

## **CHAPTER 72-05-02**

### **TANGIBLE MEDIA FILINGS (DISKETTE AND CD-ROM)**

#### **Section**

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#### **72-05-02-01. Applicability.**

These rules apply to any state agency as defined in North Dakota Century Code section 44-08-04.2 charged by law with the duty of receiving signed, subscribed, or verified documents. Such a state agency may accept documents transmitted via tangible media such as 3.5 inch [8.89 centimeter] diskettes or CD-ROMs.

**History:** Effective October 1, 1998.

**General Authority:** NDCC 1-08-12

**Law Implemented:** NDCC 1-08-12

#### **72-05-02-02. Definitions.**

1. "Mandatory cover sheet" means a form developed by a state agency which must accompany any tangible media filing. The form must identify the filer and list the filer's full post-office address and telephone number. The form may also contain any filing fee information or other pertinent information inserted by the state agency and must identify the documents contained on the tangible media. The form must also contain a statement that the filer filing via the tangible medium has examined it and that it contains true and correct copies of the documents to be filed and that by signing the form acknowledges that the filer is intending to sign, subscribe, or verify documents contained on the tangible medium. The form must contain a line for a manual signature of the filer, any representative capacity, and the date the form was executed. If applicable law requires the document to be verified, the form must also contain a notary jurat or equivalent language.
2. "Tangible media" means any tangible media other than paper, which is capable of storing documents and converting the documents into readable usable form by a state agency through the use of existing state agency equipment and associated software. Tangible media include 3.5 inch [8.89 centimeter] diskettes and compact discs - read-only memory (CD-ROMs) and any other tangible media that may exist and which meet the requirements of this chapter.

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**Law Implemented:** NDCC 1-08-12

#### **72-05-02-03. General requirements.**

The tangible media employed by the filer must be of a type acceptable to the state agency and usable by the state agency utilizing its current electronic equipment and software. It must be of a type and format that produces a clear readable usable document.

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**General Authority:** NDCC 1-08-12

**Law Implemented:** NDCC 1-08-12

**72-05-02-04. Mandatory cover sheet.**

A tangible media filing must be accompanied by the mandatory filing cover sheet as defined in this chapter. In addition, the tangible media object or any case or container in which it is contained or enclosed must be labeled with the filer's name, address, and a brief description of the documents contained therein.

**History:** Effective October 1, 1998.

**General Authority:** NDCC 1-08-12

**Law Implemented:** NDCC 1-08-12

**72-05-02-05. Tangible media to be inspected by a state agency.**

Any tangible media submitted for filing under this chapter must be examined by the state agency within a reasonable time after presentment. The examination may include any virus check or security check to ensure the safety and security of the state agency's systems, equipment, and software. If the tangible media cannot produce a readable usable form of the document, the state agency shall notify the filer filing the tangible media in writing informing the filer that the tangible media is unreadable, damaged, or not usable by the state agency and requesting that the filer submit a new tangible media object. If the new tangible media object is received not later than thirty days from the date the written notice is sent by the state agency, the new tangible media object will be deemed to have been filed as of the date originally submitted. A tangible media filing submitted other than in conformity with this chapter may be rejected by the agency and may not be deemed filed for any purpose.

**History:** Effective October 1, 1998.

**General Authority:** NDCC 1-08-12

**Law Implemented:** NDCC 1-08-12

**72-05-02-06. Records retention.**

Any tangible media object that has been accepted for filing by a state agency must be retained in conformity with its records retention schedule.

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**General Authority:** NDCC 1-08-12

**Law Implemented:** NDCC 1-08-12

**72-05-02-07. Signatures.**

1. **Possession of original document.** Any filer filing by tangible media pursuant to these rules represents that the original signed document is in the filer's possession or control and is available for examination and inspection by or delivery to the state agency at any reasonable time and place within the number of years of the filing specified by the agency.
2. **Signature on mandatory cover sheet deemed an original valid signature.** A manual signature on a mandatory cover sheet accompanying any tangible media filing under this chapter that is accepted by the state agency and which complies with this chapter has the same validity and consequence as if the signature had been appended to the document contained on the tangible media.

**History:** Effective October 1, 1998.

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