

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1261

(Delegate K. Young, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

State Archivist - Process for Evaluating State Designations

This bill alters the process by which the State Archivist reviews, evaluates, and makes recommendations to the General Assembly regarding State designations. The bill does not affect the ability of the General Assembly to enact legislation on State designations. The State Archivist must assist the General Assembly in reviewing an evaluating proposed State designations following a specified process and considering specified criteria. Subject to the limitations of the State budget, the State Archivist may contract for professional services to carry out the bill. By December 31, 2016, and each December 31 thereafter, the State Archivist must submit a report on its findings, including any recommendations, to the General Assembly. The annual report must include an evaluation of any State designation (1) legislatively proposed during the session of the General Assembly that year or (2) otherwise submitted to the State Archivist for review and evaluation by a member of the General Assembly before July 1 that year.

The bill takes effect June 1, 2016.

Fiscal Summary

State Effect: The bill does not materially affect State finances. The Maryland State Archives may need to temporarily reassign staff from other priorities to review proposed State designations according to the process established by the bill. In addition, the State Archivist may choose to contract for professional services; however, it is assumed that this can be accomplished using existing resources. Any expense reimbursements for workgroup members are assumed to be minimal and absorbable within existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: In reviewing and evaluating a proposed State designation, the State Archivist must review documentary evidence submitted by a member of the General Assembly who sponsors legislation proposing a State designation or who otherwise requests the State Archivist to review and evaluate a State designation. If determined by the archivist to be appropriate, the archivist must establish a workgroup of individuals with expertise in the subject matter of the proposed State designation. In its review and evaluation of a proposed State designation, the archivist must consider whether it:

- has historical significance;
- has relevance to State culture and tradition;
- is unique to the State;
- is inclusive of all residents of the State; and
- satisfies any other criteria relevant to the proposed State designation as determined by the archivist.

A member of the General Assembly who sponsors legislation or who otherwise makes a request to the State Archivist to review and evaluate a State designation must submit to the State Archivist a statement as to the historical significance of the proposed State designation and specified documentation.

A member of a workgroup established pursuant to the bill may not receive compensation but is entitled to reimbursement for expenses under the standard State travel regulations, as provided in the State budget.

A “State designation” means a designation means a designation under Title 7 of the General Provisions Article.

Current Law: On request, or at the State Archivist’s discretion, the State Archivist may review, evaluate, and make recommendations to the General Assembly regarding State designations. At the request of the President of the Senate, the Speaker of the House, the Chair of the Senate Education, Health, and Environmental Affairs Committee, or the Chair of the House Health and Government Operations Committee, the State Archivist must review, evaluate, and make recommendations to the General Assembly regarding State designations.

The Maryland State Flag was adopted as the State flag in 1904 followed by the adoption of the Black-eyed Susan as the State flower in 1918. Since then, the State has adopted

many additional official symbols, as shown in **Exhibit 1**. The Governor is also authorized to designate a citizen as the State's Poet Laureate.

Exhibit 1
State Symbols of Maryland

<u>Type</u>	<u>Name</u>	<u>Statutory Authority</u>
Bird	Baltimore Oriole	Ch. 54 of 1947
Boat	Skipjack	Ch. 788 of 1985
Cat	Calico Cat	Ch. 194 of 2001
Crustacean	Blue Crab	Ch. 724 of 1989
Dessert	Smith Island Cake	Chs. 164/165 of 2008
Dinosaur	<i>Astrodon johnstoni</i>	Chs. 403/404 of 1998
Dog	Chesapeake Bay Retriever	Ch. 156 of 1964
Drink	Milk	Ch. 220 of 1998
Exercise	Walking	Chs. 400/401 of 2008
Fish	Rockfish (Striped Bass)	Ch. 513 of 1965
Flower	Black-eyed Susan	Ch. 458 of 1918
Folk Dance	Square Dance	Ch. 707 of 1994
Fossil Shell	<i>Ecphora gardnerae gardnerae</i>	Ch. 688 of 1994
Gem	Patuxent River Stone	Ch. 272 of 2004
Horse	Thoroughbred Horse	Ch. 359 of 2003
Insect	Baltimore Checkerspot Butterfly	Ch. 253 of 1973
Reptile	Diamondback Terrapin	Ch. 476 of 1994
Song	"Maryland, My Maryland"	Ch. 451 of 1939
Sport	Jousting	Ch. 134 of 1962
Team Sport	Lacrosse	Ch. 272 of 2004
Theater	Center Stage	Ch. 1003 of 1978
Theater – Summer	Olney Theatre	Ch. 1003 of 1978
Tree	White Oak	Ch. 731 of 1941

Source: Maryland State Archives

Background: The most recent request made to review, evaluate, and make recommendations regarding State designations was in July 2015 when the State Archivist was requested by the Chair of the Health and Government Operations Committee to convene a panel to study the replacing the State song to recommend an alternative prior to the 2016 legislative session. The State Song Advisory Group, headed by the State Archivist, convened in October 2015 and recommended six alternatives to the current

State song. The final [report](#) of the advisory group can be found on the Maryland State Archives' website.

During the 2015 session, one State designation, [the State tartan](#), was proposed. During the 2014 session, the [soft-shell crab sandwich](#) was proposed as the State sandwich. During the 2013 session, two State designations, the [soft-shell crab sandwich](#) and the [raven](#) as the second State bird, were proposed. In addition to legislation proposing various State designations, legislation has also been introduced in recent years that affects other sections of Title 7 of the General Provisions Article, including legislation to designate commemorative days and months and legislation that affects the State seal.

The State Archivist advises that the bill lays out a clear process for review and sets criteria against which new symbols are to be measured.

State Expenditures: Given the limited number of State designations proposed in recent years, it is assumed that the Maryland State Archives can conduct the required review of proposed State designations using existing resources. However, if the number of State designations proposed by the General Assembly increases significantly, general fund expenditures for the Maryland State Archives may increase minimally.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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