

## **CHAPTER 55-02.1**

### **ARCHIVAL RESOURCES AND STATE ARCHIVIST**

**55-02.1-01. Archival resources defined.** As used in this chapter, "archival resources" means those noncurrent public records which are no longer essential to the functioning of the agency of origin and which the state archivist determines to have permanent value for research, reference, or other use appropriate to document the organization, function, policies, and transactions of government.

**55-02.1-02. State archivist - Compensation.** The director of the state historical society shall employ an archivist in the position of state archivist, who must be under the general supervision of the director, and any other personnel necessary to administer this chapter. The compensation of personnel employed by the director must be set within the limits of legislative appropriations.

**55-02.1-03. Duties of state archivist.** The state archivist shall:

1. Establish and maintain a program for the selection and preservation of state records and advise in the establishment of programs for the selection and preservation of local records.
2. Give advice and assistance on problems concerning archival resources to any legislative, executive, or judicial officer of the state or any political subdivision of the state when so requested.
3. Be the official custodian of the archival resources of the state.
4. Receive all records transferred to the state archivist for retention as archival resources.
5. Assess, assemble, catalog, house, preserve, and service the archival resources of the state.
6. Make the archival resources in the custody of the state archivist available to serve the administrative and informational needs of state and local government and the people of the state.

**55-02.1-04. Authority of state archivist concerning records from private sources.** The state archivist may negotiate for, acquire, and receive records, writings, and illustrative materials of permanent value from nonpublic sources for research and reference purposes.

**55-02.1-05. Depositories of archival resources.** The state historical society is the depository of the archival resources of the state. However, the state historical society may enter into agreements with the state universities or any other public or quasi-public or private institutions, agencies, or corporations to serve as depositories of regional archival resources. The agreements must specify the area to be served by the depositories and the method of assessing, cataloging, housing, preserving, and servicing materials placed by the state archivist in the regional depositories. The state archivist may deposit in regional depositories, with title remaining with the state historical society, the records of state agencies or their district or regional offices which are primarily located in the geographic area serviced by the depository. All archival resources from central departments, offices, and agencies must be placed in the main archives in the heritage center in Bismarck under the state historical society's immediate jurisdiction. However, the state archivist may place archival resources temporarily at a regional depository. The state archivist may take any steps deemed necessary to provide for the safety of archival resources and other articles and materials entrusted to the archivist's custody in the archives, including temporary removal to safer locations, as may be dictated by any disaster emergency situation.

**55-02.1-06. Receipts for archival resources.** The state archivist shall prepare receipts for any archival resources acquired and shall deliver one copy to the state records administrator, one copy to the person or agency from which the archival resources were obtained, and shall retain one copy.

**55-02.1-07. Safeguarding of restricted records.** The state archivist shall take all precautions necessary to ensure that records placed in the custody of the state archivist, the use of which is restricted by or pursuant to law or for reasons of security and public interest, must be inspected, surveyed, or otherwise used only in accordance with law and regulations adopted by the state archivist in consultation with the person or agency of origin. No public record of any governmental entity may be placed in the custody of the state archivist under access or use restrictions in violation of section 44-04-18.

**55-02.1-08. Availability of archival resources to the public.** Subject to section 55-02.1-07, the state archivist shall make archival resources under supervision of the state archivist available to public agencies and the public at reasonable times, subject to appropriate restrictions and regulations. Should any college or university library in this state request records found to be archival resources under section 54-46-08.1, duplicate copies of specified records shall be made available under mutually agreed-upon terms. The state archivist shall carefully protect and preserve archival resources from deterioration, destruction, or loss through application of appropriate techniques for preserving archival and library materials.

**55-02.1-09. Adoption of rules.** Chapter 28-32 applies to regulations adopted by the state archivist.