

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE
Revised

Senate Bill 711 (Senator Middleton)

Judicial Proceedings

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

This bill applies the provisions of the Local Government Tort Claims Act to a regional library resource center or a cooperative library corporation.

This bill takes effect July 1, 1999.

Fiscal Summary

State Effect: None.

Local Effect: None. Including a regional library resource center or a cooperative library corporation under the provisions of the Local Government Tort Claims Act would not affect local expenditures.

Small Business Effect: Minimal.

Fiscal Analysis

Background: The Local Government Tort Claims Act waives the sovereign immunity of political subdivisions and the qualified immunity of employees of those subdivisions for certain purposes. The purpose of the Act is to provide a remedy for individuals injured by local government officers and employees acting without malice in the scope of their employment, while ensuring that the financial burden of compensation is carried by the local government ultimately responsible for the public officials' acts. Under the Act, a person may not execute against a local government employee on a judgement rendered for tortious acts or omissions committed within the scope of the employee's employment with the local

government, unless the employee acted with actual malice. A local government is required to provide a legal defense for an employee in any action alleging damages resulting from tortious acts or omissions committed by the employee within the scope of employment. Pursuant to the Act, the liability of a local government may not exceed \$200,000 per an individual claim, and \$500,000 per total claims arising out of the same occurrence.

The State operates three regional library resource centers that provide coordination and services to libraries outside of the State's metropolitan areas. These services include consulting and training, cataloging and materials processing, regional databases, electronic magazine access, automated circulation and catalog systems, electronic networking, and rotating collections. The three regional resource centers are located in Salisbury (Eastern Shore), Charlotte Hall (Southern Maryland), and Hagerstown (Western Maryland).

The Western Maryland resource center is staffed by employees of the Washington County Free Library system and are currently covered by the Local Government Tort Claims Act. The Eastern Shore and Southern Maryland resource centers are nonprofit organizations and are separate from the county library systems. Since their employees are not government employees, they are not currently covered by the Act. These centers are considered cooperative library corporations.

Information Source(s): Department of Legislative Services, Maryland Association of Counties, Washington County, Eastern Shore Regional Resource Library Center

Fiscal Note History: First Reader - March 11, 1999
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