

That Sections 35 and 35A of Article 101 of the Annotated Code of Maryland (1960 Supplement), title "Workmen's Compensation", subtitle "Application of Article; Extra-Hazardous Employments", be and they are hereby repealed and re-enacted, with amendments, to read as follows:

35. (a) Whenever any prisoner [in the Maryland Penitentiary, house of correction or any other institution under the supervision of the Board of Correction] *working for the county roads board or the board of county commissioners or county council in the counties to which this section applies* shall be engaged in any extra-hazardous employment within the meaning of this article for which wages or a stipulated sum are paid by said [institution] *county* this article shall be applicable thereto [only] if said prisoner sustains a permanent partial or permanent total disability as a result of said injury, and the average weekly wages of any such prisoner injured in the course of his or her employment shall be the average weekly wages paid by the [Department of Correction] *county* to such prisoner, and in addition thereto, a fair and reasonable sum to be determined by the Workmen's Compensation Commission for the board and maintenance of such prisoner not to exceed the amount customarily received by the [institution] *county* for its own use by prisoners engaged in extra-hazardous employment by other employers.

(b) All claims shall be filed with the Workmen's Compensation Commission in accordance with the provisions of this article. The Commission shall determine any issue of coverage and compensability, but shall not conduct a hearing with respect to nor rate a permanent partial or permanent total disability of any such prisoner, or make an award to any such prisoner so injured in the course of his or her employment until the discharge of such prisoner, whether by reason of the expiration of the sentence or by parole or pardon, and the said institution shall promptly notify the Workmen's Compensation Commission of the discharge of any such prisoner, and it shall be the duty of the Workmen's Compensation Commission after receipt of such notice from said institution that said prisoner has been discharged to promptly set the case for hearing of such prisoner to determine the permanent partial or permanent total disability of such prisoner, and the Workmen's Compensation Commission in determining the amount, if any, of any such permanent partial or permanent total disability of any such prisoner shall consider the amount or percentage of such permanent partial disability or permanent total disability as of the date of discharge of such prisoner from said institution.

(c) Upon the death of any prisoner resulting from accidental injuries arising out of and in the course of his employment within the meaning of this article his dependents shall be entitled to compensation as determined by this article and based upon the average weekly wages as hereinbefore defined.

(d) *The provisions of this section apply only in the counties of Frederick, Wicomico, ANNE ARUNDEL, HARFORD and Worcester.*

[35A. The provisions of Section 35 shall apply to any prisoners working for the county roads board or the board of county commissioners of Wicomico, Frederick or Worcester counties.]