

SENATE BILL 44

P1

7lr0027

(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

A BILL ENTITLED

1 AN ACT concerning

2 **Records Management and Preservation – State and Local Government Units –**
3 **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 to designate a records officer to carry out certain
8 functions; providing that the Records Management Division is required to study the
9 records management practices of the units of State government; requiring a records
10 officer to notify the State Archives that records of the unit are no longer needed for
11 the transaction of business; requiring the records officer to transfer to the custody of
12 the Archives certain records; altering the examples of records that may be considered
13 for transfer; requiring that records accepted for transfer to the Archives be
14 accompanied by a records inventory; authorizing a records officer, rather than a
15 public official, to send certain information to the Archives; defining certain terms;
16 altering a certain definition; making a stylistic change; and generally relating to
17 records management and preservation.

18 BY repealing and reenacting, with amendments,
19 Article – State Government
20 Section 10–608, 10–610, 10–611(2), 10–614, and 10–616
21 Annotated Code of Maryland
22 (2014 Replacement Volume and 2016 Supplement)

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

25 **Article – State Government**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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**

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

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

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

(2) DEVELOP AND OVERSEE THE PROGRAM.

10-611.

The Division shall:

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

10-614.

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

(b) "Archives" means the State Archives.

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

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

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

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

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

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

10-616.

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

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

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

(1) an original paper;

(2) a book;

(3) a file;

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

[or]

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

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

**(7) ANY OTHER WRITTEN OR RECORDED MATERIALS REGARDLESS OF
THEIR PHYSICAL FORM OR CHARACTERISTICS.**

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

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

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

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

(ii) a certificate of destruction.

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

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

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