

SENATE BILL 711

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1999 Regular Session
9lr2347

By: **Senator Middleton**

Introduced and read first time: February 22, 1999

Assigned to: Rules

Re-referred to: Judicial Proceedings, February 25, 1999

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 23, 1999

CHAPTER _____

1 AN ACT concerning

2 **Local Government Tort Claims Act - Regional Library Resource Centers and**
3 **Cooperative Library Corporations**

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

8 BY repealing and reenacting, with amendments,
9 Article - Courts and Judicial Proceedings
10 Section 5-301
11 Annotated Code of Maryland
12 (1998 Replacement Volume)

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

15 **Article - Courts and Judicial Proceedings**

16 5-301.

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

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

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

4 (2) "Employee" includes:

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

7 (ii) An appointed or elected official; or

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

10 (d) "Local government" means:

11 (1) A chartered county established under Article 25A of the Code;

12 (2) A code county established under Article 25B of the Code;

13 (3) A board of county commissioners established or operating under
14 Article 25 of the Code;

15 (4) Baltimore City;

16 (5) A municipal corporation established or operating under Article 23A of
17 the Code;

18 (6) The Maryland-National Capital Park and Planning Commission;

19 (7) The Washington Suburban Sanitary Commission;

20 (8) The Northeast Maryland Waste Disposal Authority;

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

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

26 (11) The Enoch Pratt Free Library or Board of Trustees of the Enoch Pratt
27 Free Library;

28 (12) The Washington County Free Library or the Board of Trustees of the
29 Washington County Free Library;

30 (13) A special taxing district;

31 (14) A nonprofit community service corporation incorporated under
32 Maryland law that is authorized to collect charges or assessments;

- 1 (15) Housing authorities created under Article 44A of the Code;
- 2 (16) A sanitary district, sanitary commission, metropolitan commission,
3 or other sewer or water authority established or operating under public local law or
4 public general law;
- 5 (17) The Baltimore Metropolitan Council;
- 6 (18) The Howard County Economic Development Authority;
- 7 (19) The Howard County Mental Health Authority;
- 8 (20) A commercial district management authority established by a county
9 or municipal corporation if provided under local law; [and]
- 10 (21) The Baltimore City Police Department; AND
- 11 (22) A REGIONAL LIBRARY RESOURCE CENTER OR A COOPERATIVE
12 LIBRARY CORPORATION ESTABLISHED UNDER TITLE 23, SUBTITLE 2 OF THE
13 EDUCATION ARTICLE.
- 14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 ~~October~~ July 1, 1999.