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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- STATE ARCHIVES

Introduced By: Representative Mia A. Ackerman

Date Introduced: March 03, 2022

Referred To: House State Government & Elections

(Secretary of State)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 42-8.1-2, 42-8.1-3, 42-8.1-4, 42-8.1-5, 42-8.1-6, 42-8.1-7, 42-8.1-  
2 9, 42-8.1-10, 42-8.1-11, 42-8.1-12, 42-8.1-13, 42-8.1-15, 42-8.1-16, 42-8.1-17 and 42-8.1-20 of  
3 the General Laws in Chapter 42-8.1 entitled "State Archives" are hereby amended to read as  
4 follows:

5 **42-8.1-2. Definitions.**

6 For the purpose of this chapter:

7 (1) "Agency" or "public body" means any executive, legislative, judicial, regulatory,  
8 administrative body of the state or any political subdivision thereof; including, but not limited to  
9 the leadership of the general assembly, chairperson in the house and senate, public officials elected  
10 or appointed and any department, division, agency, commission, board, office, bureau, authority,  
11 any school, fire, or water district, or other agency or quasi-public agency of state or local  
12 government which exercises governmental functions, any other public or private agency, person,  
13 partnership, corporation, or business entity acting on behalf of any public agency.

14 (2) "Archive" means an establishment maintained primarily for the storage, servicing,  
15 security, and processing of records that must be preserved permanently for historical, legal or other  
16 value and need not be retained in office equipment and space.

17 (3) ~~"Archivist"~~ "State archivist" means the ~~state archivist, the director of the division of~~  
18 ~~state archives~~ individual who coordinates, directs, and administers the activities and responsibilities  
19 of the state archives.

1 (4) "Authenticated copies" means exact copies or reproductions of records or other  
2 materials that are certified as such under seal and that need be legally accepted as evidence.

3 ~~(5) "Commission" means the Rhode Island historical records commission.~~

4 ~~(6)~~(5) "Custodian" means ~~and includes the official custodian or~~ any authorized person  
5 having personal custody and control of the public records in question.

6 ~~(7)~~(6) "Division" means the division of state archives of the department of state.

7 ~~(8)~~(7) "Official custodian" means and includes any officer or employee of the state or any  
8 agency, institution, or political subdivision thereof, who is responsible for the maintenance, care,  
9 and keeping of public records, regardless of whether such records are in his or her actual personal  
10 custody and control.

11 (8) "Permanent records" means public records or records which are established in the  
12 records retention schedule at the time of creation, which shall not be destroyed and are determined  
13 to have enduring, legal, and historical value to the state.

14 (9) "Person" means and includes any natural person, corporation, partnership, firm, or  
15 association.

16 (10) "Personal paper(s)" means documents unrelated to work but maintained at a place of  
17 work by an employee or general officers of the state government of Rhode Island.

18 ~~(10)~~(11) "Political subdivision" means and includes every city, town, school district, fire  
19 district, water or sanitation district, or any other special district or other quasi-public agency within  
20 the state.

21 ~~(11)~~(12) "Public record" or "public records" means public records as defined in chapter 2  
22 of title 38, "Access to Public Records".

23 ~~(12)~~(13) "Records" means all books, letters, papers, maps, photographs, tapes, films, sound  
24 recordings, machine-readable records or any other documentary materials, regardless of physical  
25 form or characteristics, made or received by any governmental agency, office, or general officer in  
26 pursuance of law or in connection with the transaction of public business and preserved or  
27 appropriate for preservation by the agency or its legitimate successor as evidence of the  
28 organization, functions, policies, decisions, procedures, operations, or other activities of the  
29 government or because of the value of the official government data contained therein. As used in  
30 this part 1, the following are excluded from the definition of records:

31 (i) Materials preserved or appropriate for preservation because of the value of the data  
32 contained therein other than that of an official government nature or because of the historical value  
33 of the materials themselves;

34 (ii) Library books, pamphlets, newspapers, or museum material made, acquired, or

1 preserved for reference, historical, or exhibition purposes;

2 (iii) Private papers, manuscripts, letters, diaries, pictures, biographies, books, and maps,  
3 including materials and collections previously owned by persons other than the state or any political  
4 subdivision thereof;

5 (iv) Extra copies of publications or duplicated documents preserved for convenience of  
6 reference; and

7 (v) Stocks of publications.

8 ~~(13)(14) "State archives" or "archives of the state"~~ "Archives of the state" means those  
9 official records that have been determined by the state ~~archivist~~ to have ~~sufficient historical, legal,~~  
10 ~~or other~~ permanent value to warrant their continued preservation by the state, and have been  
11 accepted by the state archivist for deposit in his or her custody.

12 ~~(14)(15) "State archives" means an establishment maintained by the division for the~~  
13 ~~preservation of those public records that have been determined by the division to have sufficient~~  
14 ~~historical or other value to warrant their continued preservation by the state and have been accepted~~  
15 ~~by the division for deposit in its custody~~ the official state repository or any other repository  
16 approved by the state archivist for long-term or permanent records.

17 ~~(15) "Trust fund" means the archives trust fund.~~

18 **42-8.1-3. State archives created.**

19 (a) There shall be an establishment known as "the archives of the state of Rhode Island",  
20 also referred to in this chapter as "the state archives" or "the division".

21 (b) The state archives shall be a division of the department of state, as mandated by § 42-  
22 8-19.

23 (c) Except as provided by §§ 42-10-9 and 38-3-6, the division shall be the official custodian  
24 and trustee for the state of all ~~public~~ permanent records, ~~of permanent historical, legal or other~~  
25 ~~value~~, regardless of physical form or characteristics, which are transferred to it from any public  
26 office of the state or any political subdivision thereof.

27 **42-8.1-4. Officers.**

28 (a) The chief administrative officer of the division shall be the state archivist.

29 (b) The state archivist shall be appointed by the secretary of state:

30 The state archivist shall be appointed based upon the professional qualifications required  
31 to perform the duties and responsibilities of the office of state archivist. The state archivist ~~may be~~  
32 ~~removed by~~ shall serve at the pleasure of the secretary of state.

33 (c) There shall be in the division a deputy state archivist who shall be appointed by the  
34 secretary of state and who shall serve at the pleasure of the secretary of state. The deputy state

1     archivist shall perform such functions as the [state](#) archivist shall designate. During any absence or  
2     disability of the [state](#) archivist, the deputy [state](#) archivist shall act as [state](#) archivist. In the event of  
3     a vacancy in the office of the state archivist, the deputy [state](#) archivist shall act as [state](#) archivist  
4     until ~~an~~ [a state](#) archivist is appointed under subsection (b) of this section.

5             (d) The state archivist and deputy state archivist shall be compensated at a salary to be  
6     determined by the secretary of state, which salary shall be reviewed and approved by the department  
7     of administration.

8             **42-8.1-5. Duties and responsibilities.**

9             (a) The state archivist under the direction of the secretary of state shall be responsible for  
10     the proper administration of ~~public permanent~~ records, ~~of permanent historical or other value~~  
11     [including public records with a minimum retention of twenty \(20\) years, possessing enduring value](#)  
12     [pursuant to § 38-3-6.](#) It shall be his or her duty to determine and direct the administrative and  
13     technical procedures of the division. He or she shall study the problems of preservation and  
14     disposition of records as defined in this chapter and based on such study shall formulate and put  
15     into effect, to the extent authorized by law, within the division or otherwise, such programs as he  
16     or she deems advisable or necessary for public records of permanent historical or other value by  
17     agencies of the state or political subdivisions thereof.

18             (b) The state archives shall reserve and administer such records as shall be transferred to  
19     its custody, and to accept, arrange, and preserve them, according to approved archival practices and  
20     to permit them at reasonable times and under the supervision of the division to be inspected,  
21     examined and copied; provided that any record placed in the keeping of the division under special  
22     terms or conditions restricting their use shall be made accessible only in accordance with such terms  
23     and conditions.

24             (c) The state archivist shall cooperate with and assist insofar as practicable, state  
25     institutions, departments, agencies, the counties, municipalities and individuals engaged in  
26     activities in the field of state archives, manuscripts, and to accept from any person any papers,  
27     books, records and similar materials which in the judgment of the division warrant preservation in  
28     the state archives.

29             (d) Except as otherwise expressly provided by law, the state archivist may delegate any of  
30     the functions of the [state](#) archivist to such officers and employees of the division as the [state](#)  
31     archivist may deem to be necessary or appropriate. A delegation of the functions by the [state](#)  
32     archivist shall not relieve the [state](#) archivist of responsibility for the administration of such  
33     functions.

34             (e) The secretary of state may organize the division as he or she finds necessary or

1 appropriate.

2 (f) The secretary of state may establish advisory committees to provide advice with respect  
3 to any function of the [state](#) archivist or the division. Members of any such committee shall serve  
4 without compensation.

5 (g) The state archivist shall advise and consult with interested federal, state and local  
6 agencies with a view to obtaining their advice and assistance in carrying out the purposes of this  
7 chapter.

8 (h) The state archivist shall provide a public research room where, under policies  
9 established by the division, the materials in the state archives may be studied.

10 (i) The state archivist shall conduct, promote, and encourage research in Rhode Island  
11 history, government, and culture, and to maintain a program of information, assistance,  
12 coordination, and guidance for public officials, educational institutions, libraries, the scholarly  
13 community, and the general public engaged in such research.

14 (j) The state archivist, with the approval of the secretary of state, shall cooperate with and,  
15 insofar as practicable, assist agencies, libraries, institutions, and individuals in projects designed to  
16 preserve original source materials relating to the state history, government, and culture, and to  
17 prepare and publish in cooperation with the public records administration, handbooks, guides,  
18 indexes, and other literature directed toward encouraging the preservation and use of the state's  
19 documentary resources.

20 ~~(k) The state archivist shall serve as a member of the coordinating council for state library,~~  
21 ~~archival and information services.~~

22 ~~(l) The state archivist shall submit to the general assembly, as part of the annual report for~~  
23 ~~the state archives, a yearly preservation plan for addressing the preservation needs and objectives~~  
24 ~~for the division to be accomplished during the coming year. This report will include a review of~~  
25 ~~past preservation initiatives within the department as well as the projected cost(s) for new~~  
26 ~~initiatives.~~

27 ~~(m) The state archivist shall submit a disaster preparedness plan for the state archives. The~~  
28 ~~plan will be placed on file with the secretary of state, department of state library services, and the~~  
29 ~~general assembly and will be updated annually.~~

30 **42-8.1-6. Personnel and services.**

31 (a) The secretary of state is authorized to select, appoint and employ such unclassified  
32 officers and employees, as are necessary to perform the functions of the [state](#) archivist and the  
33 division.

34 (b) The secretary of state is authorized to obtain the services of experts and consultants as

1 necessary for the performance of the functions of the [state](#) archivist and the division.

2 (c) The state archivist, in carrying out the functions of the [state](#) archivist or the division, is  
3 authorized to utilize the services of officials, officers, and other personnel in other agencies of the  
4 state and its political subdivisions, with the consent of the head of the agency concerned.

5 (d) The state archivist is authorized to accept and utilize voluntary and uncompensated  
6 services.

7 **42-8.1-7. Administration of state archives.**

8 (a) The state archivist, whenever it appears to him or her to be in the public interest, is  
9 hereby authorized:

10 (1) To accept for deposit with the state archives the [permanent](#) records of any state or local  
11 [agency, general officer](#) or of the general assembly ~~that are determined to have sufficient historical~~  
12 ~~or other value to warrant their continued preservation by the state archives;~~

13 [\(2\) To provide access to the permanent records of any state or local agency, general officer,](#)  
14 [or of the general assembly upon transfer in accordance with § 38-2-2, with exception only for](#)  
15 [records not deemed public for purposes of § 38-2-2;](#)

16 ~~(2)(3)~~ To direct and effect, with the approval of the head of the originating agency (or if  
17 the existence of such agency shall have been terminated, then with the approval of his or her  
18 successor in function, if any) the transfer of [permanent](#) records ~~of permanent legal or historical~~  
19 ~~value to~~ [into](#) the archives of the state provided, that the title to such records shall be vested in the  
20 state archives; and

21 ~~(3)(4)~~ To direct and effect the transfer of materials from private sources authorized to be  
22 received by the state archivist under the provisions of this chapter.

23 (b) The state archivist shall be responsible for the custody, use, and withdrawal of records  
24 transferred to him or her; provided, that whenever any records the use of which is subject to  
25 statutory limitations and restrictions are so transferred, permissive and restrictive statutory  
26 provisions with respect to the examination and use of the records applicable to the head of the  
27 agency from which the records were transferred or to employees of that agency shall thereafter  
28 likewise be applicable to the archivist, and to the employees of the state archives respectively;  
29 provided, further that whenever the head of any agency shall specify in writing restrictions that  
30 appear to him or her to be necessary or desirable in the public interest, on the use or examination  
31 of records being considered for transfer from his or her custody to the state archivist shall impose  
32 such restrictions [in accordance with § 38-2-2\(4\)](#) on the records so transferred, and shall not remove  
33 or relax the restrictions without the concurrence in writing of the head of the agency from which  
34 the material shall have been transferred (or if the existence of the agency shall have been

1 terminated, then he or she shall not remove or relax such restrictions without the concurrence of  
2 the successor in function, if any, of the agency head); provided, however, that statutory and other  
3 restrictions referred to in the provisions of this subsection shall remain in force or effect after the  
4 records have been in existence for a maximum of fifty (50) years unless the archivist by order shall  
5 determine with respect to specific bodies of records that the restrictions shall remain in force and  
6 effect for a longer period; and provided further that restrictions on the use or examination of records  
7 deposited with the archives of the state heretofore imposed and now in force and effect shall  
8 continue in force and effect regardless of the expiration of the tenure of office of the official who  
9 imposed them but may be removed or relaxed by the archivist with the concurrence in writing of  
10 the head of the agency from which material has been transferred (or if the existence of the agency  
11 shall have been terminated, then with the concurrence in writing of his or her successor in function,  
12 if any).

13 (c) The state archivist shall make provisions for the preservation, arrangement, repair and  
14 rehabilitation, duplication and reproduction (including microfilms), description, and exhibition of  
15 records transferred to him or her as may be needful or appropriate, ~~including the preparation and~~  
16 ~~publication of inventories, indexes, catalogs, and other finding aids or guides facilitating their use;~~  
17 ~~and, when~~ When approved by the secretary of state, he or she may also publish such historical  
18 works and collections of sources as seem appropriate for printing or otherwise recording at the  
19 public expense.

20 (d) The state archivist, with the approval of the secretary of state, shall make provisions  
21 and maintain such facilities as he or she deems necessary or desirable for servicing records in his  
22 or her custody. The facilities shall meet recognized archival standards.

23 (e) The state archivist may accept for deposit pursuant to the state archives collection and  
24 acquisition policy, in consultation with agencies, and approved by the secretary of state:

25 (1) The personal papers and other personal historical documentary materials of  
26 predecessors or successors of the following officials: Rhode Island general office holders, general  
27 assembly leadership and chairpersons, mayors and town administrators as the state archivist may  
28 designate, offered for deposit under restrictions respecting their use specified in writing by the  
29 prospective depositors; provided, that restrictions so specified on the materials, or any portions  
30 thereof, accepted by the state archivist for deposit shall have force and effect during the lifetime of  
31 the depositor or for a period not to exceed twenty-five (25) years, ~~whichever is longer,~~ unless sooner  
32 terminated in writing by the depositor or his or her legal heirs; and provided, further, that the state  
33 archivist determines that the materials accepted for deposit will have continuing historical or other  
34 value;

1 (2) The original executive orders, official correspondence, and other records of government  
2 business of predecessors or successors of the following officials: Rhode Island general office  
3 holders, general assembly leadership and chairpersons, mayors and town administrators;

4 ~~(2)~~(3) The original acts, resolutions and other proceedings of the general assembly shall be  
5 deposited and safely kept in the division of state archives of the department of state, and shall not  
6 be removed therefrom except upon the order of the general assembly, or upon process issued by  
7 the supreme or superior court or by a justice of either of said courts per the provisions of § 43-2-3;

8 ~~(3)~~(4) Motion-picture films, still pictures and sound recordings from public and private  
9 sources that are appropriate for preservation by the state government as evidence of its organization,  
10 functions, policies, decisions, procedures, and transactions. Title to materials so deposited under  
11 this subsection shall pass to and vest in the state archives; and

12 ~~(4)~~(5) Burial records from any private or nonprofit cemetery association or perpetual care  
13 society or any funeral director which has ceased operations.

14 (f) The state archivist is hereby authorized to preserve video tapes, motion-picture films,  
15 still pictures, and sound recordings pertaining to and illustrative of the historical development of  
16 the state and its activities, and to make provisions for preparing, editing, titling, scoring, processing,  
17 duplicating, reproducing, exhibiting, and releasing for nonprofit educational purposes, motion-  
18 picture films, still pictures, and sound recordings in his or her custody.

19 ~~(g)(1) The state archivist is hereby authorized to establish a unit within the division which~~  
20 ~~shall be known as the local government records program and which shall be primarily responsible~~  
21 ~~for assisting cities and towns with the care and management of their public records. The program~~  
22 ~~shall be charged with designing and implementing a training program for local government records~~  
23 ~~keepers; publishing retention schedules for the proper disposition of public records in local~~  
24 ~~governments; and providing technical and advisory assistance in the storage, preservation, and~~  
25 ~~ongoing maintenance of the records of local governments.~~

26 ~~(2) The state archivist shall submit a yearly report on the progress of the local government~~  
27 ~~records program to the general officers and to the general assembly. The state archivist shall be~~  
28 ~~permitted to request funding as part of the operating budget of the office of secretary of state to~~  
29 ~~operate this program.~~

30 **42-8.1-9. Access to public records.**

31 The state archivist in person or through a deputy, shall have the right of reasonable access  
32 to all public records in the state, or any public offices or general officers of the state or any city,  
33 municipality, district or political subdivision thereof, and research, with a view to securing their  
34 safety and determining the measures necessary to secure their preservation and conservation.



1           **42-8.1-10. Determination of value.**

2           Every public officer who has public records in his or her custody shall consult periodically  
3 with the state archivist together with the state auditor, and the attorney general, and those officers  
4 shall determine whether the records in question are ~~of permanent~~ records legal or historical value.  
5 Those records unanimously determined not to be ~~of permanent~~ legal or historical value records  
6 shall be disposed of by such method as specified by § 38-3-6. A list of all records so disposed of,  
7 together with a ~~statement~~ certification of records destruction certifying compliance with § 38-3-6,  
8 signed by the state archivist, shall be filed and preserved in the office from which the records were  
9 drawn. Public records in the custody of the state archivist with the approval of the secretary of state  
10 , or designee, may be disposed of ~~upon a similar determination by the attorney general, the auditor~~  
11 ~~general, and the head of the agency from which the records were received or its legal successor~~  
12 based upon approved records control schedules.

13           **42-8.1-11. Transfer of records to archives.**

14           (a) Those records deemed by the public officer having custody thereof to be unnecessary  
15 for the transaction of the business of his or her office and yet deemed by the public records  
16 administrator, attorney general, or the auditor general and the state archivist to be ~~of permanent~~ ~~or~~  
17 ~~historical value,~~ records may shall be transferred, with the consent of the state archivist, to the  
18 custody of the division of state archives. A list of all records so transferred, together with a  
19 statement certifying compliance with the provisions of this chapter signed by the state archivist,  
20 shall be preserved in the files of the office from which the records were drawn and in the files of  
21 the division.

22           (b) Those records created or received by general officers, immediate staff, or a unit or  
23 individual of the executive office whose function is to advise and assist general officers, in the  
24 course of conducting activities which relate to or have an effect upon the carrying out of the  
25 constitutional, statutory, or other official duties carried out on behalf of the state. Such materials  
26 shall be transferred at the end of the official's final term within thirty (30) days of leaving such  
27 office.

28           ~~(b)~~(c) Items in the care, custody, and trusteeship of the state archivist which are not records  
29 as defined by chapter 2 of title 38 and items which are not records which are proposed for  
30 disposition but determined to be of historical or museum interest or value by the state archivist may  
31 be transferred to the custody of the Rhode Island historical society or other local historical societies.

32           ~~(e)~~(d) Qualified researchers, scholars and students and other appropriate persons  
33 performing qualified research shall have the right of reasonable access to all records in the custody  
34 of the state archivist for purposes of historical reference, research, and information, subject to

1 provisions of chapter 2 of title 38. Copies of records, having historical, or museum interest or value  
2 shall be furnished by the state archivist upon request of any person, society, state agency or political  
3 subdivision, subject to restraints of standard archival practices.

4 ~~(d)~~(e) In the event of disagreement as to the custody of any records as defined in § 38-3-6,  
5 the archivist with the advice of the attorney general and auditor general shall make final and  
6 conclusive determination, and order and direct custody accordingly per § 38-3-6.

7 **42-8.1-12. Violations.**

8 (a) ~~The state archivist shall, whenever he or she finds that any provisions of this title have  
9 been or are being violated, inform in writing the head of the agency concerned of the violations and  
10 make recommendations regarding means of correcting them. Unless corrective measures  
11 satisfactory to the archivist are inaugurated within a reasonable time, the archivist shall submit a  
12 written report thereon to the governor, and the general assembly.~~

13 ~~(b)~~ The attorney general, on behalf of the state and the division of state archives, may  
14 replevin any public records which were formerly part of the state of Rhode Island's records.

15 (b) The administrator is hereby empowered to bring an action in the superior court for  
16 restraining orders and injunctive relief to restrain and enjoin violations or threatened violations of  
17 any provision of this chapter.

18 **42-8.1-13. Legal status of reproductions.**

19 (a) When any copy or reproduction, furnished under the terms hereof, is authenticated by  
20 the official seal and certified by the state archivist, the copy or reproduction shall be admitted in  
21 evidence equally with the original from which it was made.

22 (b) The state archivist or any other public officer of the state or any city, municipality,  
23 district, or legal subdivision thereof may cause any or all public records, papers, or documents kept  
24 by him or her to be photographed, microphotographed, or reproduced on film or non-erasable  
25 optical disc or through other processes which accurately reproduce or form a durable medium for  
26 reproducing and preserving the original records. These reproduction processes shall comply with  
27 the standards approved for the reproduction of permanent records under § 38-3-5.1. These  
28 photographs, microphotographs, photographic films, optical discs or other reproductions shall be  
29 deemed to be original records for all purposes including introductions in evidence in all courts or  
30 administrative agencies. A transcript, exemplification, or certified copy thereof, for all purposes  
31 recited in this section, shall be deemed to be a transcript, exemplification, or certified copy of the  
32 original.

33 (c) Whenever these photographs, microphotographs, or reproductions on film or non-  
34 erasable optical discs, or other reproductions properly certified, are placed in conveniently

1 accessible files and provisions made for preserving, examining, and using the same, any public  
2 officer may cause the original records from which the reproductions have been made, or any part  
3 thereof, to be disposed of according to methods prescribed by §§ 38-1-10 and 38-3-6. These copies  
4 shall be certified by their custodian as true copies of the originals before the originals are destroyed  
5 or lost, and the copies so certified shall have the same force and effect as the originals, provided  
6 the copies meet the standards established under § 42-8-4. Copies of public records transferred from  
7 the office of their origin to the division, when certified by the state archivist or the deputy state  
8 archivist, shall have the same legal force and effect as if certified by the original custodian of the  
9 records.

10 **42-8.1-15. Copying and authenticating charges.**

11 The state archivist may charge a fee set to recover the costs for making or authenticating  
12 copies or reproductions of materials transferred to his or her custody. This fee shall be fixed by the  
13 secretary of state, at a level which will recover, so far as practicable, all elements of the above costs,  
14 and may include increments for the estimated replacement cost of equipment.

15 **42-8.1-16. ~~Annual report.~~ Annual reports.**

16 (a) The secretary of state shall submit ~~for the public records administrator, all general office~~  
17 ~~holders, to~~ the governor, ~~and~~ the general assembly and the state publications clearinghouse an  
18 annual report concerning the administration of functions of the state archivist and the division. The  
19 report may include a yearly preservation plan for addressing the preservation needs and objectives  
20 for the division to be accomplished during the coming year. This report shall include a review of  
21 past preservation initiatives within the department as well as the projected cost(s) for new  
22 initiatives.

23 (b) The secretary of state shall submit a disaster preparedness plan for the state archives.  
24 The plan will be placed on file in a secure location with the secretary of state, the office of library  
25 and information services, the Rhode Island emergency management agency, and the division of  
26 capital asset management and maintenance and will be updated periodically.

27 **42-8.1-17. Duties of agencies.**

28 It shall be the duty of each agency of the state and political subdivision thereof to:

29 (1) ~~Cause to be made and preserved records~~ Assist in the creation of record control  
30 schedules containing adequate and proper documentation of the organization, functions, policies,  
31 decisions, procedures, and essential transactions of the agency and designed to furnish the  
32 information necessary to protect ~~the legal rights of the government and of the persons directly~~  
33 ~~affected by agency's activities~~ public records created or received by the agency until they have met  
34 retention;

1 (2) Cooperate fully with the division in complying with the provisions of this chapter;

2 (3) Establish and maintain an active and continuing program for the preservation of  
3 permanent records ~~of permanent legal or historical value~~ and assist the division to implement the  
4 provisions of this chapter. Agencies that do not transfer permanent records to the state archives  
5 shall submit an annual preservation report to the state archives; and

6 (4) Establish necessary safeguards against the removal or loss of records. These safeguards  
7 shall include notification to all officials and employees of the agency that no records in the custody  
8 of the agency are to be alienated or destroyed except in accordance with the provisions of this  
9 chapter, §§ 38-1-10 and 38-3-6;

10 ~~(5) Designate an agency records officer who shall establish and operate an archives and~~  
11 ~~records management program for the agency in cooperation with the division of state archives and~~  
12 ~~the public records administration. This officer may also serve as the agency forms management~~  
13 ~~representative as required by § 42-84-5.~~

14 **42-8.1-20. Rhode Island Historical Records Trust established.**

15 (a) There is hereby established a special fund to be known as the Rhode Island Historical  
16 Records Trust (hereinafter called Trust).

17 (b) There is hereby imposed an additional assessment of four dollars (\$4.00) for every  
18 instrument filed for recording pursuant to §§ 33-22-21 and 34-13-7.

19 (c) On the first of every month, the municipal clerk shall transmit to the state archives three  
20 dollars (\$3.00) of the additional assessment collected under subsection (b) of this section for deposit  
21 in the Rhode Island Historical Records Trust. The remaining one dollar (\$1.00) of each such  
22 additional assessment shall remain with the local government and be deposited in a local Historical  
23 Records Trust.

24 (d) All monies retained by a local government shall be placed in a Historical Record Trust  
25 Fund maintained by the local government. The expenditure of these monies shall be restricted  
26 solely to the preservation of public records of historical value maintained by the municipal clerk or  
27 by a municipal archives.

28 (e) Use of these funds by the state archives shall be for the development and ongoing  
29 maintenance of a full-time local government records management program component, pursuant  
30 to § 38-3-4, and the state archives and records program. Such program shall be responsible for  
31 providing aid, advice, and assistance to all local governments of this State concerning the proper  
32 management and preservation of the public records in their custody or care, as required by other  
33 provisions of statute. Funds shall be expended to support administrative and other costs associated  
34 with the provision of consultative and technical services including, but not limited to, educational

1 programming, micrographics services, and ongoing storage and preservation of local government  
2 records.

3 (f) All monies received by the General Treasurer and other moneys appropriated or  
4 received for the purposes stated in subsection (b) above shall be deposited in a restricted account  
5 which shall be administered by the state archives.

6 (g) Each year the state archives shall review and make recommendations on a proposed  
7 operational and expenditure plan for the RI Historical Records Trust.

8 SECTION 2. This act shall take effect upon passage.

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LC004938  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO STATE AFFAIRS AND GOVERNMENT -- STATE ARCHIVES

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1           This act would clearly define what are permanent state records to be retained and what  
2 records may be destroyed. This act would further provide that the state archivist would serve at the  
3 pleasure of the secretary of state, would file annual reports including the preparation of a disaster  
4 preparedness plan and would allow access to the superior court to seek restraining orders and  
5 injunctive relief for any violations or threatened violations pertaining to public records laws.

6           This act would take effect upon passage.

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