

# SENATE BILL 75

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(PRE-FILED)

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By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Transportation)**

Requested: October 22, 2008

Introduced and read first time: January 14, 2009

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Information Act – Maryland Port Administration – Confidentiality of**  
3 **Security-Related Documents and Records**

4 FOR the purpose of adding certain documents and records concerning ports to the list  
5 of certain security-related documentation that may be exempt from disclosure  
6 under the Public Information Act; and generally relating to public inspection of  
7 certain port security-related documents and records.

8 BY repealing and reenacting, with amendments,  
9 Article – State Government  
10 Section 10-618(j)  
11 Annotated Code of Maryland  
12 (2004 Replacement Volume and 2008 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 (j) (1) Subject to paragraphs (2), (3), and (4) of this subsection, a  
18 custodian may deny inspection of:

19 (i) response procedures or plans prepared to prevent or respond  
20 to emergency situations, the disclosure of which would reveal vulnerability  
21 assessments, specific tactics, specific emergency procedures, or specific security  
22 procedures;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) 1. building plans, blueprints, schematic drawings,  
2 diagrams, operational manuals, or other records of **PORTS AND** airports and other  
3 mass transit facilities, bridges, tunnels, emergency response facilities or structures,  
4 buildings where hazardous materials are stored, arenas, stadiums, waste and water  
5 systems, and any other building, structure, or facility, the disclosure of which would  
6 reveal the building's, structure's or facility's internal layout, specific location, life,  
7 safety, and support systems, structural elements, surveillance techniques, alarm or  
8 security systems or technologies, operational and transportation plans or protocols, or  
9 personnel deployments; or

10 2. records of any other building, structure, or facility, the  
11 disclosure of which would reveal the building's, structure's, or facility's life, safety, and  
12 support systems, surveillance techniques, alarm or security systems or technologies,  
13 operational and evacuation plans or protocols, or personnel deployments; or

14 (iii) records prepared to prevent or respond to emergency  
15 situations identifying or describing the name, location, pharmaceutical cache,  
16 contents, capacity, equipment, physical features, or capabilities of individual medical  
17 facilities, storage facilities, or laboratories.

18 (2) The custodian may deny inspection of a part of a public record  
19 under paragraph (1) of this subsection only to the extent that the inspection would:

20 (i) jeopardize the security of any building, structure, or facility;

21 (ii) facilitate the planning of a terrorist attack; or

22 (iii) endanger the life or physical safety of an individual.

23 (3) (i) Subject to subparagraph (ii) of this paragraph, a custodian  
24 may not deny inspection of a public record under paragraph (1) or (2) of this subsection  
25 that relates to a building, structure, or facility that has been subjected to a  
26 catastrophic event, including a fire, explosion, or natural disaster.

27 (ii) This paragraph does not apply to the records of any building,  
28 structure, or facility owned or operated by the State or any of its political subdivisions.

29 (4) (i) Subject to paragraphs (1) and (2) of this subsection and  
30 subparagraph (ii) of this paragraph, a custodian may not deny inspection of a public  
31 record that relates to an inspection of or issuance of a citation concerning a building,  
32 structure, or facility by an agency of the State or any political subdivision.

33 (ii) This paragraph does not apply to the records of any building,  
34 structure, or facility owned or operated by the State or any of its political subdivisions.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
36 July 1, 2009.