

SENATE BILL 75

P3

9lr0086

(PRE-FILED)

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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 20, 2009

CHAPTER _____

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; specifying the intent of this Act regarding
7 certain inspections by certain exclusive representatives of records of the
8 Maryland Port Administration or the Maryland Aviation Administration;
9 requiring the exclusive representative, before inspecting certain records under
10 this Act, to enter into a certain nondisclosure agreement; and generally relating
11 to public inspection of certain port security-related documents and records.

12 BY repealing and reenacting, with amendments,
13 Article - State Government
14 Section 10-618(j)
15 Annotated Code of Maryland
16 (2004 Replacement Volume and 2008 Supplement)

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

19 **Article - State Government**

20 10-618.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (j) (1) Subject to paragraphs (2), (3), and (4) of this subsection, a
2 custodian may deny inspection of:

3 (i) response procedures or plans prepared to prevent or respond
4 to emergency situations, the disclosure of which would reveal vulnerability
5 assessments, specific tactics, specific emergency procedures, or specific security
6 procedures;

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

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

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

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

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

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

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

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

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.

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

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

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is not intended
8 to limit inspection by the exclusive representative, as defined in § 3-101(e) of the State
9 Personnel and Pensions Article, of records of the Maryland Port Administration or the
10 Maryland Aviation Administration whose inspection is authorized under §
11 10-618(j)(1)(ii) of the State Government Article, as enacted by Section 1 of this Act,
12 that would otherwise be available to the exclusive representative pursuant to the
13 Health and Safety Article Provisions of the 2008 Memorandum of Understanding or
14 any identical article of a successor memorandum between the State and the exclusive
15 representatives and that are authorized to be inspected under federal law. Before the
16 inspection of a public record under this Act in accordance with this section, the
17 exclusive representative shall enter into a nondisclosure agreement for any documents
18 inspected to ensure the confidentiality of the information provided.

19 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
20 effect July 1, 2009.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.