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23 24 EMERGENCY BILL

 $\begin{array}{c} 0 lr 2885 \\ CF~SB~238 \end{array}$ 

By: Delegate Bromwell

Introduced and read first time: February 17, 2010

Assigned to: Economic Matters

## A BILL ENTITLED

1	AN ACT concerning				
2 3	Maryland Automobile Insurance Fund – Use of Fund Moneys and Property - Prohibitions				
4 5 6 7 8	FOR the purpose of prohibiting moneys or property of the Maryland Automobile Insurance Fund from being used to pay for certain bonuses, services, events, and sponsorships; making conforming changes; providing for the application of this Act; making this Act an emergency measure; and generally relating to moneys and property of the Maryland Automobile Insurance Fund.				
9 10 11 12 13	BY repealing and reenacting, with amendments, Article – Insurance Section 20–204(a) and (b) and 20–301 Annotated Code of Maryland (2006 Replacement Volume and 2009 Supplement)				
14 15	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:				
16	Article - Insurance				
17	20–204.				
18 19 20	(a) (1) Except as provided in paragraph (2) of this subsection or otherwise by law, the Executive Director shall appoint and remove staff of the Fund in accordance with the provisions of the State Personnel and Pensions Article.				
21	(2) Positions that the Executive Director designates with the approval				

of the Board of Trustees as technical or professional positions are in the executive service, management service, or are special appointments of the skilled service or the

professional service in the State Personnel Management System.



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NOT BE USED TO PAY FOR:

	INCOME DIEL 1002
1 2 3 4	(3) Notwithstanding any other provision of law, the Executive Director, SUBJECT TO § 20–301(C)(2)(V) OF THIS TITLE, may appoint claims adjusters, attorneys, and other necessary personnel directly as employees or on a contract basis.
5 6 7	(b) [The] SUBJECT TO § 20–301(C)(2)(V) OF THIS TITLE, THE Executive Director shall determine the compensation of the personnel of the Fund designated under subsection (a)(2) of this section:
8	(1) with the approval of the Board of Trustees; and
9	(2) when possible, in accordance with the State pay plan.
10	20–301.
11 12 13	(a) The purpose of the Fund is to provide the financial security required under § 17–103 of the Transportation Article to those eligible persons that are unable to obtain it from an Association member.
14 15	(b) Moneys of the Fund consist of revenues, premiums, and other receipts provided by law.
16 17	(c) (1) All operating expenses of the Fund shall be paid from the moneys collected by or for the Fund.
18 19 20	(2) (i) Subject to subparagraphs (ii) through [(iv)] (V) of this paragraph, moneys and property available to the Fund may be used for the general purposes of the Fund.
21 22 23	(ii) Premiums collected and income accruing from those premiums may be used only for the payment of claims arising under policies issued by the Fund and for the administrative expenses of the Fund.
24 25 26	(iii) The Fund shall keep separate records of any income and expenses directly attributable to the processing and payment of unsatisfied claims under Subtitle 6 of this title.
27 28	(iv) The Fund shall keep separate records of any income and expenses directly attributable to its commercial policy and claims operations.
29	(V) MONEYS AND PROPERTY AVAILABLE TO THE FUND MAY

## 31 1. BONUSES FOR EMPLOYEES OF THE FUND;

2. STRATEGIC CONSULTING SERVICES;

3.	MARKETING,	<b>PUBLIC</b>	RELATIONS,	OR		
ADVERTISING SERVICES;						
4.	OUTSIDE LOBBY	YING SERVIC	ES;			
5.	FUND PRODUCE	ER APPRECIA	TION EVENTS; OR			
6.	CORPORATE SP	ONSORSHIPS	8.			
SECTION 2. AND BE	IT FURTHER	ENACTED, 7	That this Act sha	all be		
construed to apply only prospectively and may not be applied or interpreted to prohibit						
the use of any moneys or property available to the Maryland Automobile Insurance						
Fund to satisfy a legally binding obligation of the Fund that was incurred before the						
effective date of this Act.						
SECTION 3. AND BE IT	' FURTHER ENA	.CTED. That t	this Act is an emer	gency		
·						
has been passed by a yea and nay vote supported by three—fifths of all the members						
elected to each of the two Houses of the General Assembly, and shall take effect from						
the date it is enacted.		•				
	4. 5. 6. SECTION 2. AND BE construed to apply only prospect the use of any moneys or prop Fund to satisfy a legally binding effective date of this Act.  SECTION 3. AND BE IT measure, is necessary for the inhas been passed by a year and relected to each of the two House	4. OUTSIDE LOBBY  5. FUND PRODUCE  6. CORPORATE SP  SECTION 2. AND BE IT FURTHER construed to apply only prospectively and may not the use of any moneys or property available to Fund to satisfy a legally binding obligation of the effective date of this Act.  SECTION 3. AND BE IT FURTHER ENA measure, is necessary for the immediate preser has been passed by a yea and nay vote supporte elected to each of the two Houses of the General	4. OUTSIDE LOBBYING SERVICES;  5. FUND PRODUCER APPRECIA  6. CORPORATE SPONSORSHIPS  SECTION 2. AND BE IT FURTHER ENACTED, To construed to apply only prospectively and may not be applied of the use of any moneys or property available to the Maryland Fund to satisfy a legally binding obligation of the Fund that effective date of this Act.  SECTION 3. AND BE IT FURTHER ENACTED, That is measure, is necessary for the immediate preservation of the has been passed by a yea and nay vote supported by three—felected to each of the two Houses of the General Assembly, and	4. OUTSIDE LOBBYING SERVICES;  5. FUND PRODUCER APPRECIATION EVENTS; OR  6. CORPORATE SPONSORSHIPS.  SECTION 2. AND BE IT FURTHER ENACTED, That this Act sha construed to apply only prospectively and may not be applied or interpreted to precious the use of any moneys or property available to the Maryland Automobile Insuffund to satisfy a legally binding obligation of the Fund that was incurred before effective date of this Act.  SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emer measure, is necessary for the immediate preservation of the public health or shas been passed by a yea and nay vote supported by three—fifths of all the medelected to each of the two Houses of the General Assembly, and shall take effect		