

SENATE BILL 711

Unofficial Copy
D3

1999 Regular Session
9r2347

By: **Senator Middleton**

Introduced and read first time: February 22, 1999

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Local Government Tort Claims Act - Regional Library Resource Centers**

3 FOR the purpose of altering the definition of "local government" for purposes of the
4 Local Government Tort Claims Act to include certain regional library resource
5 centers; and generally relating to the Local Government Tort Claims Act.

6 BY repealing and reenacting, with amendments,
7 Article - Courts and Judicial Proceedings
8 Section 5-301
9 Annotated Code of Maryland
10 (1998 Replacement Volume)

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

13 **Article - Courts and Judicial Proceedings**

14 5-301.

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

16 (b) "Actual malice" means ill will or improper motivation.

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

20 (2) "Employee" includes:

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

23 (ii) An appointed or elected official; or

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

- (d) "Local government" means:
- 1 (1) A chartered county established under Article 25A of the Code;
 - 2 (2) A code county established under Article 25B of the Code;
 - 3 (3) A board of county commissioners established or operating under
4 Article 25 of the Code;
 - 5 (4) Baltimore City;
 - 6 (5) A municipal corporation established or operating under Article 23A of
7 the Code;
 - 8 (6) The Maryland-National Capital Park and Planning Commission;
 - 9 (7) The Washington Suburban Sanitary Commission;
 - 10 (8) The Northeast Maryland Waste Disposal Authority;
 - 11 (9) A community college or board of trustees for a community college
12 established or operating under Title 16 of the Education Article, not including
13 Baltimore City Community College;
 - 14 (10) A county public library or board of trustees of a county public library
15 established or operating under Title 23, Subtitle 4 of the Education Article;
 - 16 (11) The Enoch Pratt Free Library or Board of Trustees of the Enoch Pratt
17 Free Library;
 - 18 (12) The Washington County Free Library or the Board of Trustees of the
19 Washington County Free Library;
 - 20 (13) A special taxing district;
 - 21 (14) A nonprofit community service corporation incorporated under
22 Maryland law that is authorized to collect charges or assessments;
 - 23 (15) Housing authorities created under Article 44A of the Code;
 - 24 (16) A sanitary district, sanitary commission, metropolitan commission,
25 or other sewer or water authority established or operating under public local law or
26 public general law;
 - 27 (17) The Baltimore Metropolitan Council;
 - 28 (18) The Howard County Economic Development Authority;
 - 29 (19) The Howard County Mental Health Authority;
 - 30

1 (20) A commercial district management authority established by a county
2 or municipal corporation if provided under local law; [and]

3 (21) The Baltimore City Police Department; AND

4 (22) A REGIONAL LIBRARY RESOURCE CENTER ESTABLISHED UNDER
5 TITLE 23, SUBTITLE 2 OF THE EDUCATION ARTICLE.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 1999.