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(PRE-FILED)

By: Delegate Curran

Requested: September 25, 1996

Introduced and read first time: January 8, 1997

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: February 5, 1997

CHAPTER ____

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:

2

1 **Article - Labor and Employment**

2 9-221.

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

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

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

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

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

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

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

17 4-701.

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

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

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

37 **Chapter 296 of the Acts of 1994**

38 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
39 October 1, 1994. [It shall remain effective for a period of 3 years and, at the end of

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1 September 30, 1997, with no further action required by the General Assembly, this Act
2 shall be abrogated and of no further force and effect.]

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