

This is an amendment of 1.13.40 NMAC Accession of Public Records by the State Records Center and Archives, Private Collection Development Policy. Amended sections include 3 and 5-16. Sections 17 - 20 are new. This rule was renumbered from 1 NMAC 3.2.40.5. The effective date is June 30, 2004.

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 13 PUBLIC RECORDS
PART 40 ~~[ACCESSION OF PUBLIC RECORDS BY THE STATE RECORDS CENTER AND ARCHIVES;]~~ PRIVATE COLLECTION DEVELOPMENT POLICY

1.13.40.1 ISSUING AGENCY: Commission of Public Records - State Records Center and Archives (SRCA)
[4/15/98; 1.13.40.1 NMAC - Rn, 1 NMAC 3.2.40.5.1, 06/30/04]

1.13.40.2 SCOPE: Potential donors of archival material
[4/15/98; 1.13.40.2 NMAC - Rn, 1 NMAC 3.2.40.5.2, 06/30/04]

1.13.40.3 STATUTORY AUTHORITY:
[A. ~~Section 14-3-4 NMSA 1978. Duties and powers of commission. The commission of public records is empowered to adopt and publish rules and regulations to carry out the purposes of the Public Records Act.~~
B.] Section 1-3-5 NMSA 1978. Gifts, donations and loans. The commission may receive either as donations or loans from private sources, other state agencies, counties, municipalities, the federal government, and other states or countries, archival materials of any physical form or characteristics which are deemed to be of value to the state and the general public for historical reference or research purposes. Acceptance of both donations and loans shall be at the discretion of the commission upon advice of the administrator. Accepted donations shall become, without qualification or restriction, the property of the state of New Mexico. Loans shall be accepted only after a written agreement covering all terms and conditions of each loan has been signed by the lender, the administrator and approved by the commission.
[4/15/98; 1.13.40.3 NMAC - Rn, 1 NMAC 3.2.40.5.3 & A, 06/30/04]

1.13.40.4 DURATION: Permanent.
[4/15/98; 1.13.40.4 NMAC - Rn, 1 NMAC 3.2.40.5.4, 06/30/04]

1.13.40.5 EFFECTIVE DATE: April 15, 1998 unless a later date is cited at the end of a section.
[4/15/98; 1.13.40.5 NMAC - Rn, 1 NMAC 3.2.40.5.5 & A, 06/30/04]

1.13.40.6 OBJECTIVE: To provide criteria for evaluating documents for acquisition from sources other than state agencies which will enhance the current body of archival collections. Archival materials collected ~~should~~ shall support New Mexico history in its broad context with original source materials which document government policy, political leadership, the legislative process, citizenship, land ownership, water rights and family histories.
[4/15/98; 1.13.40.6 NMAC - Rn, 1 NMAC 3.2.40.5.6 & A, 06/30/04]

1.13.40.7 DEFINITIONS:
A. ~~Access [The authority to obtain information from or to perform research in archival collections held by the state records center and archives]~~ means the availability of archives, records, or manuscripts in terms of physical condition, legal permission and legal entry.
B. ~~Accession [The transfer of physical and legal custody of archival materials to the state records center and archives. Also refers to an accumulation of records transferred to the state records center and archives]~~ means a term used as both a noun and a verb for the act and procedures involved in a transfer of legal title and the taking of records or papers into the physical custody of an archival agency, records center or manuscripts repository and the materials involved in such a transfer.
C. **Acquisition** means the process of identifying and acquiring by donation or purchase archival materials from sources outside of state government.
D. **Administrator** means the state records ~~[administrator/director]~~ administrator, who also serves as the director of the state records center and archives appointed by the commission of public records.

E. **Archival material** means the non-current records or papers of an individual, family, organization or institution preserved because of their continuing historical, informational or intrinsic value.

F. **Archives** means the permanent records of the state of New Mexico, which may include government and private collections of the Spanish, Mexican, territorial and statehood periods, assessed to have significant historical value to warrant their preservation by the state of New Mexico. ~~[Also]~~ The term also refers to the organizational unit of the SRCA storing these records.

G. **Artifact** ~~[an object produced by man]~~ means an object of archaeological interest, produced by man.

H. **Collection policy** ~~[The policy established by the SRCA concerning the selection of archival materials to be acquired either through donation or purchase based on subject areas, time periods, geographical areas, and physical formats]~~ means a statement of policy adopted by an archival agency, records center, or manuscripts repository to guide its accessioning and de-accessioning decisions in order to carry out its formal mission.

I. **Collection** ~~[A body of archival materials relating to an individual, family, or organization]~~ means an artificial accumulation of documents brought together on the basis of some common characteristic, a grouping of records created by private individuals and organizations or the total holdings of a manuscript repository.

J. **De-accession** ~~[the removal of physical and legal custody of archival materials from the state records center and archives]~~ means the act, or the materials involved in the act, of a transfer out of the custody of an archives and is the opposite of accession.

K. **Deed of gift** means a legal document accomplishing the donation of archival materials to the SRCA through transfer of title.

L. **Documents** means any recorded information regardless of media, including books, correspondence, reports, maps, manuscripts, microforms, photographs, sound recordings, motion pictures, architectural drawings and electronic files.

M. **Donation** means a gift.

N. **Material culture** means physical objects used by a society other than documents.

O. **Personal papers** means a natural accumulation of documents created or accumulated by an individual or family belonging to him or her and subject to his or her disposition.

P. **Private collection** means a body of archival materials relating to an individual, family, organization or institution acquired through donation or purchase rather than in accordance with state statute.

Q. **Record** ~~[All]~~ means recorded information, regardless of media or characteristics, made or received and maintained by an institution.

R. **Repository** refers to the SRCA as a facility where documents are deposited, donated, or stored for safekeeping.

S. **Researcher** means a person who has applied for access to public records or private collections in accordance ~~[to]~~ with 1.13.11 NMAC.

[4/15/98; 1.13.40.7 NMAC - Rn, 1 NMAC 3.2.40.5.7 & A, 06/30/04]

1.13.40.8 BACKGROUND: The commission of public records (commission) was created by the New Mexico legislature in 1959 and assigned the responsibility for the care, custody, preservation and disposition of public records created by state, county and local governments. The state records center and archives (SRCA) is the facility established by the commission to fulfill its statutory mandate. The SRCA currently houses public records from the executive, legislative and judicial branches of state government, including documents dating from New Mexico's Spanish (1621-1821), Mexican (1821-1846), and territorial (1846-1912) periods of history. The archives also maintains an extensive collection of personal papers which have been donated by families, attorneys, political figures and benevolent organizations. A collection policy is a standard archives practice for publicly declaring an archives's intent ~~[for breadth and depth of material it will collect within]~~ to collect documents that pertain to certain subject areas, geographical areas, languages, or physical forms of material.

[4/15/98; 1.13.40.8 NMAC - Rn, 1 NMAC 3.2.40.5.8 & A, 06/30/04]

1.13.40.9 USES OF PRIVATE COLLECTIONS IN STATE REPOSITORY: Private collections support the SRCA's mission to protect, preserve and provide access to public records which document the rights and history of the people of New Mexico, and to provide information to and about government. In addition, collections support research, exhibit and public outreach.

A. Research: Archival collections provide resources for scholars and researchers studying government and history by strengthening and augmenting existing collections in the fields of New Mexico government and history.

B. Exhibits: Archival collections support exhibit programs that interpret New Mexico's heritage to statewide, national and international visitors.

(1) Exhibits may be prepared from private collections and displayed in the archives.

(2) Documents from private collections may also be loaned to other institutions for exhibition with the approval of the commission.

(3) Reproductions and duplicates of documents from private collections may be used for exhibits outside the agency with permission of the administrator.

C. Outreach: The SRCA ~~[will]~~ shall promote the use of private collections through increased public awareness of the nature and importance of the archival materials. The acquisition of collections may be publicized in local newspapers and agency publications.

[4/15/98; 1.13.40.9 NMAC - Rn, 1 NMAC 3.2.40.5.9 & A, 06/30/04]

1.13.40.10 ACQUISITIONS:

A. Purchases. Purchase of documents may be financed through monetary donations made to the SRCA and ~~[are]~~ is restricted to materials which meet private collection policy criteria as stated in 1.13.40.11 NMAC.

B. Loans.

(1) The commission ~~[will]~~ shall not accept materials without a signed loan agreement. (SRC form 97-34), 1.13.40.17 NMAC.

(2) A loan agreement shall not exceed a period of five years without review.

(3) Loaned material ~~[will]~~ shall be maintained intact, subject to the terms and conditions of the loan agreement.

C. Donations.

(1) Donations ~~[are]~~ shall be subject to acceptance by the commission of public records based on collection policy criteria as stated in 1.13.40.11 NMAC.

(2) The commission ~~[will]~~ shall not accept materials without a legal transfer of title, executed by a deed of gift as described in (SRC form 77) 1.13.40.18 NMAC.

(3) Donations accepted by the commission shall become the unqualified property of the state of New Mexico.

[4/15/98; 1.13.40.10 NMAC - Rn, 1 NMAC 3.2.40.5.10 & A, 06/30/04]

1.13.40.11 COLLECTION STRENGTHS, WEAKNESSES AND PRIORITIES: Collections maintained by the SRCA are strongest in the area of government administration. However, through the centuries many government records for the Spanish, Mexican and territorial periods have been pilfered or destroyed. Consequently there are gaps within collections. Prior to the creation of the SRCA in 1960 and the establishment of a records management program for the retention, preservation and disposition of public records, state agencies and elected officials disposed of records at will. Therefore there are many discontinuances within the public records maintained for state government for the years 1912 to 1959. The SRCA would like to collect archival materials that supplement current collections and meet the agency's objective.

A. Identified collection strengths. ~~[The]~~ Since its creation in 1960, the SRCA has actively collected the state's official permanent government records ~~[since its creation in 1960].~~ In that year the state archives, in its capacity as the official custodian of the state archives, acquired from the historical society of New Mexico the Spanish, Mexican and territorial archives of New Mexico ~~[, in its capacity as the official custodian of the state archives].~~ These collections provide important documentation in the following subjects and time periods.

(1) Spanish period. Administrative, civil, judicial, military and land grant records of the Spanish government in New Mexico for the years 1680-1821.

(2) Mexican period. Administrative, civil, judicial, military, legislative and land grant records of the Mexican government in New Mexico for the years 1821-1846.

(3) Territorial period. Administrative, judicial, military and legislative records of the territory of New Mexico for the years 1889-1912.

(4) Statehood. Executive and legislative documents from 1960 to the present.

B. Identified collection weaknesses.

(1) Spanish colonial documents, 1598 -1680. As a result of the 1680 Pueblo Revolt, administrative, civil, judicial, military and ecclesiastical records for this period were destroyed. The SRCA has very few documents for this time period.

(2) Spanish period documents, 1680 -1821. Many documents for this time period have been lost as a result of theft or disasters, either man-made or natural.

(3) Military and territorial periods, 1846 -1889. Administrative, judicial, military and legislative records from 1846 to 1889 were removed by officials upon completion of their term of office. Therefore the SRCA has a sparse collection of governors and territorial officials papers.

(4) Statehood government records, 1912 -1959. Executive, legislative, judicial and military records from 1912 to 1960.

(5) Congressional papers, ~~1912-present~~. The SRCA has not actively collected the papers of [~~New Mexico legislators and~~] U.S. senators and representatives from New Mexico.

(6) County records, 1850-1912. Many records kept by territorial county officials have been lost through theft and disasters (man-made and/or natural). Counties are not required by statute to transfer permanent records to the SRCA.

C. Identified collection priorities. The SRCA places major emphasis on acquiring archival collections relating to any of the following subjects which would enhance existing collections.

(1) Administrative government documents, 1598 -1959. Correspondence, decrees, orders, and reports.

(2) Military documents, 1598 -1959. Enlistment papers, muster rolls, service records.

(3) Civil documents, 1598 -1912. Wills and settlement of estates, land grant petitions, deeds and conveyances of property.

(4) Ecclesiastical documents, 1598 -1846. Inquisition and ecclesiastical court reports, church censuses, reports regarding civil and military matters.

(5) County documents, 1850 -1912. Probate records, county commission journals, county clerk record books, sheriff, treasurer and justice of the peace record books.

(6) Judicial documents, 1598 -1912. Judicial proceedings, criminal and civil docket books, record books and case files.

(7) Personal papers of New Mexico legislators and U.S. congressmen, 1850 - present.

(8) Maps, 1598 -1950. Expedition, land grant, military reconnaissance, land use, road and highway maps, postal route, railroad and USGS quadrangle maps.

(9) Photographs, 1840 -1950. Historical buildings, historical events and celebrations, political figures, Indian pueblos and reservations.

(10) Motion picture film. Film documenting or depicting historical events and celebrations, buildings, political figures and state government functions. [~~Nitrate based film will generally not be accepted.~~]

D. Geographical areas and chronological periods collected. The SRCA places emphasis on acquiring materials pertaining to localities within the geographical boundaries of the state of New Mexico for the period 1598 to the present. However, archival materials pertaining to the areas of southern Colorado, eastern Arizona, west Texas and northern Chihuahua, which were part of New Mexico during the years 1598 to 1862, are also collected. All materials [~~must~~] shall meet the criteria for acquisition as stated in 1.13.40 NMAC.

E. Languages, other than English, collected. Documentary materials in any language which meet the criteria for acquisition as stated in 1.13.40 NMAC will be collected.

F. Physical forms of material collected.

(1) Manuscripts. Handwritten or typed documents, including a letterpress or carbon copy.

(2) Personal papers. Documents created or accumulated by an individual or family, subject to donor's disposition.

(3) Books. [~~Must pertain~~] Pertaining to New Mexico history, politics, and government, including Spanish dictionaries published prior to 1900.

(4) Media. The SRCA will not actively solicit any form of non-print media which it cannot support. However, older collections may contain vinyl records, film, cassettes and electronic records. Contemporary collections may also contain audio and videotapes and collections in the future may contain computer, optical, compact or other forms of disks. Therefore non-print media [~~will~~] shall also be accepted.

(5) Government publications. The SRCA is a depository for state publications. Government publications that are accessioned as part of a collection [~~will~~] shall only be retained if they inherently relate to the papers in that collection.

(6) Serials. Publications issued at regular intervals ~~[will]~~ shall be collected if they relate to existing collections, New Mexico history or state government.

(7) Newspapers. Extended runs of newspapers ~~[will]~~ shall generally not be collected. However some single issues which have importance in relation to individual collections may be retained in association with those collections.

(8) Microforms. Microforms may be included as part of a collection if they meet the SRCA acquisition criteria.

(9) Maps. See Paragraph (8) of Subsection C of 1.13.40.11 NMAC. Hand-copied, print, microfilm, blueprint, aerial photographs and computer-assisted maps.

(10) Photographs. See Paragraph (9) of Subsection C of 1.13.40.11 NMAC. Generally all photographic processes will be accepted ~~[, except cellulose nitrate negatives]~~.

(11) Motion Picture Film. See Paragraph (10) of Subsection C of 1.13.40.11 NMAC ~~[4mm and VHS].~~ Moving image materials including film, magnetic tape, and digital formats.
[4/15/98; 1.13.40.11 NMAC - Rn, 1 NMAC 3.2.40.5.11 & A, 06/30/04]

1.13.40.12 LIMITATIONS AND EXCLUSIONS:

- A. The commission of public records ~~[will]~~ shall generally NOT accept:
- (1) materials that are not pertinent to New Mexico government ~~[and/or]~~ or history;
 - (2) materials pertaining to New Mexico of no historical, informational or evidential value;
 - (3) materials to which the donor does not have legal title;
 - (4) duplications of original material under other ownership or custody with the exception of scholarly research material;
 - (5) artifacts or material culture;
- B. Unsolicited donations:
- (1) will be evaluated in terms of their suitability and relationship to other holdings in the archives;
 - (2) with the approval of the administrator unsolicited donations that are not suitable or pertinent will be returned to the donor; see 1.18.369 NMAC.
 - (3) The commission has the right to refuse private collections inappropriate to its holdings transferred by will.
- C. Closed collections and restrictions.
- (1) The commission ~~[will]~~ shall not accept collections that are permanently closed to public access by the donor.
 - (2) The commission may accept collections that are temporarily closed by the donor to public access for a reasonable period of time.
 - (3) Access to classified and confidential materials ~~[are]~~ shall be subject to state and federal laws.
- D. Monetary appraisal of private collections. The commission and the SRCA are prohibited by law from appraising the monetary value of donations. Pursuant to the Deficit Reduction Act of 1984, PL 98-369
[4/15/98; 1.13.40.12 NMAC - Rn, 1 NMAC 3.2.40.5.12 & A, 06/30/04]

1.13.40.13 COOPERATION WITH OTHER REPOSITORIES: The SRCA recognizes that other institutions collect in the same or overlapping areas, and it is further ~~[recognized]~~ recognizes that other institutions may be ~~[a]~~ more appropriate ~~[repository]~~ repositories for material donated to the SRCA. Therefore, opportunities to acquire artifacts, cultural material and other textural materials not covered by the collection policy ~~[will]~~ shall be referred to an appropriate repository.
[4/15/98; 1.13.40.13 NMAC - Rn, 1 NMAC 3.2.40.5.13 & A, 06/30/04]

1.13.40.14 ACCESS TO PRIVATE COLLECTIONS BY RESEARCHERS: The policy of the SRCA is to make all materials available to researchers on equal terms, subject to the appropriate care and handling of materials and within limitations set by the donor in the deed of gift. See 1.13.11 NMAC, Research in the New Mexico Archives.

- A. Donors. Donors ~~[will]~~ shall have access to their donated collections during regularly scheduled hours.
- B. General public. With registration, any researcher may use the collections during regularly scheduled hours, subject to agency guidelines.
- C. State, federal, county and municipal employees. With registration, employees may use collections during regularly scheduled hours, subject to agency guidelines.

D. Access to materials. The SRCA staff [~~will~~] shall monitor the use of materials by researchers at all times in order to guard the safety and security of materials.

E. Guidelines. Researchers [~~will be expected to~~] shall sign a visitors log, (SRC form 64), as described in 1.13.40.20 NMAC; follow the guidelines for use of documents, 1.13.11.9 NMAC; and complete a user registration form (SRC form 96-20), as described in 1.13.40.19 NMAC.
[4/15/98; 1.13.40.14 NMAC - Rn, 1 NMAC 3.2.40.5.14 & A, 06/30/04]

1.13.40.15 STATEMENT OF DE-ACCESSIONING POLICY:

A. Duplicates and material that do not reflect the collection policy of the SRCA may be deaccessioned, subject to terms of acquisition, agency policy and state law.

B. Deaccessioned items may be transferred to another repository, returned to the donor [~~f~~] or donor's family or discarded.

C. Preservation policies regarding the care and storage of deteriorating materials, and reformatting of fragile material to a more stable media, may require disposal or return of original documents.

D. The SRCA reserves the right to deaccession any materials within its collections subject to the terms of acquisition and the notification of the donor or [~~his/her~~] his or her heirs.

[4/15/98; 1.13.40.15 NMAC - Rn, 1 NMAC 3.2.40.5.15 & A, 06/30/04]

1.13.40.16 REVISION OF REGULATION:

A. The SRCA reserves the right to make changes to this regulation as seems reasonable and prudent.

B. Efforts [~~will~~] shall be made to conform to the intent of the agreement made between the archives and the donor at the time of the accession.

[4/15/98; 1.13.40.16 NMAC - Rn, 1 NMAC 3.2.40.5.16 & A, 06/30/04]

1.13.40.17 REQUIREMENTS FOR INCOMING LOAN AGREEMENT, SRC FORM 97-34:

A. This form delineates the conditions for an organization or individual to loan their records to the SRCA. Information contained on the form shall include, but shall not be limited to, the following:

(1) description of documents or collections, including:

(a) title of documents or collections;

(b) date of documents or collections;

(2) terms and conditions of loan agreement; and

(3) term of loan, including:

(a) beginning date of loan; and

(b) termination date of loan

B. This form shall require of the requesting organization the following information:

(1) name of organization or individual;

(2) address of organization or individual;

(3) phone number of organization or individual; and

(4) signature of lender.

C. This form shall require the following signatures from the commission of public records - SRCA:

(1) signature of the archives and historical services division director;

(2) signature of the state records administrator; and

(3) signature of the chairman of the commission of public records.

D. Signatures of the archives and historical services division director and the lending organization or individual signify: an agreement between the two entities to the conditions set forth in this form and are required to be notarized.

E. Signatures of the state records administrator and the chairman of the commission of public records signify approval of the loan agreement.

[4/15/98, 1.13.40.17 NMAC - Rn, 1 NMAC 3.2.40.5, SRC Form 96-34 & A, 06/30/04]

1.13.40.18 REQUIREMENTS FOR DEED OF GIFT, SRC FORM 77:

A. This form delineates the legal transfer of ownership of documents or collections from the donor to the commission of public records - SRCA. Information contained on the form shall include, but is not limited to, the following:

(1) name of donor;

(2) address of donor;

(3) description of donated materials;

(4) any access restrictions; and

(5) terms of donation.

B. Signatures of the archives and historical services division director and the donor signify: an agreement between the two entities to the conditions set forth in this form and are required to be notarized.

C. Signatures of the state records administrator and the chairman of the commission of public records signify approval of the deed of gift.

[4/15/98, 1.13.40.18 NMAC - Rn, 1 NMAC 3.2.40.5, SRC Form 77 & A, 06/30/04]

1.13.40.19 REQUIREMENTS FOR USER REGISTRATION FORM, SRC FORM 96-20:

A. This form delineates the information required of the researcher to become a registered patron of the archives research rooms. All researchers shall complete this one time registration form before entry into the archives research rooms.

B. The form requests the following researcher information:

(1) name and signature of researcher;

(2) signature of parent or guardian of the researcher, as provided for in Subsection H of 1.13.11.8 NMAC.

(3) physical and email (if available) addresses of the researcher;

(4) telephone number of the researcher;

(5) user description of researcher;

(6) indication of the researcher's willingness to share research information with other researchers; and

(7) date.

C. The researcher's signature signifies that he has read the rules and procedures for using the public records held by the archives and historical services division of SRCA, and that he has agreed to abide by them.

[4/15/98, 1.13.40.19 NMAC - Rn, 1 NMAC 3.2.40.5, SRCA Form 96-20 & A, 06/30/04]

1.13.40.20 REQUIREMENTS FOR VISITOR'S LOG, SRC FORM 64:

A. This form delineates the information required of the researcher to perform research in the archives research rooms. All researchers shall complete this form upon arrival to and departure from the archives research rooms.

B. The form requests the following researcher information:

(1) printed full name of researcher;

(2) intended use;

(3) date;

(4) time in; and

(5) time out.

[4/15/98, 1.13.40.20 NMAC - Rn, 1 NMAC 3.2.40.5, SRCA Form 96-64 & A, 06/30/04]

HISTORY OF 1.13.40 NMAC: [RESERVED]