

HOUSE BILL NO. 1075

Introduced by

Representative Glassheim

Senator Andrist

(At the request of the State Historical Society of North Dakota)

1 A BILL for an Act to amend and reenact subdivision b of subsection 3 of section 54-46-02 and
2 section 54-46-07 of the North Dakota Century Code, relating to the definition of records and the
3 recovery of records.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subdivision b of subsection 3 of section 54-46-02 of the North
6 Dakota Century Code is amended and reenacted as follows:

7 b. A record of the state legislative assembly held by an agency.

8 **SECTION 2. AMENDMENT.** Section 54-46-07 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **54-46-07. Records not to be ~~damaged or destroyed or removed.~~**

11 All records made or received by or under the authority of or coming into the custody,
12 control, or possession of public officials of this state in the course of their public duties are the
13 property of the state and may not be mutilated, destroyed, transferred, removed, sold, or
14 otherwise damaged or disposed of, in whole or in part, except as provided by law. Each state
15 agency and political subdivision of this state shall notify the state records management
16 administrator of unlawful actions affecting records. ~~The state agency or political subdivision may~~
17 initiate appropriate legal action, under chapter 32-07 or other applicable law, to obtain
18 possession of any publicPublic records whichthat have been unlawfully removed in violation of
19 this section. ~~These records~~ must be returned to the office of origin or to the state archivist.