

AFTER CONSIDERING THE POTENTIAL EXPOSURE OF THE FUND AND ITS LOSS EXPERIENCE, THE TREASURER SHALL TRY TO SET PREMIUMS SO AS TO PRODUCE FUNDS THAT APPROXIMATE THE PAYMENTS FROM THE FUND.

REVISOR'S NOTE: This section is new language derived without substantive change from the third and fourth sentences of former Art. 95, § 32.

Subsection (a) of this section is revised to require the assessment of these premiums, although the third sentence of former Art. 95, § 32 -- from which subsection (a) of this section is derived -- stated only that assessment "is ... intended". This revision is based on the fourth sentence of former Art. 95, § 32, which set forth the considerations for assessments and indicated that assessment is a duty.

Defined term: "Fund" § 9-101

9-107. PAYMENT ON LOSSES.

(A) IN GENERAL.

SUBJECT TO THE LIMITATIONS IN THIS SECTION, THE TREASURER SHALL PAY A UNIT OF THE STATE GOVERNMENT FOR A LOSS THAT IS COVERED UNDER § 9-105 OF THIS TITLE, WITHOUT REGARD TO WHETHER THE UNIT IS FUNDED WHOLLY OR PARTLY FROM GENERAL, SPECIAL, OR FEDERAL FUNDS.

(B) LIMITATION ON VALUE.

(1) THE UNIT OF THE STATE GOVERNMENT THAT HAD STATE PROPERTY AT THE TIME OF ITS LOSS OR DAMAGE AND THE DEPARTMENT OF GENERAL SERVICES JOINTLY SHALL DETERMINE THE VALUE OF THE PROPERTY. THE DEPARTMENT OF GENERAL SERVICES SHALL CERTIFY THE VALUE TO THE TREASURER.

(2) THE OFFICE OF THE ATTORNEY GENERAL SHALL DETERMINE AND CERTIFY TO THE TREASURER THE VALUE OF A LIABILITY CLAIM AGAINST THE STATE.

(3) THE TREASURER MAY NOT PAY FROM THE FUND ANY MONEY FOR LOSS OR LIABILITY IN EXCESS OF THE VALUE CERTIFIED UNDER THIS SUBSECTION.

(C) DEDUCTIBLE.

NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, THE 1ST \$1,000 OF VALUE OF EACH LOSS, DAMAGE, OR LIABILITY OCCURRENCE OF A UNIT SHALL BE PAID FROM ITS APPROPRIATIONS IN THE STATE BUDGET UNLESS, ON RECOMMENDATION OF THE SECRETARY OF BUDGET AND FISCAL PLANNING, THE TREASURER REDUCES THE AMOUNT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 95, § 31,