

Testimony before the Education, Health and Environmental Affairs Committee
Maryland State Senate

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In support of Senate Bill 147: State Archives – Records and Other Services – Fees

During the most recent audit of the State Archives, the Legislative Auditor called into question the general fee-setting authority of the Archives. A letter of advice from the Assistant Attorney General to the Office of Legislative Audits supported the Archives' contention that the Archives has authority under several provisions of the law to charge fees. Nevertheless, on advice of counsel, the Archives agreed to seek legislative clarification that definitively would establish this authority.

Senate Bill 147 is a Departmental bill which clarifies the existing authority of the State Archivist to charge fees for publications, certain services rendered by the Archives, and the care and preservation of permanent records. The bill would require that a specified percentage of funds received into the State Archives Fund be set aside in the Archives Endowment Account. Interest from that account would fund educational and outreach programs of the Archives.

In addition, Senate Bill 147 allows agencies of State and local government, to allocate, if they wish, a small percentage of an existing fee, or pay the Archives a flat rate to fund the care and preservation of permanent paper or electronic record material that they, by law and schedule, transfer to the State Archives. For example, the Circuit Court Real Property Records Improvement Fund has been used to pay for *mdlandrec.net* – Maryland's retrieval system for land records -- through a flat fee subscription paid by the Judiciary.

In 1979, the General Assembly authorized the Hall of Records Commission to establish the Consolidated Publications Account, a special fund for revenues derived from publications and services of the Commission. A 1981 statute authorized the Hall of Records to accept from the Maryland Historical Society the inventory of the *Archives of Maryland* series, and funds relating to it (Chapter 119, Acts of 1981). By the same law, the Archives Fund was authorized to receive money from the sale of the *Archives of Maryland* series.

In 1984, the State Archives was created as an independent State agency within the Office of the Governor. The State Archivist became responsible for managing the Hall of Records building and other real and personal property that the Archives acquires, adopting regulations to govern the Archives, and preserving and publishing public documents and historical materials. The Archivist thus assumed many of the responsibilities of the Hall of Records Commission, which became an advisory body (Chapter 286, Acts of 1984). Both the Consolidated Publications

Account and the Archives Fund transferred to the new agency, and the Archives Fund was renamed the State Archives Fund.

In 1993, the Legislature authorized the State Archives Fund to receive funds from grants and private donations, as well as State budget appropriations, and sales and proceeds of the *Archives of Maryland* series (Chapter 81, Acts of 1993). Originally, the *Archives of Maryland* consisted of a series of volumes printed on paper. In recent years, the State Archives has published archival materials in other forms as well, including microfilm and compact disks, and on the Internet. Income from their sale has been deposited in the State Archives Fund as income from the *Archives of Maryland* series. The 1993 legislation also created the Archives Endowment Account within the State Archives Fund. The law noted: “*The Commission may utilize the proceeds of public grants and private contributions to create an Archives Endowment. . .*”

Today, nearly 80% of the Archives budget is derived from Special Funds, most of which are deposited into the State Archives Fund. Senate Bill 147 will not affect the Archives' General Fund budget and is not expected to immediately or appreciably affect the Special Fund budget. It will simply make more explicit the existing fee setting authority of the State Archives.

I would be happy to answer any questions you may have.