

HOUSE BILL 254

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P3

2002 Regular Session
2lr1655
CF 2lr0055

By: **Delegates Arnick and Wood**
Introduced and read first time: January 22, 2002
Assigned to: Commerce and Government Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 5, 2002

CHAPTER _____

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 ~~vessels~~ for the Maryland Port Administration or any private operating company
10 created by ~~it~~; the Maryland Port Administration; prohibiting a custodian of a
11 public record from denying inspection of any part of a public record by a certain
12 exclusive representative of certain State employees at the Maryland Port
13 Administration under certain circumstances; requiring a certain exclusive
14 representative to enter into a nondisclosure agreement with the Maryland Port
15 Administration under certain circumstances; and generally relating to the
16 inspection of the public records of the Maryland Port Administration ~~or any~~
17 ~~private operating company created by it.~~

18 BY adding to
19 Article - State Government
20 Section 10-618(j)
21 Annotated Code of Maryland
22 (1999 Replacement Volume and 2001 Supplement)

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

1

Article - State Government

2 10-618.

3 (J) (1) A CUSTODIAN MAY DENY INSPECTION OF ~~THAT~~ ANY PART OF A
 4 PUBLIC RECORD THAT CONTAINS:

5 ~~(+)~~ (I) STEVEDORING OR TERMINAL SERVICES OR FACILITY USE
 6 RATES OR PROPOSED RATES GENERATED, RECEIVED, OR NEGOTIATED BY THE
 7 MARYLAND PORT ADMINISTRATION OR ANY PRIVATE OPERATING COMPANY
 8 CREATED BY ~~IF THE MARYLAND PORT ADMINISTRATION, INCLUDING RATES IN~~
 9 ~~STEVEDORING AND TERMINAL SERVICES CONTRACTS;~~

10 ~~(=)~~ (II) A PROPOSAL GENERATED, RECEIVED, OR NEGOTIATED BY THE
 11 MARYLAND PORT ADMINISTRATION OR ANY PRIVATE OPERATING COMPANY
 12 CREATED BY ~~IF THE MARYLAND PORT ADMINISTRATION FOR A BUSINESS OR~~
 13 ~~INDUSTRIAL ORGANIZATION TO LOCATE, EXPAND, OR REMAIN IN THE STATE USE OF~~
 14 STEVEDORING OR TERMINAL SERVICES OR FACILITIES TO INCREASE WATERBORNE
 15 COMMERCE THROUGH THE PORTS OF THE STATE; OR

16 ~~(=)~~ (III) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
 17 RESEARCH OR DATA ANALYSIS RELATED TO MARITIME COMMERCE AND VESSELS
 18 COMPILED FOR THE MARYLAND PORT ADMINISTRATION OR ANY PRIVATE
 19 OPERATING COMPANY CREATED BY ~~IF THE MARYLAND PORT ADMINISTRATION TO~~
 20 ASSESS EVALUATE ITS COMPETITIVE POSITION WITH RESPECT TO OTHER PORTS.

21 (2) (I) A CUSTODIAN MAY NOT DENY INSPECTION OF ANY PART OF A
 22 PUBLIC RECORD UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION BY THE EXCLUSIVE
 23 REPRESENTATIVE IDENTIFIED IN SECTION 1 OF THE MEMORANDUM OF
 24 UNDERSTANDING BETWEEN THE STATE AND THE AMERICAN FEDERATION OF STATE,
 25 COUNTY AND MUNICIPAL EMPLOYEES DATED JUNE 28, 2000 OR THE MEMORANDUM
 26 OF UNDERSTANDING BETWEEN THE STATE AND THE MARYLAND PROFESSIONAL
 27 EMPLOYEES COUNCIL DATED AUGUST 18, 2000 IF THE PART OF THE PUBLIC RECORD:

28 1. IS RELATED TO STATE EMPLOYEES; AND

29 2. WOULD OTHERWISE BE AVAILABLE TO THE EXCLUSIVE
 30 REPRESENTATIVE UNDER ARTICLE 4, SECTION 12 OF THE MEMORANDUM OF
 31 UNDERSTANDING OR ANY IDENTICAL SECTION OF A SUCCESSOR MEMORANDUM OF
 32 UNDERSTANDING BETWEEN THE EXCLUSIVE REPRESENTATIVE AND THE STATE.

33 (II) BEFORE THE INSPECTION OF ANY PART OF A PUBLIC RECORD
 34 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE EXCLUSIVE REPRESENTATIVE
 35 SHALL ENTER INTO A NONDISCLOSURE AGREEMENT WITH THE MARYLAND PORT
 36 ADMINISTRATION TO ENSURE THE CONFIDENTIALITY OF THE INFORMATION
 37 PROVIDED.

38 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
 39 effect June 1, 2002.

