

Chapter 119

(House Bill 293)

AN ACT concerning

Worker's Compensation – Uninsured Employers' Fund

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

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

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

Article – Labor and Employment

10–309.

- (a) The Board shall determine the times and places of its meetings.
- (b) Subject to the State budget, each member of the Board is entitled to:
 - (1) compensation for each day that the member is engaged in duties of the office; and
 - (2) reimbursement for expenses under the Standard State Travel Regulations.
- (c) The Board **SHALL**:
 - (1) **[shall]** appoint a Director for the Fund; and

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

(D) THE DIRECTOR:

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

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

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

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

10-310.

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

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

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

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

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

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

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

10-311.

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

10-314.

- (a) The Fund shall consist of:
 - (1) the money credited to the Fund under Title 9 of this article;
 - (2) income from investments that the State Treasurer makes for the Fund; and
 - (3) interest on deposits or investments of money from the Fund.
- (b) The [Board] **DIRECTOR** shall use the Fund to pay:
 - (1) each award under Title 9 of this article charged against the Fund;
 - (2) the amount that the [Board] **DIRECTOR** authorizes for an expert or witness hired under § 10-310(c) of this subtitle;
 - (3) other proper charges that the [Board] **DIRECTOR** authorizes; and
 - (4) whenever an employer who is self-insured in accordance with § 9-404 or § 9-405 of this article becomes insolvent, any outstanding obligations of the employer.
- (c) The liability of the Board, **DIRECTOR**, Fund, State Treasurer, and State for all proper charges against the Fund is limited to the assets of the Fund.

10-316.

- (a) The [Board] **DIRECTOR** shall supervise the administration of the Fund.
- (b)
 - (1) The Fund annually shall submit to the Governor a proposed budget for the Fund, for inclusion in the budget bill to be submitted to the General Assembly.
 - (2) The proposed budget shall include an appropriation from the Fund for its budget.

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

Approved by the Governor, April 10, 2012.