

SECTION 8. AND BE IT FURTHER ENACTED, That, notwithstanding Article 48A, § 15(a)(2) of the Code, as enacted by this Act, the first Insurance Commissioner appointed to head the Maryland Insurance Administration under this Act shall serve a term of 4 years and may be removed by the Governor for:

- (1) malfeasance;
- (2) incompetence; or
- (3) failure to carry out the duties of the office by the Commissioner in a manner consistent with the regulatory purpose and requirements of Article 48A of the Code.

SECTION 9. AND BE IT FURTHER ENACTED, That the Insurance Fraud Unit established under Executive Order 01.01.1992.24 shall be transferred to the Office of the Governor from the Department of Licensing and Regulation. The funds provided in the Fiscal Year 1994 State Budget for the purpose of funding the Insurance Fraud Unit within the Department of Licensing and Regulation shall be transferred to the Office of the Governor by Budget Amendment. The provisions of Executive Order 01.01.1992.24 shall remain in effect until January 1, 1995 and the Maryland State Police shall remain the head of the Fraud Unit as provided in the Executive Order. To the extent practicable, the Insurance Fraud Unit under Executive Order 01.01.1992.24 shall establish procedures to implement the procedural requirements of §§ 6-203, 6-204(a) - (d), and 6-206 of Section 7 of this Act applicable to the Insurance Fraud Division in 1994 in order to facilitate the transfer of the Unit to the Attorney General's Office.

SECTION 10. AND BE IT FURTHER ENACTED, That this Act may not be construed to limit any current powers of the Maryland Insurance Commissioner relating to the enforcement of the Insurance Code with respect to the imposition of civil and administrative penalties for insurance fraud committed by persons licensed or regulated under the current provisions of the Insurance Code and may not be construed to otherwise limit the regulatory powers of the Insurance Commissioner under Article 48A of the Code.

SECTION 11. AND BE IT FURTHER ENACTED, That the terms of the initial members of the Insurance Fraud Advisory Council including, as applicable, those members appointed under Executive Order 01.01.1992.24 shall expire as follows:

- (1) the representative of the Office of the Attorney General, the representative of the Maryland State Police, and one of the representatives of insurers in 1996;
- (2) the representative of the State's Attorneys, one of the members of the public, and one of the representatives of insurers in 1995; and
- (3) the representative of the Insurance Division, one of the members of the public, and one of the representatives of insurers in 1994.

SECTION 12. AND BE IT FURTHER ENACTED, That the creation of the Insurance Fraud Division in the Office of the Attorney General in this Act supersedes the creation of the Insurance Fraud Unit in the Department of Licensing and Regulation in Executive Order 01.01.1992.24 and that: