1. Introductions and announcements
2. Minutes from previous meetings
3. Kansas Board of Pharmacy
   a. New entries
   b. Revised entries
   c. Superseded by other agency-specific schedule entries
4. KPERS – new entry
5. Kansas Board of Regents – revised entry
6. Racing and Gaming Commission – new entries
7. Local records – CDDOs – new entries
8. Housekeeping changes:
   a. Housekeeping edits:
      • Kansas Bureau of Investigation
      • Kansas State Department of Education
   b. Obsolete:
      • Kansas Department of Revenue
9. Other business:
   a. Governor’s office financial records at State Archives – SRB approval for destruction
   b. Future meetings:
      • January 15, 2015
      • April 16, 2015
      • July 16, 2015
      • October 15, 2015
Ms. Mendoza brought the meeting to order at 8:38 a.m. and began the introductions.

Minutes: Motion: Mr. Sowers moved, Mr. Yeary seconded, unanimous approval of meeting minutes as presented.

Kansas State Department of Education (KSDE): Some awards programs had previously been scheduled, but new awards had been created and older ones discontinued. Records management staff recommended grouping by award type, e.g. by schools, students, teachers, etc., largely because retention, disposition, and access restrictions did not change by these categories. This would also allow the schedule entries to remain relevant no matter what specific awards were being given.

Ms. Mendoza questioned the use of statute K.S.A. 45-221(a)(49) for restricting access; Scott Gordon explained that the agency will communicate with specific individuals about awards, but Ms. Mendoza thought this sub-section referred only to those communications widely distributed by the agency. She suggested using K.S.A. 45-221(a)(30) instead, so that the agency could protect itself from releasing personal information. Ms. Mendoza also suggested adding K.S.A. 45-221(a)(1) to both the School Award Program files and the United States Senate Youth Program files to cover other state or federal laws and regulations that would restrict access to those records.

Discussion turned to the “periodically transfer to State Archives” language; there was a suggestion instead for all applicable series entries with that language to read instead, “Retain all program materials for [X] calendar years. Retain updated list of winners and final lists permanently; bi-annually transfer copy to the State Archives.”

Motion: Ms. Michaelis moved, Mr. Veatch seconded, unanimous approval of new schedule entries as amended.

Revised entry will also include the “bi-annually transfer to the State Archives” language and remove the K.S.A. 45-221(a)(49) restriction.

Motion: Mr. Veatch moved, Mr. Sowers seconded, unanimous approval of revised schedule entry as amended.

Motion: Mr. Veatch moved, Mr. Yeary seconded, unanimous approval to supersede 0239-652 into the new schedule entry.
**Kansas Department of Administration:** Discussion surrounded the organizational name changes within the Department of Administration. Doug Craig indicated that the agency is no longer creating several of the schedule entries on their books, in part due to electronic recordkeeping.

If the state is issuing payment to an entity that owes debt to a municipality or to the state, the agency can apply that payment toward the debt; these are called setoff records. Ms. Mendoza had concerns about potential access restrictions on these records. If the information was coming out of public hearings, then the information about the debtor would be public knowledge already, but if the information is coming from administrative documents only, this information would be private. Ms. Mendoza recommended adding K.S.A. 75-3520 and K.S.A. 45-221(a)(14)(30) to the restrictions note field. Discussion also surrounded how long these records are actually maintained; the agency has information regarding debts dating back to the 1980s because those are still considered active debts. Because this changes the retention period, the agency will need to complete an Electronic Recordkeeping Plan for the Kansas Debt Recovery System. The Department of Administration owns the data, but the State Treasurer’s Office runs the technology and designed the system.

The 218 agreements, related to Medicare/Medicaid/FICA/etc. are between the state and the federal government in order to withhold for Social Security; the state can also thereafter create agreements with municipalities. The federal government may come in and discover that the municipality has been reporting Social Security but not signed an agreement, or that the municipality has signed an agreement but not been reporting Social Security. These are considered permanently active records by the agency, and the agency would like to scan these documents with an optical reader in order to make them more accessible and not rely on the delicate paper copies. Mr. Veatch also suggested the agency could transfer the paper copies to the State Archives for permanent retention.

The DAFR reports in 0174-173 are both microfiche and paper; the average daily balance reports are 0136-173 and the agency believes those have only been maintained in paper form. Ms. Wiget pointed out that SMART, the system replacing these records, has not yet been scheduled.

- **Motion:** Mr. Veatch moved, Mr. Sowers seconded, unanimous tabling of series entry 0506-173, pending the creation of an Electronic Recordkeeping Plan.
- **Motion:** Ms. Michaelis moved, Mr. Sowers seconded, unanimous approval of other three revised entries as amended.
- **Motion:** Mr. Veatch moved, Ms. Michaelis seconded, unanimous approval of superseding two entries as presented.

The board acknowledged receipt of the housekeeping report.

**Electronic Records Committee update:** At their last meeting, the committee decided to begin work on social media records management guidance for state agencies. The social media policy currently in place for the state is owned by the governor’s office. Expected guidelines will include best practices and options for archiving social media, if necessary.

Discussion turned to agencies storing public records in the cloud. Ms. Mendoza indicated that several agencies have been thinking about using cloud storage solutions, and that most agencies do not think intentionally about records retention when storing public records in the cloud; this is not only a concern about retention but also about the Kansas Open Meetings Act. Ms. Mendoza would like the Electronic Records Committee to start thinking about creating recommendations and guidelines for cloud storage.

- **Motion:** Mr. Veatch moved, Mr. Sowers seconded adjourning the meeting at 10 a.m.
Ms. Mendoza called the meeting to order at 8:33 a.m.

Ms. Mendoza requested this meeting after receiving an email from Jennie Chinn, Executive Director of the Kansas Historical Society (KSHS), regarding two draft policies on information technology security from the Information Technology Executive Council (ITEC). Ms. Chinn and other KSHS staff were concerned regarding how records (also known as information assets in these policies) were treated. Ms. Mendoza requested that the board meet to discuss feedback to ITEC and assist her in drafting a letter with the board’s overarching concerns.

Mr. Veatch suggested that his main concerns in these policies regarded the lack of statutory reference to definitions of records, how confidential information is defined in the state of Kansas, and so forth. He suggested leading the letter with paragraph numbered 5.

Mr. Yeary liked that there were several suggested language options provided and suggested that the board should provide more such language options. Mr. Veatch noted that Bryan Dreiling of the Kansas Information Technology Office had often been receptive to records management language when provided by State Archives staff, but that this policy was written by the new IT Security Officer.

Discussion turned to how much authority the State Records Board has. ITEC has jurisdiction over all three branches of government; the board traditionally has only had authority over executive-branch state agencies. The board began looking at the Public Records Act, K.S.A. 75-3501 et seq., noting particularly language in K.S.A. 75-3504 that orders the State Records Board to safeguard state agency records.

The board saw this draft policy as an opportunity to expand understanding knowledge of records management governance across the state enterprise. Mr. Veatch noted that there is a section on training in these policies, and this could be an opportunity to expand records management training in the state.

Mr. Veatch turned discussion to sections 6.1 and 6.2 in ITEC draft policy 7230A. He suggested that 6.1 include language regarding records management retention and disposition requirements, and was deeply concerned that 6.2 directly conflicts with the Kansas Open Records Act. Mr. Veatch also noted that 11.2 discusses an information retention schedule and wished that it be clarified to indicate that for executive branch state agencies this should reference the State Records Board authority to approve records retention and disposition schedules.

Ms. Mendoza will add a paragraph regarding 11.2 and make reference to 6.2 in what will be the new first paragraph. She will also beef up the first paragraph in the board’s feedback to note that existing structures are in place for records management procedures.
Discussion turned to the draft policy’s section 5’s definitions. The group generally wished to make sure some of these definitions were linked to existing statutory language, such as for “source record” and “information asset.”

**Motion:** Mr. Veatch moved, Mr. Yeary seconded, delegating the authority to Ms. Mendoza to finalize the letter and add language discussed in the meeting on behalf of the State Records Board. Unanimously approved.

Meeting adjourned at 9:30 a.m.
August 19, 2014

Bryan Dreiling
Chief Information Technology Architect
Kansas Office of Information Technology Services
Landon State Office Building
900 SW Jackson, Suite 751-S
Topeka, Kansas 66612

RE: ITEC Security Policy Review

Dear Mr. Dreiling:

On behalf of the State Records Board, I submit the following Board comments concerning the final draft copies of ITEC Policy 7230 Revision 2 – Information Technology Enterprise Security Policy, and ITEC Security Standards 7230A.

1. The Board’s primary concern is that the proposed standards do not appear to take into consideration the requirements of the:

   a. Kansas Open Records Act (KORA), K.S.A. 45-215 et seq.;

   b. Public Records Preservation Act, K.S.A. 45-403 et seq.;

   c. Public Records Act, K.S.A. 75-3501 et seq.;

   d. Kansas Records Retention Schedules (you may review these schedules here: http://www.kshs.org/p/records-retention-and-disposition-schedules/11368); and

   e. Nearly 300 other Kansas statutes that restrict access to, or authorize or curtail destruction of records.

K.S.A. 75-3504 describes the board’s duties. The Board “shall be specifically required to safeguard the legal, financial and historical interests of the state”\(^1\) in “all

\(^1\) K.S.A. 75-3504.
documents, correspondence, original papers, maps, drawings, charts, indexes, plans, memoranda, sound recordings, microfilm, motion-picture or other photographic records, or other materials bearing upon the activities and functions the department or agency or its officers or employees.”

The Board’s purpose is to ensure the permanent preservation of important state records, as well as to provide an orderly method for the disposition of other state records. The Board “shall have the power to order the destruction, reproduction, temporary or permanent retention, and disposition of the public records of any department or agency of the state, to establish records disposal schedules for the orderly retirement of records...”

Under these laws, there is an existing government records management structure. This structure includes the management, security and control of both paper and electronic records, including “Information Assets” and “Source Record[s]” contained in “Information Systems,” to use the language of the draft policy. Moreover, each of the laws mentioned above contains a definition of records that each state agency must take into account when managing their records. Additionally, government records made or received by, and coming into the custody, control or possession of a state agency in the course of public duties are public property. Government records “shall not be mutilated, destroyed, transferred, removed, damaged or otherwise disposed of, in whole or in part, except as provided by law, or as may be authorized in the retention and disposition schedules.” Knowingly and without legal authority altering, destroying, defacing, removing or concealing any public record is a class A misdemeanor.

From our viewpoint, this existing records management and retention structure can co-exist and even enhance the proposed ITEC policy language concerning security, as well as “information assets” or records. The purpose of the retention schedules adopted by the Board is to safeguard records. This is not inconsistent with the

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2 K.S.A. 75-3501.
3 K.S.A. 75-3502.
4 K.S.A. 75-3504.
5 See K.S.A. 45-217(g)(1) (“‘Public record’ means any recorded information, regardless of form or characteristics, which is made, maintained or kept by or is in the possession of any public agency including, but not limited to, an agreement in settlement of litigation involving the Kansas public employees retirement system and the investment of moneys of the fund.”); K.S.A. 45-402(d) (“‘Government records’ means all volumes, documents, reports, maps, drawings, charts, indexes, plans, memoranda, sound recordings, microfilms, photographic records and other data, information or documentary material, regardless of physical form or characteristics, storage media or condition of use, made or received by an agency in pursuance of law or in connection with the transaction of official business or bearing upon the official activities and functions of any governmental agency...”); and K.S.A. 75-3501 (“‘Records’ mean all documents, correspondence, original papers, maps, drawings, charts, indexes, plans, memoranda, sound recordings, microfilm, motion-picture or other photographic records, or other materials bearing upon the activities and functions of the department or agency or its officers or employees.”)
6 K.S.A. 45-403(a).
7 Id.
8 K.S.A. 2013 Supp. 21-5920.
proposed policy language that requires “Information Assets” to be “understood, shared, protected and exploited effectively.”

In light of the foregoing, we suggest that references to the KORA, the Public Records Preservation Act, the Public Records Act, and Kansas Records Retention Schedules be included in each policy. We also suggest that cautionary language be included that there may be other statutes that apply to restrict access or destruction of records or “information assets.” This will provide a more complete and accurate representation of the existing requirements imposed on state agencies and departments concerning records management, security and control. These references could easily be included in ITEC Standards 7230A, Section 4.0, References.

2. ITEC Standards 7230A, Section 6.0, Risk Management Standard, provides that an entity “shall develop a hierarchal Information Asset classification standard that assigns appropriate controls to each Information Asset classification.” “If no default standard is created, all information shall be considered Restricted-Use Information.” “Restricted-Use Information” is defined as “[i]ncludes but is not limited to “SPII [Sensitive Personally Identifiable Information],” “IHII [Individually Identifiable Health Information],” and “PFI [Personal Financial Information].” SPII references “non-public PII [Personally Identifiable Information] that is not subject to public release by an entity in accordance with statute or court order.”

The Board’s concern is that if an entity fails to establish a hierarchal Information Asset classification standard, then the so-called “default standard” of “Restricted-Use Information” applies. This leaves the incorrect impression that access to records that are otherwise open under the Kansas Open Records Act can somehow properly be restricted by this ITEC policy to limit or deny access to such records. Because it is the declared “public policy of the state that public records shall be open for inspection by any person unless otherwise provided by [the KORA].” we suggest that Section 6.2 standard be clarified to ensure that entities covered by the KORA comply with the stated public policy set out in the Act.

3. Section 6.0, Risk Management Standard, requires agencies/entities to classify both data and systems, and create Information Asset classification standards. To a certain degree, this classification occurs when the Board approves an agency’s proposed record retention schedule. We are concerned that this classification requirement will conflict, duplicate or create confusion with classifications set out in existing records retention schedules or Electronic Recordkeeping Plans (ERPs). We believe it would make sense for both the State Archives and the State Records Board to work with agencies/entities that do not have agency specific retention schedules to develop them, along with any necessary

\[9\] K.S.A. 45-216(a).
Information Asset retention schedules. There is an existing process in place for the assessment of records and their value. Using this existing system would help avoid the potential for future confusion about the classification and value of electronic records under Board approved retention schedules and standards created in compliance with this ITEC policy.

4. Section 6.7 requires the establishment of a Risk Management Committee to identify Restricted-Use Information Assets; review classifications of Restricted-Use Information Assets; assess risks; process and approve variances from requirements in the ITEC standard based upon risk and mitigating controls; report approved variances to the Enterprise Security Office and Entity Head; and direct the investigation, mitigation and acceptance of risks on behalf of the entity. There are existing agency processes and committees that utilize agency records officers, records custodians, and state archive employees as subject matter experts in classifying, organizing, and determining the value of records or “Information Assets.” The Records Officer has very similar duties to the tasks identified in Section 6.3 and 6.4. Because of this, it would be very beneficial to require that agency records officers and records custodians be a part of the Risk Management Committee established under Section 6.7. A reference to State Archives employees in this section being available as a resource would also be very beneficial.

5. To ensure that state agencies effectively manage electronic records with long-term value (10 or more year retention period), the Board, with the assistance of the Electronic Records Committee (a subcommittee of ITAB), works with agencies to adopt and approve Electronic Recordkeeping Plans (ERP). The Board is concerned that under Section 10.0, Systems Configuration Standard, the requirements of the section concerning Change Control and the change control process will have implications for any currently adopted ERP. The Board is also concerned that the change control process adopted under this policy will be made without reference or regard to existing ERPs. The Board suggests that it be involved in this process to ensure that ERPs are created and/or revised in a timely fashion.

6. Section 11 requires a Data Protection Standard “to ensure confidentiality, availability and integrity of Restricted-Use Information.” This section also requires that “Restricted-Use Information that has met the information retention schedule must be removed, destroyed or deleted in a verifiable manner.” The policy does not define the term “information retention schedule,” and the policy does not use this term in any other section. The Board is concerned that under this section, an entity may establish an “information retention schedule” that contradicts or is inconsistent with Board-approved retention schedules. In other words, an Entity could adopt an “information retention schedule” that might permit the destruction of records before the end of the retention period established in Board approved retention

\[10\text{K.A.R. 53-4-1.}\]
schedule. This section also does not appear to take into account that an agency cannot destroy records of enduring legal, fiscal administrative or historical value. Such records properly belong to the State Archives, and agencies must transfer these records to the Archives at the end of the established retention period. We suggest that the policy reference Board approved record retention schedules. Additionally, the legislative and judicial branches have their own records scheduling authorities and procedures; the policy should reference these authorities and procedures.

7. Section 14.0 concerns System Audit. Section 14.4 requires that “[i]nformation systems that store logging data shall be configured to continue logging by overwriting the oldest logs in the event available space is limited.” However, the logging data is also a government record. In the executive branch, an agency can only destroy logging data (and the records to which the logging data relates) in accordance with a Board approved retention and disposition schedule. Information systems that house records of long-term or enduring (permanent) value may be required to retain the logging data as an audit trail to verify the authenticity of such records. We suggest that this section be modified to reflect that logging data must be retained consistent with any Board approved record retention schedule.

8. Finally, we note that Section 5.0 of IT Policy 7230 Revision 2 and Section 4.1 of IT Security Standards 7230A both reference the statute that authorizes ITEC to adopt information resource policies and procedures. However, the proper citation is K.S.A. 2013 Supp. 75-7203, not K.S.A. 1998 Supp. 75-7203.

The State Records Board appreciates the opportunity to comment on these proposed policies. Please feel free to contact the Board with any questions or concerns.

We look forward to working with ITEC to ensure that government records are securely managed and safeguarded for the future.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
DEREK SCHMIDT

Lisa A. Mendoza
Assistant Attorney General
Chairperson, State Records Board
(Attorney General Designee)
1. **Agency**: Kansas Board of Pharmacy

2. **Records Officer**: Jackie Yingling  
   **Phone**: 296-6504

3. **Appraising Archivist**: Marcella Wiget, Matt Veatch, Joanna Hammerschmidt

4. **Date of Appraisal**: August/September 2014

5. a) **Total records – No. of Series**: 14
   
   b) **New series – No. of Series**: 2
   
   c) **Revised existing series – No. of Series**: 4
   
   d) **Obsolete schedule entries – No. of Series**: 0
   
   e) **Series superseded by other schedule entries – No. of Series**: 8
   
   f) **Series superseded by general schedule entries – No. of Series**: 0

6. **Archival/Permanent records – No. of Series**: 1

7. **Records Eligible for Immediate Transfer to Archives – No. of Series**: 1

8. **Appraisal Based Upon**:
   
   Discussions with records officer and staff, review of records.

9. **Appraisal Narrative**:

   These entries are the last in the Board of Pharmacy’s update to its retention and disposition schedule. Some of these entries had been tabled at the May 2014 board meeting to be further discussed by agency and State Archives staff to provide clarification about access restrictions and about what should be transferred to the archives, what should be destroyed.
Retention/Disposition Schedule Entries

531-001
Board of Pharmacy

Abandoned Incomplete Applications (Series Unknown)
Includes abandoned incomplete applications and related documents for any licensing or registration type for which there has been no activity within the last two years.

Entry Status: Draft
Recommended Status: Approve As New
Retention Period: 002 cldr yrs after receipt of last document
Disposition: Destroy
Schedule Authority: Agency schedule
Last Surveyed: 11 February 2014
Record Copy: Paper, Electronic
Electronic Recordkeeping Plan Endorsed
Remarks: 09/03/2014: new entry.

Registration (or License) Files - Technicians and Businesses Other Than Resident Pharmacies (Series Unknown)
Registration or licensing files, including application for license, license renewal information, inspection reports, and other related documents for Pharmacy Technicians and businesses other than resident pharmacies. Businesses include county health departments, analytical laboratories, ambulance operators, research and teaching institutions, manufacturers, distributors, institutional drug rooms, durable medical equipment and retail dealers.

Entry Status: Draft
Recommended Status: Approve As New
Retention Period: 002 cldr years after cancellation
Disposition: Destroy
Schedule Authority: Agency schedule
Last Surveyed: 28 August 2014
Record Copy: Paper, Electronic
Electronic Recordkeeping Plan Endorsed
Remarks: 09/03/2014: new entry; supersedes 0029-531, 0014-531, 0015-531, 0016-531, 0027-531, 0034-531, 0042-531, and newly manages records created for pharmacy technicians. Database's ERP has been endorsed and approved by the Electronic Records Committee and State Records Board.
Retention/Disposition Schedule Entries

531-001
Board of Pharmacy

Complaint Case Files/Disciplinary orders (Series 0006-531)
Includes complaint forms, investigative reports, alcohol/drug evaluations, medical records, legal orders and other correspondence and related materials for pharmacists, pharmacy technicians, interns, pharmacies and other businesses regarding complaints and investigations conducted on behalf of the Board of Pharmacy.

Entry Status: Ready for SRB
Recommended Status: Revise
Retention Period: Permanent
Disposition: Permanent
Schedule Authority: Agency Schedule
KAR Number 53-2-068
Last Surveyed 14 April 2014
Record Copy: Paper
04/14/2014: revised title, added description and restrictions, revised retention and disposition from archival transfer to retaining permanently in-house. Agency plans to move to electronic recordkeeping, which will also be maintained permanently.
05/01/2014: entry tabled at SRB meeting to determine specific access restrictions on records.
09/03/2014: revised restrictions.

Continuing Education Files (Series 0007-531)
Includes Continuing Pharmacy Education (CPE) certificates or logs of continuing education activity for pharmacists as a prerequisite for license renewal.

Entry Status: Ready for SRB
Recommended Status: Revise
Retention Period: 001 cldr yr
Disposition: Destroy
Restrictions: None
Schedule Authority: Agency Schedule
KAR Number 53-2-068
Record Copy: Paper, Electronic
Electronic Recordkeeping Plan Not Required
Remarks: 09/03/2014: added description, noted record copy formats.

Registration (or License) Files - Interns (Series 0028-531)
Includes application for license, license renewal information, intern registration, and other related documents for interns who do not become licensed pharmacists in Kansas.

Entry Status: Ready for SRB
Recommended Status: Revise
Retention Period: 8 cldr years after issuance
Disposition: Destroy
Schedule Authority: Agency Schedule
KAR Number 53-2-068
Last Surveyed 14 April 2014
Record Copy: Paper, Electronic
Electronic Recordkeeping Plan Endorsed
02/11/2014: added description, revised retention and disposition comments. Series applies only to Intern files that are not transferred to the Pharmacist file, i.e. intern does not receive his/her Pharmacist license.
04/14/2014: supersede entry into 0029-531, revised entry for Licensing Information System.
09/03/2014: revised entry's description and retention; decided to keep series entry separate to lessen confusion over retention and disposition.

Registration (or License) Files - Pharmacists and Resident Pharmacies (Series 0023-531)
Registration or licensing files for pharmacists and resident pharmacies. Includes application for license, license renewal information, intern registration and other related documents for Pharmacists. Also includes application for license, license renewal information, inspection reports and other related documents for Kansas Pharmacies.
Entry Status: Ready for SRB
Recommended Status: Revise
Retention Period: See comments
Disposition: Archives
Comments: If the license issue date is before January 1, 2012, transfer paper copy of cancelled Pharmacies and Pharmacists to Archives. For cancelled licenses with an issue date after January 1, 2012, retain the paper copy until quality assurance of the electronic copy has been performed, then destroy. Retain electronic copy permanently. Transfer electronic copy of cancelled Pharmacists and Resident Pharmacies to State Archives within two years after cancellation.
Schedule Authority: Agency Schedule
KAR Number 53-2-178
Last Surveyed 14 April 2014
Record Copy: Paper, Electronic
Electronic Recordkeeping Plan Endorsed
Remarks: 10/21/2013: revised title, added description. Currently paper is the record copy; agency intends to convert to purely electronic recordkeeping in next several months.
04/14/2014: supersede into 0029-531, revised entry for Licensing Information System.
05/01/2014: schedule entry tabled at SRB meeting to discuss further.
09/03/2014: revised description and retention period; revised language to allow for transition from paper to electronic recordkeeping and to preserve both pharmacist licensing files and resident pharmacy files. Keeping separate entry from other licensing types to lessen confusion.
Retention/Disposition Schedule Entries

531-001
Board of Pharmacy

Inspection Data Record Books (Series 0014-531)
Entry Status: Ready for SRB
Recommended Status: Supersede (Other)
Retention Period: See Comments
Disposition: Archives
Restrictions: None
Comments: Retain until no longer useful and then transfer to archives.
Schedule Authority: Agency Schedule
KAR Number 53-2-068
Last Surveyed 14 January 2014
Record Copy: Electronic
Electronic Recordkeeping Plan Endorsed
Remarks: 04/24/1986: new entry
09-03-2014: supersede into 0023-531 and new entry for pharmacy technicians and businesses other than resident pharmacies.

Inspection Files (Series 0015-531)
Entry Status: Ready for SRB
Recommended Status: Supersede (Other)
Retention Period: See Comments
Disposition: See Comments
Restrictions: None
Comments: See Registration and Inspection Files.
Schedule Authority: Agency Schedule
KAR Number 53-2-068
Last Surveyed 14 January 2014
Record Copy: Electronic
Electronic Recordkeeping Plan Endorsed
Remarks: 04/24/1986: new entry
01/27/2014: supersede into 0023-531 and new entry for pharmacy technicians and businesses other than resident pharmacies.

Inspection Reports (Series 0016-531)
Entry Status: Ready for SRB
Recommended Status: Supersede (Other)
Retention Period: 005 cldr yrs
Disposition: Destroy
Restrictions: None
Schedule Authority: Agency Schedule
KAR Number 53-2-068
Last Surveyed 14 January 2014
Record Copy: Electronic

03 September 2014
Electronic Recordkeeping Plan Endorsed
Remarks: 04/24/1986: new entry
01/27/2014: supersede into 0023-531 and new entry for pharmacy technicians and businesses other than resident pharmacies.

Registration (or License) Files - Pharmacists (Foreign Graduates) (Series 0024-531)
Entry Status: Ready for SRB
Recommended Status: Supersede (Other)
Retention Period: See Comments
Disposition: Archives
Restrictions: KSA (a)(1)(6)(9), 5 USC Sec. 522a
Comments: Retain 10 years after refection or nonrenewal and then transfer to archives.
Schedule Authority: Agency Schedule
KAR Number 53-2-068
Last Surveyed 14 January 2014
Record Copy: Electronic

Electronic Recordkeeping Plan Endorsed
01/27/2014: supersede into new entry for pharmacy technicians and businesses other than resident pharmacies.

Registration (or License) Renewal Applications (all categories) (Series 0027-531)
Entry Status: Ready for SRB
Recommended Status: Supersede (Other)
Retention Period: See Comments
Disposition: Destroy
Restrictions: None
Comments: Retain those for retail dealers 2 years after expiration and then discard, retain those in all other categories 5 years after expiration and then discard.
Schedule Authority: Agency Schedule
KAR Number 53-2-068
Last Surveyed 14 January 2014
Record Copy: Electronic

Electronic Recordkeeping Plan Endorsed
Remarks: 04/24/1986: new entry
01/27/2014: supersede into new entry for pharmacy technicians and businesses other than resident pharmacies.

Registration Files - Cancelled Nonresident Pharmacies (Series 0042-531)
Includes application for license, license renewal information, inspection reports and other related documents for cancelled nonresident pharmacies.
Entry Status: Ready for SRB
Recommended Status: Supersede (Other)
Retention Period: See comments
Disposition: Destroy
Restrictions: None
Comments: Retain on-site at Board of Pharmacy for 2 years after cancellation and then destroy.
Schedule Authority: Agency schedule  
KAR Number 53-2-178  
Last Surveyed 10 October 2013  
Record Copy: Electronic  
Electronic Recordkeeping Plan Endorsed  
Remarks: 10/21/2013: new entry. Currently paper is the record copy; agency intends to convert to purely electronic recordkeeping in next several months.  
09-03-2014: supersede into new entry for pharmacy technicians and businesses other than resident pharmacies.

Registration Files - Cancelled Resident Pharmacies (Series 0034-531)  
Includes application for license, license renewal information, inspection reports and other related documents for cancelled resident pharmacies.  
Entry Status: Ready for SRB  
Recommended Status: Supersede (Other)  
Retention Period: See Comments  
Disposition: Destroy  
Restrictions: None  
Comments: Retain on-site at Board of Pharmacy for 2 years after cancellation and then destroy.

Schedule Authority: Agency Schedule  
KAR Number 53-2-178  
Last Surveyed 14 April 2014  
Record Copy: Electronic  
Electronic Recordkeeping Plan Endorsed  
Remarks: 10/21/2013: revised title and retention; added description. Currently paper is the record copy; agency intends to convert to purely electronic recordkeeping in next several months.  
09-03-2014: supersede into 0023-531 for pharmacists and resident pharmacies.

Registration Files / Licensing Information System (Series 0029-531)  
Electronic system containing data and imaged documents for licensing records of pharmacies, non-resident pharmacies, county health departments, analytical laboratories, ambulance operators, research and teaching institutions, manufacturers, distributors, institutional drug rooms, durable medical equipment and retail dealers, pharmacists, pharmacy interns, pharmacy technicians, and other individuals and entities regulated through the Kansas Board of Pharmacy. Records typically include application for license, license renewal information, inspection reports, legal summary orders, and other related records.  
Entry Status: Ready for SRB  
Recommended Status: Supersede (Other)  
Retention Period: Permanent  
Disposition: Permanent  
Restrictions: Portions may be restricted per USC Sec. 552A and K.S.A. 45-221.  
Comments: Retain electronic copy permanently. Retain paper copy until quality assurance of electronic copy has been performed, then destroy. Transfer electronic copy of cancelled Pharmacists records to State Archives 2 years after cancellation.

Schedule Authority: Agency Schedule  
KAR Number 53-2-178
**Last Surveyed** 14 April 2014  
**Record Copy:** Electronic  
**Electronic Recordkeeping Plan Endorsed**  
**Remarks:** 10/21/2013: revised title, description, and retention information. Currently paper is the record copy; agency intends to convert to purely electronic recordkeeping in next several months.  
04/14/2014: revised description to include all licensing types; revised retention and disposition to permanent and revised accompanying comments to allow for electronic recordkeeping. ERP was endorsed by ERC at their March 2014 meeting. If approved, this entry will supersede 0023-531, 0028-531, 0034-531, and 0042-531, as well as covering licensing types for technicians and interns.  
05/01/2014: entry tabled at SRB meeting to determine what should be transferred to the State Archives, what should be kept in-house.  
09/03/2014: supersede entry into 0023-531 for Pharmacists and Resident Pharmacies and new entry for pharmacy technicians and businesses other than pharmacies. Intend to keep as separate entries to handle differing retentions and dispositions.
KANSAS STATE RECORDS BOARD
RECORDS APPRAISAL REPORT FOR
REVISION TO
RETENTION/DISPOSITION SCHEDULE
October 16, 2014

1. **Agency:** Kansas Public Employees Retirement System (KPERS)

2. **Records Officer:** John Hooker  **Phone:** 296-7948

3. **Appraising Archivist:** Marcella Wiget

4. **Date of Appraisal:** September 2014

5. a) **Total records – No. of Series:** 1

   b) **New series – No. of Series:** 1

   c) **Revised existing series – No. of Series:** 0

   d) **Obsolete schedule entries – No. of Series:** 0

   e) **Series superseded by other schedule entries – No. of Series:** 0

   f) **Series superseded by general schedule entries – No. of Series:** 0

6. **Archival/Permanent records – No. of Series:** 0

7. **Records Eligible for Immediate Transfer to Archives – No. of Series:** 0

8. **Appraisal Based Upon:**

   Discussion with records officer.

9. **Appraisal Narrative:**

   KPERS requests this addition to its retention and disposition schedule; these records have not been scheduled previously.
Retention/Disposition Schedule Entries

365-001
Kansas Public Employees Retirement System
Administration Division

KPERS Internal Audit records (Series Unknown)
Audits of internal workflow and processes conducted by KPERS Internal Auditor and related supporting documentation.

Entry Status: Draft
Recommended Status: Approve As New
Retention Period: See comments
Disposition: Destroy
Restrictions: K.S.A. 74-4909(10)
Comments: Records are maintained in original form (paper or electronic) for seven fiscal years, then archived electronically for an additional three years. Electronic records are purged (deleted) ten fiscal years from date of last access.
Schedule Authority: Agency schedule
Last Surveyed: 17 September 2014
Record Copy: Paper, Electronic
Electronic Recordkeeping Plan Endorsed
1. **Agency:** Kansas Board of Regents

2. **Records Officer:** Renee Burlingham  
   **Phone:** 296-3698

3. **Appraising Archivist:** Marcella Wiget

4. **Date of Appraisal:** July 2014

5. a) **Total records – No. of Series:** 1

   b) **New series – No. of Series:** 0

   c) **Revised existing series – No. of Series:** 1

   d) **Obsolete schedule entries – No. of Series:** 0

   e) **Series superseded by other schedule entries – No. of Series:** 0

   f) **Series superseded by general schedule entries – No. of Series:** 0

6. **Archival/Permanent records – No. of Series:** 0

7. **Records Eligible for Immediate Transfer to Archives – No. of Series:** 0

8. **Appraisal Based Upon:**

   Discussion with records officer.

9. **Appraisal Narrative:**

   Board of Regents requests a revision to this schedule entry in order to clarify current recordkeeping and disposition practices.
561-001
Kansas Board of Regents
Legal

Institution Revenue Bond Files (Series 0062-561)
Correspondence, resolution, agenda, drafts, final transcript etc. relating to the sale of bonds by
regents institutions for capital improvement projects.
Entry Status: Ready for SRB
Recommended Status: Revise
Retention Period: See Comments
Disposition: Destroy
Restrictions: None
Comments: Retain supporting documentation and transcript until bond is paid in full, then
destroy.
Schedule Authority: Agency Schedule
KAR Number 53-2-166
Last Surveyed 11 July 2014
Record Copy: Paper
Remarks: 1/19/2011: Revised Title to include "Institution".
07/21/2014: Added "and transcript" to and removed last sentence in comments regarding
sending bond transcripts to universities; universities should already have their own copies of
these records.
1. **Agency:** Kansas Racing and Gaming Commission

2. **Records Officer:** Chris Vega  
   **Phone:** 296-8352

3. **Appraising Archivist:** Marcella Wiget

4. **Date of Appraisal:** September 2014

5. a) **Total records – No. of Series:** 2  
   b) **New series – No. of Series:** 2  
   c) **Revised existing series – No. of Series:** 0  
   d) **Obsolete schedule entries – No. of Series:** 0  
   e) **Series superseded by other schedule entries – No. of Series:** 0  
   f) **Series superseded by general schedule entries – No. of Series:** 0

6. **Archival/Permanent records – No. of Series:** 0

7. **Records Eligible for Immediate Transfer to Archives – No. of Series:** 0

8. **Appraisal Based Upon:**
   Discussions with records officer and staff.

9. **Appraisal Narrative:**

   The Kansas Racing and Gaming Commission requests these additions to its existing retention and disposition schedule. The commission expects to receive these records from the organizations that currently own the records and wish to ensure the records are properly scheduled and managed.
Retention/Disposition Schedule Entries

553-001
Kansas Racing and Gaming Commission
Administration

Kansas Whelped Program - Greyhound Registration (Series Unknown)
Kansas Whelped Program-related documents, including registration application files
(application, copies of checks, etc.) and related correspondence.

Entry Status: Draft
Recommended Status: Approve As New
Retention Period: 12 cldr yrs
Disposition: Destroy
Restrictions: K.S.A. 45-221(a)(14), (30) and (49), K.S.A. 75-3520
Schedule Authority: Agency schedule
Last Surveyed: 06 August 2014
Record Copy: Paper
Remarks: 10/02/2014: new entry. Records could be considered "vital" if racing becomes active in Kansas. Loss of these records in the event of live racing in Kansas could affect a greyhound owner's ability to receive racing supplements, which are thousands of dollars in income to the owner. Record retention is based on potential breeding age of registered females.

Kansas-Bred Program - Horse Registration (Series Unknown)
Kansas Bred Program-related documents including mare and stallion registration application files (application, Kansas-bred certificate, national breed certificate, check copies, etc.) and related correspondence.

Entry Status: Draft
Recommended Status: Approve As New
Retention Period: 25 cldr yrs
Disposition: Destroy
Restrictions: K.S.A. 45-221(a)(14), (30) and (49), K.S.A. 75-3520
Schedule Authority: Agency schedule
Last Surveyed: 06 August 2014
Record Copy: Paper
Remarks: 09/22/2014: new entry. Agency notes records could be considered "vital" if racing becomes active in Kansas. Loss of these records in the event of live racing in Kansas could affect a horse owner's ability to receive racing supplements which are thousands of dollars in income to the owner. Record retention is based on the potential breeding age of registered mares, who can foal into their twenties.
1. **Agency:** Local Government – Community Developmental Disability Organizations (CDDOs)

2. **Records Officer:** [Melissa Thompson]  
   **Phone:**

3. **Appraising Archivist:** Marcella Wiget

4. **Date of Appraisal:** September 2014

5. a) **Total records – No. of Series:** 4
   b) **New series – No. of Series:** 4
   c) **Revised existing series – No. of Series:** 0
   d) **Obsolete schedule entries – No. of Series:** 0
   e) **Series superseded by other schedule entries – No. of Series:** 0
   f) **Series superseded by general schedule entries – No. of Series:** 0

6. **Archival/Permanent records – No. of Series:** 1

7. **Records Eligible for Immediate Transfer to Archives – No. of Series:** 0

8. **Appraisal Based Upon:**
   Discussions with Sedgwick County records management staff.

9. **Appraisal Narrative:**

   The Sedgwick County records management department and CDDO request endorsement from the State Records Board of this retention and disposition schedule for their local CDDO. CDDOs may be county- or regional-based and are the conduit through which citizens in need of developmental disability services from the state can receive those services. The local organizations work through the Kansas Department of Aging and Disability Services (KDADS).
Retention/Disposition Schedule Entries

000-122
Local Government Records
Community Developmental Disability Organization

Affiliated Service Provider Contract Monitoring (Series Unknown)
Records related to contract monitoring of agencies contracting to provide services to consumers. Includes, but is not limited to, licensing documents, insurance, background checks, site visits, and client interviews.
Entry Status: Draft
Recommended Status: Approve As New
Retention Period: 7 fiscal years after contract expires
Disposition: Destroy
Restrictions: Portions may be restricted per K.S.A. 22-4707
Schedule Authority: Agency schedule
Last Surveyed: 04 September 2014
Record Copy: Paper, Electronic
Electronic Recordkeeping Plan Not Required
Remarks: 09/11/2014: new entry, as requested by Sedgwick County.

CDDO Consumer Files (Series Unknown)
Documents related to the intake and eligibility, functional assessment, quality oversight, and funding management of Community Developmental Disability Organization (CDDO) consumers. Records include but are not limited to applications, identification, medical diagnostics, forms, correspondence, assessments, surveys, insurance, reports (incident, death, abuse/neglect/exploitation) funding and all supporting documentation.
Entry Status: Draft
Recommended Status: Approve As New
Retention Period: See comments
Disposition: Destroy
Restrictions: K.S.A. 45-221(a)(3), HIPAA
Comments: Retain for 10 calendar years after last contact, then destroy. For juvenile records, retain 10 years after last contact or until 21st birthday, whichever is later, then destroy.
Schedule Authority: Agency schedule
Last Surveyed: 04 September 2014
Record Copy: Paper, Electronic
Electronic Recordkeeping Plan Not Required
Remarks: 09/11/2014: new entry, as requested by Sedgwick County. Staff note locally parts of the consumer record, functional assessment records or BASIS, are currently kept as electronic records and have been validated by SG County's validation process. Paper is scanned, QA processes applied, and paper boxed and retained for 90 days, then destroyed.

Program Funding Management (Series Unknown)
Records related to the management of program grant funding, including but not limited to program funding forms, insurance claims, contracted provider billing documents, accounts payable/accounts receivable records, reports, and funding data.
Entry Status: Draft
Recommended Status: Approve As New
Retention Period: See comments
Disposition: See comments
Comments: Transfer original applications, contracts, agreements, and annual and final performance reports to permanent storage at end of grant period. Destroy remaining documents after 7 fiscal years.
Schedule Authority: Agency schedule
Last Surveyed 04 September 2014
Record Copy: Paper, Electronic
Electronic Recordkeeping Plan Not Required
Remarks: 09/11/2014: new entry, as requested by Sedgwick County.

Service Provider Contracts and Credentialing Records (Series Unknown)
Documents related to the contracting process for service providers. Records include those that are directly related to licensing, insurance, background checks, application, and provider’s business plan.
Entry Status: Draft
Recommended Status: Approve As New
Retention Period: 7 fiscal years after contract expires
Disposition: Destroy
Restrictions: Portions may be restricted per K.S.A. 22-4707
Schedule Authority: Agency schedule
Last Surveyed 04 September 2014
Record Copy: Paper, Electronic
Electronic Recordkeeping Plan Not Required
Remarks: 09/11/2014: new entry, as requested by Sedgwick County. Note: All records retentions for CDDO agencies in Kansas are mandated by contract with the State of Kansas. State contract stipulates six fiscal years after provider contract expiration, and SG County CDDO requested 7 fiscal years.
Housekeeping Changes Since 17 July 2014
09 October 2014

Housekeeping Edit

083-004
Kansas Bureau of Investigation
Field Investigations Division

Special Agents Investigation Files (Series 0001-083)
Description: KBI investigative reports, other law enforcement agency reports, photographs, news clippings, field notes, copies of warrants, rap sheets, and fingerprints relating to cases investigated by special agents.
Change: Case files up through circa 1972 have been microfilmed.-- mwiget, 26 August 2014

652-002
Kansas State Department of Education
Fiscal and Administrative Services
Communications and Recognition Programs

School Award Program files (Series 0266-652)
Description: May consist of, but is not limited to, applications and supplementary materials, committee score sheets, databases with information about schools, correspondence, and other related records regarding awards given to Kansas schools. Awards programs may be sponsored by the Kansas State Department of Education, federal agencies, or private foundations and institutions.
Change: Added K.A.R. number to schedule entry.-- mwiget, 22 July 2014

United States Senate Youth Program Files (Series 0263-652)
Description: Documents include applications, testing materials, committee score sheets, databases with applicant's information, and letters to applicants, committee members and schools. This program is sponsored by the United States Senate and recognizes students who demonstrate outstanding academic abilities, leadership abilities and a strong commitment to public service. Documents are available in both paper and electronic form.
Change: Added forgotten restriction KSA 45-221(a)(1) also approved at July SRB
Obsolete

565-001
Department of Revenue
Division of Alcoholic Beverage Control

Label Approval Files (Series 0002-565)
Description: Labels and supporting documentation submitted by manufacturers to ensure compliance with laws regulating the quality of ingredients in alcoholic beverages.
Change: Made obsolete by newer version of 0002-565.-- mwiget, 04 August 2014
Request to destroy certain financial and other temporary records from the Governor’s office stored at the State Archives:

UID 197946, Governor Bennett – Financial Records, 1975-1979 (14 cf)
UID 192250, Governor Carlin – Out of State Travel Authorization Requests, 1979-1987 (20 cf)
UID 191371, Governor Hayden – Out of State Travel Authorization Requests, circa 1986-1987 (4 cf)

Total transferred directly from Governors’ office: 73 cf

“Financial records” typically consist of vouchers and receipts; payroll and personnel information; asset inventories; aircraft billing and other related records; ledgers; monthly and other regular financial reports; CASK reports, etc.

General schedule entries that apply to all the above-named records include

- 0118-000, Travel Request and Authorization Records: 3 fiscal years, then destroy
- 0001-000, Accounts Payable Records: 3 fiscal years, then destroy
- 0002-000, Accounts Receivable Records: 3 fiscal years, then destroy
- 0126-000, Vouchers – Receipts: 3 fiscal years, then destroy
- 0093-000, Purchasing Records: 3 fiscal years, then destroy
- 0060-000 and 0061-000, Inventories – Expendable and Non-Expendable Property: retain 3 fiscal years (or until superseded + 3 fiscal years), then destroy
- 0116-000, Telephone Billing Records: 3 fiscal years, then destroy
- 0077-000 through 0080-000, Payroll-related records: 3 fiscal years (or until superseded plus 1 calendar year), then destroy
- 0071-000 through 0073-000, CASK reports: retain until no longer useful, then destroy (obsolete series)
- 0028-000, Correspondence – Routine: retail until no longer useful, then destroy


An additional 43 cubic feet of fiscal records for Governors Finney and Graves have been transferred from the Kansas Department of Administration:

UID 197400, Governor Finney – Governor’s Fiscal Records, 1990-1995 (17 cf)
UID 199147, Governor Graves – Governor’s Fiscal Records, 1996-2002 (24 cf)
These records were transferred under 0098-173:

**SERIES ID** 0098-173

**TITLE** Fiscal Records - Governor’s Office

**DESCRIPTION** Documents regarding all fiscal activities of the Office of the Governor: vouchers, inventory, payroll, accounting reports, warrant register printouts, daily, monthly, and annual CASK reports, etc.

**RETENTION** See Comments

**COMMENTS** Retain until expiration of current terms plus 3 years. (See KSA 75-104)

**DISPOSITION** Archives

**RESTRICTIONS** None

**APPROVED** 1987-07-16

**K.A.R. NUMBER** 53-2-071

State Archives staff request immediate authorization from the State Records Board to destroy the financial records transferred by Governors Bennett, Carlin, and Hayden. The State Archives staff also request that the board direct the Kansas Department of Administration to update 0098-173 and other relevant schedule entries to allow for the destruction of these and future records in an appropriate manner.
STATE OF KANSAS

SESSION LAWS, 1931

PASSED AT THE FORTY-FOURTH REGULAR SESSION—THE SAME
BEING THE TWENTY-SEVENTH BIENNIAL SESSION—
OF THE LEGISLATURE OF THE
STATE OF KANSAS

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13-6941
recommendations as will adequately meet existing needs together with probable cost, also propose such legislation for the legislature of 1933 as the situation demands.

Sec. 6. The sum of $10,000 is hereby appropriated for the first year and $5,000 for the second year of the biennium, or so much thereof as may be needed for the necessary and actual expense of the commission in carrying out the provisions of this act, payable by the treasurer of the state on the warrant of the auditor of the state and the order of the chairman of such commission.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 13, 1931.

CHAPTER 288.

RELATING TO RECORDS IN THE GOVERNOR'S OFFICE.

House Bill No. 88.

An Act relating to records in the governor's office, and amending section 75-104 of the Revised Statutes of Kansas for 1923, and repealing said original section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. Section 75-104 of the Revised Statutes of Kansas for 1923 is hereby amended to read as follows: Sec. 75-104. The governor shall keep and record, in a suitable book to be provided for that purpose, a full and complete register of all applications or petitions made to him for the discharge of any duty imposed upon him, or for the exercise of any power vested in him by the constitution and laws of the state of Kansas. The register so made shall be and remain in the executive office, and all of the original papers relating to such matters shall remain on file in the executive office for a period of three years, and may then be delivered to the state historical society by the governor.

Sec. 2. Section 75-104 of the Revised Statutes of Kansas for 1923 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved February 14, 1931.

Published in official state paper February 17, 1931.
1978
Cumulative Pocket-Part Supplement to the
Kansas Statutes Annotated

Volume 6
CHAPTERS 75 TO 78

This supplement is to be used in connection with the corresponding volume of the Kansas Statutes Annotated. The 1977 Supplement may be discarded.
Chapter 75.—STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES

PART I.—ELECTIVE STATE OFFICERS

Article 1.—GOVERNOR

75-104. Records, papers and correspondence of governor; record of certain applications and petitions required, period maintained and disposition; other records, papers and correspondence governor's personal property; access to and disposition of governor's personal papers. (a) The governor shall keep and maintain a full and complete record of the following applications or petitions made to the governor:

(1) Applications or petitions for executive clemency, commutation of sentence or

(2) applications or petitions for the appointment of a named individual to public office when a vacancy occurs and when the governor is restricted to the appointment of nominees so submitted;

(3) applications or petitions for the appointment of a person from a list of persons submitted by an association, agency or committee where the governor is limited to make an appointment only from that list;

(4) applications for the approval of grants where the governor's approval is a condition precedent to the making of such grants either by a state agency or by the federal government;

(5) applications or petitions for declarations of emergency;

(6) petitions for the calling of a special session of the legislature pursuant to section 5 of article 1 of the constitution of the state of Kansas; and

(7) applications or petitions directed to the governor and requesting that he or she take action in accordance with subsection (c) of K.S.A. 75-3711 and exercise a function otherwise specified by statute for the state finance council.

(b) The record required to be kept under subsection (a) and all records of the financial affairs and transactions regarding the receipt and expenditure of state moneys shall remain on file in the office of each governor during the governor's term of office and for a period of three years following the expiration of such term.

(c) Following the three-year period prescribed in subsection (b), all records kept and maintained pursuant to subsection (a) shall be transferred to the custody of the state historical society and the records of the financial affairs and transactions kept and maintained pursuant to subsection (b) shall be kept in the office of the governor, subject to disposal as may be authorized by the state records board.

(d) All records, correspondence and other papers of the governor which are not required to be kept and maintained under subsections (a) or (b) shall be the personal property of the governor and shall not constitute official public records of the state. No person shall have access to such records, correspondence or other papers during the governor's term of office except upon the consent of the governor.

(e) Upon completion of the term of office as governor, a former governor shall determine which records, correspondence and other papers not required to be kept and maintained under subsections (a) or (b) relate to the former governor's public duties while governor. The records, correspondence and other papers which the former governor determines relate to the former
governor's public duties while governor shall be transferred to the custody of an institution of higher education in the regents system of state universities in Kansas designated by the former governor or, if the former governor does not designate an institution of higher education in the regent system of state universities in Kansas as the depository, such records, correspondence and other papers shall be transferred to the custody of the state historical society. During the lifetime of the former governor, no person shall have access to such records, correspondence and other papers except upon the consent of the former governor. Two years after the death of the former governor, such records, correspondence and other papers shall become public records.

(f) Upon the death of a governor while in office, all records, correspondence and other papers of such deceased governor not required to be kept and maintained under subsections (a) or (b) which relate to such governor's duties while governor shall be transferred to the custody of the institution of higher education in Kansas designated by such governor or, if such governor did not designate an institution of higher education in Kansas as the depository, such records, correspondence and other papers shall be transferred to the custody of the state historical society. Two years after the death of such governor, such records, correspondence and other papers shall become public records.

History: K.S.A. 75-104; L. 1978, ch. 329, § 1; July 1.

75-129. Governor's residence advisory commission; composition; chairperson. There is hereby established the governor's residence advisory commission to be composed of seven (7) members as follows: (a) The secretary of administration; (b) the executive secretary of the Kansas historical society; (c) the chairperson of the senate committee on ways and means; (d) the minority leader of the senate or a senator of the same party designated by the minority leader; (e) the chairperson of the house of representatives committee on ways and means; (f) the minority leader of the house of representatives or a house member of the same party designated by the minority leader; and (g) the governor's spouse or a person designated by the governor. The secretary of administration shall serve as chairperson of the governor's residence advisory commission.


Article 4.—SECRETARY OF STATE

75-409. Certified copies under seal; evidentiary effect; fees, approval. (a) The secretary of state, when required by any person to make out a certified copy of any law, resolution, bond, record, document or paper deposited or kept in or prepared by the secretary of state's office, shall attach thereto his or her certificate, under the secretary of state's official seal; and such copy, thus certified, shall be received in evidence in the same manner and with like effect as the original. The secretary of state shall charge a fee per page in an amount fixed by the secretary of state and approved by the director of accounts and reports under K.S.A. 1978 Supp. 45-204 for each such copy so made and certified, and unless otherwise specifically provided by law, for photocopies of any document or instrument on file in or prepared by the secretary of state's office which are not certified, the secretary of state shall charge a fee per page in an amount fixed by the secretary of state and approved by the director of accounts and reports under K.S.A. 1978 Supp. 45-204 for each such copy.

(b) Where any such copy must be made outside the secretary of state's office, in addition to the certification fee, the secretary of state shall charge the requesting party the actual costs of reproducing and transmitting such copy in an amount fixed by the secretary of state and approved by the director of accounts and reports under K.S.A. 1978 Supp. 45-204.

(c) No fee authorized by this section shall be charged for any copy made by the secretary of state upon an official request therefor by any agency of this state or of the United States, or by any officer or employee thereof, except where any such copy must be made outside the office of the secretary of state in which case the secretary of state shall charge the actual costs of reproducing and transmitting such copy in an amount fixed by the secretary of state and approved by the director of accounts and reports under K.S.A. 1978 Supp. 45-204.

1983
Cumulative Supplement
to the
Kansas Statutes Annotated

Volume 6
CHAPTERS 75 to 78

Volume 6A
CHAPTERS 79 to 83

This supplement is to be used in connection with the corresponding volumes of the Kansas Statutes Annotated. The 1982 supplement volumes may be discarded.
PART I.—ELECTIVE STATE OFFICERS

Article 1.—GOVERNOR

Cross References to Related Sections:
Transfer of offenders under treaties, see 22-3723.

75-104. Governor’s records; maintenance, review, audit and disposition. (a) The governor shall keep and maintain a full and complete record of the following applications or petitions made to the governor:
(1) Applications or petitions for executive pardon, commutation of sentence or clemency;
(2) applications or petitions for the appointment of a named individual to public office when a vacancy occurs and when the governor is restricted to the appointment of nominees so submitted;
(3) applications or petitions for the appointment of a person from a list of persons submitted by an association, agency or committee where the governor is limited to make an appointment only from that list;
(4) applications for the approval of grants where the governor’s approval is a condition precedent to the making of such grants either by a state agency or by the federal government;
(5) applications or petitions for declarations of emergency;
(6) petitions for the calling of a special session of the legislature pursuant to section 5 of article I of the constitution of the state of Kansas; and
(7) applications or petitions directed to the governor and requesting that he or she take action in accordance with subsection (c) of K.S.A. 75-3711 and amendments thereto and exercise a function otherwise specified by statute for the state finance council.
(b) The record required to be kept under subsection (a) and all records of the financial affairs and transactions regarding the receipt and expenditure of state moneys shall remain on file in the office of each governor during the governor’s term of office and for a period of three years following the expiration of such term.
(c) Following the three-year period prescribed in subsection (b), all records kept and maintained pursuant to subsection (a) shall be transferred to the custody of the state historical society and the records of the financial affairs and transactions kept and maintained pursuant to subsection (b) shall be kept in the office of the governor, subject to disposal as may be authorized by the state records board.
(d) Records, correspondence and other papers of the governor which are not required to be kept and maintained under subsection (a) or (b) shall not be subject to review or audit by the legislative post auditor under the legislative post audit act.
(e) Upon completion of the term of office as governor, all records, correspondence and other papers of the former governor not required to be kept and maintained under subsections (a) or (b) which relate to the former governor’s public duties while governor shall be transferred to the custody of an institution of post-sec-
secondary education designated by the former governor or, if the former governor does not designate an institution of post-secondary education as the depository, such records, correspondence and other papers shall be transferred to the custody of the state historical society. During the lifetime of the former governor, no person shall have access to any such records, correspondence or other papers which are not required to be disclosed under K. S. A. 1983 Supp. 45-211, except upon consent of the former governor, and the former governor shall be considered the official custodian of such records, correspondence and other papers which are not required to be disclosed.

(f) Upon the death of a governor while in office, all records, correspondence and other papers of such deceased governor not required to be kept and maintained under subsections (a) or (b) which relate to such governor's duties while governor shall be transferred to the custody of an institution of post-secondary education designated by such governor or, if such governor did not designate an institution of post-secondary education as the depository, such records, correspondence and other papers shall be transferred to the custody of the state historical society.

(g) The provisions of this section, as amended on January 1, 1984, shall apply only to persons elected or succeeding to the office of governor on or after that date. Any person elected or succeeding to the office of governor prior to January 1, 1984, shall be governed by the provisions of this section prior to its amendment on that date.

(h) As used in this section, "institution of post-secondary education" means state educational institutions under the control and supervision of the state board of regents, community colleges organized and operated under laws of this state, any municipal university established under article 13a of chapter 13 of the Kansas Statutes Annotated and any private institution of post-secondary education which is approved by the state board of regents to award academic degrees.


75-124. Issuance of identification license plates and cards to foreign consular officers; use of motor vehicle identification plates; penalty for use of plates by others.

Whenever any consular officer shall have registered as such with the department of state of the United States and has been issued an exequatur by the department of state and whose jurisdiction covers all or part of the state of Kansas, the governor shall issue or cause to be issued to such consular officer an identification card with a short statement of such person's rights and privileges as such, identifying such officer as a consular officer for the country such person represents. Consular officers as used in this section include consuls general, consuls, vice consuls, honorary consuls and none other. Upon application to the division of vehicles and presentation of the identification card issued by the governor, with any other information or fees required by the division such a consular officer may be issued a motor vehicle identification license plate by the division identifying such person's consular vehicle. Any person other than a consular officer using such a vehicle identification plate shall be guilty of a misdemeanor.


75-129. Governor's residence advisory commission; composition; chairperson.

There is hereby established the governor's residence advisory commission to be composed of seven (7) members as follows: (a) The secretary of administration; (b) the executive secretary of the Kansas historical society; (c) the chairperson of the senate committee on ways and means; (d) the minority leader of the senate or a senator of the same party designated by the minority leader; (e) the chairperson of the house of representatives committee on ways and means; (f) the minority leader of the house of representatives or a house member of the same party designated by the minority leader; and (g) the governor's spouse or a person designated by the governor. The secretary of administration shall serve as chairperson of the governor's residence advisory commission.


75-132. Transition in office of governor; incoming governor, defined.

As used in this act "incoming governor" means the
VOLUME No. 6

Kansas Statutes Annotated

To be cited as: K.S.A.

CONTAINING CHAPTERS 75 THROUGH 78
OF THE GENERAL LAWS AND LAWS OF A GENERAL NATURE IN FORCE
INCLUDING THOSE ENACTED IN 1984

DULY ARRANGED, NUMBERED, ANNOTATED AND INDEXED
WITH HISTORIES, NOTES AND REFERENCES
AS REQUIRED BY LAW

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ARDEN K. ENSLEY, REVISOR OF STATUTES

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75-101. Oath. Before entering upon the discharge of his or her duties, the governor shall take and subscribe the proper oath of office, which oath shall be filed in the office of the secretary of state.

History: L. 1879, ch. 166, § 1; March 20; R.S. 1923, 75-101.

Source or prior law:
G.S. 1868, ch. 102, § 1.

Research and Practice Aids:
Sates § 48.
C.J.S. States § 76.

75-102. Messages to legislature. The governor shall communicate to every session of the legislature, by message, the condition of the state, and recommend such measures as the governor may deem expedient; and to each regular session of the legislature the governor shall transmit the reports of all the state officers and of the officers of all educational, charitable and penal institutions required by law to be made to him or her.

History: L. 1879, ch. 166, § 4; March 20; R.S. 1923, 75-102.

Source or prior law:
L. 1861, ch. 58, § 9; G.S. 1868, ch. 102, § 10.

Cross References to Related Sections:
Message to legislature, see 75-105, 75-3715, 75-3720, 75-3721, Kan. Const., art. 1, § 5.

75-103. Record of acts. The governor shall keep and record, in a suitable book to be kept for that purpose, the number and title of every act presented to the governor for his or her approval; such record shall show the date of the receipt by the governor of every such act, and the date of his or her approval thereof, if he or she approve the same, and the date of the governor's return of any such act, with his or her objections thereto, if such return thereof be made; and the governor shall cause all acts which have become laws or taken effect by his or her approval or otherwise, to be deposited in the office of the secretary of state without delay.

History: L. 1879, ch. 166, § 5; R.S. 1923, 75-103; L. 1975, ch. 428, § 5; April 14.

Source or prior law:
L. 1861, ch. 58, § 1; G.S. 1868, ch. 102, § 2.

75-104. Governor's records; maintenance, review, audit and disposition. (a) The governor shall keep and maintain a full and complete record of the following applications or petitions made to the governor:
(1) Applications or petitions for executive pardon, commutation of sentence or clemency;
(2) applications or petitions for the appointment of a named individual to public office when a vacancy occurs and when the governor is restricted to the appointment of nominees so submitted;
(3) applications or petitions for the appointment of a person from a list of persons submitted by an association, agency or committee where the governor is limited to make an appointment only from that list;
(4) applications for the approval of grants where the governor's approval is a condition precedent to the making of such grants either by a state agency or by the federal government;
(5) applications or petitions for declarations of emergency;
(6) petitions for the calling of a special session of the legislature pursuant to section 5 of article 1 of the constitution of the state of Kansas; and
(7) applications or petitions directed to
the governor and requesting that he or she take action in accordance with subsection (c) of K.S.A. 75-3711 and amendments thereto and exercise a function otherwise specified by statute for the state finance council.

(b) The record required to be kept under subsection (a) and all records of the financial affairs and transactions regarding the receipt and expenditure of state moneys shall remain on file in the office of each governor during the governor's term of office and for a period of three years following the expiration of such term.

(c) Following the three-year period prescribed in subsection (b), all records kept and maintained pursuant to subsection (a) shall be transferred to the custody of the state historical society and the records of the financial affairs and transactions kept and maintained pursuant to subsection (b) shall be kept in the office of the governor, subject to disposal as may be authorized by the state records board.

(d) Records, correspondence and other papers of the governor which are not required to be kept and maintained under subsections (a) or (b) shall not be subject to review or audit by the legislative post auditor under the legislative post audit act.

(e) Upon completion of the term of office as governor, all records, correspondence and other papers of the former governor not required to be kept and maintained under subsections (a) or (b) which relate to the former governor's public duties while governor shall be transferred to the custody of an institution of post-secondary education designated by the former governor or, if the former governor does not designate an institution of post-secondary education as the depository, such records, correspondence and other papers shall be transferred to the custody of the state historical society.

75-105. Recordation of messages to the legislature, proclamations, executive orders; requisitions for extradition and executive warrants; location. (a) The governor shall keep or shall provide by executive order for the keeping of a record of all executive messages to the legislature, proclamations and executive orders which shall be signed by the governor, and the governor shall provide for the recording thereof in a book.

(b) The governor shall keep a record of all requisitions for the extradition of fugitives from justice made or received by him or her, and of all executive warrants issued
75-104. Governor's records; maintenance, review, audit and disposition. (a) The governor shall keep and maintain a full and complete record of the following applications or petitions made to the governor:

1. Applications or petitions for executive pardon, commutation of sentence or clemency;
2. Applications or petitions for the appointment of a named individual to public office when a vacancy occurs and when the governor is restricted to the appointment of nominees so submitted;
3. Applications or petitions for the appointment of a person from a list of persons submitted by an association, agency or committee where the governor is limited to make an appointment only from that list;
4. Applications for the approval of grants where the governor's approval is a condition precedent to the making of such grants either by a state agency or by the federal government;
5. Applications or petitions for declarations of emergency;
6. Petitions for the calling of a special session of the legislature pursuant to section 5 of article 1 of the constitution of the state of Kansas; and
7. Applications or petitions directed to the governor and requesting that the governor take action in accordance with subsection (c) of K.S.A. 75-3711 and amendments thereto and exercise a function otherwise specified by statute for the state finance council.

(b) The record required to be kept under subsection (a) and all records of the financial affairs and transactions regarding the receipt and expenditure of state moneys shall remain on file in the office of each governor during the governor's term of office and for a period of three years following the expiration of such term.

(c) Following the three-year period prescribed in subsection (b), all records kept and maintained pursuant to subsection (a) shall be transferred to the custody of the state historical society and the records of the financial affairs and transactions kept and maintained pursuant to subsection (b) shall be kept in the office of the governor, subject to disposal as may be authorized by the state records board.

(d) Records, correspondence and other papers of the governor which are not required to be kept and maintained under subsections (a) or (b) shall not be subject to review or audit by the legislative post auditor under the legislative post audit act.

(e) Upon completion of the term of office as governor, all records, correspondence and other papers of the former governor not required to be kept and maintained under subsections (a) or (b) which relate to the former governor's public duties while governor shall be transferred to the custody of the state historical society. During the lifetime of the former governor, no person shall have access to any such records, correspondence or other papers which are not required to be disclosed under K.S.A. 45-221 and amendments thereto, except upon consent of the former governor, and the former governor shall be considered the official custodian of such records, correspondence and other papers which are not required to be disclosed.

(f) Upon the death of a governor while in office, all records, correspondence and other papers of such deceased governor not required to be kept and maintained under subsections (a) or (b) which relate to such governor's duties while governor shall be transferred to the custody of the state historical society.

(g) A person elected or succeeding to the office of governor shall be governed by the provisions of this section as it existed at the time such person was elected or succeeded to such office.