

both, or, subject to the approval of the county government of any county affected by the agreement, with other units of government, for the purpose of obtaining and providing insurance coverage in the most economical manner for any type of insurance protection including, but not limited to, public liability, group health, life, hospitalization and disability, real and personal property, and workers' compensation. Provided, however, that nothing herein shall authorize the Commission to establish a self-insurance program for group health, life and hospitalization insurance.

(E) ANY (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A PAYMENT MADE TO A POLICE OFFICER EMPLOYED BY THE COMMISSION FOR ANY AN ILLNESS OR INJURY RECEIVED IN THE LINE OF DUTY IN ACCORDANCE WITH THE PROVISIONS OF ANY DISABILITY PROGRAM OR DISABILITY INSURANCE PROGRAM SHALL--BE CONSIDERED--AS AUTHORIZED UNDER THIS SECTION IS CONSIDERED IN THE NATURE OF WORKERS' COMPENSATION. THAT IS IN ADDITION TO AND

(2) A PAYMENT DESCRIBED IN THIS SUBSECTION IS INDEPENDENT OF ANY PAYMENT MADE UNDER ARTICLE 101 (WORKMEN'S COMPENSATION) OF THE CODE.

(3) THIS SUBSECTION MAY NOT BE CONSTRUED TO AFFECT:

(I) THE SET-OFF PROVISION UNDER ARTICLE 101, § 33 OF THE CODE; OR

(II) THE PRESUMPTION OF A POLICE OFFICER'S ENTITLEMENT TO BENEFITS UNDER ARTICLE 101, § 64A OF THE CODE.

[(e)] (F) The Commission may raise the defense of partial governmental immunity for any liability exposure in excess of insurance limits, when punitive damages are sought, or for any other liability exposure not covered by insurance. However, nothing in this section may be construed to be a waiver of the Commission's total governmental immunity. This subsection is intended to include also all claims pending on June 1, 1978, provided that an insurance policy to cover such liability was in effect at the time the claim accrued.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1988.

Approved May 27, 1988.