

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.

(f) Lexington Market, Inc., in Baltimore City, and its employees, may not raise as a defense a limitation on liability described under § 5-406 of this title.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the total liability of a local government, directly or otherwise, in an action arising from tortious acts or omissions, may not exceed the limits on liability stated in § 5-303(a) of the Courts and Judicial Proceedings Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall apply to any claim for damages under § 5-303 of the Courts and Judicial Proceedings Article in a case pending on the effective date of this Act and arising from events occurring on or after July 1, 1987.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health and safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

May 17, 2001

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed Senate Bill 438 - Elementary and Secondary Education - Procurement - Competition.

This bill requires a local board of education to draft procurement specifications to obtain maximum practicable competition for contracts for school building, improvement, supplies or equipment. The specifications may not favor a particular bidder. The local board may continue to name in the specifications and advertisements for bids the particular make, kind, or brand of service or product to be contracted for or purchased for the procurement of heating and cooling products or electrical systems.

House Bill 1226, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 438.

Sincerely,
Parris N. Glendening
Governor