

SENATE BILL 147

P1

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

Introduced and read first time: January 18, 2008

Rules suspended

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: February 6, 2008

CHAPTER _____

1 AN ACT concerning

2 **State Archives – Records and Other Services – Fees**

3 FOR the purpose of authorizing the State Archivist to establish certain fees for certain
4 purposes; providing that certain fees may be in certain forms; requiring a
5 certain percentage of fees collected to be deposited into a certain fund; requiring
6 the Comptroller to credit certain money to a certain fund; authorizing the Hall
7 of Records Commission to use certain fees to create a certain Endowment
8 Account under certain circumstances; and generally relating to fees established
9 by the State Archivist.

10 BY repealing and reenacting, with amendments,
11 Article – State Government
12 Section 9–1007 and 9–1013
13 Annotated Code of Maryland
14 (2004 Replacement Volume and 2007 Supplement)

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

17 **Article – State Government**

18 9–1007.

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

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.



1 (1) adopt regulations to:

2 (i) govern the Archives;

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

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

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

9 (2) have a seal.

10 **(B) (1) THE STATE ARCHIVIST MAY ESTABLISH REASONABLE FEES**
11 **FOR THE CARE AND PRESERVATION OF RECORDS AND OTHER SERVICES**
12 **PROVIDED BY THE ARCHIVES.**

13 **(2) FEES MAY BE IN THE FORM OF:**

14 **(I) A PERCENTAGE NOT TO EXCEED 2% OF AN EXISTING FEE**
15 **CHARGED AT THE TIME OF THE CREATION OF A RECORD IN ANY FORM OR**
16 **FORMAT; OR**

17 **(II) A FLAT RATE SUBSCRIPTION CHARGE FOR A**
18 **PUBLICATION OF THE ARCHIVES.**

19 **(3) OF THE FEES COLLECTED, 7% SHALL BE DEPOSITED IN THE**
20 **ARCHIVES ENDOWMENT ACCOUNT OF THE STATE ARCHIVES FUND**
21 **ESTABLISHED UNDER § 9–1013 OF THIS SUBTITLE AS AN EDUCATIONAL AND**
22 **ENTREPRENEURIAL RESERVE.**

23 [(b)] (C) The State Archivist shall submit to the Governor and, subject to §
24 2–1246 of this article, to the General Assembly an annual report on the activities of
25 the Archives and the Commission during the preceding fiscal year.

26 9–1013.

27 (a) There is a State Archives Fund.

28 (b) The Comptroller shall credit to the State Archives Fund any money that:

29 (1) is appropriated or given to the Archives for publication of the series
30 known as “The Archives of Maryland”;

1 (2) is received from the sale of the series; [or]

2 (3) is received from public grants and private contributions; **OR**

3 (4) **IS RECEIVED FROM FEES COLLECTED IN ACCORDANCE WITH §**
4 **9-1007(B) OF THIS SUBTITLE.**

5 (c) (1) The Commission may utilize the proceeds of public grants, [and]
6 private contributions, **AND FEES COLLECTED UNDER § 9-1007(B)(3) OF THIS**
7 **SUBTITLE** to create an Archives Endowment Account within the State Archives Fund,
8 if this use is consistent with the terms of the public grants and private contributions.

9 (2) If an endowment is created, the principal of the endowment may
10 not be expended, except pursuant to a recommendation of the Commission.

11 (d) (1) The Archives shall use money received by the State Archives Fund
12 for “The Archives of Maryland” to prepare, edit, and publish volumes of the series,
13 including reprints of unavailable volumes.

14 (2) The Archives may use other money in the Fund for the general
15 dissemination of archival materials. This includes the preparation and distribution of
16 books and other publications using archival materials.

17 (3) Earnings from the endowment may be used for research on
18 Maryland citizens who achieve national, State, or local prominence, for research on
19 historical and geographical aspects of Maryland, and for an outreach program into the
20 schools.

21 (e) The Treasurer shall invest money from the State Archives Fund,
22 including money in the Archives Endowment Account, for the use of the Fund, and all
23 earnings shall be credited to the Fund.

24 (f) Expenditures from the Fund, including earnings from the Archives
25 Endowment Account, shall be made pursuant to an appropriation approved by the
26 General Assembly in the annual State budget or by the budget amendment procedure
27 provided for in § 7-209 of the State Finance and Procurement Article.

28 (g) The Fund is a continuing, nonlapsing fund which is not subject to § 7-302
29 of the State Finance and Procurement Article.

30 (h) The Fund and the Endowment Account are subject to audit by the
31 Legislative Auditor.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2008.

