

SENATE BILL 1097

D3, C8

(6lr3313)

ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by **Senators Mathias, Eckardt, Edwards, Hershey, and Middleton**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Local Government Tort Claims Act – Regional Development Councils**

3 FOR the purpose of *repealing certain provisions of law granting the Tri-County Council for*
4 *Southern Maryland and the Tri-County Council for Western Maryland immunity*
5 *from suit*; altering the definition of a “local government” under the Local Government
6 Tort Claims Act to include certain regional development councils; providing for the
7 application of this Act; and generally relating to the inclusion of certain regional
8 councils under the Local Government Tort Claims Act.

9 BY repealing

10 Article – Courts and Judicial Proceedings

11 Section 5-505 and 5-506

12 Annotated Code of Maryland

13 (2013 Replacement Volume and 2015 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 BY repealing and reenacting, with amendments,
 2 Article – Courts and Judicial Proceedings
 3 Section 5–301
 4 Annotated Code of Maryland
 5 (2013 Replacement Volume and 2015 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 7 That Section(s) 5–505 and 5–506 of Article – Courts and Judicial Proceedings of the
 8 Annotated Code of Maryland be repealed.

9 ~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND~~
 10 AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

11 **Article – Courts and Judicial Proceedings**

12 5–301.

13 (a) In this subtitle the following words have the meanings indicated.

14 (b) “Actual malice” means ill will or improper motivation.

15 (c) (1) “Employee” means any person who was employed by a local government
 16 at the time of the act or omission giving rise to potential liability against that person.

17 (2) “Employee” includes:

18 (i) Any employee, either within or without a classified service or
 19 merit system;

20 (ii) An appointed or elected official; or

21 (iii) A volunteer who, at the request of the local government, and
 22 under its control and direction, was providing services or performing duties.

23 (d) “Local government” means:

24 (1) A charter county as defined in § 1–101 of the Local Government Article;

25 (2) A code county as defined in § 1–101 of the Local Government Article;

26 (3) A board of county commissioners;

27 (4) Baltimore City;

28 (5) A municipality as defined in § 1–101 of the Local Government Article;

- 1 (6) The Maryland–National Capital Park and Planning Commission;
- 2 (7) The Washington Suburban Sanitary Commission;
- 3 (8) The Northeast Maryland Waste Disposal Authority;
- 4 (9) A community college or board of trustees for a community college
5 established or operating under Title 16 of the Education Article, not including Baltimore
6 City Community College;
- 7 (10) A county public library or board of trustees of a county public library
8 established or operating under Title 23, Subtitle 4 of the Education Article;
- 9 (11) The Enoch Pratt Free Library or Board of Trustees of the Enoch Pratt
10 Free Library;
- 11 (12) The Washington County Free Library or the Board of Trustees of the
12 Washington County Free Library;
- 13 (13) A special taxing district;
- 14 (14) A nonprofit community service corporation incorporated under State
15 law that is authorized to collect charges or assessments;
- 16 (15) Housing authorities created under Division II of the Housing and
17 Community Development Article;
- 18 (16) A sanitary district, sanitary commission, metropolitan commission, or
19 other sewer or water authority established or operating under public local law or public
20 general law;
- 21 (17) **[The Baltimore Metropolitan Council] A REGIONAL DEVELOPMENT**
22 **COUNCIL;**
- 23 (18) The Howard County Economic Development Authority;
- 24 (19) The Howard County Mental Health Authority;
- 25 (20) A commercial district management authority established by a county
26 or municipal corporation if provided under local law;
- 27 (21) The Baltimore City Police Department;
- 28 (22) A regional library resource center or a cooperative library corporation
29 established under Title 23, Subtitle 2 of the Education Article;
- 30 (23) Lexington Market, Inc., in Baltimore City;

1 (24) The Baltimore Public Markets Corporation, in Baltimore City;

2 (25) The nonprofit corporation serving as the local public transportation
3 authority for Carroll County pursuant to a contract or memorandum of understanding with
4 Carroll County (Carroll County Senior Overland Service, Inc., t/a Carroll Area Transit
5 System);

6 (26) The nonprofit corporation serving as the animal control and licensing
7 authority for Carroll County pursuant to a contract or memorandum of understanding with
8 Carroll County (the Humane Society of Carroll County, Inc.);

9 (27) Garrett County Municipalities, Inc., in Garrett County;

10 (28) The nonprofit corporation serving as the local public transportation
11 authority for Garrett County pursuant to a contract or memorandum of understanding with
12 Garrett County (Garrett County Community Action Committee, Inc.); and

13 (29) The nonprofit corporation serving as the industrial development
14 authority of Carroll County established under Title 12, Subtitle 1 of the Economic
15 Development Article.

16 **(E) (1) "REGIONAL DEVELOPMENT COUNCIL" MEANS A REGIONAL OR**
17 **MUNICIPAL COUNCIL ESTABLISHED UNDER TITLE 13 OF THE ECONOMIC**
18 **DEVELOPMENT ARTICLE.**

19 **(2) "REGIONAL DEVELOPMENT COUNCIL" INCLUDES:**

20 **(I) THE BALTIMORE METROPOLITAN COUNCIL;**

21 **(II) THE MID-SHORE REGIONAL COUNCIL;**

22 **(III) THE UPPER SHORE REGIONAL COUNCIL;**

23 **(IV) THE TRI-COUNTY COUNCIL FOR THE LOWER EASTERN**
24 **SHORE OF MARYLAND;**

25 **(V) THE TRI-COUNTY COUNCIL FOR SOUTHERN MARYLAND;**

26 **AND**

27 **(VI) THE TRI-COUNTY COUNCIL FOR WESTERN MARYLAND.**

28 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall be construed
29 to apply only prospectively and may not be applied or interpreted to have any effect on or
30 application to any cause of action arising before the effective date of this Act.

1 SECTION ~~3~~ 4 AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2016.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.