

## OPINIONS OF THE ATTORNEY GENERAL AND ACTS OF ASSEMBLY

For several years the Hall of Records had found that its records management program was often severely handicapped by the fact that certain records were required by law to be maintained permanently. The Attorney General had held on several occasions that such records could not be destroyed under the provisions of the Records Management Act of 1953. This opinion was repeated in detail October 31, 1955, and it was printed in full for your convenience in my *Annual Report* for fiscal year 1955. We had previously failed in our attempt to have legislation passed which would void these scattered and capricious provisions for permanent retention. Therefore, in order to make it possible for us to dispose of at least some of these records we succeeded in amending our law on records disposal to authorize us to dispose of records in this category which had been microfilmed. While this is of course only a compromise measure it is a great improvement over the situation as it existed before. The Act of Assembly is reprinted herewith:

### CHAPTER 82

(House Bill 12)

AN ACT to repeal and re-enact, with amendments, Section 154 of Article 41 of the Annotated Code of Maryland (1955 Supplement), title "Governor—Executive and Administrative Departments", sub-title "The Executive Department," sub-heading "Hall of Records Commission", relating to the destruction of certain records required by law to be kept permanently where the original record has been photographed or otherwise reproduced.

SECTION 1. *Be it enacted by the General Assembly of Maryland* That Section 154 of Article 41 of the Annotated Code of Maryland (1955 Supplement), title "Governor—Executive and Administrative Departments", sub-title "The Executive Department", sub-heading "Hall of Records Commission", be and it is hereby repealed and reenacted, with amendments, to read as follows:

154. If the Commission shall decline to accept any original papers, official books, records, documents or files offered to it under the provisions of Section 153, then the custodian thereof, with the written approval of the Board of Public Works, is authorized and empowered to destroy the same. After such records are destroyed, the custodian thereof shall file with the Hall of Records a list of all papers, books, documents and files destroyed and a certificate of destruction. Such lists shall be retained in the custody of the