

Recent State Archival Legislation

By MARY GIVENS BRYAN ¹

Georgia Department of Archives and History

DURING the summer of 1955, as chairman of the State Archives Committee of the Society of American Archivists, I made a comparative study of State laws governing archives. Information concerning recent laws, budgets of departments having archival programs, and other pertinent matters was compiled in a handbook, of which 125 copies were distributed at the annual meeting of the Society at Nashville. Since copies of the handbook were not available to the entire membership of the Society, the highlights of the survey are here offered to readers of the *American Archivist*.

The survey revealed that 17 of the 48 States had passed laws in 1955 affecting their archival programs. The most significant legislation is here listed alphabetically by State:

ARIZONA. The legislature appropriated \$20,000 to enable the Department of Library and Archives to microfilm the large accumulation of noncurrent official State, county, and municipal records.

CALIFORNIA. The legislature appropriated to the secretary of state \$43,000 to be expended during the fiscal year 1955-56 for microfilming certain records. A senate bill that provided \$18,073 to be expended for laminating equipment was defeated. For the past several years archivists in California have been seeking an appropriation for laminating equipment; they will ask for it again at the next session of the legislature.

CONNECTICUT. An act set up a State records management committee, to consist of the commissioner of finance and control, as chairman ex officio, the attorney general, and the State librarian. The committee is responsible for carrying out a records management program for all State agencies within the executive department.

ILLINOIS. Real news from Illinois was the passage of a bill appropriating \$200,000 to the secretary of state to "employ a specialist . . . in the field of records management to conduct a survey of records of the State of Illinois," to suggest "efficient and economical methods of creating, managing, keeping and disposal of such records."

INDIANA. An act created in each county a public records commission to authorize destruction of certain county records. The county public records commission is to consist of the judge of the circuit court, the president of the

¹ The author is Director of the Georgia Department of Archives and History and chairman of the State Archives Committee of the Society of American Archivists.

board of county commissioners, the county auditor, the clerk of the circuit court, the county superintendent of schools, and the city controller of the county-seat city. If there is no city controller, the clerk-treasurer of the county-seat city or town shall be a member of the commission.

KANSAS. An act authorized destruction of certain public records and listed all those authorized for destruction. It has been the custom in Kansas to list in its statute books the records destroyed; thus there will never be any doubt as to what records Kansas has authorized for destruction.

MASSACHUSETTS. An act authorized the secretary of the Commonwealth to conduct a survey for the purpose of recommending a uniform record management program for the State and its counties, cities, towns, and districts. The act prescribes no specific amount for the survey but states that the secretary may expend such appropriation as may be provided by the General Court.

MINNESOTA. An act provided for transferring certain powers from the Minnesota Historical Society to the Minnesota State Archives Commission and made the commission responsible for all public records in the State. The historical society retains its responsibility for papers and documents other than official public records. This act will certainly strengthen both the work of the Minnesota Historical Society and that of the Minnesota State Archives Commission.

NEW HAMPSHIRE. An act allocated \$4,000 to the State Library for an archives study.

NEW YORK. A judiciary act authorized the State Supreme Court in each judicial department to direct court officials to destroy, sell, or otherwise dispose of certain records.

NORTH CAROLINA. An act expanded the activities of the North Carolina Department of Archives and History and gave to the department the administration of historic sites.

OREGON. An act provided a revolving fund for microfilming services to be rendered by the State Archivist to State agencies. For establishing the microfilm service revolving fund, \$13,400 was appropriated. This legislation enables the Archivist to serve the State and cities, counties, districts, and other political subdivisions of Oregon. The cost of service is to be reimbursed to the fund.

SOUTH DAKOTA. An act made it the duty of county officers, the official custodians of county records, to permit them, on demand of the society (Department of History), to be taken to the capitol at Pierre for microfilming. Current records are excluded from the program, and the society does not demand any records less than 10 years old.

TENNESSEE. The legislature authorized and directed the Legislative Council Committee to study the whole problem of disposal of State records with a view to recommending suitable legislation to the 1957 session. The committee is now making a study of the problem and has held several meetings.

UTAH. An act transferred the Governor's mansion to the Utah Historical Society for its administrative offices and library and as a depository for the State archives and appropriated \$20,000 for upkeep of the building during the

biennium 1955-57. The legislature has recognized the Archives as a division of the State historical society by granting it a separate budget for the next biennium — \$17,000. A State Archivist was appointed, effective July 1, 1954.

WASHINGTON. An act transferred the State Archives from the Department of Public Institutions to a new Department of General Administration.

WYOMING. An act created a centralized microfilm department, which is required to deposit with the State Archivist microcopies of all materials filmed. The film used is to be of the quality prescribed by the National Bureau of Standards. This act was passed as an economy measure.

In six States, important laws were passed in 1953 and 1954, and these should be noted:

LOUISIANA. In lieu of a State department of archives in Louisiana, the Department of Archives of Louisiana State University at Baton Rouge is the official custodian of certain public records and performs some of the functions and duties of a State department of archives. Because of lack of space and other deterrents, however, Louisiana State University has not acquired any significant group of public archives since 1938. It was therefore real news in Louisiana when an act was approved in 1954 authorizing the secretary of state to conduct a survey of State, parish, municipal, colonial, territorial, and Federal records with a view to ascertaining their condition, location, and availability. The act further provided \$20,000 for the survey. The survey was initiated on January 2, 1955; and in September field work on the State part of the survey had been substantially completed and field work on the parish (county) aspects was more than 50 percent complete. As of November 1, collation of the material began, and a report covering all aspects of the study will be ready, in typed form at least, on or before the May 1956 meeting of the legislature.

MONTANA. An act approved March 4, 1953, authorized the disposition of certain obsolete State records, created a committee to select records for retention or disposal, and further provided for the establishment of a microfilm division and appropriated to the Director of the Historical Society of Montana \$20,000 for the microfilm program for the fiscal year 1953-54. The Director of the Historical Society of Montana (referred to in the act as the Librarian) is a member of the State Records Committee, responsible for the destruction of State records deemed no longer in need of preservation. The Director is also made responsible for the microfilm program. The Montana Historical Society is a historical society with a research library, and not in any sense of the word an archival establishment. Montana has departmental archives but no true archival agency.

NEW JERSEY. On September 18, 1953, a public records act went into effect. The State Records Committee consists of the State treasurer, the attorney general, the auditor, the director of the Division of Local Government, and the head of the Bureau of Archives and History or their designated representatives. This act empowered the records committee: (1) to adopt regulations for authorizing the disposal or destruction of public records, (2) to

approve schedules governing the systematic retention and disposal of public records, (3) to approve procedure for the microfilming of public records, and (4) to promulgate rules and regulations for the effective administration of the provisions of the act.

OHIO. In 1954 the name of the society was changed from the Ohio State Archaeological and Historical Society to the Ohio Historical Society. It is of further interest to note that in 1955 a senate bill creating a commission to study archival and library problems including the needs of the society and the State Library, and providing for a State library and archives building, was *withdrawn*. The archival study and the new building are now dependent on the approval of a 150-million-dollar bond issue to be submitted to the electorate in November.

SOUTH CAROLINA. In 1954 all the archives laws of South Carolina were consolidated into one act, and the name of the Historical Commission of South Carolina was changed to the South Carolina Archives Department. The department is one of the most progressive in the United States.

VERMONT. A bill to appropriate \$690,000 for building an addition to the State Library and Supreme Court Building was defeated in the house on April 22, 1955. This defeat is discouraging, since in 1953 a similar bill for an addition was passed unanimously by the house and was defeated in the senate by only one vote. In the present building, space is so inadequate that records must be piled in stacks in the hallways; thus the work of the Public Records Commission grows more difficult each year.

Interesting facts concerning the archival program in nine other States were gleaned from the survey:

COLORADO. Basement space in the State Office Building is to be made available late in 1955 for an intermediate records center, which will relieve crowded areas in the State Museum Building.

GEORGIA. The Department of Archives and History expended \$12,500 during 1955 for a large Barrow Laminator to restore oversize documents, newspapers, and maps. The department now has two Barrow Laminators.

KENTUCKY. Efforts are now being directed towards getting a new archives building.

MARYLAND. In the new State office building at Annapolis 6,000 square feet of storage space will be used altogether as a records center, housing only records of temporary value.

NORTH DAKOTA. The State Historical Society is considering submitting, for study by the 1957 Legislative Research Committee, a proposal for the appointment of a State Archivist.

PENNSYLVANIA. There are good chances to obtain during the present administration greatly improved quarters for the Division of Public Records and to strengthen the records management program.

RHODE ISLAND. The records management program for Rhode Island is in charge of the Methods and Services Division of the Department of Administra-

tion. Records in Rhode Island's records center are of fairly recent date and are still consulted by the departments in which they originated.

TEXAS. The State's General Land Office has instituted an ambitious program to microfilm all its files, including correspondence. After being filmed, the original correspondence will be turned over to the State Archives. The Texas General Land Office is unique among the 48 States, for only Texas retained control of its public lands. The land office has maintained its own files since it opened for business in 1838.

WISCONSIN. Authorities are giving serious consideration to the establishment of a records administration program, with some difference of opinion as to whether a general services agency or an archival agency should handle the program.

Certain confusions existing in the past were straightened out during this 1955 comparative study of State archival legislation:

In NEVADA the true archival agency is the Nevada State Historical Society at Reno. A law approved March 5, 1943, made the Nevada State Historical Society the agency for handling the disposition of noncurrent public records.

The NEW HAMPSHIRE Historical Society has sometimes been considered as the State's archival agency; this society, however, is a private society and has only *provincial* archives, deposited there by the secretary of state for safekeeping. There is no true archival agency in New Hampshire. The secretary of state and the State librarian have dual responsibility for New Hampshire archives, most of which still remain in the offices of the creating agencies.

In NEW YORK the Division of Archives and History of the State Education Department at Albany maintains local records, but the true archival agency for the State is the New York State Library, State Education Department. This library maintains in its manuscripts and history section the largest collection of State archives outside of the department of origin.

The Indian Archives Division of the OKLAHOMA Historical Society has sometimes been thought of as a State archival agency. The Indian archives, however, are under Federal jurisdiction. The Oklahoma State Library at Oklahoma City is the custodian of the State archives.

The survey shows that there are no true archival agencies in five States: Maine, Missouri, Montana, New Hampshire, and New Mexico.

Although the survey definitely indicates that most of the States are making remarkable progress in the archival field, many of the budgets look rather depressing. Space does not permit the inclusion of budgets in this article. Any reader interested in further details, however, may borrow from the author, for 2 weeks, a copy of the handbook distributed at the Nashville meeting.