

SECTION 4. AND BE IT FURTHER ENACTED, That Sections 54A(e) and (f) of Article 88B - State Police, of the Annotated Code of Maryland (1969 Replacement Volume and 1976 Supplement) be and they are hereby repealed and reenacted, with amendments, to read as follows:

Article 88B - State Police

54A.

(e) Indemnification may not be made (1) with respect to any suit, claim, or matter as to which the person was adjudged to be liable for GROSS negligence or WILFUL misconduct in the performance of his duty to the State Police Retirement System[. The court in which the action was brought may determine, upon application, that, despite the adjudication of liability, the person is fairly and reasonably entitled to indemnity for the expenses which the court shall deem proper.]; OR (2) FOR AN INDEPENDENT CONTRACTOR FURNISHING SERVICES TO THE STATE POLICE RETIREMENT SYSTEM.

(f) The State shall provide insurance for every person [who is serving in a fiduciary capacity to the State Police Retirement System] ELIGIBLE FOR INDEMNIFICATION UNDER THIS SECTION against any liability asserted against him or incurred by him arising out of his status as a fiduciary. THE STATE MAY PROVIDE SELF-INSURANCE FOR THIS PURPOSE, IN WHOLE OR IN PART, UNDER TERMS AND CONDITIONS SATISFACTORY TO THE STATE TREASURER. IF THE STATE FAILS TO PROVIDE ADEQUATE INSURANCE COVERAGE, OR IF THE STATE FAILS TO PROVIDE INDEMNIFICATION PURSUANT TO THIS SECTION, A FIDUCIARY MAY NOT BE REQUIRED TO PAY AMOUNTS ATTRIBUTABLE TO LIABILITY DESCRIBED IN THIS SECTION BY REASON OF THE FAILURE OF THE STATE TO PROVIDE THE INDEMNIFICATION.

SECTION ~~(2)~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1977.

Approved May 26, 1977.

CHAPTER 872

(Senate Bill 159)

AN ACT concerning

Merit System - Employees of State Soil
Conservation Committee

FOR the purpose of providing for employing and assigning employees to soil conservation districts; cooperating with local governments to assist