§ 57.05. State archives. 1. There shall be continued within the education department the state archives. The state archives shall acquire, appraise, preserve either in original or duplicate form, catalog, display, duplicate and make available for reference and use by state officials and others those official records that have been determined to have sufficient historical value or other value to warrant their continued preservation by the state.

2. For the purposes of this section, official records shall include all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the state or by the legislature or the judiciary in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities, or because of the information contained therein.

3. Library or museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents shall not be deemed to constitute official records for the purposes of this section.

4. Except as otherwise provided by law, the state archives shall acquire and assume the official custody and responsibility for preserving and making available for reference and use those official records of the legislature, the judiciary and the civil departments of the state government which are deemed to have sufficient historical value or other value to warrant their continued preservation by the state.

5. The state archives shall acquire and assume the official custody and responsibility for preserving and making available for reference and use the official records of any public office, body or board now extinct, or hereafter becoming extinct, which are deemed to have sufficient historical value, or other value to warrant their continued

preservation by the state, if the custody and preservation of such records are not otherwise provided for by law.

6. The state archives may accept records, or copies of records, of a municipal, district or public benefit corporation, providing the records have sufficient historical significance to warrant continued preservation by the state.

7. The commissioner of education may request the attorney general to institute legal action for the return to the custody of the state of any record which has not legally been released from state custody.

8. The state archives may duplicate records in its custody, and certify under its own official seal to the authenticity of the copies of such records. The state archives with the approval of the commissioner of education and in accordance with existing state statutes may dispose of original records in its custody that have been duplicated.

9. The commissioner of education shall have the power to promulgate rules and regulations to carry out the purposes of this section, providing no objection to those rules and regulations is made within thirty days prior to the effective date of the proposed rules and regulations by the following: the speaker of the assembly for rules and regulations relating to the records of the assembly; the president pro-tem of the senate for rules and regulations relating to the records of the senate; the director of the division of the budget for rules and regulations relating to records of the civil departments; and the chief administrator of the courts for rules and regulations relating to records of the judiciary.

11. The state archives shall establish a state records center consisting of one or more depositories for nonpermanent storage of state records and shall be responsible for the preservation and disposal of such records. Solely for the purposes of carrying out his record-keeping functions, the commissioner of education shall be empowered:

(a) To assume responsibility for the physical possession, storage, servicing and preservation of state agency records accepted into the

state records center, and for the security of the information contained in or on them. State records stored with the state archives shall for all purposes be deemed to be within the possession, custody and control of the agency that transferred such records.

(b) To authorize the disposal or destruction of state records including books, papers, maps, photographs, microphotographs or other documentary materials made, acquired or received by any agency. At least forty days prior to the proposed disposal or destruction of such records, the commissioner of education shall deliver a list of the records to be disposed of or destroyed to the attorney general, the comptroller and the state agency that transferred such records. No state records listed therein shall be destroyed if within thirty days after receipt of such list the attorney general, comptroller, or the agency that transferred such records shall notify the commissioner of education that in his opinion such state records should not be destroyed.

(c) To agree to the deposit of noncurrent state records in the state records center.

(d) To review plans submitted by state agencies for management of their records and to make recommendations thereupon to the head of the state agency and the director of the division of the budget.

(e) To inquire into the condition, character, amount and method of keeping such records.

(f) To develop and implement a comprehensive and ongoing training program in records management for all state agencies.

(g) To provide technical assistance in records management for state agencies.

(h) To provide for the transfer of such records having archival value from the state records center to the state archives for their permanent preservation.

(i) To develop and implement a fee schedule, to be adopted by the board of regents pursuant to rules and regulations adopted in conformity with the state administrative procedure act, to support records management activities subject to the following:

(i) the fee schedule may be changed only once in any twelve month period, and

(ii) after the initial fee schedule is established by the board of regents, proposed changes to said schedule must be included in the

annual budget request submitted to the director of the budget. Such amended fee schedule shall not become effective until enactment of the budget submitted annually by the governor to the legislature in accordance with article seven of the constitution, and shall generate revenues consistent with appropriations contained therefor within such budget and sufficient to cover anticipated expenditures for the period for which such fees shall be effective.

(j) To promulgate such other regulations as are necessary to carry out the purposes of this subdivision.