

Under subsection (a) of this section, the duty is imposed on the "Board", while, under subsection (b), the duty is imposed on the "Fund". In practice, the 90-day requirement in subsection (a) of this section has been interpreted to require submission on or before October 1 instead of the literal date of September 28. The General Assembly may wish to change the date in subsection (a) to reflect current practice. These duties also could be combined to require the Board to submit a single document although, the Committee notes that the Board prefers that the 2 documents not be combined.

Defined terms: "Board" § 10-101

"Fund" § 10-101

"Policyholder" § 10-101

10-127. FINAL DISPOSITION OF FUND.

IF THE GENERAL ASSEMBLY REPEALS THIS SUBTITLE, MONEY IN THE FUND AT THE TIME OF REPEAL SHALL BE DISTRIBUTED:

(1) AS THE GENERAL ASSEMBLY PROVIDES; OR

(2) IF THE GENERAL ASSEMBLY DOES NOT PROVIDE FOR DISTRIBUTION, AS JUSTICE REQUIRES, WITH DUE REGARD FOR EXISTING OBLIGATIONS FOR COMPENSATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 82.

The reference to "this subtitle" is substituted for the former broader reference to former Art. 101. Although former Art. 101 now comprises Titles 9 and 10 of this article, the General Assembly could discontinue the Fund without repealing the workers' compensation law or eliminating other units created in other subtitles of this title. If, however, the General Assembly repealed Title 9 of this article, the Fund would no longer have a purpose and this subtitle also should be repealed.

The former word "incurred" is deleted as unnecessary in light of the word "existing".

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that, if the General Assembly repealed authority for the Fund, the General Assembly probably would provide for the distribution of the assets of the Fund. A similar provision predicated on the repeal of the State income tax law was deleted as part of the enactment of the Tax - General Article. The General Assembly may wish to review the need for this section.

Defined term: "Fund" § 10-101