

## CHAPTER 19

(Senate Bill 147)

AN ACT concerning

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

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

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

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

#### **Article – State Government**

9–1007.

- (a) In addition to any powers set forth elsewhere, the State Archivist may:
- (1) adopt regulations to:
    - (i) govern the Archives;
    - (ii) manage the Hall of Records Building and other real and personal property that the Archives acquires;
    - (iii) manage the records under the supervision of the Archives;
- and
- (iv) define the categories of records in the report of the Records Management Division under § 10–634 of this article; and
- (2) have a seal.

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

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

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

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

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

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

9-1013.

(a) There is a State Archives Fund.

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

(1) is appropriated or given to the Archives for publication of the series known as "The Archives of Maryland";

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

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

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

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

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

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

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

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

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

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

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

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

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

**Approved by the Governor, April 8, 2008.**