

State Records Board
July 16, 2015
Executive Conference Room – Kansas Historical Society

Present: Lisa Mendoza, designee of the Attorney General (chair)
Jennie Chinn, Executive Director, Kansas State Historical Society (KSHS)
Matt Veatch, State Archivist
Bill Sowers, designee of the State Librarian
John Yeary, designee of the Secretary of Administration

Also present: Marcella Wiget, KSHS
Joanna Hammerschmidt, KSHS
Mark Cole, KSHS
Diane Haverkamp, Kansas Insurance Department (KID)
Valerie Burton, KID
Michael Smith, Kansas Dept. of Health and Environment (KDHE)
Aspen Junge, KDHE
Christine Seeds, KDHE

Meeting called to order at 8:40 a.m. Ms. Mendoza began the introductions.

Minutes: Ms. Mendoza noted that a second was not listed under KDHE-Legal Services and determined that the motion needed to be ratified.

Motion: Ms. Chinn moved approval again of the schedule entries as amended under KDHE-Legal Services from the May 21, 2015 meeting. Mr. Veatch seconded, unanimous approval as amended.

Motion: Mr. Sowers moved approval of meeting minutes as amended, Mr. Veatch seconded, unanimous approval of May 21, 2015 minutes.

Kansas Insurance Department: Ms. Wiget explained that the agency is continuing to update their retention schedule, and the records presented today are mostly associated with a variety of documents presented by insurance companies operating in Kansas and associated together through an index or finding aid online for the convenience of agency staff.

Discussion turned to online vote conducted by the Electronic Records Committee (ERC) concerning the Electronic Recordkeeping Plan (ERP) presented to the board. Ms. Mendoza and Mr. Yeary determined the ERP needed to be endorsed again by the ERC at a conference call or in-person meeting and that the State Records Board could not therefore approve the ERP.

Motion: Mr. Veatch moved approval as submitted, Mr. Yeary seconded, unanimous approval of new entry as submitted.

Discussion turned to the revised entries. Ms. Wiget noted that some of the entries provided are either short-term electronic records or are maintained by a national database. Mr. Veatch requested 0047-331 include information about the national database be included in a public comment.

The board was concerned about the “retain until no longer useful” language. Ms. Haverkamp and Ms. Burton both noted that the agency refers back to company records when constituents request historical information about companies in order to determine whether policy documents they find might still be active. Ms. Chinn and Ms. Mendoza were concerned that this documentation provides significant historical information. Mr. Veatch was also concerned about the “maintained for convenience of reference” language, noting that the wording indicated the materials were not in fact

state records and therefore not subject to a state retention schedule, whereas from the discussion it sounded as if these were significant records for the department. The board wondered whether 100 or 150 years would be a long enough retention period for the agency. Joanna suggested consolidating the articles of incorporation for foreign and domestic companies into a single entry. As the board further discussed 0047-331, Policy Forms, Rates, Rules - Life, Accident, Health Related, they determined with the agency staff the entry could become obsolete with a notation that the records are now all submitted directly to a national database, so that the state agency never sees these records anymore. The two entries that were to superseded to this entry could also instead be made obsolete.

Motion: Mr. Veatch moved approval, Mr. Sowers seconded, unanimous approval of Firefighter's Relief Distribution Statements as submitted.

Motion: Mr. Veatch moved tabling all entries requiring an ERP and the associated ERP, Ms. Chinn seconded, unanimous tabling.

Kansas Dept. of Health & Environment (KDHE) – Administration: Ms. Mendoza asked whether K.S.A. 45-221(a)(1) should be added to both entries, due to another statute restricting access to the records. She also suggested adding (14) and (30) from the Kansas Open Records Act (KORA).

Motion: Mr. Veatch moved approval with additional restrictions, Mr. Yeary seconded, unanimous approval of revised schedule entries as amended.

KDHE – Environment Division: Ms. Hammerschmidt noted that the Environment Division includes several bureaus: Environmental Remediation, Air, Radiation, Hazardous Waste, etc.

Motion: Mr. Veatch moved approval, Mr. Sowers seconded, unanimous approval of new entries as submitted.

Ms. Mendoza questioned holding draft reports for 20 calendar years in 0654-264, Special Projects Files and suggested removing that phrase from the entry. This would help staff who might otherwise read the entry and determine that they must retain drafts for that period, rather than immediately purging once a final document or report is created. Ms. Mendoza also suggested adding K.S.A. 45-221(a)(14)(20) to cover correspondence and whatever draft reports or memos may appear in the records.

Motion: Mr. Veatch moved, Mr. Sowers seconded, unanimous approval of Special Projects Files as amended.

Discussion turned to the Bureau of Air's retention schedule entries. Mr. Veatch questioned the short retention on 0452-264, Federal Asbestos Hazard Emergency Response Act Management Plans; Ms. Hammerschmidt explained that the records are submitted annually to a federal agency, and these are copies received by the state agency.

Motion: Mr. Sowers moved approval, Mr. Yeary seconded, unanimous approval of entries as submitted.

Discussion turned to the Bureau of Environmental Field Services.

Motion: Mr. Yeary moved, Ms. Chinn seconded, unanimous approval of Fish Kill Reports as submitted.

Discussion turned to the Bureau of Environmental Remediation's revised entries. Ms. Junge noted that her finalized language was not included in the board packet; due to a records management policy she has drafted waiting on these schedule changes, the board made copies of the finalized copies to review during the meeting. Ms. Junge explained that the agency keeps all supporting documentation and the license for 30 years after the license has been superseded. Ms. Mendoza suggested adding K.S.A. 45-221(a)(1) to the restrictions. As the board discussed 0461-264, Federally Funded Program Files, it became apparent that these records could be destroyed rather than transferred to the archives, as the historically significant records are more likely to be found in the Environmental Site Files, 0454-

264. Federally Funded Program Files was expanded from Superfund Agreement records to cover any federally-funded grant received by the bureau. K.S.A. 45-221(a)(1) also needed to be added to this entry.

Motion: Mr. Veatch moved approval as amended, adding restrictions to 0810-264 and 0461-264 and changing the disposition on 0461-264, as well as spelling out BER in 0462-264 and noting record copy as paper for that entry. Mr. Sowers seconded, unanimous approval of revised entries as amended.

Discussion turned to the Bureau of Radiation. Mr. Veatch questioned the retention on 0624-264, and Ms. Hammerschmidt clarified that this means until the Central Interstate Compact is superseded by a different compact.

Motion: Ms. Chinn moved amending 0624-264 to include “until the compact is superseded” and approving as amended, Matt seconded, unanimous approval of entry as amended.

Motion: Mr. Veatch moved, Mr. Sowers seconded, unanimous approval of 0391-264, after amending the description to state “Lists of members, correspondence, proceedings, and other supporting materials concerning Emergency Planning Committees in each Kansas county.”

The board questioned the use of “until superseded” under retention periods for several of the programs, finding that retaining all records related to a program until the program ends inefficient. Based on the general description listed in several of these program files, Ms. Wiget suggested a singular entry for “Program files” and/or, depending on the types of documents, following the general schedule for those recordkeeping functions. The board requested more information about what types of records are contained in these program files to help determine how long the records need to be maintained.

Motion: Ms. Chinn moved, Mr. Yeary seconded, unanimous tabling of 0268-264, 0269-264, and 0270-264.

Ms. Chinn and Mr. Veatch suggested changing the disposition to “Contact the archives for appraisal – if not accepted, then destroy” on 0392-264, Hazardous Substance Facilities Reporting Files. Ms. Wiget read from the archives catalog additional information regarding records already transferred to the State Archives, and the board agreed with that recommendation.

Motion: Mr. Veatch moved, Mr. Sowers seconded, unanimous approval of 0392-264 as amended.

Motion: Mr. Veatch moved approval as submitted, Mr. Yeary seconded, unanimous approval as submitted for 0272-264.

Motion: Ms. Chinn moved, Mr. Veatch seconded, unanimous tabling of 0393-264. The board requested better description of the records and functions contained in this series.

Motion: Ms. Chinn moved, Mr. Sowers seconded, unanimous tabling of 0273-264 until the description could be clarified.

Motion: Mr. Veatch moved tabling, Ms. Chinn seconded, unanimous tabling of 0457-264 until the description could be clarified.

Motion: Ms. Chinn moved, Mr. Veatch seconded, unanimous decision to table 0395-264. The board requested a different title and better description clarifying that these are not the MSDS forms required by any facility to keep, but are instead the forms completed by the manufacturers and copies sent to state environmental agencies.

The board questioned whether the State Archives wants the Radioactive Materials License files, 0410-264. Ms. Junge described situations from the middle of the century involving radioactive material where these licensing files have continued to be necessary in order to research where radioactive material may be located throughout the state. Ms. Mendoza requested clearer, more consistent language in the retention to state “001 cldr yrs after license expires.”

Motion: Mr. Veatch moved approval, Ms. Chinn seconded, unanimous approval of entry as amended.

The board was unclear about whether the right to know program listed in several entries throughout the bureau was a single program with separate functions, or separate programs under the Bureau of Radiation. The board wished to know more about the Right to Know program generally, and wondered whether there needed to be that many separate entries or if any entries could be consolidated. Ms. Hammerschmidt explained there is a state statute including the Right to Know in the act title, and the board requested that citation be included in the description of these entries.

Motion: Ms. Chinn moved, Mr. Veatch seconded, unanimous approval to table 0389-264.

Motion: Mr. Veatch moved approval of 0398-264, including the statutory citation in the description and K.S.A. 45-221(a)(4) in the restrictions. Ms. Chinn seconded, unanimous approval of schedule entry as amended.

Motion: Mr. Veatch moved approval, Mr. Yeary seconded, unanimous approval of 0412-264 as submitted.

Motion: Mr. Veatch moved tabling, Mr. Sowers seconded, unanimous decision to table 0277-264.

Motion: Ms. Chinn moved approval, Mr. Veatch seconded, unanimous approval of 0416-264 as submitted.

Mr. Smith requested that a State Records Board member be present next time he and Ms. Hammerschmidt meet with the Bureau of Radiation, so that bureau staff better understand what the board is requiring.

Discussion turned to the Bureau of Water. Christine Seeds explained that as she went through her bureau's schedule, she found programs have changed titles, or that retentions varied when they did not need to, so she researched federal and state law and went with the longest retention stated and made uniform decisions.

Mr. Veatch questioned why the bureau was keeping paper versions of information being retained in the EPA STORET system and the University of Kansas' water database. Ms. Seeds explained that the agency will gather more data than goes into either of these systems, so the agency needs to continue retaining these records until they can get the paper information into their database. The board requested that "Portions of data is transferred to EPA's STORET system and University of Kansas' Kansas Water Database" be used in place of current language in any schedule entry noting either or both of those systems. When Mr. Veatch questioned whether 0466-264, Chlorophyll Test Results, should come to the State Archives, Ms. Seeds explained that the Clean Water Act states these records must be retained permanently in paper. The board requested that this information be added to the comments.

Motion: Mr. Veatch moved approval of amending 0601-264 and 0689-264, Mr. Yeary seconded, unanimous approval of entries as amended.

Motion: Mr. Veatch moved approval, Mr. Sowers seconded, unanimous approval of 0568-264 as submitted.

Motion: Mr. Veatch moved approval, Mr. Yeary seconded, unanimous approval of 0690- and 0005-264 as submitted.

Motion: Mr. Veatch moved to amend both entries 0634-264 and 0466-634 to include "portions of" language to the comments and adding language regarding the Clean Water Act, as well as revising the retention on 0466-264 to 005 cldr yrs. Mr. Sowers seconded, unanimous approval as amended.

Motion: Mr. Veatch moved, Mr. Yeary seconded, unanimous approval of 0468-264 as submitted.

Motion; Mr. Veatch moved, Mr. Sowers seconded, unanimous approval of 0514-264 as amended so that the description and comments will include information regarding the Clean Water Act.

Motion: Mr. Veatch moved to table, Ms. Chinn seconded, unanimous decision to table 0511-264.

Motion: Mr. Veatch moved, Mr. Sowers seconded, unanimous approval of 0566-264 as amended, noting that “until plan is superseded” should be added in the retention.

Motion: Mr. Veatch moved, Mr. Sowers seconded, unanimous approval of 0649-264 as submitted.

Motion: Mr. Veatch moved approval, Mr. Sowers seconded, unanimous approval of 0480- and 0644-264 as amended.

Motion: Mr. Veatch moved, Mr. Sowers seconded, unanimous decision to table 0494- and 0491-264.

Motion: Mr. Veatch moved, Mr. Sowers seconded, unanimous approval of 0705-264 as submitted.

Motion: Mr. Veatch moved, Mr. Sowers seconded, unanimous approval of 0706-264 as submitted.

Motion: Mr. Veatch moved, Mr. Sowers seconded, unanimous approval of 0633-264 as amended.

Motion: Mr. Veatch moved, Mr. Sowers seconded, unanimous approval of 0544-264 as submitted.

Motion: Mr. Veatch moved, Mr. Sowers seconded, unanimous approval of 0709- and 0710-264 as submitted.

Motion: Mr. Veatch moved, Mr. Sowers seconded, unanimous approval of 0507-264 as submitted.

Motion: Mr. Veatch moved, Mr. Sowers seconded, unanimous approval of 0497-264 as amended.

Motion: Mr. Veatch moved, Mr. Sowers seconded, unanimous approval of 0498-264 as submitted.

Motion: Mr. Veatch moved, Mr. Sowers seconded, unanimous approval of 0545-264 and 0462-264 as amended, noting in retention period “until plan is superseded” and revising for an “Archives” disposition.

Motion: Mr. Veatch moved, Mr. Sowers seconded, unanimous approval of 0635-264 as submitted.

Motion: Mr. Veatch moved, Mr. Sowers seconded, unanimous approval of 0716-264 as amended, revising the disposition to state “Contact the State Archives for appraisal – if not accepted, then destroy.”

Motion: Mr. Veatch moved, Mr. Sowers seconded, unanimous decision to table 0509-264.

Motion: Mr. Veatch moved, Mr. Sowers seconded, unanimous approval of 0542-264 as submitted.

Motion: Mr. Veatch moved, Mr. Sowers seconded, unanimous decision to approve 0505- and 0652-264 as amended.

Motion: Mr. Veatch moved, Mr. Sowers seconded, unanimous approval of 0712-264 as submitted.

Motion: Mr. Veatch moved, Mr. Sowers seconded, unanimous approval of 0694- and 0543-264 as amended, noting in both “Contact the State Archives for appraisal – if not accepted, then destroy.”

The board adjourned at 12:07 p.m. and planned to reconvene to complete the rest of the packet at a later date in August.