

**State Records Board Meeting
Quarterly Meeting
April 13, 2006**

Acting under the provisions of the Kansas Statutes Annotate 45-404 and 75-3504, the State Records Board met April 13, 2006, in the Executive Conference Room of the Kansas State Historical Society to consider requests for approval of retention and disposition schedules and of additions to or revisions of such schedules for the following agencies:

Department of Administration – Division of Accounts and Reports
Department of Commerce
State Government General Retention and Disposition Schedule
Department of Corrections
Department of Agriculture
Secretary of State’s Office
Department of Labor
Kansas Department of Insurance
Kansas State University
Kansas Racing and Gaming Commission
Kansas State Historical Society – Library/Archives Division
Kansas Housing Resources Corporation
Local Government – County Attorney

In attendance were Theresa Bush, chair, Kansas State Attorney General’s Office; Matthew Veatch, State Archivist, Kansas State Historical Society, Dr. Patricia Michaelis, Director, Library and Archives Division, Kansas State Historical Society; Duncan Friend, Department of Administration, DISC; Bill Sowers, Kansas State Library; John Bowes, Department of Commerce, Christy Harvey, Kansas Secretary of State’s Office; Cynthia Laframboise, State Records Manager, Kansas State Historical Society; Letha Johnson, Archivist, Kansas State Historical Society; Kirsten Hanna, Administrative Assistant, Kansas State Historical Society.

Ms. Bush called the meeting to order at 8:30 a.m. Dr. Michaelis had corrections to the minutes from the previous meeting. In the body of the minutes there was a reference to a.m. that needed another period in the abbreviation. Also under the Department of Administration, she suggested changing the language to read: “...several divisions worked together on the Electronic Recordkeeping Plan.” On page 2 under the “Internet Site for the Division of Personnel Services” section, she recommended changes in the language to clarify intent, correct the name of the Electronic Records Committee, and state that the motion was approved. It was also agreed that minutes should reflect that Dr. Michaelis left the meeting and Ms. Laframboise, acting in her stead, began to make motions. Mr. Veatch made the motion to approve the previous minutes as amended. Mr. Friend seconded the motion. The minutes were approved as amended.

Department of Commerce

Ms. Laframboise introduced John Bowes, Records Officer for the Department of Commerce. She commended Mr. Bowes for preparing nearly the entire retention and disposition schedule in a short time. Dr. Michaelis noted that some entries did not have descriptions and Ms. Laframboise responded that those series were approved under the Department of Human Resources prior to the time when descriptions were part of retention and disposition schedules. The record series without descriptions were all obsolete records and Mr. Bowes determined that there were no longer any staff who were familiar with the records to provide a description of them. He continued explaining that the program was transferred to the Department of Commerce from the Department of Human Resources and that its mission is to deliver federal job training programs using federal grants. As technology progressed, the division discontinued manually collecting many types of forms and altered their business processes. When data went to the mainframe computer, many record series disappeared. Dr. Michaelis recommended amending Audit Reports – Workforce Investment Act to read: **Description:** Results of audits conducted under the Single Audit Act of local governments and state governments and non-government entities of recipients of the federally funded Workforce Investment Act; **Retention:** See Comments; **Disposition:** Archives; **Comments:** Retain for 5 fiscal years, then transfer to the archives for purging.

On page 1, Complaint/Grievance Records was amended to read: **Retention:** 5 calendar years. Also on page 1, Equal Opportunity Workforce Investment Act Administration Files was amended to read: **Retention:** 5 fiscal years; **Disposition:** Archives; **Comments:** Retain 5 fiscal years, then transfer to the archives for purging.

On page 2, Equal Employment Opportunity Grievance Files is a federal program regarding complaints alleging discrimination and the records are confidential. Ms. Laframboise was curious as to why the agency would keep those records permanently and perhaps retaining them for 3-5 years would be sufficient. Mr. Bowes agreed. Ms. Bush recommended consulting federal law, however, if the records come to the state archives it will be the KSHS's responsibility to administer access. Equal Employment Opportunity Workforce Investment Act Grievance Files were amended to read: **Retention:** See Comments; **Disposition:** Archives; **Comments:** Retain in office until 5 years after closure, then transfer to the archives for purging; **Restrictions:** K.S.A. 45-221(a)(2)(4)(11)(25) and KSA 64-432. Ms. Bush reminded the group that K.S.A. 45-221(a)(11) only closes the records during the investigation.

Mr. Veatch also suggested changing the series title on page 2 to read: License Application Files – Kansas Athletic Commission. The board agreed.

Mr. Bowes observed that two divisions were not represented on the schedule and Ms. Laframboise responded that those divisions had been scheduled previously. Mr. Veatch suggested that it would be a good idea to review the previously approved schedule entries. Dr. Michaelis added that if the agency is implementing their schedule selectively it could be problematic and Ms. Bush agreed.

Audit Reports – Reference Copies on page 3 was amended to read: **Restrictions:** P.L. 105-220 & C.F.R. 69-400(d).

On page 4, Disadvantaged Business Enterprise (DBE) Certifications was amended to read: **Description:** Certification to Kansas corporations owned by women and/or minorities demonstrating eligibility for tax credits.

On page 6, regarding the Community Service Tax Credit Program records, Mr. Friend expressed concern about how future records officers would be able to determine that the records were transferred from another agency and how those agencies were associated. He asked, if the records were transferred, would their schedule transfer? Ms. Laframboise responded yes and continued saying that the history database reflects the original retention and disposition schedule. Mr. Friend asked if the schedule would reflect the move. Ms. Bush pointed out that in this case the narrative mentions the transfer, as long as the narrative is attached, people would be able to track the move. She also asked if someone were tracking back from the present, how would they know which agency the records are in. Mr. Veatch said that there is a management system data model but it is not constructed yet. Mr. Bowes asked if the Department of Labor, formerly the Department of Human Resources, updated their schedule to indicate that the records are gone? Ms. Laframboise said that she had made the changes to the database. Mr. Veatch suggested sending out a notice of change and Ms. Laframboise said she would send out the revised schedule. Dr. Michaelis said that the Historical Society handles that information when the records come to the archives, Ms. Johnson, provides the description, explains any changes and why the records are located in that particular agency.

On page 7, the High Performance Incentive Program (HPIP) Files series was amended to read: **Description:** applications and supporting documentation submitted by a business seeking investment tax credits.

Dr. Michaelis quested Mr. Bowes about what content the files actually contained, for example, reports of who received the loans, or does that information exist elsewhere? Mr. Bowes indicated that the files contain reports of those who actually received the loans and that other information regarding the program is in the general schedule and on the department website. The amended the comments to read: **Comments:** Retain until no longer useful, then transfer to the archives for purging.

On page 8, under the Participant Files series, the restrictions were corrected to read: **Restrictions:** P.L. 105-220; C.F.R. 69-400; P.L. 105-220, sec. 15(H)(2).

It was moved to accept the schedule with amendments, Mr. Veatch seconded the motion and the board approved the schedule as amended.

Secretary of State's Office

After discussion regarding page 3, Governor's Executive Orders and Directives, the board decided that the records be transferred to the archives rather than destroyed. Mr. Veatch pointed out that a Governor's term of office is four years and whenever the Secretary of State leaves the office the records of that office remain in that office. As KSHS does not have a retention schedule with the governor's office, these records should be transferred to the historical society. Mr. Sowers said that the State Library receives a copy but not the original copy. Dr. Michaelis recommended that the Secretary of State's Office retain the records for one year, then transfer those records to the archives for preservation. The board agreed.

The description in the University Agreements series on page 6 was amended to read:

Description: Copies of agreements entered between the Kansas Board of Regents, a Kansas university, and a foreign college or university regarding the exchange of students and faculty/staff; **Disposition:** Archives.

Mr. Veatch raised a question about the Certified Party Affiliation Lists series on page 8 noting that information about voters and their affiliations might be of historical value, especially to genealogists. Mr. Friend asked if records of this nature were moving more to electronic form. Ms. Johnson said that Shawnee County transfers a paper copy of voters and party affiliation to the KSHS but it is the only county to do so. The board agreed to table this series in order to gain more information such as if the records are restricted or open to the public.

Dr. Michaelis pointed out that the Charter Ordinances Annexing Land Files on page 8 had specific information yet were not slated to come to the historical society, whereas a series on page 2, which did not have specific information were coming to the historical society. Ms. Harvey said the records offer a layout, like a map. Ms. Laframboise noted that the originals are kept with the census. Ms. Johnson said the historical society does get the records from census but they are duplicates and not the originals.

On page 9, the Voting Machine Certification Files series were amended at Ms. Harvey's request to read: **Retention:** 4 years; **Comments:** Transfer to the archives for purging. This change provides that the records remain at the Secretary of State's Office for two election cycles. Ms. Harvey said some party might want to know why certain voting machines were certified and others were not.

A question was raised as to why the record series Corporation Name Reservation Records was only maintained for 120 then destroyed. Ms. Harvey said that corporations have to refile every quarter so new records are created at that time.

Insignia filings series on page 11 was amended to read: **Comments:** Retain files 6 calendar years after cancelled, then destroy. Record index is maintained permanently.

Dr. Michaelis moved to approve the schedule with amendments, however, tabling the Certified Party Affiliation Lists series. Mr. Sowers seconded the motion. The schedule was approved as amended with one item tabled.

Division of Administration – Accounts and Reports

Dr. Michaelis suggested that the comments in the Court Ordered Withholding (COWs) be moved to the Remarks field and if relevant, the email responses should be attached to the schedule. The board agreed.

The same was agreed upon the Income Withholding Orders (IWOs) for Terminated Employees, the comments were moved to the Remarks field.

Mr. Veatch moved that the schedule be approved as amended. Mr. Friend seconded the motion. The schedule was approved as amended.

State Government General Retention and Disposition Schedule

On page 1, Governor's Proclamations was rewritten at Ms. Bush's suggestion to read: Description: Copies of proclamations issued by the Governor's Office related to various agency activities and functions. Ms. Johnson noted that the department is required by statute to send copies to the State Library and State Archives. Mr. Veatch said that should be made clear in the comments. The comments now read: **Comments:** Kansas State Historical Society will maintain the records permanently.

The description in the Legal and Public Notices was also amended to read: **Description:** Announcements published in the Kansas Register and/or official newspapers of which both the Kansas State Library and the Kansas State Historical Society keep copies.

Dr. Michaelis moved that the schedule be approved as amended. Mr. Sowers seconded the motion. The schedule was approved as amended.

Department of Corrections

Ms. Bush questioned whether K.S.A. 45-221(a)(4) applied to Volunteer Files and suggested that the department's legal office revisit the statutes listed in the Restrictions filed to make sure that they are applicable.

The comments were amended to read: **Comments:** Retain until no longer useful, then destroy.

Mr. Sowers moved that the schedule approved as amended. Mr. Veatch seconded the motion. The schedule was approved as amended.

Department of Labor

Dr. Michaelis moved the schedule be approved as submitted. Mr. Sowers seconded. The schedule was approved.

Department of Insurance

Dr. Michaelis suggested the schedule entry be tabled to check that the series title is accurate since the changes reflect a discrepancy between the series title and the description. Ms. Bush said the series title references rates but the description does not. The board agreed to table the schedule entry pending clarification.

Kansas State University

Dr. Michaelis recommended that the board adopt the previously approved County Sheriff's Office retention and disposition schedule entry for Traffic Reports to maintain consistency. She said that the board recommended retaining the records for 5 years and the university may chose to retain them longer. The Traffic Reports entry was amended to read: **Description:** Reports compiled by university police regarding traffic violations or accidents which occurred on campus and maintained for reference purposes; **Retention:** 5 calendar years.

Ms. Bush said that the board should not shorten the retention for criminal records. The Criminal Reports series remained unchanged. It was moved to accept the schedule as amended, seconded, and the board approved the motion.

Kansas Racing and Gaming Commission

Ms. Bush said that the commission cannot disclose background check information provided to them by the Kansas Bureau of Investigation but that does not apply when the agency conducts the background check. She suggested that the schedule be tabled and the records officer seek advice from the commission attorneys. Dr. Michaelis said if the complaint comes before the commission for a decision, then the records should be transferred to the archives. She suggested Ms. Laframboise determine if there are separate investigation files that should be transferred to the archives rather than just Complaint Files. Ms. Bush moved to table the schedule and the board agreed.

Kansas State Historical Society Library/Archives Division

Mr. Veatch quested the use of the term "central files." Dr. Michaelis said that when a project is complete any supplemental information should be filed with the accession

records and retained accordingly. The board decided that should be reflected in the Comments field.

The comments were amended to read: **Comments:** Retain until project is completed, then file with appropriate accession records and retain accordingly.

Ms. Laframboise moved to approve the schedule with the amendment. Mr. Friend seconded the motion. The schedule was approved as amended.

Housing Resources Corporation

Dr. Michaelis moved the scheduled be approved without amendments. Mr. Sowers seconded the motion. The schedule was approved without amendments.

Local Government – County Attorney

It was suggested that the historical society contact the county attorneys to see if they want the records returned and if not, that the records be destroyed. Mr. Friend asked if there was a precedent for this action. Mr. Veatch responded that the state archives holds local records and that it is within provisions of the retention and disposition schedule to destroy the records. Dr. Michaelis noted that there are laws already in place that govern how records are handled regarding deaccessioning. Mr. Sowers asked if some of the local records are microfilmed. Ms. Laframboise answered, no, since these are not permanent records. Dr. Michaelis said that the schedule was brought before the board for advisory purposes but the board did not vote. She added that the historical society will contact the county attorneys in accordance with the schedule and if they do not the records, they can be destroyed. Mr. Sowers suggested that the historical society let the agency know that some records are closed and some are not closed. Mr. Veatch assured the Board that the historical society would clarify any possible restrictions.

Department of Agriculture – Multiple Divisions

There were several references to electronic records and the question was asked if the agency had an Electronic Recordkeeping Plan. Ms. Laframboise answered that they did not.

On page 3, the description for the Y2K Files – Obsolete Series was amended to read: **Description:** Documents relating to agency efforts to identify systems and comply with standards to ensure that the computer systems will continue to function in the next millennium.

On page 4, Correspondence – Assignments was amended to use the general schedule entries: Correspondence – Routine and Correspondence – Policy Related.

For Litigation Case Files on page 5, Ms. Bush explained that K.S.A. 45-221(a)(10) applies to criminal investigations and should be removed. Also on page 5, Library Content Inventory was amended to **Retention:** See Comments; **Disposition:** Retain until no longer useful, then destroy. On page 6, Subject Files – Legal; Ms. Bush advised adding the restrictions K.S.A. 45-221(a)(2)(25) and K.S.A. 60-432 as there may be attorney-client privileged information.

This led to a discussion by the board to address procedures for records that are obsolete in one agency but maintained in another. Mr. Veatch stated that if a records series is obsolete or moved within the same agency then it does not be to be presented to the board as a retention and disposition schedule. Dr. Michaelis added that a report listing each obsolete record series or a record series transferred to another agency would be sufficient so that it becomes part of the minutes. The group concurred that if a record series listed on the agency approved retention and disposition schedule is truly obsolete and no longer created by the agency, the board is not required to approve a new retention and disposition schedule. If records listed on a retention and disposition schedule become obsolete, the agency can implement the approved retention schedule. Ms. Bush added that if the records are transferred to another agency, then it needs to be included on a retention and disposition schedule presented to the board. Dr. Michaelis made the motion that the procedures discussed will be incorporated in the operating procedures from this moment forward. Mr. Veatch seconded the motion and it was approved.

On page 22, Mr. Veatch recommended tabling the Slaughter and/or Processing Regulatory Plant Files because the record series seems different from the Slaughter and/or Processing Registration Files and that there may be archival value. The board agreed.

On page 23, Subject Files – Chief Legal Counsel – Obsolete Series was changed to add: **Restrictions:** Portions Restricted.

On page 27, the Legal Case Files – Convenience Copies was amended to read: **Restrictions:** K.S.A. 45-221(a)(25). Ms. Bush suggested striking K.S.A. 45-221(a)(10).

On page 33, the Plans Approval/Permit Issuance Logs – Obsolete Series was amended correcting the statute cited in the description to K.S.A. 82-302. Also on page 33, regarding the record series Channel Changes Files, Mr. Veatch asked if there was a reason for maintaining the hard copy if the records are microfilmed. Ms. Laframboise responded that the agency wanted to retain the hard copy for 25 years at the records center. Dr. Michaelis asked the microfilm comes the historical society. A proposed change to the comments state: Microfilm files and plans retain until no longer useful, then transfer microfilm to the archives. The transfer the hard copy to the state records center for 25 years, then destroy. Bob Knecht, the map curator, will examine the originals and the microfilm to determine what or which might have historical value.

Dr. Michaelis moved to approve the schedule as amended, tabling Slaughter or Regulatory Processing Files. She also requested that Ms. Laframboise provide a revised

copy of the schedule for the board to review due to the changes in procedures for obsolete records. Mr. Sowers seconded. The schedule was approved as proposed.

Dr. Michaelis also recognized Ms. Laframboise for her hard work.

The next meeting was set for July 13th at 8:30 a.m.

The meeting was adjourned.

Respectfully Submitted,

Matthew Veatch
State Archivist and
Secretary, State Records Board