

HB 1053 : Century Code Chapter 11-11-53.1—Affiliate Closings

Key Legislative Change Request: Change “shall” revert to the state to “may” revert to the state.

Rationale for Change

- **This is an unfunded mandate that will stress a small state agency staff with potentially thousands of hours of extra work for up to several years.** Existing projects deemed as priorities may need to be eliminated to meet this unforeseen mandate.
- **This mandate has potential to create ill will** with the county museums and cultural organizations that we work closely with to maintain positive professional partnerships. Perceived fears exist among county organizations that the state wants to take their artifacts. Communities and counties are passionate about keeping their local treasures of importance in their own communities, and we support keeping it local whenever possible.
- **The State Historical Society has no control over the buildings housing these objects.** We could potentially be placed into a legal situation of needing to remove of thousands of items from a building that needs to be vacated immediately, has been damaged by elements, or other situations beyond our control.
- As a state and national standard of a Museum Best Practice followed by institutions such as the Smithsonian, **we do not accept objects into the state’s museum collection that do not have a clear record of ownership.** What that means is that we clearly know from written records whether the museum or organization legally owns each item. This is important in case any person suddenly appears and states that a certain object belongs to his/her family and they want it back. We need clear records of ownership for the state to take possession of those items. If those records don’t exist, we cannot accept the items into our collections by our own collections policy.
- **Artifact storage and preservation standards differ from our state practices at many other museums and historical societies.** Following national best practices, we will not accept items into the North Dakota museum collection that have been significantly compromised by weather elements, inadequate storage practices, or inadequate climate control. Items having mold, mildew, pest infestations, and damaged fabrics and materials beyond salvage or that are redundant to the state’s existing collection would not be advised to add to our current collections as a best practice. This mandate forces our staff to potentially compromise the preservation of our entire curated collection.
- **Our storage capacity is extremely limited.** To house a county’s entire museum collection in our existing storage space would be challenging or impossible. We also may have similar objects that tell a similar story representing that county. We do not wish to add redundant items to a state collection already facing storage constraints.