



MARYLAND STATE ARCHIVES
FISCAL 2017 OPERATING BUDGET TESTIMONY

Before the:

Senate Health and Human Services Subcommittee, February 26, 2016
House Public Safety and Administration Subcommittee, February 29, 2016

Mr. Chairman, Members of the Subcommittee:

I am Timothy D. Baker, State Archivist and Commissioner of Land Patents. With me today are Elaine Rice Bachmann, the Deputy State Archivist; Nassir Rezvan, Director of Administration; and Elizabeth Newell, our Legislative Officer.

For your reference and further reading, our annual report is provided on our website in the form of Minutes and Agenda of the Hall of Records Commission, which we publish electronically following each meeting at

<http://msa.maryland.gov/msa/intromsa/hrc/html/hrc.html>

I would like to thank Sierra Boney for her complete and thoughtful analysis of our budget. She has an excellent understanding of our budget posture and the issues we face.

In the interest of time, I will address just a few topics which I feel are of interest to the Committee including:

- Reduction to Delete the Double-budgeted Funds
- Funding to the Archives from the Land Record Improvement Fund
- Status of the Repairs to the new Archives Building in Woodlawn
- Turnover expectancy.

Reduction to Delete the Double-budgeted Funds

The Department of Legislative Services recommends a reduction to delete the double-budgeted funds.

The Archives concurs.

Funding to the Archives from the Land Record Improvement Fund

Mdlandrec.net was conceived and developed over a decade ago to provide up-to-date access to all verified land record instruments in Maryland. It was based on two fundamental principles: the Judiciary and the Clerks are responsible for recordation and indexing of new land record

instruments and the State Archives is responsible for the long-term care and preservation of and public access to the permanent record - its statutory responsibility.

Until recently, it has been understood and agreed to by the Judiciary, the Executive, and the Legislature that monies from the Land Record Improvement Fund would support the development, operation, and maintenance of mdlandrec, an integral part of the State's archival programs and the electronic archives. It is impossible to operate and maintain the mdlandrec program independent of Archive's programs in general.

The policy decisions made over a decade ago, to fund the archival program from a small portion of recordation fees paid to the Archives through a fee-for-service arrangement, have paid off. Maryland leads the nation in providing comprehensive cost-effective and efficient access to land records. To date, mdlandrec houses over 250,000,000 images and contains between 40 and 50 terabytes of data. Data is fed into the system daily and it is backed up to a secure area at the University of Maryland Baltimore County (UMBC). Within the next 18 to 24 months, renovations will be completed at our warehouse in Woodlawn and the servers presently at UMBC will be relocated.

Users in the legal and title communities, as well as private citizens, are familiar with mdlandrec and routinely praise the system. To build a competing system by demanding that data from mdlandrec be placed in ELROI fundamentally undermines the current arrangement. It is also contrary to sound records management practice and would expend State resources unnecessarily.

I have proposed a compromise to the Judiciary that recognizes the respective roles of the court clerks in recordation of land record instruments and the Archives as the agency which provides care, preservation and public access. At the same time, a new funding scenario would be implemented in FY 2017 in which the overall outlay from the Judiciary to the Archives would be reduced. This would require a level of General Fund support to make up the difference, but I think it represents a good faith effort to resolve this matter. The current obligations will also need to be satisfied by the Judiciary in order for the Archives to avoid a budget shortfall of five million dollars at the end of the FY 2016.

I believe that ten years ago it was a sound and pragmatic public policy proposition to fund a good portion of the archival program through a small fee from the recordation of one of the largest and most important series of government records created in our state. I still think it is good public policy today. If we are to revisit that public policy, it is important that we do so in a way that preserves the rightful role of the court clerks in recordation and the archives in providing public access. We also must do so in a way that leaves the Archives intact and funded.

I have attached to our testimony a summary document of what I see as the key budget issues. I have also attached a "frequently asked questions" document that helps to explain mdlandrec. While no solution has yet been agreed to by all parties, I believe that any solution must:

- Satisfy the current FY 2016 obligations of the Archives,
- Provide for a long-term solution, and

- Preserve the rightful role of each party in which the court clerks are responsible for recordation and the Archives is responsible for the care, preservation and public access to permanent records.

Status of the Repairs to the new Archives Building in Woodlawn

Two years ago the Governor's Office and the Legislature moved very quickly to take advantage of an opportunity to solve the Archives long-standing space problem by backing a plan to have MEDCO purchase a property that had been used by the Social Security Administration to house their paper records. Last year I reported that we had successfully moved 200,000 cubic feet of record material into the new warehouse.

You may recall that past capital budget proposals put the cost at building a new archive building at anywhere between forty-five to eighty million dollars. When we have completed the necessary repairs and renovations to the warehouse in Woodlawn, the total cost will not exceed seventeen million.

Last year we transferred four million to MEDCO from the Archives Endowment for the renovations. Now that the design for the new roof and HVAC and the other necessary repairs are complete, we will be asking to transfer the remaining three million dollars from the Endowment to MEDCO so that the renovations can begin this Summer. All repairs and renovations should be complete by the Summer of 2017.

Turnover Expectancy

The Archives is a small agency with a very dedicated staff. It was unusual for us to have a handful of vacancies this past year. Historically, the Archives has had very little in terms of turnover, and I would simply ask that you keep that in mind as you deliberate the turnover expectancy that is to be applied to our budget.

Thank you for this opportunity. I would be happy to answer any questions the Subcommittee may have.

MARYLAND STATE ARCHIVES BUDGET ISSUES

- Since 2003, the Maryland State Archives has partnered with the Judiciary and clerks to provide up-to-date access to all verified land record instruments in Maryland through mdlandrec.net. In this arrangement, the Judiciary and the Clerks are responsible for recordation and indexing of new land record instruments in the ELROI system. The State Archives is responsible for the long-term care and preservation of and public access to the permanent record - its statutory responsibility - through the mdlandrec system.
- It has been understood and agreed to by the Judiciary, the Executive, and the Legislature that monies from the Land Record Improvement Fund would support the development, operation, and maintenance of mdlandrec, an integral part of the State's archival programs and the electronic archives. It is impossible to operate and maintain the mdlandrec program independent of Archive's programs in general.
- For over a decade, the Archives has developed and perfected the operation of mdlandrec. Users in the legal and title communities, as well as private citizens, are familiar with its use and routinely praise the system. The successful implementation of the ELROI and mdlandrec partnership has enabled Maryland to lead the nation in providing comprehensive cost-effective and efficient access to land records. The policy decisions made over a decade ago, to fund the archival program from a small portion of recordation fees and paid to the Archives through a fee-for-service arrangement, have paid off and have resulted in the best electronic state Archives in the Country.
- To dismantle the care and preservation platform in mdlandrec to build a new system is contrary to sound records management practice and would be unnecessarily disruptive to the real estate market and overall economy of the State.
- The amount of energy and staff time expended in negotiating and renegotiating with the Administrative Office of the Courts detracts from the mission of the State Archives to preserve and make accessible the permanent records of the State. The lack of a long-term MOU and the resulting funding instability make it impossible for this agency to develop or execute any long-term planning. This definitely is not in the interest of good government policy.
- The State Archives is responsible for the care and preservation of the permanent record, including land records. If the Land Records Improvement Fund is to no longer be considered the primary funding source for this program, it is imperative another long-term funding alternative be agreed upon for FY 2017 and beyond.
- If the Judiciary continues to refuse to pay the Archives for services rendered in the current fiscal year, the Archives will have a budget shortfall of five million dollars at the end of the fiscal year.

MDLANDREC

FREQUENTLY ASKED QUESTIONS

What is mdlandrec?

Mdlandrec is an Internet application developed, managed and maintained by the Maryland State Archives to provide secure ongoing management, preservation, and access to land records in Maryland. The system runs in a browser and presents to the public as a website.

Mdlandrec is a very large and complex database system developed, implemented, and managed by the Archives which turns data into information accessible to the public. The Archives takes index data from the mainframe computer at Judicial Information System (JIS), weds it with land record images recorded by the Clerks into the Judiciary's Electronic Land Record Optical Imagery (ELROI) System, and incorporates the whole into the State Archives' digital record management and access system known as the Electronic Archives. Through mdlandrec, the Archives provides encyclopedic understanding of and access to Maryland's land records. Maryland is the only State in the nation able to provide this level of access to land records to its citizens, and mdlandrec is the reason why.

What is the Electronic Archives?

Mdlandrec forms the basis of Maryland's Electronic Archives, the systems and procedures developed by the Archives to manage digital records going into the future. As more and more government records are created electronically, the Electronic Archives is essential for the preservation and management of these records in perpetuity.

How was mdlandrec developed?

Mdlandrec.net was conceived and developed by the Archives over a decade ago to provide up-to-date access to all verified land record instruments in Maryland. It was based on two fundamental principles: the Judiciary and the Clerks are responsible for recordation and indexing of new land record instruments and the State Archives is responsible for the long-term care and preservation of and public access to the permanent record - its statutory responsibility.

JIS index data is only a small part of this system. Most of the component databases, in fact, 38 of the 40 major databases that make up mdlandrec, were created and are updated continually by the Archives. In addition to receiving newly recorded land record instruments every day, the Archives has:

- managed the acquisition of 54,905,153 images of “back-file” or historic land records and indexes that pre-dated the Judiciary’s Electronic Land Record Optical Imagery (ELROI) System.
- managed the incorporation into mdlandrec of 123,025,279 ELROI images received from the court’s vendor, 10% of which represented pages corrected or edited by court staff subsequent to recordation.
- produced archival security microfilm backup of 121,423,538 land record images.
- provided security CD-ROM backups of 75,448,387 land record images for court clerks.
- replaced 26,444,165 land record images identified by mdlandrec users or court staff as missing, of poor quality, or to correct recordation errors.

How does the State Archives manage mdlandrec now?

To date, mdlandrec houses over 250,000,000 images and contains between 40 and 50 terabytes of data. Data is fed into the system daily and it is backed up to servers in a secure area at the University of Maryland Baltimore County (UMBC). Within the next 18 to 24 months, renovations will be completed at our warehouse in Woodlawn and the servers will be relocated.

A system of this complexity and size requires constant monitoring, care, and attention. In addition to maintaining the technology, Archives staff:

- physically inspect every land record image received for image quality to ensure that every book is complete and that every image is renamed to reflect the actual page number (the images do not always arrive at the Archives reflecting this information).
- replace images identified by users as deficient or erroneous in some way, and mask Personally Identifiable Information or “PII” such as social security numbers.

- know what land records exist and in what formats, and where the records can be found for every jurisdiction in Maryland from its inception to the present.
- maintains a Help Desk which provides customer support for on-line Maryland land records. Help Desk staff handle more than 10,000 user inquiries annually to enroll new subscribers to mdlandrec.net and answer inquiries from the public relating to mdlandrec.net and plats.net, The Help Desk receives some 500 emails and phone calls per week- including "how do I" questions, requests for corrections to court indexing, PII and poor image reports, account administration assistance requests, etc. Through the Help Desk, the Archives manages 145,403 currently active user accounts and also provides technical support to Clerks.

How is mdlandrec funded?

Since its inception, mdlandrec has been funded by a small portion of the Circuit Court Land Records Improvement Fund (LRIF). The LRIF was established in 1991 (Chapter 327) to maintain and modernize land records management and is funded by a recordation surcharge on real property transactions in the State. The payment is accomplished through a Memorandum of Understanding (MOU) between the Judiciary and the State Archives in which the Judiciary and the Clerks are responsible for recordation and indexing of new land record instruments and the State Archives is responsible for the long-term care and preservation of and public access to the permanent record - its statutory responsibility.

For FY 2016, Archives budget includes \$2,131,800 in General Funds and \$7,132,920 in Special Funds, \$5,000,000 of which is paid by the Judiciary out of the LRIF.