

found guilty under Article 27, § 731 of the Code as a result of the act or omission giving rise to the judgment, IF THE ACT OR OMISSION WOULD CONSTITUTE A FELONY UNDER THE LAWS OF THIS STATE.

(3) A local government may not enter into an agreement that requires indemnification for an act or omission of an employee that may result in liability for punitive damages.

(d) Notwithstanding the provisions of subsection (b) of this section, this subtitle does not waive any common law or statutory defense or immunity in existence as of June 30, 1987, and possessed by an employee of a local government.

(e) A local government may assert on its own behalf any common law or statutory defense or immunity in existence as of June 30, 1987, and possessed by its employee for whose tortious act or omission the claim against the local government is premised and a local government may only be held liable to the extent that a judgment could have been rendered against such an employee under this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed only prospectively and may not be applied or interpreted to have any effect on or application to any judgment for punitive damages entered before the effective date of this Act.

~~SECTION 2.~~ SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1999.

May 27, 1999

The Honorable Casper R. Taylor, Jr.
Speaker of the House
State House
Annapolis MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed House Bill 223.

This bill establishes an Automated External Defibrillator (AED) Program that authorizes a "facility" to make AED services available to victims of sudden cardiac arrest. The program is to be administered by the Emergency Medical Services (EMS) Board.

Senate Bill 294, which was passed by the General Assembly and signed by me on April 27, 1999, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 223.

Sincerely,
Parris N. Glendening
Governor