

HOUSE BILL 1261

P1

6lr2403

By: **Delegates K. Young, Cullison, Ebersole, Hill, Kelly, Moon, Pena–Melnyk, Reznik, Sample–Hughes, Tarlau, and M. Washington**

Introduced and read first time: February 12, 2016

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Archivist – Process for Evaluating State Designations**

3 FOR the purpose of altering the process by which the State Archivist reviews, evaluates,
4 and makes recommendations to the General Assembly regarding certain State
5 designations; providing that a certain provision of law does not affect the ability of
6 the General Assembly to enact certain legislation; requiring the State Archivist to
7 assist the General Assembly in reviewing and evaluating certain State designations
8 in accordance with certain provisions of law; requiring the State Archivist to review
9 certain documentary evidence, establish a certain workgroup under certain
10 circumstances, and consider certain factors when reviewing and evaluating certain
11 State designations; requiring a certain member of the General Assembly who
12 sponsors certain legislation or otherwise makes a certain request to the State
13 Archivist to submit a certain statement and certain documentation to the State
14 Archivist; authorizing the State Archivist to contract for certain professional services
15 or reimburse certain workgroup members under certain circumstances; requiring
16 the State Archivist to submit certain reports to the General Assembly on or before
17 certain dates; requiring that certain reports include an evaluation of certain State
18 designations; making certain technical changes; defining a certain term; and
19 generally relating to the State Archivist and a process for evaluating State
20 designations.

21 BY repealing and reenacting, with amendments,
22 Article – State Government
23 Section 9–1007
24 Annotated Code of Maryland
25 (2014 Replacement Volume and 2015 Supplement)

26 BY adding to
27 Article – State Government
28 Section 9–1007.1

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2014 Replacement Volume and 2015 Supplement)

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

5 **Article – State Government**

6 9–1007.

7 (a) In addition to any powers set forth elsewhere, the State Archivist may:

8 (1) adopt regulations to:

9 (i) govern the Archives;

10 (ii) manage the Hall of Records Building and other real and personal
11 property that the Archives acquires;

12 (iii) manage the records under the supervision of the Archives; and

13 (iv) define the categories of records in the report of the Records
14 Management Division under § 10–634 of this article;

15 (2) have a seal; and

16 (3) [on request, or at the State Archivist’s discretion,] review, evaluate,
17 and make recommendations to the General Assembly regarding State designations under
18 Title [13 of this article] **7 OF THE GENERAL PROVISIONS ARTICLE IN ACCORDANCE**
19 **WITH § 9–1007.1 OF THIS SUBTITLE.**

20 [(b) At the request of the President of the Senate, the Speaker of the House, the
21 Chair of the Senate Education, Health, and Environmental Affairs Committee, or the Chair
22 of the House Health and Government Operations Committee, the State Archivist shall
23 review, evaluate, and make recommendations to the General Assembly regarding State
24 designations under Title 13 of this article.]

25 [(c) (B) (1) The State Archivist may establish reasonable fees for the care
26 and preservation of records and other services provided by the Archives.

27 (2) Fees may be in the form of:

28 (i) a percentage not to exceed 2% of an existing fee charged at the
29 time of the creation of a record in any form or format; or

30 (ii) a flat rate subscription charge for a publication of the Archives.

1 (3) Of the fees collected, 7% shall be deposited in the Archives Endowment
2 Account of the State Archives Fund established under § 9–1013 of this subtitle as an
3 educational and entrepreneurial reserve.

4 **[(d)] (C)** The State Archivist shall submit to the Governor and, subject to §
5 2–1246 of this article, to the General Assembly an annual report on the activities of the
6 Archives and the Commission during the preceding fiscal year.

7 **9–1007.1.**

8 **(A) IN THIS SECTION, “STATE DESIGNATION” MEANS A DESIGNATION**
9 **UNDER TITLE 7 OF THE GENERAL PROVISIONS ARTICLE.**

10 **(B) THIS SECTION DOES NOT AFFECT THE ABILITY OF THE GENERAL**
11 **ASSEMBLY TO ENACT LEGISLATION ON STATE DESIGNATIONS.**

12 **(C) THE STATE ARCHIVIST SHALL ASSIST THE GENERAL ASSEMBLY IN**
13 **REVIEWING AND EVALUATING PROPOSED STATE DESIGNATIONS IN ACCORDANCE**
14 **WITH THIS SECTION.**

15 **(D) IN REVIEWING AND EVALUATING A PROPOSED STATE DESIGNATION,**
16 **THE STATE ARCHIVIST SHALL:**

17 **(1) REVIEW DOCUMENTARY EVIDENCE SUBMITTED BY A MEMBER OF**
18 **THE GENERAL ASSEMBLY WHO SPONSORS LEGISLATION PROPOSING A STATE**
19 **DESIGNATION OR WHO OTHERWISE REQUESTS THE STATE ARCHIVIST TO REVIEW**
20 **AND EVALUATE A STATE DESIGNATION;**

21 **(2) IF DETERMINED BY THE ARCHIVIST TO BE APPROPRIATE,**
22 **ESTABLISH A WORKGROUP OF INDIVIDUALS WITH EXPERTISE IN THE SUBJECT**
23 **MATTER OF THE PROPOSED STATE DESIGNATION; AND**

24 **(3) CONSIDER WHETHER THE PROPOSED STATE DESIGNATION:**

25 **(I) HAS HISTORICAL SIGNIFICANCE;**

26 **(II) HAS RELEVANCE TO STATE CULTURE AND TRADITION;**

27 **(III) IS UNIQUE TO THE STATE;**

28 **(IV) IS INCLUSIVE OF ALL RESIDENTS OF THE STATE; AND**

1 (V) SATISFIES ANY OTHER CRITERIA RELEVANT TO THE
2 PROPOSED STATE DESIGNATION AS DETERMINED BY THE STATE ARCHIVIST.

3 (E) A MEMBER OF THE GENERAL ASSEMBLY WHO SPONSORS LEGISLATION
4 PROPOSING A STATE DESIGNATION OR WHO OTHERWISE MAKES A REQUEST TO THE
5 STATE ARCHIVIST TO REVIEW AND EVALUATE A STATE DESIGNATION SHALL SUBMIT
6 TO THE STATE ARCHIVIST:

7 (1) A STATEMENT AS TO THE HISTORICAL SIGNIFICANCE OF THE
8 PROPOSED STATE DESIGNATION;

9 (2) DOCUMENTATION OF THE STATE DESIGNATION INCLUDING:

10 (I) THE HISTORIC AND PRESENT DAY SIGNIFICANCE;

11 (II) THE RELEVANCE TO STATE CULTURE AND TRADITION;

12 (III) THE UNIQUENESS TO THE STATE; AND

13 (IV) THE INCLUSIVENESS OF ALL RESIDENTS OF THE STATE;

14 AND

15 (3) ANY OTHER INFORMATION REQUESTED BY THE STATE
16 ARCHIVIST.

17 (F) SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET, THE STATE
18 ARCHIVIST MAY CONTRACT FOR PROFESSIONAL SERVICES TO CARRY OUT THE
19 PROVISIONS OF THIS SECTION OR REIMBURSE WORKGROUP MEMBERS.

20 (G) (1) ON OR BEFORE DECEMBER 31, 2016, AND EACH DECEMBER 31
21 THEREAFTER, THE STATE ARCHIVIST SHALL SUBMIT A REPORT ON ITS FINDINGS,
22 INCLUDING ANY RECOMMENDATIONS, TO THE GENERAL ASSEMBLY, SUBJECT TO §
23 2-1246 OF THIS ARTICLE.

24 (2) THE ANNUAL REPORT PREPARED BY THE STATE ARCHIVIST
25 SHALL INCLUDE AN EVALUATION OF ANY STATE DESIGNATION:

26 (I) LEGISLATIVELY PROPOSED DURING THE SESSION OF THE
27 GENERAL ASSEMBLY THAT YEAR; OR

28 (II) OTHERWISE SUBMITTED TO THE STATE ARCHIVIST FOR
29 REVIEW AND EVALUATION BY A MEMBER OF THE GENERAL ASSEMBLY BEFORE JULY
30 1 THAT YEAR.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
2 1, 2016.