S T A T E O F N E W Y O R K

3611

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. EDDINGTON, JOHN, ABBATE, CANESTRARI, CLARK, CHRISTENSEN, COLTON, DESTITO, HEASTIE, HOOPER, MAYERSOHN, MILLMAN, ORTIZ -- Multi-Sponsored by -- M. of A. PERALTA, PERRY, WRIGHT -- read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law and the state finance law, in relation to the funding of vocational rehabilitation services for injured employees

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 9 of section 15 of the workers' compensation law, as amended by chapter 331 of the laws of 1978 and the opening paragraph as amended by chapter 540 of the laws of 1984, is amended to read as follows:

9. Expenses for rehabilitating injured employees. An employee, who as a result of injury is or may be expected to be totally or partially incapacitated for a remunerative occupation and who, under the direction of the state education department is being rendered fit to engage in a remunerative occupation, may BE ELIGIBLE TO receive [additional compensation] SERVICES necessary for his OR HER rehabilitation[, not more than thirty dollars per week of which may be expended for maintenance] ACCORDING TO THE PROVISIONS OF THE FEDERAL REHABILITATION ACT OF 1973, AS AMENDED, AND ARTICLE TWENTY-ONE OF THE EDUCATION LAW. [Such expense and such of the] NOTWITHSTANDING THE PROVISIONS OF ANY LAW, RULE OR REGULATION TO THE CONTRARY, THE COST OF SUCH REHABILITATION SERVICES AND THE RELATED administrative expenses of the state education department as are properly assignable to the expenses of rehabilitating employees entitled to compensation as a result of injuries under this chapter, shall be paid out of FUNDS ASSIGNED TO THE EDUCATION DEPARTMENT FOR THE PURPOSE OF THE VOCATIONAL EDUCATION OF INDIVIDUALS WITH DISABILITIES UNDER THE PROVISIONS OF THE FEDERAL REHABILITATION ACT OF 1973, AS AMENDED. THE COST TO OFFSET SUCH EXPENSES SHALL BE PAID OUT OF a special

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD04639-01-9

fund created in the following manner: The employer, or if insured, his insurance carrier, shall pay into the vocational rehabilitation fund for every case of injury causing death, in which there are no persons entitled to compensation, the sum of five hundred dollars where such injury occurred prior to July first, nineteen hundred sixty-three and the sum of one thousand dollars where such injury shall occur on or after July first, nineteen hundred sixty-three and the sum of two thousand dollars where such injury shall occur on or after September first, nineteen hundred seventy-eight. The commissioner of taxation and finance and the state comptroller shall be the joint custodians of this special fund and may invest any surplus moneys thereof in securities which constitute legal investments for savings banks under the laws of this state and in interest bearing certificates of deposit of a bank or trust company located and authorized to do business in this state or of a national bank located in this state secured by a pledge of direct obligations of the United States or of the state of New York in an amount equal to the amount of such certificates of deposit. He OR SHE may also sell any of the securities or certificates of deposit in which such fund is invested if necessary for the proper administration or in the best interests of such fund. The provisions of this paragraph shall not apply with respect to policies containing coverage pursuant to [subdivision four-a of section one hundred sixty-seven] SECTION THREE THOUSAND FOUR HUNDRED TWENTY of the insurance law relating to every policy providing comprehensive personal liability insurance on a one, two, three or four family owner-occupied dwelling.

Disbursements from the vocational rehabilitation fund [for the additional compensation provided for by this section] shall be paid [by the commissioner of taxation and finance on warrants drawn by the state comptroller upon vouchers signed by the commissioner of education or the deputy commissioner of education provided that the compensation claim number of an injured employee undergoing vocational rehabilitation has been verified by the chairman] IN ACCORDANCE WITH SECTION NINETY-SEVEN-LLL OF THE STATE FINANCE LAW.

[Disbursements from the vocational rehabilitation fund for administrative expenses of the state education department shall be paid by the commissioner of taxation and finance on warrants drawn by the state comptroller upon vouchers signed by the commissioner of education or the deputy commissioner of education.]

S 2. Paragraph (a) of subdivision 2 and subdivision 3 of section 97-lll of the state finance law, as added by section 88 of part A of chapter 436 of the laws of 1997, are amended to read as follows:

(a) the workers' compensation death benefit accounts. Expenditures from this account shall support services and expenses of the [special workers' compensation] VOCATIONAL REHABILITATION program. Notwithstanding any other law, rule or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of this account all moneys collected pursuant to subdivision nine of section fifteen of the workers' compensation law; and

3. Moneys of the accounts established in subdivision two of this section, following appropriation by the legislature, shall be available to the state education department for services and expenses of the [special workers' compensation] VOCATIONAL REHABILITATION program.

S 3. This act shall take effect April 1, 2009, provided, however, if this act shall become a law after such date it shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2009.