
By: Delegate Curran

Requested: September 25, 1996

Introduced and read first time: January 8, 1997

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Use Industries - Workers' Compensation Coverage for Employees - Repeal of**
3 **Sunset**

4 FOR the purpose of repealing the termination provision that relates to the application of
5 the State's workers' compensation laws to the coverage of certain prisoners
6 employed by the State Use Industries.

7 BY repealing and reenacting, without amendments,
8 Article - Labor and Employment
9 Section 9-221
10 Annotated Code of Maryland
11 (1991 Volume and 1996 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article 41 - Governor - Executive and Administrative Departments
14 Section 4-701(a) and (i)
15 Annotated Code of Maryland
16 (1993 Replacement Volume and 1996 Supplement)

17 BY repealing and reenacting, with amendments,
18 Chapter 296 of the Acts of the General Assembly of 1994
19 Section 3

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

22 **Article - Labor and Employment**

23 9-221.

24 (a) A prisoner is a covered employee while the prisoner is:

25 (1) working for a board of county commissioners, a county council, or a
26 county roads board if:

27 (i) the county pays the prisoner a wage or stipulated sum; and

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1 (ii) the prisoner sustains permanent partial or permanent total
2 disability or dies, as a result of an accidental personal injury; or

3 (2) engaged in work while under the supervision of State Use Industries in
4 the Federal Prison Industry Enhancement Program as provided in Article 41, § 4-701 of
5 the Code.

6 (b) In Allegany, Anne Arundel, Charles, Montgomery, Washington, and
7 Wicomico Counties, payment of a stipend or other money into an account that a
8 correctional institution administers for a prisoner does not constitute payment of a wage
9 or stipulated sum under subsection (a)(1)(i) of this section.

10 **Article 41 - Governor - Executive and Administrative Departments**

11 4-701.

12 (a) A "Sundry Claims Board" is created for the purpose of administering benefits,
13 except as provided in subsection (i)(2) of this section, whenever a prisoner in the
14 Patuxent Institution, the Baltimore City Detention Center, or any institution under the
15 supervision of the Division of Correction (1) is engaged in any work for which wages or a
16 stipulated sum are paid by said institution, and (2) sustains a permanent partial or
17 permanent total disability as a result of a personal injury arising out of and in the course
18 of work for which wages or a stipulated sum are payable by one or more of the
19 institutions, and (3) this disability incapacitates the prisoner or materially reduces his
20 earning power in such work. For the purpose of this subtitle, the terms "permanent
21 partial disability" and "permanent total disability" have the meanings which currently are
22 given to them in Title 9 of the Labor and Employment Article. The Sundry Claims Board
23 shall be part of the Department of Public Safety and Correctional Services.

24 (i) (1) Except as provided in paragraph (2) of this subsection, the compensation
25 provided under this subtitle is the exclusive remedy against the State for claims falling
26 within the jurisdiction of the Board.

27 (2) A prisoner working under the supervision of State Use Industries in the
28 federal prison industry enhancement program is excluded from the jurisdiction of the
29 Sundry Claims Board and shall be administered benefits as provided in Title 9 of the
30 Labor and Employment Article.

31 **Chapter 296 of the Acts of 1994**

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 1994. [It shall remain effective for a period of 3 years and, at the end of
34 September 30, 1997, with no further action required by the General Assembly, this Act
35 shall be abrogated and of no further force and effect.]

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
37 July 1, 1997.