenever an employee shall suffer a compensable
18 injury which results in permanent partial disability the
19 employer, or his insurance carrier, shall, in addition to the
20 compensation provided for, pay into the second injury fund a
21 lump sum, equal to two per centum (2%) of the total compen-
22 sation to which the employee is entitled for the said permanent
23 partial disability, the said sum to be paid into such second
24 injury fund as soon as the total amount of the permanent
25 partial disability payable for the particular injury is deter-
26 mined by the Board. In those cases where an employee suffers
27 death under this Act and was, at the time of his or her death
28 un-married, and leaves no children, nor dependents, the
29 employer shall be required to pay to the Second Injury Fund

1 the sum of \$1,500.00 for the sole benefit of those entitled
2 to participation, as hereafter provided. Provided, however,
3 the provision of this subsection shall be waived in and dur-
4 ing any calendar year when the unencumbered [ENCUMBERED]
5 balance in the second injury fund is equal to or exceeds the
6 sum of \$100,000.00 on January 1 of said year.

7 (3) The sums required to be paid into the second injury
8 fund shall be paid for the sole benefit of those entitled to
9 participate therein under the provisions of this Act, the
10 same to be paid by the Commissioner of Labor in accordance
11 with the orders and awards of the Board.

12 (4) In case a deposit or payment has been made into
13 such second injury fund, and it is later shown that there are
14 other beneficiaries or that the beneficiaries designated are
15 entitled to further or greater benefits, or, if deposit or
16 payment has been made by mistake or inadvertence or under such
17 circumstances that justice requires a refund thereof, the
18 Board is hereby authorized to refund such deposit or payment.

19 (5) The Board is authorized to direct and provide the
20 vocational retraining and rehabilitation of permanently dis-
21 abled persons, whose condition is a result of an injury com-
22 pensable under this Act, by making cooperative arrangements
23 with insurance carriers, private organizations and institu-
24 tions or State, Federal or Territorial agencies. The expense
25 of such retraining or rehabilitation shall be paid out of that
26 portion of the second injury fund as shall exceed the sum of
27 Ten Thousand (\$10,000) Dollars. Such persons shall be en-
28 titled to receive compensation from the second injury fund
29 for maintenance, in such sum as the Board deems necessary,

1 during the period of retraining and rehabilitation, not ex-
2 ceeding \$100.00 [\$50.00] per month; Provided, however, that
3 the total expenditures for maintenance, training, rehabilita-
4 tion and necessary transportation shall not exceed \$5,000.00
5 [\$3,000.00] for any one person.

6 (6) All amounts collected as civil penalties provided
7 in this Act shall be paid into the second injury fund.

8 Sec. 2. EFFECTIVE DATE. This Act takes effect on the day
9 after its passage and approval or on the day it becomes law without
10 such approval.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29