

(F) IN DETERMINING THE AMOUNT OF ANY FINANCIAL PENALTY OR FORFEITURE TO BE IMPOSED UNDER THIS SECTION, THE COMMISSIONER:

(1) SHALL CONSIDER THE FOLLOWING FACTORS:

(I) THE SERIOUSNESS OF THE VIOLATION;

(II) THE GOOD FAITH OF THE VIOLATOR;

(III) THE VIOLATOR'S HISTORY OF PREVIOUS VIOLATIONS;

(IV) THE DELETERIOUS EFFECT OF THE VIOLATION ON THE PUBLIC AND THE INSURANCE INDUSTRY; AND

(V) THE ASSETS OF THE VIOLATOR; AND

(2) MAY DETERMINE THE APPROPRIATE AMOUNT OF THE PENALTY OR FORFEITURE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye 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.

Approved April 25, 2002.

CHAPTER 287

(Senate Bill 233)

AN ACT concerning

Education - Negotiations Between Public School Employers and Employee Organizations

FOR the purpose of altering the matters which may be negotiated by a public school employer or its designated representatives and certain employee organizations; prohibiting a public school employer from negotiating certain matters; ~~repealing a limitation on who may be a noncertificated employee in Montgomery County; altering the definition of "public school employee"; providing that certain matters may not be raised in a certain action to resolve an impasse;~~ altering the definition of "public school employer" to eliminate certain exceptions; repealing certain exceptions to the application of certain provisions of law relating to noncertificated employees; and generally relating to the representation of public school employees and negotiations between public school employers and employee organizations.

BY repealing and reenacting, with amendments,

Article - Education

Section 6-408, 6-501, and 6-510