

(i) AS TO AN IMPLAIDER FILED AT LEAST ~~90~~ 45 60 DAYS BEFORE THE ~~SCHEDULED~~ SCHEDULED TRIAL IN THE CIRCUIT COURT OR AT LEAST ~~45~~ 60 DAYS BEFORE THE HEARING IN THE COURT OF SPECIAL APPEALS, SHALL:

1. suspend further proceedings; and

[(ii)]2. remand the case to the Commission for further proceedings to give the Subsequent Injury Fund an opportunity to defend against the claim; AND

(II) AS TO AN IMPLAIDER FILED ~~AT ANY OTHER TIME LESS THAN 45 60 DAYS BEFORE THE TRIAL IN THE CIRCUIT COURT OR LESS THAN 45 60 DAYS BEFORE THE HEARING IN THE COURT OF SPECIAL APPEALS,~~ MAY FOR GOOD CAUSE SHOWN:

1. SUSPEND FURTHER PROCEEDINGS; AND

2. REMAND THE CASE TO THE COMMISSION FOR FURTHER PROCEEDINGS TO GIVE THE SUBSEQUENT INJURY FUND AN OPPORTUNITY TO DEFEND AGAINST THE CLAIM.

~~(3) IF THE SUBSEQUENT INJURY FUND IS IMPEADED ON APPEAL BEFORE THE COURT OF SPECIAL APPEALS AND UNLESS THE COURT FINDS THAT THE IMPLAIDER WHO FILED IN BAD FAITH OR WITHOUT SUBSTANTIAL JUSTIFICATION, THE COURT SHALL:~~

~~(I) SUSPEND FURTHER PROCEEDINGS; AND~~

~~(II) REMAND THE CASE TO THE COMMISSION FOR FURTHER PROCEEDINGS TO GIVE THE SUBSEQUENT INJURY FUND AN OPPORTUNITY TO DEFEND AGAINST THE CLAIM.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any appeal filed before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2003.

Approved May 13, 2003.

CHAPTER 277

(House Bill 125)

AN ACT concerning

Public Drainage Associations

FOR the purpose of authorizing a public drainage association to impose certain assessments on land owned by the State or a political subdivision of the State;