

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1990.

Approved May 2, 1990.

CHAPTER 244
(Senate Bill 201)

AN ACT concerning

University of Maryland System – Immunity Against Claims – 11th Amendment to the U.S. Constitution

FOR the purpose of clarifying that the purchase of insurance may waive the sovereign immunity of the University of Maryland System under certain circumstances; providing that the purchase of insurance will not waive the immunity of the University of Maryland System under the 11th Amendment to the United States Constitution; and generally relating to certain claims against the University of Maryland System.

BY repealing and reenacting, with amendments,
Article – Education
Section 12-104(g)
Annotated Code of Maryland
(1989 Replacement Volume and 1989 Supplement)

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

Article – Education

12-104.

(g) (1) The Board:

(i) Has the power to sue or be sued; and

(ii) May carry comprehensive liability insurance to protect the Board, its agents and employees, and the agents and employees of any institution under its jurisdiction.

(2) The determination whether to purchase insurance, and its scope and limitations, shall be within the Board's discretion, taking into account commercial availability and affordability and the existence and extent of insurance secured by the State Treasurer.

(3) (I) TITLE 12, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE (“MARYLAND TORT CLAIMS ACT”) APPLIES TO CLAIMS OR