

# HOUSE BILL 293

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By: **Chair, Economic Matters Committee (By Request – Departmental – Uninsured Employers’ Fund)**

Introduced and read first time: January 27, 2012

Assigned to: Economic Matters

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Committee Report: Favorable

House action: Adopted

Read second time: March 14, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Worker’s Compensation – Uninsured Employers’ Fund**

3 FOR the purpose of requiring the Uninsured Employers’ Fund Board to review the  
4 administration of the Uninsured Employers’ Fund by the Director of the Fund;  
5 specifying that the Director shall have immediate supervision and direction  
6 over the administration of the Fund; authorizing the Director to employ staff in  
7 accordance with the State budget; establishing the Director as the appointing  
8 authority for all staff of the Fund; authorizing an employee to appeal a  
9 disciplinary action taken by the Director to the Board; making conforming and  
10 technical changes; and generally relating to the Uninsured Employers’ Fund.

11 BY repealing and reenacting, with amendments,  
12 Article – Labor and Employment  
13 Section 10–309 through 10–311, 10–314, and 10–316  
14 Annotated Code of Maryland  
15 (2008 Replacement Volume and 2011 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Labor and Employment**

19 10–309.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) The Board shall determine the times and places of its meetings.

2 (b) Subject to the State budget, each member of the Board is entitled to:

3 (1) compensation for each day that the member is engaged in duties of  
4 the office; and

5 (2) reimbursement for expenses under the Standard State Travel  
6 Regulations.

7 (c) The Board **SHALL**:

8 (1) **[shall]** appoint a Director for the Fund; and

9 (2) **[may employ other staff in accordance with the State budget]**  
10 **REVIEW THE DIRECTOR'S ADMINISTRATION OF THE FUND.**

11 **(D) THE DIRECTOR:**

12 **(1) SHALL HAVE IMMEDIATE SUPERVISION AND DIRECTION OVER**  
13 **THE ADMINISTRATION OF THE FUND;**

14 **(2) MAY EMPLOY STAFF IN ACCORDANCE WITH THE STATE**  
15 **BUDGET; AND**

16 **(3) SHALL SERVE AS THE APPOINTING AUTHORITY FOR ALL**  
17 **STAFF.**

18 **(E) AN EMPLOYEE MAY APPEAL A DISCIPLINARY ACTION TAKEN BY THE**  
19 **DIRECTOR TO THE BOARD.**

20 10-310.

21 (a) (1) The Attorney General is the legal adviser to the **[Board]**  
22 **DIRECTOR** and Fund.

23 (2) The Attorney General may represent the Fund in any case that  
24 does not involve the rights of the Fund against another individual who:

25 (i) is in the same employ as the employee who received benefits  
26 under Title 9 of this article; and

27 (ii) caused the injury or death of the employee.

28 (b) Staff whom the Attorney General assigns to represent the Fund may not  
29 represent another party in a claim under Title 9 of this article.

1 (c) Staff whom the Attorney General assigns to represent the Fund may  
2 apply to the [Board] **DIRECTOR** for authority to hire and, within an amount that the  
3 [Board] **DIRECTOR** sets, to pay each expert or witness who is needed to defend a  
4 claim properly.

5 (d) The Director shall assign to help the staff of the Attorney General each  
6 employee of the [Board] **FUND** who is needed to represent the Fund.

7 10-311.

8 The [Board] **DIRECTOR** may adopt any reasonable regulation to process and  
9 pay an award charged against the Fund.

10 10-314.

11 (a) The Fund shall consist of:

12 (1) the money credited to the Fund under Title 9 of this article;

13 (2) income from investments that the State Treasurer makes for the  
14 Fund; and

15 (3) interest on deposits or investments of money from the Fund.

16 (b) The [Board] **DIRECTOR** shall use the Fund to pay:

17 (1) each award under Title 9 of this article charged against the Fund;

18 (2) the amount that the [Board] **DIRECTOR** authorizes for an expert  
19 or witness hired under § 10-310(c) of this subtitle;

20 (3) other proper charges that the [Board] **DIRECTOR** authorizes; and

21 (4) whenever an employer who is self-insured in accordance with §  
22 9-404 or § 9-405 of this article becomes insolvent, any outstanding obligations of the  
23 employer.

24 (c) The liability of the Board, **DIRECTOR**, Fund, State Treasurer, and State  
25 for all proper charges against the Fund is limited to the assets of the Fund.

26 10-316.

27 (a) The [Board] **DIRECTOR** shall supervise the administration of the Fund.

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1           (b)   (1)    The Fund annually shall submit to the Governor a proposed budget  
2 for the Fund, for inclusion in the budget bill to be submitted to the General Assembly.

3                   (2)    The proposed budget shall include an appropriation from the Fund  
4 for its budget.

5           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2012.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.