

~~(H) THE COUNTY PAYS THE PRISONER A WAGE OR STIPULATED SUM; AND~~

~~(H) THE PRISONER SUSTAINS PERMANENT PARTIAL OR PERMANENT TOTAL DISABILITY OR DIES, AS A RESULT OF AN ACCIDENTAL PERSONAL INJURY; OR~~

(2) ENGAGED IN WORK WHILE UNDER THE SUPERVISION OF STATE USE INDUSTRIES IN THE FEDERAL PRISON INDUSTRY ENHANCEMENT PROGRAM AS PROVIDED IN ARTICLE 41, § 4-701 OF THE CODE.

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

Article 41 - Governor - Executive and Administrative Departments

4-701.

(a) A "Sundry Claims Board" is created for the purpose of administering benefits, EXCEPT AS PROVIDED IN SUBSECTION (I)(2) OF THIS SECTION, whenever a prisoner in the Patuxent Institution, the Baltimore City Detention Center, or any institution under the supervision of the Division of Correction (1) is engaged in any work for which wages or a stipulated sum are paid by said institution, and (2) sustains a permanent partial or permanent total disability as a result of a personal injury arising out of and in the course of work for which wages or a stipulated sum are payable by one or more of the institutions, and (3) this disability incapacitates the prisoner or materially reduces his earning power in such work. For the purpose of this subtitle, the terms "permanent partial disability" and "permanent total disability" have the meanings which currently are given to them in Title 9 of the Labor and Employment Article. The Sundry Claims Board shall be part of the Department of Public Safety and Correctional Services.

(i) (1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE compensation provided under this subtitle is the exclusive remedy against the State for claims falling within the jurisdiction of the Board.

(2) A PRISONER WORKING UNDER THE SUPERVISION OF STATE USE INDUSTRIES IN THE FEDERAL PRISON INDUSTRY ENHANCEMENT PROGRAM IS EXCLUDED FROM THE JURISDICTION OF THE SUNDRY CLAIMS BOARD AND SHALL BE ADMINISTERED BENEFITS AS PROVIDED IN TITLE 9 OF THE LABOR AND EMPLOYMENT ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That the State Use Industries shall report to the Governor and the Legislative Policy Committee of the General Assembly on or before December 1, 1996 concerning the impact of this Act on the costs of workers' compensation benefits provided to prisoners working under the supervision of State Use Industries in the Federal Prison Industry Enhancement Program.