

**This is an amendment to 1.13.5 NMAC, Sections 8, 9, and 10, effective xx/xx/2017.**

**1.13.5.8 ELIGIBILITY:**

- A.** To be **eligible** for an historical records grant, the applicant shall be one of the entities listed below.
- (1) A governmental organization including:
    - (a) state agencies as prescribed in the Public Records Act; except the commission;
    - (b) county offices;
    - (c) municipal offices;
    - (d) political subdivisions; or
    - (e) tribal government offices.
  - (2) A non-profit and tax-exempt organization [~~registered with the New Mexico secretary of state,~~] verified as such by:
    - (a) a copy of its IRS issued letter establishing tax-exempt [~~or 501(c)(3), or equivalent,~~] status; and
    - (b) a copy of certification of its good standing status with the New Mexico secretary of state[~~; and~~].
    - ~~[(c) — evidence that it has made provisions for the transfer of its holdings to a like organization or an appropriate repository for public access upon dissolution.]~~
- B.** Previous grant recipients shall be in compliance with the stipulations of all previous awards in order to be eligible.
- C.** To be eligible for an historical records grant, applicants shall not be disbarred, suspended or otherwise excluded from or ineligible for participation in federal assistance programs.
- D.** Board member organizations or their employers are not eligible to apply for NMHRAB funding.
- E.** Funding shall not be used to process any collection held by the commission of public records.
- [1.13.5.8 NMAC - Rp, 1.13.5.8 NMAC, 8/1/2015; A, xx/xx/2017]

**1.13.5.9 CONDITIONS FOR RECEIVING A HISTORICAL RECORDS GRANT:**

- A.** The applicant shall:
- (1) demonstrate legal custody of [~~or written permission from the organization that has legal custody of,~~] historically significant original records at the time of the grant application deadline;
  - (2) provide a copy of its collection policy or a statement from its governing body indicating its commitment to sound practices concerning the historical material included in the project;
  - (3) demonstrate the ability to carry out the objective of the proposal within the grant period;
  - (4) describe the records, their importance in documenting New Mexico's history and the proposed project that affects the records;
  - (5) include a mechanism for evaluating the impact of the project on its historical records' environment; and
  - (6) provide a letter from its governing body indicating support of the project and continuation of the project's purposes beyond the grant period.
- B.** Upon approval, the applicant shall become a vendor pursuant to state law.
- C.** Records treated in the proposed project shall be made available in New Mexico for public research to all qualified users on equal terms unless specific exemption is granted by the commission. Specific records in proposals submitted by tribal governments, for example, may be excluded from this criterion.
- D.** The applicant shall not charge fees for public access to the materials in its holdings. However, reasonable fees may be charged for copying material or providing special services or facilities not provided to all researchers.
- E.** A person qualified by credentials or training shall carry out the objectives of the proposed project.
- F.** Proposals for digitization projects shall be acceptable only if they take into consideration the issue of migration to newer technologies. Digitization projects shall follow scanning guidelines specified by the commission for creating master and access copies.
- [1.13.5.9 NMAC - Rp, 1.13.5.9 NMAC, 8/1/2015; A, xx/xx/2017]

**1.13.5.10 TYPES OF PROJECTS FUNDED:** Following are examples of projects that could be funded.

- A. Preservation** projects that mitigate unstable or deteriorating conditions of historical records through the identification, organization and description, conservation treatment or reformatting of the records to

another medium. National historical publications and records commission funding shall not be used for the following activities:

(1) to undertake an archival project centered on the papers of an appointed or elected public official who remains in major office, or is politically active, or the majority of whose papers have not yet been accessioned in a repository; and

(2) to undertake arrangement, description or preservation projects involving federal government records that are in the custody of the national archives and records administration, in the custody of some other federal agency or that have been deposited in a non-federal institution without an agreement authorized by the national archives and records administration.

**B. Access** projects that promote the availability of historical records by developing finding aids, indexing significant collections, creating electronic catalog records, distributing collection guides, providing online access to finding aids, digitizing historical records and placing copies in other repositories that have agreed to accept them.

**C. Regional or statewide training** programs that focus on developing best practices that can be used to train staff in more than one repository or in a repository experiencing high turnover.

**D.** ~~[Research projects that provide original scholarly exposition or interpretation of documentary evidence of New Mexico history based on original records or oral history and documentary edition projects that publish original records for general usage. National historical publications and records commission funding shall not be used for the following activities:~~

~~\_\_\_\_\_ (1) to undertake oral history projects unrelated to Native Americans; and~~

~~\_\_\_\_\_ (2) to undertake a documentary editing project to publish the papers of someone who has been deceased for fewer than 10 years.~~

~~\_\_\_\_\_ E.] Program development~~ projects that establish or elevate standards of archival or records management practice in the applicant's repository.

~~[F. Promotional programs such as exhibits, conferences, papers and documentaries that promote New Mexico history through the use of historical records.]~~

[1.13.5.10 NMAC - Rp, 1.13.5.11 NMAC, 8/1/2015; A, xx/xx/2017]