

# HOUSE BILL 1261

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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

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 30, 2016

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

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; prohibiting  
16 a member of a certain workgroup from receiving certain compensation but  
17 authorizing the reimbursement of certain expenses; requiring the State Archivist to  
18 submit certain reports to the General Assembly on or before certain dates; requiring  
19 that certain reports include an evaluation of certain State designations; making  
20 certain technical changes; defining a certain term; and generally relating to the State  
21 Archivist and a process for evaluating State designations.

22 BY repealing and reenacting, with amendments,

23 Article – State Government

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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 Section 9–1007  
2 Annotated Code of Maryland  
3 (2014 Replacement Volume and 2015 Supplement)

4 BY adding to  
5 Article – State Government  
6 Section 9–1007.1  
7 Annotated Code of Maryland  
8 (2014 Replacement Volume and 2015 Supplement)

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

11 **Article – State Government**

12 9–1007.

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

14 (1) adopt regulations to:

15 (i) govern the Archives;

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

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

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

21 (2) have a seal; and

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

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

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

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

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

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

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

8 [(d)] (C) The State Archivist shall submit to the Governor and, subject to §  
9 2–1246 of this article, to the General Assembly an annual report on the activities of the  
10 Archives and the Commission during the preceding fiscal year.

11 **9–1007.1.**

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

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

16 (C) THE STATE ARCHIVIST SHALL ASSIST THE GENERAL ASSEMBLY IN  
17 REVIEWING AND EVALUATING PROPOSED STATE DESIGNATIONS IN ACCORDANCE  
18 WITH THIS SECTION.

19 (D) IN REVIEWING AND EVALUATING A PROPOSED STATE DESIGNATION,  
20 THE STATE ARCHIVIST SHALL:

21 (1) REVIEW DOCUMENTARY EVIDENCE SUBMITTED BY A MEMBER OF  
22 THE GENERAL ASSEMBLY WHO SPONSORS LEGISLATION PROPOSING A STATE  
23 DESIGNATION OR WHO OTHERWISE REQUESTS THE STATE ARCHIVIST TO REVIEW  
24 AND EVALUATE A STATE DESIGNATION;

25 (2) IF DETERMINED BY THE ARCHIVIST TO BE APPROPRIATE,  
26 ESTABLISH A WORKGROUP OF INDIVIDUALS WITH EXPERTISE IN THE SUBJECT  
27 MATTER OF THE PROPOSED STATE DESIGNATION; AND

28 (3) CONSIDER WHETHER THE PROPOSED STATE DESIGNATION:

29 (I) HAS HISTORICAL SIGNIFICANCE;

30 (II) HAS RELEVANCE TO STATE CULTURE AND TRADITION;

1 (III) IS UNIQUE TO THE STATE;

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

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

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

9 (1) A STATEMENT AS TO THE HISTORICAL SIGNIFICANCE OF THE  
10 PROPOSED STATE DESIGNATION;

11 (2) DOCUMENTATION OF THE STATE DESIGNATION INCLUDING:

12 (I) THE HISTORIC AND PRESENT DAY SIGNIFICANCE;

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

14 (III) THE UNIQUENESS TO THE STATE; AND

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

16 AND

17 (3) ANY OTHER INFORMATION REQUESTED BY THE STATE  
18 ARCHIVIST.

19 (F) (1) SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET, THE  
20 STATE ARCHIVIST MAY CONTRACT FOR PROFESSIONAL SERVICES TO CARRY OUT  
21 THE PROVISIONS OF THIS SECTION ~~OR REIMBURSE WORKGROUP MEMBERS.~~

22 (2) A MEMBER OF A WORKGROUP ESTABLISHED UNDER SUBSECTION  
23 (D)(2) OF THIS SECTION:

24 (I) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE  
25 WORKGROUP; BUT

26 (II) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER  
27 THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE  
28 BUDGET.

1 (G) (1) ON OR BEFORE DECEMBER 31, 2016, AND EACH DECEMBER 31  
2 THEREAFTER, THE STATE ARCHIVIST SHALL SUBMIT A REPORT ON ITS FINDINGS,  
3 INCLUDING ANY RECOMMENDATIONS, TO THE GENERAL ASSEMBLY, SUBJECT TO §  
4 2-1246 OF THIS ARTICLE.

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

7 (I) LEGISLATIVELY PROPOSED DURING THE SESSION OF THE  
8 GENERAL ASSEMBLY THAT YEAR; OR

9 (II) OTHERWISE SUBMITTED TO THE STATE ARCHIVIST FOR  
10 REVIEW AND EVALUATION BY A MEMBER OF THE GENERAL ASSEMBLY BEFORE JULY  
11 1 THAT YEAR.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
13 1, 2016.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.