

CF 7r1067

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**By: Senators Baker, Jimeno, Middlebrooks, Colburn, Ferguson, Haines, Green,  
Middleton, Amoss, Stone, and Kelley**

Introduced and read first time: January 31, 1997

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Tort Claims Act - Scope - County-Funded State Offices**

3 FOR the purpose of altering the definition of "State personnel" under the Maryland Tort  
4 Claims Act to include certain county-funded State offices for purposes of providing  
5 certain protections under the Act to the State offices; and generally relating to the  
6 scope of the Maryland Tort Claims Act as to county-funded State offices.

7 BY repealing and reenacting, with amendments,  
8 Article - State Government  
9 Section 12-101(a)  
10 Annotated Code of Maryland  
11 (1995 Replacement Volume and 1996 Supplement)

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

14 **Article - State Government**

15 12-101.

16 (a) In this subtitle, unless the context clearly requires otherwise, "State  
17 personnel" means:

18 (1) a State employee or official who is paid in whole or in part by the  
19 Central Payroll Bureau in the Office of the Comptroller of the Treasury;

20 (2) an employee or official of the:

21 (i) Maryland Transportation Authority;

22 (ii) Injured Workers' Insurance Fund;

23 (iii) Maryland Stadium Authority;

24 (iv) Maryland Environmental Service;

25 (v) overseas programs of the University College of the University of  
26 Maryland System; and

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1 (vi) Maryland Economic Development Corporation;

2 (3) a person who:

3 (i) is a member of a State board, commission, or similar State entity;

4 or

5 (ii) 1. is providing a service to or for the State;

6 2. is not paid in whole or in part by the State; and

7 3. satisfies all other requirements for designation as State  
8 personnel as may be set forth in regulations adopted by the Treasurer pursuant to Title 10  
9 of this article;

10 (4) an individual who, without compensation, exercises a part of the  
11 sovereignty of the State;

12 (5) a student enrolled in a State educational institution:

13 (i) who is providing services to third parties in the course of  
14 participation in an approved clinical training or academic program;

15 (ii) who, as determined by the Treasurer, is required to have liability  
16 insurance covering claims arising from services to third parties performed by the student  
17 in the course of the approved clinical training or academic program;

18 (iii) who, as determined by the Treasurer, cannot obtain commercial  
19 liability insurance at an affordable cost; and

20 (iv) who, as determined by the Treasurer, may be required to  
21 contribute to an insurance program for claims arising from services to third parties  
22 performed by the student in the course of the approved clinical training or academic  
23 program;

24 (6) a sheriff or deputy sheriff of a county or Baltimore City; [or]

25 (7) an employee of a county who is assigned to a local department of social  
26 services, including a Montgomery County employee who carries out State programs  
27 administered under Article 88A, § 13A(b) of the Code;

28 (8) A STATE'S ATTORNEY OF A COUNTY OR BALTIMORE CITY, OR AN  
29 EMPLOYEE OF AN OFFICE OF A STATE'S ATTORNEY;

30 (9) A MEMBER OF A BOARD OF LICENSE COMMISSIONERS OF A COUNTY  
31 OR BALTIMORE CITY APPOINTED UNDER THE PROVISIONS OF ARTICLE 2B OF THE  
32 CODE, OR AN EMPLOYEE OF A BOARD OF LICENSE COMMISSIONERS;

33 (10) A MEMBER OF A BOARD OF SUPERVISORS OF ELECTIONS OF A  
34 COUNTY OR BALTIMORE CITY, OR AN EMPLOYEE OF A BOARD OF SUPERVISORS OF  
35 ELECTIONS;

36 (11) A JUDGE OF A CIRCUIT COURT OF A COUNTY OR BALTIMORE CITY,  
37 OR AN EMPLOYEE OF A CIRCUIT COURT; OR

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1 (12) A JUDGE OF AN ORPHANS' COURT OF A COUNTY OR BALTIMORE  
2 CITY, OR AN EMPLOYEE OF AN ORPHANS' COURT.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 1997.