characterize the Fund as a unit of the State government. See generally Report of the Governor's Task Force to Study the Injured Workers' Insurance Fund (Jan. 23, 1988). Therefore, the language about independence also could mean that the Fund is not a State unit.

It seems clear that the General Assembly did not intend to alter the status of the "Fund", when viewed merely as an account. The money is not to be regarded as "moneys of the State", within the provisions of Md. Constitution, Art. VI, § 3 and other provisions applicable to the State Treasury. See 53 Op. Att'y Gen. 3 (1968). On the other hand, its status in other capacities is unclear.

If the General Assembly intended that the Fund no longer be a unit of the State government, the Labor and Employment Article Review Committee notes that the General Assembly may wish to state expressly that the Attorney General is to act as general legal counsel to the Fund. Former Art. 101, § 77(b) required the Attorney General only to collect premiums for the Fund. See § 10–133(d) of this subtitle. If the Fund is not a State unit, the general authority of the Attorney General to take charge of the legal business of the State is not applicable. See SG § 6–106. Furthermore, Md. Constitution, Art. V, § 3(b) seems to require express statutory authority for the Attorney General to perform legal work for an entity that is not a State unit.

Since the language about the independence of the Fund is ambiguous, it is open to interpretation. See, e.g., 61 Op. Att'y Gen. 567 (1976), in which the Attorney General examined the criteria for determining whether an entity is a unit of the State government. The Attorney General stated that the Maryland Automobile Insurance Fund, which, despite its autonomy, has no life independent of its statutory origin and which the General Assembly created to serve a public need, is a unit in the Executive Branch of the State government even though that Fund is excluded from the budgetary processes and fiscal management controls that apply to other State units.

The provision that exempts the Fund from certain laws that affect governmental units raises questions about the status of the Board. With respect to its powers and duties, the Board most likely is exempt too, since all of its functions relate to the Fund. With respect to the members personally, however, the law is less clear. Thus, e.g., although § 10–105(b)(2)(iii) provides that the "Fund" is subject to Title 12 of the State Government Article, it is unclear whether the members of the Board would be afforded the protection for State personnel under Title 12, Subtitle 4 of the State Government Article, which provides for payment of settlements and judgments against State personnel. Similarly, albeit § 10–105(b)(2)(iv) provides that the "Fund" is subject to the Maryland Public Ethics Law, that law seems to apply more appropriately to the members of the Board.

SUBTITLE 2. SUBSEQUENT INJURY FUND.

PART I. DEFINITIONS.

10–201. DEFINITIONS.

(A) IN GENERAL.