
By: **Delegates Walkup, Smigiel, and Sossi**
Introduced and read first time: February 12, 2003
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Port Administration - Denial of Inspection of a Public Record -**
3 **Reporting Requirement**

4 FOR the purpose of requiring the Maryland Port Administration to submit a certain
5 report to the Governor and the General Assembly on or before a certain date of
6 each year; and generally relating to the Maryland Port Administration's
7 authority to deny inspection of certain public records.

8 BY repealing and reenacting, with amendments,
9 Article - State Government
10 Section 10-618(k)
11 Annotated Code of Maryland
12 (1999 Replacement Volume and 2002 Supplement)

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

15 **Article - State Government**

16 10-618.

17 (k) (1) A custodian may deny inspection of any part of a public record that
18 contains:

19 (i) stevedoring or terminal services or facility use rates or proposed
20 rates generated, received, or negotiated by the Maryland Port Administration or any
21 private operating company created by the Maryland Port Administration;

22 (ii) a proposal generated, received, or negotiated by the Maryland
23 Port Administration or any private operating company created by the Maryland Port
24 Administration for use of stevedoring or terminal services or facilities to increase
25 waterborne commerce through the ports of the State; or

26 (iii) except as provided in paragraph (2) of this subsection, research
27 or analysis related to maritime businesses or vessels compiled for the Maryland Port

1 Administration or any private operating company created by the Maryland Port
2 Administration to evaluate its competitive position with respect to other ports.

3 (2) (i) A custodian may not deny inspection of any part of a public
4 record under paragraph (1)(iii) of this subsection by the exclusive representative
5 identified in Section 1 of the memorandum of understanding, or any identical section
6 of a successor memorandum, between the State and the American Federation of
7 State, county and municipal employees dated June 28, 2000 or the memorandum of
8 understanding, or any identical section of a successor memorandum, between the
9 State and the Maryland Professional Employees Council dated August 18, 2000 if the
10 part of the public record:

11 1. is related to State employees; and

12 2. would otherwise be available to the exclusive
13 representative under Article 4, Section 12 of the memorandum of understanding or
14 any identical section of a successor memorandum of understanding.

15 (ii) Before the inspection of any part of a public record under
16 subparagraph (i) of this paragraph, the exclusive representative shall enter into a
17 nondisclosure agreement with the Maryland Port Administration to ensure the
18 confidentiality of the information provided.

19 (3) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE MARYLAND PORT
20 ADMINISTRATION SHALL SUBMIT A REPORT TO THE GOVERNOR AND, SUBJECT TO §
21 2-1246 OF THIS ARTICLE, THE GENERAL ASSEMBLY THAT INCLUDES THE TITLE AND A
22 SYNOPSIS OF ANY PUBLIC RECORD OR PART OF A PUBLIC RECORD TO WHICH A
23 CUSTODIAN DENIES INSPECTION UNDER PARAGRAPH (1) OF THIS SUBSECTION.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
25 effect October 1, 2003.