

(b) (1) The Division shall review any [proposed] rate increase of 10% or more filed with the Commissioner by a medical professional liability insurer or homeowners insurer.

(2) If the Division finds that the [proposed] rate increase is excessive, INADEQUATE, OR UNFAIRLY DISCRIMINATORY [or otherwise adverse to the interests of insurance consumers], the Division shall appear before the Commissioner on behalf of insurance consumers in any hearing on the rate filing.

(c) As the Division considers necessary, the Division shall conduct investigations and request the Commissioner to initiate [proceedings] AN ACTION OR PROCEEDING to protect the interests of insurance consumers.

6-307.

(a) In appearances before the Commissioner and courts on behalf of insurance consumers, the Division has the rights of counsel for a party to the proceeding, including the right to:

- (1) summon witnesses, present evidence, and present argument;
- (2) conduct cross-examination and submit rebuttal evidence; and
- (3) take depositions in or outside of the State:

(I) IN PROCEEDINGS BEFORE THE COMMISSIONER, subject to regulation by the Commissioner to prevent undue delay[,]; and

(II) IN PROCEEDINGS IN COURT, in accordance with the procedure provided by law or rule of court [with respect to civil actions].

(b) The Division may appear before any federal or State [unit] TRIBUNAL OR AGENCY, IN A JUDICIAL OR ADMINISTRATIVE ACTION, to protect the interests of insurance consumers.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(1) the Governor shall include in the annual budget the amounts specified to be distributed from the ~~Medical Professional Liability Insurance~~ Maryland Health Care Provider Rate Stabilization Fund under § 19-803(b) of the Insurance Article as enacted by Section 1 of this Act; and

(2) for fiscal years 2005 and 2006, in the event these amounts are not appropriated through the budget bill, the Governor is authorized to amend the budget through the executive budget amendment process to appropriate those funds to implement the purposes of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) Notwithstanding any other provision of law, and except as otherwise provided in this section, the premium tax imposed under § 6-102 of the Insurance Article, as enacted by Chapter 5 of the Acts of the 2004 Special Session of the General