

~~WHEREAS, In 1991, during the Code Revision Process of former Article 101, § 33(d) of the Code, now § 9-610(a)(1) and (2) of the Labor and Employment Article, the word "similar" was not included in the revised statute; and~~

~~WHEREAS, The Revisor's Note to § 9-610 of the Labor and Employment Article stated that the revision was nonsubstantive in nature and "only for clarity and brevity"; and~~

~~WHEREAS, In March of 1998, the Court of Special Appeals held in the consolidated appeal of Wills v. Baltimore County and Blevins v. Baltimore County, that the fact that the word "similar" was left out effected a material change in the law, despite the Revisor's Note indicating no substantive change; and~~

~~WHEREAS, The Code Revision Process clearly identifies substantive issues to be brought to the attention of the General Assembly in the Revisor's Notes; and~~

~~WHEREAS, The Court of Special Appeals interpreted the Code Revision Process in a manner that effects a substantive change; and~~

~~WHEREAS, The General Assembly did not intend a substantive or material change in the law; now, therefore;~~

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

Article - Labor and Employment

9-610.

(a) (1) Except for benefits subject to an offset under § 29-118 of the State Personnel and Pensions Article, if a statute, charter, ordinance, resolution, regulation, or policy, regardless of whether part of a pension system, provides a benefit to a covered employee of a governmental unit or a quasi-public corporation that is subject to this title under § 9-201(2) of this title or, in case of death, to the dependents of the covered employee, payment of the benefit by the employer satisfies, to the extent of the payment, the liability of the employer and the subsequent injury fund for payment of SIMILAR benefits under this title.

(2) If a benefit paid under paragraph (1) of this subsection is less than the benefits provided under this title, the employer, the Subsequent Injury Fund, or both shall provide an additional benefit that equals the difference between the benefit paid under paragraph (1) of this subsection and the benefits provided under this title.

(3) The computation of an additional benefit payable under paragraph (2) of this section shall be done at the time of the initial award and may not include any cost of living adjustment after the initial award.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1999.

May 26, 1999