

HOUSE BILL 254

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P3

2002 Regular Session
(2r1655)

ENROLLED BILL

-- Commerce and Government Matters/Education, Health, and Environmental Affairs --

Introduced by **Delegates Arnick and Wood**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER 357

1 AN ACT concerning

2 **Maryland Port Administration - Access to Public Records - Confidentiality**
3 **of Commercial Contracts and Proprietary Information Permissible Denials**

4 FOR the purpose of authorizing a custodian of a public record to deny inspection of
5 any part of a public record that contains certain information relating to
6 commercial contracts and proprietary information of stevedoring or terminal
7 services or facility use rates, proposals for use of stevedoring or terminal
8 services or facilities, or research or analysis related to maritime commerce and
9 businesses or vessels for the Maryland Port Administration or any private
10 operating company created by it; the Maryland Port Administration; prohibiting
11 a custodian of a public record from denying inspection of any part of a public
12 record by a certain exclusive representative of certain State employees at the
13 Maryland Port Administration under certain circumstances; requiring a certain
14 exclusive representative to enter into a nondisclosure agreement with the
15 Maryland Port Administration under certain circumstances; and generally
16 relating to the inspection of the public records of the Maryland Port
17 Administration or any private operating company created by it.

1 BY adding to
 2 Article - State Government
 3 Section 10-618(j)
 4 Annotated Code of Maryland
 5 (1999 Replacement Volume and 2001 Supplement)

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

8 **Article - State Government**

9 10-618.

10 (J) ~~(1)~~ (I) A CUSTODIAN MAY DENY INSPECTION OF ~~THAT ANY~~ PART OF A
 11 PUBLIC RECORD THAT CONTAINS:

12 ~~(+)~~ (I) STEVEDORING OR TERMINAL SERVICES OR FACILITY USE
 13 RATES OR PROPOSED RATES GENERATED, RECEIVED, OR NEGOTIATED BY THE
 14 MARYLAND PORT ADMINISTRATION OR ANY PRIVATE OPERATING COMPANY
 15 CREATED BY ~~IF THE MARYLAND PORT ADMINISTRATION, INCLUDING RATES IN~~
 16 ~~STEVEDORING AND TERMINAL SERVICES CONTRACTS;~~

17 ~~(=)~~ (II) A PROPOSAL GENERATED, RECEIVED, OR NEGOTIATED BY THE
 18 MARYLAND PORT ADMINISTRATION OR ANY PRIVATE OPERATING COMPANY
 19 CREATED BY ~~IF THE MARYLAND PORT ADMINISTRATION FOR A BUSINESS OR~~
 20 INDUSTRIAL ORGANIZATION TO LOCATE, EXPAND, OR REMAIN IN THE STATE USE OF
 21 STEVEDORING OR TERMINAL SERVICES OR FACILITIES TO INCREASE WATERBORNE
 22 COMMERCE THROUGH THE PORTS OF THE STATE; OR

23 ~~(3)~~ (III) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
 24 RESEARCH OR DATA ANALYSIS RELATED TO MARITIME COMMERCE AND
 25 BUSINESSES OR VESSELS COMPILED FOR THE MARYLAND PORT ADMINISTRATION
 26 OR ANY PRIVATE OPERATING COMPANY CREATED BY ~~IF THE MARYLAND PORT~~
 27 ADMINISTRATION TO ASSESS EVALUATE ITS COMPETITIVE POSITION WITH RESPECT
 28 TO OTHER PORTS.

29 (2) (I) A CUSTODIAN MAY NOT DENY INSPECTION OF ANY PART OF A
 30 PUBLIC RECORD UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION BY THE EXCLUSIVE
 31 REPRESENTATIVE IDENTIFIED IN SECTION 1 OF THE MEMORANDUM OF
 32 UNDERSTANDING, OR ANY IDENTICAL SECTION OF A SUCCESSOR MEMORANDUM,
 33 BETWEEN THE STATE AND THE AMERICAN FEDERATION OF STATE, COUNTY AND
 34 MUNICIPAL EMPLOYEES DATED JUNE 28, 2000 OR THE MEMORANDUM OF
 35 UNDERSTANDING, OR ANY IDENTICAL SECTION OF A SUCCESSOR MEMORANDUM,
 36 BETWEEN THE STATE AND THE MARYLAND PROFESSIONAL EMPLOYEES COUNCIL
 37 DATED AUGUST 18, 2000 IF THE PART OF THE PUBLIC RECORD:

38 1. IS RELATED TO STATE EMPLOYEES; AND

