

# SENATE BILL 44

P1

71r0027

(PRE-FILED)

---

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request  
– Departmental – Maryland State Archives)**

Requested: October 19, 2016

Introduced and read first time: January 11, 2017

Assigned to: Education, Health, and Environmental Affairs

---

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 14, 2017

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Records Management and Preservation – State ~~and Local Government Units~~**  
3 **Units and Public Officials – Responsibilities**

4 FOR the purpose of ~~applying certain provisions of law regarding records management and~~  
5 ~~preservation to instrumentalities of the State, counties, and municipalities~~; altering  
6 the procedures required to be included in a program for the management of records;  
7 requiring each head of a unit of State government to designate a records officer to  
8 carry out certain functions; providing that the Records Management Division is  
9 required to study the records management practices of the units of State  
10 government; ~~requiring a records officer to notify the State Archives that records of~~  
11 ~~the unit are no longer needed for the transaction of business~~; ~~requiring the records~~  
12 ~~officer to transfer to the custody of the Archives certain records~~; altering the  
13 examples of records that ~~may be considered~~ are required to be offered by a public  
14 official to the State Archives for transfer; requiring that records accepted for transfer  
15 to the Archives be accompanied by a records inventory; ~~authorizing a records officer,~~  
16 ~~rather than a public official, to send certain information to the Archives~~; defining  
17 certain terms; ~~altering a certain definition~~; making a stylistic change; and generally  
18 relating to records management and preservation.

19 BY repealing and reenacting, with amendments,  
20 Article – State Government  
21 Section 10–608, 10–610, 10–611(2), 10–614, and 10–616  
22 Annotated Code of Maryland

---

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.



(2014 Replacement Volume and 2016 Supplement)

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

**Article – State Government**

10–608.

(a) In this Part II of this subtitle the following words have the meanings indicated.

**(B) “ARCHIVES” MEANS THE STATE ARCHIVES.**

**[(b)] (C)** “Division” means the Records Management Division of the Department of General Services.

**[(c)] (D)** “Program” means a program for the management of the records of a unit ~~of the State government~~.

**(E) “RECORDS OFFICER” MEANS ANY INDIVIDUAL DESIGNATED UNDER § 10–610(B) OF THIS PART.**

~~**(F) “UNIT” MEANS ANY INSTRUMENTALITY OF THE STATE, A COUNTY, OR A MUNICIPALITY.**~~

10–610.

(a) **(1)** Each unit ~~of the State government~~ shall have a program for the continual, economical, and efficient management of the records of the unit.

**[(b)] (2)** The program shall include procedures **FOR**:

**[(1)] (I)** [to ensure] the security of the records;

**[(2)] (II)** [to establish and to revise] **THE ESTABLISHMENT AND REVISION**, in accordance with the regulations, record retention and disposal schedules [that] **TO** ensure the prompt and orderly disposition of records, **INCLUDING ELECTRONIC RECORDS**, that the unit no longer needs for its operation; [and]

**[(3)] (III)** [to facilitate compliance with Part III of this subtitle] **THE MAINTENANCE OF INVENTORIES OF RECORDS SERIES THAT ARE ACCURATE AND COMPLETE; AND**

1 (IV) THE TRANSFER OF PERMANENT RECORDS TO THE CUSTODY  
2 OF THE ARCHIVES.

3 (B) EACH HEAD OF A UNIT OF STATE GOVERNMENT SHALL DESIGNATE,  
4 FROM AMONG THE UNIT'S EXECUTIVE STAFF, A RECORDS OFFICER FOR THE UNIT  
5 TO:

6 (1) SERVE AS LIAISON TO THE DIVISION AND THE ARCHIVES; AND

7 (2) DEVELOP AND OVERSEE THE PROGRAM.

8 10-611.

9 The Division shall:

10 (2) study the records management practices of the units OF STATE  
11 GOVERNMENT;

12 10-614.

13 (a) In this Part III of this subtitle the following words have the meanings  
14 indicated.

15 (b) "Archives" means the State Archives.

16 (c) "Commission" means the Hall of Records Commission.

17 (d) "Public official" includes an official of the State or of a county, city, or town in  
18 the State.

19 (E) "RECORD" MEANS ANY DOCUMENTARY MATERIAL IN ANY FORM  
20 CREATED OR RECEIVED BY ANY AGENCY IN CONNECTION WITH THE TRANSACTION  
21 OF PUBLIC BUSINESS.

22 (F) "RECORDS INVENTORY" MEANS A SURVEY OF ALL RECORDS SERIES  
23 MAINTAINED BY AN AGENCY RESULTING IN AN ITEMIZED COMPILATION OF THE  
24 RECORDS IN THE POSSESSION OF THE AGENCY.

25 ~~(G) "RECORDS OFFICER" MEANS ANY INDIVIDUAL DESIGNATED UNDER §~~  
26 ~~10-610(B) OF THIS SUBTITLE.~~

27 ~~(H) "UNIT" MEANS ANY INSTRUMENTALITY OF THE STATE, A COUNTY, OR A~~  
28 ~~MUNICIPALITY.~~

29 10-616.

1 (a) In accordance with the record retention and disposal schedules, ~~[(a) public~~  
 2 official shall offer to the Archives any public record of the official that no longer is needed,  
 3 such as: ~~]; THE RECORDS OFFICER SHALL NOTIFY THE ARCHIVES THAT RECORDS OF~~  
 4 ~~THE UNIT ARE NO LONGER NEEDED FOR THE TRANSACTION OF BUSINESS.~~

5 ~~(B) THE RECORDS OFFICER SHALL TRANSFER TO THE CUSTODY OF THE~~  
 6 ~~ARCHIVES RECORDS DEEMED BY THE STATE ARCHIVIST TO BE PERMANENT.~~

7 ~~(C) RECORDS PRODUCED OR ACQUIRED IN THE COURSE OF UNIT BUSINESS~~  
 8 ~~AND CONSIDERED FOR TRANSFER MAY INCLUDE:~~

9 (1) an original paper;

10 (2) a book;

11 (3) a file;

12 (4) a record of a court of record for which an accurate transcript is in use;

13 [or]

14 (5) a record that relates to the internal management of or otherwise is a  
 15 housekeeping record for an office of a clerk of court or register of wills; OR

16 ~~(6) DATA GENERATED, STORED, RECEIVED, OR COMMUNICATED BY~~  
 17 ~~ELECTRONIC MEANS FOR USE BY, OR STORAGE IN, AN INFORMATION SYSTEM OR FOR~~  
 18 ~~TRANSMISSION FROM ONE INFORMATION SYSTEM TO ANOTHER; OR~~

19 ~~(7) (6) ANY OTHER WRITTEN OR RECORDED MATERIALS~~  
 20 ~~REGARDLESS OF THEIR PHYSICAL FORM OR CHARACTERISTICS.~~

21 (D) RECORDS ACCEPTED FOR TRANSFER TO THE ARCHIVES SHALL BE  
 22 ACCOMPANIED BY A RECORDS INVENTORY.

23 ~~[(b)] (E) (1) With the written approval of the State Archivist, a [(public~~  
 24 official] ~~RECORDS OFFICER~~ may destroy the record that the [(public official] ~~UNIT~~  
 25 offers under this section, but the Archives declines to accept.

26 (2) After records are destroyed, the [(public official] ~~RECORDS OFFICER~~  
 27 shall send to the Archives:

28 (i) a list of the records that were destroyed; and

29 (ii) a certificate of destruction.

1                   (3)    **(I)**    The State Archivist shall keep each list of the records destroyed  
2 under this subsection.

3                               **(II)**   The list shall be available for public inspection at reasonable  
4 times.

5           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2017.

Approved:

---

Governor.

---

President of the Senate.

---

Speaker of the House of Delegates.