A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING $1,000 OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 76(c).

In subsection (a) of this section, the defined term "wage[s]" is substituted for the former reference to the "amount of payroll", to conform to § 10–130(c) of this subtitle.

Also in subsection (a) of this section, the word "subtitle" is substituted for the former overly broad reference to Art. 101. This substitution reflects that, while provisions of former Art. 101 now are revised in this title and Title 9 of this article, former Art. 101, § 76(c) seemingly applied only to premiums owed to the Fund and the provisions on those premiums appear only in this subtitle.

Defined terms: "Board" § 10–101
"Person" § 1–101 "Wage" § 10–101

GENERAL REVISOR'S NOTE :

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that former Art. 101, §§ 70 through 84 were somewhat unusual in that they personified both the Board and the Fund. Many of the statutes that create funds with governing boards confer powers and duties on the boards but treat the funds merely as accounts. See, e.g., Title 13 of the Financial Institutions Article.

This subtitle is revised to preserve the status of the Board and Fund set forth under former Art. 101, §§ 70 through 84. Thus, e.g., under § 10–126(a) and (b) of this subtitle, respectively, the Board submits an annual report to the Governor on September 28 of each year, while the Fund submits additional information to the Governor on October 1 of each year.

Aside from the purely procedural considerations, however, more serious questions of interpretation arise with respect to the effect of the provisions of former Art. 101, § 71(e)(2) — now § 10–105 of this subtitle. These provisions state that the Fund is "independent of all State units" and exempt the Fund from certain laws that affect governmental units. The statement about the independence of the Fund, which was enacted as part of Chs. 584 and 585, Acts of 1987, does not delineate the extent of that independence. The effect of the 1987 enactments, among other things, is to remove the Fund from the Department of Personnel. Thus, the language about independence could mean that the Fund is an independent unit in the Executive Branch of the State government, separate from any principal department or other unit of the State government. However, a task force created by Chs. 584 and 585 explained that the purpose of the statement is to "divorce the Fund from its designation as a 'State agency' in the truest sense of the term." At the same time, the task force report seemed to