

HOUSE BILL 272

P3

11r0738

(PRE-FILED)

By: **Delegate Carr**

Requested: September 25, 2020

Introduced and read first time: January 13, 2021

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Information Act – Required Denials – Sociological Information and**
3 **Distribution Lists**

4 FOR the purpose of establishing that certain provisions of law do not preclude a member of
5 the General Assembly from acquiring certain information for certain purposes;
6 prohibiting a definition of “sociological information” adopted in rules or regulations
7 by an official custodian for certain purposes from including a certain notice, or a list
8 of the recipients of a certain notice; requiring a custodian to deny inspection under
9 the Public Information Act of only a certain part of a certain distribution list, rather
10 than the full distribution list; defining “distribution list” to exclude a certain list of
11 recipients; making a stylistic change; and generally relating to required denials
12 under the Public Information Act.

13 BY repealing and reenacting, with amendments,
14 Article – General Provisions
15 Section 4–103(c), 4–330, and 4–341
16 Annotated Code of Maryland
17 (2019 Replacement Volume and 2020 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – General Provisions
20 Section 5–101(v)
21 Annotated Code of Maryland
22 (2019 Replacement Volume and 2020 Supplement)

23 BY repealing and reenacting, without amendments,
24 Article – Real Property
25 Section 12–111
26 Annotated Code of Maryland
27 (2015 Replacement Volume and 2020 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – General Provisions**

4 4–103.

5 (c) This title does not preclude a member of the General Assembly from acquiring:

6 (1) the names and addresses of and statistical information about
7 individuals who are licensed or, as required by a State law, registered; **OR**

8 (2) **THE NAMES AND ADDRESSES OF INDIVIDUALS IDENTIFIED ON A**
9 **DISTRIBUTION LIST IN CONNECTION WITH A LEGISLATIVE ACTION, AS DEFINED**
10 **UNDER § 5–101 OF THIS ARTICLE.**

11 4–330.

12 (A) If the official custodian has adopted rules or regulations that define, **SUBJECT**
13 **TO SUBSECTION (B) OF THIS SECTION**, “sociological information” for purposes of this
14 section, a custodian shall deny inspection of the part of a public record that contains
15 sociological information, in accordance with the rules or regulations.

16 (B) **A DEFINITION OF “SOCIOLOGICAL INFORMATION” ADOPTED UNDER**
17 **SUBSECTION (A) OF THIS SECTION MAY NOT INCLUDE A NOTICE, OR A LIST OF THE**
18 **RECIPIENTS OF A NOTICE, GIVEN UNDER § 12–111 OF THE REAL PROPERTY**
19 **ARTICLE.**

20 4–341.

21 (a) (1) In this [section, “governmental] **SECTION THE FOLLOWING WORDS**
22 **HAVE THE MEANINGS INDICATED.**

23 (2) **“DISTRIBUTION LIST” DOES NOT INCLUDE A LIST OF RECIPIENTS**
24 **WHO HAVE RECEIVED A NOTICE UNDER § 12–111 OF THE REAL PROPERTY ARTICLE.**

25 (3) **“GOVERNMENTAL entity” means a unit or an instrumentality of the**
26 **State or of a political subdivision.**

27 (b) A custodian shall deny inspection of **THE PART OF** a distribution list and a
28 request to be added to a distribution list that identifies a physical address, an e-mail
29 address, or a telephone number of an individual that is used by a governmental entity or
30 an elected official for the sole purpose of:

1 (1) periodically sending news about the official activities of the
2 governmental entity or elected official; or

3 (2) sending informational notices or emergency alerts.

4 5–101.

5 (v) (1) “Legislative action” means an official action or nonaction relating to:

6 (i) a bill, a resolution, an amendment, a nomination, an
7 appointment, a report, or any other matter within the jurisdiction of the General Assembly;

8 (ii) a bill presented to the Governor for signature or veto; or

9 (iii) testimony or other advocacy in an official capacity as a member
10 of the General Assembly before a unit of State or local government.

11 (2) “Legislative action” includes:

12 (i) introduction;

13 (ii) sponsorship;

14 (iii) consideration;

15 (iv) debate;

16 (v) amendment;

17 (vi) passage;

18 (vii) defeat;

19 (viii) approval; and

20 (ix) veto.

21 **Article – Real Property**

22 12–111.

23 (a) Civil engineers, land surveyors, real estate appraisers, and their assistants
24 acting on behalf of the State or of any of its instrumentalities or any body politic or corporate
25 having the power of eminent domain after every real and bona fide effort to notify the owner
26 or occupant in writing with respect to the proposed entry may:

1 (1) Enter on any private land to make surveys, run lines or levels, or obtain
2 information relating to the acquisition or future public use of the property or for any
3 governmental report, undertaking, or improvement;

4 (2) Set stakes, markers, monuments, or other suitable landmarks or
5 reference points where necessary; and

6 (3) Enter on any private land and perform any function necessary to
7 appraise the property.

8 (b) If any civil engineer, surveyor, real estate appraiser, or any of their assistants
9 is refused permission to enter or remain on any private land for the purposes set out in
10 subsection (a) of this section, the person, the State, its instrumentality, or the body politic
11 or corporate on whose behalf the person is acting may apply to a law court of the county
12 where the property, or any part of it, is located for an order directing that the person be
13 permitted to enter on and remain on the land to the extent necessary to carry out the
14 purposes authorized by this section.

15 (c) If a civil engineer, surveyor, real estate appraiser, or any of their assistants
16 enters on any private land under the authority of this section or any court order passed
17 pursuant to it, and damages or destroys any land or personal property on it, the owner of
18 the property has a cause of action for damages against the civil engineer, surveyor, real
19 estate appraiser, or assistant and against the State, its instrumentality, or the body politic
20 or corporate on whose behalf the person inflicting the damage was acting.

21 (d) Any landowner or other person who willfully obliterates, damages, or removes
22 any stake, marker, monument, or other landmark set by any civil engineer, surveyor, or
23 real estate appraiser or any of their assistants acting pursuant to this section, except if the
24 stake, marker, monument, or other landmark interferes with the proper use of the property,
25 is guilty of a misdemeanor and on conviction shall be fined not more than \$500.

26 (e) Any person who has knowledge of an order issued pursuant to subsection (b)
27 and who obstructs any civil engineer, surveyor, real estate appraiser, or any of their
28 assistants acting under the authority of the order may be punished as for contempt of court.

29 (f) In Anne Arundel County, Montgomery County, or Baltimore City, an agent or
30 employee, or one or more assistants of the jurisdiction, after real and bona fide effort to
31 notify the occupant or the owner, if the land is unoccupied or if the occupant is not the
32 owner, may enter on any private land to make test borings and soil tests and obtain
33 information related to such tests for the purpose of determining the possibility of public use
34 of the property. If an agent, employee, or assistant is refused permission to enter or remain
35 on any private land for the purposes set out in this subsection, Anne Arundel County,
36 Montgomery County, or Baltimore City may apply to a law court of the jurisdiction where
37 the property or any part of it is located for an order directing that its agent, employee, or
38 assistant be permitted to enter and remain on the land to the extent necessary to carry out
39 the purposes authorized by this subsection. The court may require that the applying
40 jurisdiction post a bond in an amount sufficient to reimburse any person for damages

1 reasonably estimated to be caused by test borings, soil tests, and related activities. If any
2 person enters on any private land under the authority of this section or of any court order
3 passed pursuant to it and damages or destroys any land or personal property on it, the
4 owner of the property has a cause of action for damages against the jurisdiction that
5 authorized the entrance. Any person who knows of an order issued under this subsection
6 and who obstructs any agent, employee, or assistant acting under the authority of the order
7 may be punished for contempt of court.

8 (g) The State Highway Administration, the Maryland Transit Administration,
9 and the agents, employees, and consultants of the State Highway Administration and the
10 Maryland Transit Administration may enter upon private property to conduct
11 environmental and engineering studies, including soil boring and excavation, necessary to
12 determine the suitability of the property for use by the administration entering the
13 property. Entry onto private property for these purposes shall not be undertaken without
14 prior consent of the property owner. If, after real and bona fide effort, the consent of the
15 property owner cannot be secured, the administration seeking entry may apply to a law or
16 equity court where the property or any part of it is located for an order directing that entry
17 be permitted. "Bona fide effort" shall include either 30 days advance notice in writing by
18 certified mail return receipt requested to the last known address of the property owner or
19 posting notice on the property not less than 30 days in advance, and such other
20 requirements as the court may deem appropriate. The administration entering the
21 property, when removing, displacing, boring, or excavating soil under the provisions of this
22 section, shall replace the topsoil in a manner which will approach the level of compaction
23 and contour as when removed. An administration entering private property under the
24 authority of this subsection shall reimburse the landowner or lessee who is farming the
25 property for agricultural products destroyed or damaged by the administration's agents,
26 employees, or consultants and shall be responsible for any other damages that may be
27 incurred as a result of such entry on private property.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2021.