
By: **Carroll County Senators**

Introduced and read first time: February 3, 2006

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Carroll County - Local Government Tort Claims Act - Inclusion of Specified**
3 **Nonprofit Entities**

4 FOR the purpose of altering the definition of a "local government" under the Local
5 Government Tort Claims Act to include certain nonprofit corporations in Carroll
6 County; and generally relating to the inclusion of certain nonprofit entities in
7 Carroll County under the Local 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 (2002 Replacement Volume and 2005 Supplement)

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.

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

22 (2) "Employee" includes:

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

25 (ii) An appointed or elected official; or

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

3 (d) "Local government" means:

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

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

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

8 (4) Baltimore City;

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

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

12 (7) The Washington Suburban Sanitary Commission;

13 (8) The Northeast Maryland Waste Disposal Authority;

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

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

19 (11) The Enoch Pratt Free Library or Board of Trustees of the Enoch Pratt
20 Free Library;

21 (12) The Washington County Free Library or the Board of Trustees of the
22 Washington County Free Library;

23 (13) A special taxing district;

24 (14) A nonprofit community service corporation incorporated under State
25 law that is authorized to collect charges or assessments;

26 (15) Housing authorities created under Article 44A of the Code;

27 (16) A sanitary district, sanitary commission, metropolitan commission,
28 or other sewer or water authority established or operating under public local law or
29 public general law;

30 (17) The Baltimore Metropolitan Council;

31 (18) The Howard County Economic Development Authority;

- 1 (19) The Howard County Mental Health Authority;
- 2 (20) A commercial district management authority established by a county
3 or municipal corporation if provided under local law;
- 4 (21) The Baltimore City Police Department;
- 5 (22) A regional library resource center or a cooperative library corporation
6 established under Title 23, Subtitle 2 of the Education Article; [and]
- 7 (23) Lexington Market, Inc., in Baltimore City;
- 8 (24) THE NONPROFIT CORPORATION SERVING AS THE LOCAL PUBLIC
9 TRANSPORTATION AUTHORITY FOR CARROLL COUNTY UNDER A CONTRACT OR
10 MEMORANDUM OF UNDERSTANDING WITH CARROLL COUNTY (CARROLL COUNTY
11 SENIOR OVERLAND SERVICE, INC., T/A CARROLL AREA TRANSIT SYSTEM); AND
- 12 (25) THE NONPROFIT CORPORATION SERVING AS THE ANIMAL CONTROL
13 AND LICENSING AUTHORITY FOR CARROLL COUNTY UNDER A CONTRACT OR
14 MEMORANDUM OF UNDERSTANDING WITH CARROLL COUNTY (THE HUMANE
15 SOCIETY OF CARROLL COUNTY, INC.).
- 16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 July 1, 2006.