

# SENATE BILL 1097

D3, C8

6lr3313

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By: **Senators Mathias, Eckardt, Edwards, Hershey, and Middleton**

Introduced and read first time: February 22, 2016

Assigned to: Rules

Re-referred to: Judicial Proceedings, February 25, 2016

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 26, 2016

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

3 FOR the purpose of altering the definition of a “local government” under the Local  
4 Government Tort Claims Act to include certain regional development councils;  
5 providing for the application of this Act; and generally relating to the inclusion of  
6 certain regional councils under the Local Government Tort Claims Act.

7 BY repealing and reenacting, with amendments,  
8 Article – Courts and Judicial Proceedings  
9 Section 5–301  
10 Annotated Code of Maryland  
11 (2013 Replacement Volume and 2015 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
13 That the Laws of Maryland read as follows:

14 **Article – Courts and Judicial Proceedings**

15 5–301.

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

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

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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.



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

3 (2) "Employee" includes:

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

6 (ii) An appointed or elected official; or

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

9 (d) "Local government" means:

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

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

12 (3) A board of county commissioners;

13 (4) Baltimore City;

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

15 (6) The Maryland–National Capital Park and Planning Commission;

16 (7) The Washington Suburban Sanitary Commission;

17 (8) The Northeast Maryland Waste Disposal Authority;

18 (9) A community college or board of trustees for a community college  
19 established or operating under Title 16 of the Education Article, not including Baltimore  
20 City Community College;

21 (10) A county public library or board of trustees of a county public library  
22 established or operating under Title 23, Subtitle 4 of the Education Article;

23 (11) The Enoch Pratt Free Library or Board of Trustees of the Enoch Pratt  
24 Free Library;

25 (12) The Washington County Free Library or the Board of Trustees of the  
26 Washington County Free Library;

27 (13) A special taxing district;

- 1           (14) A nonprofit community service corporation incorporated under State  
2 law that is authorized to collect charges or assessments;
- 3           (15) Housing authorities created under Division II of the Housing and  
4 Community Development Article;
- 5           (16) A sanitary district, sanitary commission, metropolitan commission, or  
6 other sewer or water authority established or operating under public local law or public  
7 general law;
- 8           (17) **[The Baltimore Metropolitan Council] A REGIONAL DEVELOPMENT**  
9 **COUNCIL;**
- 10          (18) The Howard County Economic Development Authority;
- 11          (19) The Howard County Mental Health Authority;
- 12          (20) A commercial district management authority established by a county  
13 or municipal corporation if provided under local law;
- 14          (21) The Baltimore City Police Department;
- 15          (22) A regional library resource center or a cooperative library corporation  
16 established under Title 23, Subtitle 2 of the Education Article;
- 17          (23) Lexington Market, Inc., in Baltimore City;
- 18          (24) The Baltimore Public Markets Corporation, in Baltimore City;
- 19          (25) The nonprofit corporation serving as the local public transportation  
20 authority for Carroll County pursuant to a contract or memorandum of understanding with  
21 Carroll County (Carroll County Senior Overland Service, Inc., t/a Carroll Area Transit  
22 System);
- 23          (26) The nonprofit corporation serving as the animal control and licensing  
24 authority for Carroll County pursuant to a contract or memorandum of understanding with  
25 Carroll County (the Humane Society of Carroll County, Inc.);
- 26          (27) Garrett County Municipalities, Inc., in Garrett County;
- 27          (28) The nonprofit corporation serving as the local public transportation  
28 authority for Garrett County pursuant to a contract or memorandum of understanding with  
29 Garrett County (Garrett County Community Action Committee, Inc.); and
- 30          (29) The nonprofit corporation serving as the industrial development  
31 authority of Carroll County established under Title 12, Subtitle 1 of the Economic  
32 Development Article.

1           **(E) (1) “REGIONAL DEVELOPMENT COUNCIL” MEANS A REGIONAL OR**  
 2 **MUNICIPAL COUNCIL ESTABLISHED UNDER TITLE 13 OF THE ECONOMIC**  
 3 **DEVELOPMENT ARTICLE.**

4           **(2) “REGIONAL DEVELOPMENT COUNCIL” INCLUDES:**

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

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

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

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

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

11 **AND**

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

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

16           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
 17 1, 2016.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.