

State Records Board Meeting, 15 July 2010
Kansas Historical Society, Executive Conference Room

Present: Michael Smith, Attorney General; Bill Sowers, State Library; Duncan Friend, Dept. of Administration (DISC); Matt Veatch, Patricia Michaelis, Scott Leonard, KHS.

Guests: Marilyn Nichols, Shawnee County Register of Deeds; Cristy Tuttle Gove County Register of Deeds; Karen Farnell, John Bowes, Dept. of Commerce; Michele Weiland, Julie Masilionis, KTEC; Susan Maxon, KDOT; Marcella Wiget, KHS.

1. Performed introductions of Board members & guests
2. Pat moved, Bill seconded, unanimous approval of previous meeting's minutes.
3. Revision of single series on local Register of Deeds schedule for reception/receiving record books (000-113) from 10 fiscal years to permanent. Individuals from Register of Deeds association argued for permanency, in some format, to reflect current practice—concern over losing these records, also over legal ramifications, as registers have had to testify in court over records from 19th century. Discussion followed over series, including over electronic recording. Duncan motioned to approve, Matt seconded, unanimous vote of approval for schedule as amended.
4. Dept. of Commerce has 6 new series and several obsolete series to clean up, including change in division name from Community Development to Rural Development. Mr. Bowes explained their own annual records management scheduling process, with a desire to reflect their current practices. Discussion over technical assistance files (0014-300) and over American Recovery & Reinvestment Act—CDBG fiscal and grant files (2 new series). Athletic Commission established under legislature in 2005. Pat moved approval of all series as presented, Matt seconded; Board unanimously approved.
5. Kansas Technology Enterprise Corporation requested changes in their schedule, taking big bucket approach to current scheduling instead of fine-grain schedules as had been done in the past. Discussion over restrictions and permanency of KTEC records, specific to being turned over to the State Archives; KTEC staff had concern over their records being open, particularly those of a proprietary nature and because of their quasi-governmental nature. Duncan requested clarification of how access restrictions are handled at KHS when individuals request records, including statutory restrictions vs. restrictions by practice. KTEC staff expressed concern over what information would be accessible particularly if such restrictions to information were legally challenged, requesting that if records were transferred to KHS and legal challenges were issued, KTEC would be involved in that process. Matt suggested such concerns could be handled through the transfer agreement when transferring records to KHS. Discussion also over electronic records; KTEC staff know they will never have the funds to create an electronic system to handle permanent electronic records, so in Electronic Records Board meeting last month agreed that all permanent records would remain in hard copy. KTEC staff wants to retain what they need to retain, but no more (provided example when they received a request for information going back

- 20 years and they had everything—cumbersome and not cost-effective for their agency). Discussion followed over Legislative Requests series, Pat requesting clarification over the language in this series specifying that this particular series regards routine requests for information. Mike again emphasized all restrictions are statutory; Pat also requested that restrictions in these series be clarified and corrected. Pat requested that Michele & Julia be commended for their work with creating these new schedules; Mike suggested that they attend the next KORA training. Pat moved approval of series with suggested corrections to restrictions and to language in Legislative Requests, Bill seconded, Board unanimously approved.
6. Changed agenda slightly, moving up discussion of the personnel schedule on the state general schedule in order to include KTEC staff. Julia suggested language change to clarify paid vs. non-paid interns. Scott asked whether other state agencies should be consulted regarding this schedule, specifically DPS; discussion was tabled in favor of this, and Scott stated that the schedule was being created for the benefit of the interns themselves.
 7. Kathy Sachs from the Secretary of State's office arrived to discuss schedule change for Cemetery Annual Reports (0001-622 and 0002-622), funds of which are audited by SoS. Concern over these funds is ongoing throughout the US—trust funds being wrongly used and for abandoned cemeteries that are difficult to maintain. Language and disposition changes to reflect current SoS practice. Pat clarified language in series description. Records have already been destroyed, which is why Scott asked Kathy to come today; he had concerns over providing SoS some kind of provisional approval because of this accidental destruction. Kathy stated that these records should be fully restricted, but this is not stated in the schedule. Duncan requested clarification on how these types of restrictions can and should be handled; Pat said that the State Archives keeps some records that are not open to the public but have enduring legal value. Mike told Kathy that the destruction of these records should be reported to the Attorney General and said that while the Board has no legal say over how the situation is handled, their input will be taken into consideration. Pat stated that when discussing the situation with the Attorney General, the SoS's records officer should state that their office is in discussion with the State Records Board regarding reappraising this schedule. Kathy found restriction for this series: KSA 17-1312(e). Matt suggested that the records officer position be elevated; Kathy agreed and that regular meetings or trainings should be held. Pat filled Mike in on a policy framework discussion from the KEEP meetings that generally there is support amongst state agencies for elevating records officers positions because these officers do not feel they have the authority to handle and control how government records are administered. Matt mentioned that the KAR regarding records officers has not been updated in many years and suggested that, as part of KEEP development, this regulation should be revisited. Because of finding the restriction, decided to vote on the series as amended: Matt moved, Bill seconded, all voted unanimously in favor.
 8. Scott presented change to KHRC Weatherization Program Files (0018-175) series' description. Mike asked if description could be even further clarified;

Matt and Pat followed with suggesting a functional schedule description, rather than adding names of programs as they are changed and added. Board decided they did not need to vote on anything regarding this schedule change because it was only a description change.

9. Change in next Board meeting to 21 October (tentatively).
10. Pat wanted to know Scott's retention scheduling schedule for next few months, due to KEEP requirements. Matt suggested that Scott not seek out working with any other agencies during these next few months.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Matthew B. Veatch". The signature is written in a cursive, flowing style with some loops and flourishes.

Matthew B. Veatch
State Archivist and Secretary
State Records Board