

Benefits from the Subsequent Injury Fund hereunder shall not be payable unless the combined effects resulting from a previous impairment and a subsequent accidental injury result in a permanent disability exceeding 50 per centum (50%) of the body as a whole; and that the previous impairment and subsequent accidental injury is each compensable, as determined by the Commission, for a period of not less than 125 weeks. However, the previous impairment shall be determined as of the date of the subsequent injury.

If the subsequent injury of such an employee shall result in the death of the employee and it shall appear that death was due in part to the previous impairment and in part to the subsequent accidental injury, the Commission shall determine the proportion of such death which is reasonably attributable to the subsequent accidental injury and the proportion thereof which is reasonably attributable to the previous impairment, and the employer or his insurance carrier, or the State Accident Fund shall be liable for the compensation payable for that proportion of the employee's death which is reasonably attributable to the subsequent accidental injury, and the Subsequent Injury Fund shall be liable for the balance of benefits payable as in death cases resulting solely from an accidental injury.

[Whenever the State Accident Fund, insurance carrier or self-insured employer makes a supplemental allowance payment under § 36 (10) of this article, he shall be reimbursed from the Subsequent Injury Fund. The State Accident Fund, insurance carrier or self-insured employer shall annually, on or before June 1 of each year, file with the Workmen's Compensation Commission, for submission to the Treasurer of the State of Maryland, a report on a form prescribed by the Workmen's Compensation Commission, setting forth the money expended for the payment of all supplemental allowances made during the previous calendar year or a portion thereof. The Workmen's Compensation Commission shall audit these reports before submission to the Treasurer to determine their validity. The Treasurer shall reimburse the State Accident Fund, insurance carrier or self-insured employer annually, on or before the 1st of August of each year, from the Subsequent Injury Fund only upon written order of the Workmen's Compensation Commission.]

(2) [The employer, or, if insured, his insurance carrier, or the State Accident Fund, as the case may be, shall pay to the] THE Workmen's Compensation Commission SHALL ASSESS an amount equal to five per centum (5%) on all awards rendered against such employer, OR IF INSURED, HIS INSURANCE CARRIER, OR THE STATE ACCIDENT FUND, for permanent disability and death, including awards for disfigurement and mutilation and also on all amounts payable by an employer and his insurance carrier or the State Accident Fund in pursuance to settlement agreements approved by the Commission, as to awards and settlement agreements approved on and after June 1, 1963 TO BE MADE PAYABLE TO THE SUBSEQUENT INJURY FUND. These payments shall be in addition to any payment