

**§ 1381. Definitions.**

Definitions. For the purposes of this Act:

- (a) “Agency” means any department, agency, and instrumentality of the Commonwealth government, including regulatory, temporary agencies, divisions, boards, bureaus, offices, councils, commissions, authority, public corporation, or a separate government office established by law.
- (b) “Archives facility” means a facility administered by the CNMI Archivist for the preservation and controlled use of archival records transferred from agencies, or a facility that is approved by the CNMI Archivist as having an equivalent capacity to ensure the physical security and control of archival records.
- (c) “CNMI Archives” means the organizational unit within the Northern Marianas College which has the responsibility to administer the Commonwealth government archives program.
- (d) “CNMI Archivist” is the designated administrator of the CNMI Archives and reports to the Director of Library Programs and Services of Northern Marianas College.
- (e) “Disposition” means the authorized action to dispose of the records of an agency, transfer to another agency or branch of government, or transfer to an archives facility.
- (f) “Record series” means a group of related records that result from the same activity and can be evaluated together for disposition and other management purposes. Usually, the records in a record series are arranged under a single filing system or are otherwise kept together as a unit.
- (g) “Records” means all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the CNMI 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.
  - (1) “Active records” means records that are frequently referenced or otherwise frequently used for conducting current business.
  - (2) “Archival records” means records that are designated by the CNMI Archivist for continuous preservation because they have enduring administrative, legal, fiscal, educational, historical, or other research value to the CNMI government or its citizens; the such term is not used as a synonym for computer-generated records that are stored off-line.
  - (3) “Electronic records” means those records which are stored in a form that can be read or processed only by means of a computer.

- (4) “Inactive records” means records that are infrequently referenced or otherwise infrequently used for conducting current business.
- (5) “Vital records” means selected records which, in the event of a disaster, are essential to the resumption or continuation of government operations, to the re-creation of the legal and financial status of the CNMI government, or to the protection of and fulfillment of obligations to the citizens of the Commonwealth; the such term is not used as a synonym for official birth, death, and marriage records.
- (h) “Records management” means the planning, organizing, directing, controlling, and other activities needed for effective records creation, records maintenance, use, and records disposition.
- (i) “Records retention” and “disposition schedule” means a document that prescribes the legally required minimum retention periods for records and the final disposition of records and may also describe where and in what form records must be kept.
- (j) “Retention period” means a period of time, expressed in terms of an event that must occur or the time which must elapse, before records may be disposed of.

**Source:** PL 23-24, § 2 (August 8, 2024), modified.

**Commission Comment:** In addition to severability and savings clauses, PL 23-24, included the following Findings and Purpose section:

Section 1. Findings and Purpose. The Legislature finds that state and territorial archives are statutorily mandated to work with government agencies to carry out records management programs that support effective program management and public services delivery, promote economical and efficient management of information resources, and ensure that records of archival value are identified, protected, and, when appropriate, transferred to the respective state and territorial archives for preservation.

Commonwealth law currently mandates Northern Marianas College (NMC) to maintain the “Commonwealth archives, United States, South Pacific Commission and Commonwealth government documents which shall include at least three copies of all publications funded in whole or in part by the Commonwealth government, or by any regional association or agency receiving local or federal funds to provide services to the region, minutes of all meetings held by Commonwealth boards, commissions or agencies, the official actions of the Commonwealth Legislature, and any other official record of the Commonwealth deemed by the archivist to have permanent historical, legal or political significance, and acquiring any other materials relating to the Commonwealth or region that has research or historical value.” 3 CMC 1305(b)(5).

Additionally, the Open Government Act mandates that the approved minutes of all regular and special and executive meetings of such boards,

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commissions, agencies, or authorities “shall be transmitted to the archives of the Northern Marianas College.” 1 CMC § 9914.

Article II, Section 14(b) of the NMI Constitution provides in part that “[t]he legislature shall keep a journal of its proceedings that shall be published from day to day.” Furthermore, both official rules of the legislative houses provide for the recording and transcription of the sessions. The rules also provide for the transmission of a copy of a transcribed journal within 30 days of its adoption.

However, the Legislature finds that the Commonwealth government branches, departments, agencies, and offices have not fully observed NMC's critically important mandate of maintaining and preserving Commonwealth government documents and records for posterity. Creating a framework of policies and procedures for the maintenance, disposition, and preservation of Commonwealth government documents and records is needed to properly preserve such documents.

The Legislature further finds that fully functioning archives create opportunities for academic research, which can be used as justification for public policies that ultimately improve the quality of life of our Commonwealth residents, and serves as a repository for critically important documents, publications, and materials pertaining to the Commonwealth government for the benefit of posterity.

Therefore, the purpose of this Act is to enhance the duties and responsibilities of the Commonwealth of the Northern Mariana Islands Archives at the Northern Marianas College.

In codifying PL 23-24, the Commission did not use the assigned code under Title 3 Article 8, but instead renumbered the section under Title 3 Article 9, pursuant to 1 CMC § 3806(a).