

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 75 (Chair, Education, Health, and Environmental Affairs
Committee)(By Request - Departmental - Transportation)
Education, Health, and Environmental Affairs Health and Government Operations

**Public Information Act - Confidentiality of Security-Related Documents and
Records**

This departmental bill authorizes the State and local governments to keep specified records related to the ports confidential. Records may be withheld only if public inspection would jeopardize the security of any building, structure, or facility; facilitate the planning of a terrorist attack; or endanger life or safety. The bill is not intended to limit inspection of Maryland Port Administration (MPA) or Maryland Aviation Administration records by a specified exclusive representative, as authorized by specified memoranda of understanding and federal law; however, an exclusive representative must sign a nondisclosure agreement prior to inspecting a public record.

The bill takes effect July 1, 2009.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: The bill does not materially affect local operations or finances.

Small Business Effect: The Maryland Department of Transportation (MDOT) has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Current Law: The Maryland Public Information Act grants the public a broad right of access to records that are in the possession of State and local government agencies. The Act's basic mandate is to enable people to have access to government records without unnecessary cost or delay. Custodians have a responsibility to provide such access unless the requested records fall within one of the exceptions in the statute.

There are numerous exceptions to the Maryland Public Information Act, including disclosure of specified information about bridges, tunnels, airports, and mass transit facilities.

Background: After the events of September 11, 2001, concerns were raised over the security of U.S. ports and waterways. At the federal level, Congress passed the Maritime Transportation Security Act in November 2002 to improve the security conditions at the ports and along American waterways. In Maryland, MPA established an Office of Security in fiscal 2005 to oversee contractual security personnel and coordinate with the Maryland Transportation Authority Police, who are responsible for law enforcement and patrol functions at MPA terminals. Furthermore, the Maryland Area Maritime Security Committee was established to coordinate the security efforts of MDOT, the U.S. Coast Guard, the U.S. Customs and Border Protection Agency, the Federal Bureau of Investigation, municipal law enforcement agencies, and maritime personnel from the private and public sectors.

MPA is implementing a variety of efforts aimed at improving its physical and informational security systems. For example, the federally mandated Transportation Worker Identification Credential (TWIC) was initiated in December 2008. TWICs are biometric credentials issued to all workers who require unescorted access to secure areas of ports and vessels. Other ongoing MPA security efforts include installing or upgrading fencing, lighting, cyber lock controlled gates, intelligent closed-circuit television systems, access controlled systems, and communication systems.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - January 19, 2009
mam/ljm Revised - Senate Third Reader - March 30, 2009

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Public Information Act – Maryland Port Administration – Confidentiality of Security – Related Documents and Records

BILL NUMBER: SB 75

PREPARED BY: Maryland Department of Transportation/Maryland Port Administration

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.