

**STATE ARCHIVES AND RECORDS COMMISSION**  
**Minutes of the Quarterly Meeting**  
**March 13, 2014**  
**Department for Libraries and Archives**

The State Archives and Records Commission met at 10:00 a.m., March 13, 2014, in the Board Room, Kentucky Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Kentucky.

Members present: Wayne Onkst, Chair; Richard Belding, representing Citizens-at-Large; Mary Margaret Bell, representing Citizens-at-Large; Roger Hamperian, representing Citizens-at-Large; Jeremy Rogers, representing Citizens-at-Large; David Gregory, representing regional colleges and universities; Louise Jones, representing the Kentucky Historical Society; and Debra Batliner, representing local governments.

Representatives present: Randy Justice, representing Thomas Zawacki, Secretary, Education and Workforce Development Cabinet; Amye Bensenhaver, representing Jack Conway, Attorney General; Brian Lykins, representing Adam H. Edelen, Auditor of Public Accounts; Leslie Smith, representing Marcia Seiler, Executive Director, Legislative Research Commission; Jennifer Frazier, representing John D. Minton, Jr., Chief Justice, Supreme Court; Glenna Goins, representing Jane Driskell, State Budget Director; and Glenn Thomas, representing Jim Fowler, Commissioner, Commonwealth Office of Technology.

Members not present or represented: Terry Birdwhistell, representing the University of Kentucky; and Dave Schroeder, representing the Kentucky Library Association.

Public Records Division staff present: Barbara Teague, Director, Public Records Division; Jerry Carlton, Manager, Local Records Branch; Jim Cundy, Manager, State Records Branch; Glen McAninch, Manager, Technology Analysis and Support Branch; Pam Compton, Records Analyst; Mark Myers, Electronic Records Archivist; and Beth Shields, Electronic Records Specialist.

Guests Present: Paul Mauer, Transportation Cabinet; and Godwin Onodu, Transportation Cabinet.

Onkst called for introductions by those present.

Belding made a motion to accept the minutes of the previous Commission meeting, seconded by Lykins. The vote by members and representatives present was unanimous.

## RECORDS RETENTION SCHEDULES

### Transportation Cabinet – Department of Vehicle Regulation – Division of Motor Vehicle Licensing

Cundy was the Records Analyst working on these schedule revisions. **Revisions to the Schedule:** Series 03478, Title Application for Rebuilt Motor Vehicles, from “Original may be destroyed once microfilming and/or imaging completed. Purge and/or destroy after fifteen (15) years,” to “Original may be destroyed once microfilming and/or imaging completed. Purge and/or destroy after five (5) years;” Series 03479, Application for Motor or Vehicle Identification Number, from “Original may be destroyed once microfilming and/or imaging completed. Purge and/or destroy after fifteen (15) years,” to “Original may be destroyed once microfilming and/or imaging completed. Purge and/or destroy after five (5) years;” Series 03480, Authorization for Removal and Reattachment of Vehicle Identification Number, from “Original may be destroyed once microfilming and/or imaging completed. Purge and/or destroy after fifteen (15) years,” to “Original may be destroyed once microfilming and/or imaging completed. Purge and/or destroy after five (5) years;” and Series 03945, Title Application, from “Original may be destroyed once microfilming and/or imaging completed. Purge and/or destroy after fifteen (15) years,” to “Original may be destroyed once microfilming and/or imaging completed. Purge and/or destroy after five (5) years.”

The statutory organization for the Cabinet is set forth in KRS Chapter 174. KRS 174.010 creates the Cabinet and KRS 174.020 – 174.100 outlines the various organizational components and administrative duties of the Cabinet. The Cabinet is responsible for maintaining and improving the delivery of transportation services in the state. The organizational structure of the Cabinet is as follows: the Office of the Secretary, the Office of Public Affairs, the Office of Inspector General, the Office of Budget and Fiscal Management, the Office of Legal Services, the Office for Civil Rights and Small Business Development, the Office of Information Technology, the Office of Support Services, the Office of Audits, the Office of Human Resource Management, the Office of Transportation Delivery, the Department of Aviation, the Department of Highways, the Department of Rural and Municipal Aid and the Department of Vehicle Regulation. Other bodies attached to the Cabinet for administrative purposes are the Kentucky Airport Zoning Commission, the Kentucky Motorcycle Advisory Commission for Highway Safety, the Kentucky Motorcycle Safety Education Advisory Commission, the Kentucky Bicycle and Bikeway Commission and the Kentucky Motor Vehicle Commission.

Mauer said that the proposed retention periods for these series are in line with those of surrounding states. There is almost no reentry into these materials after five years.

Smith made a motion to approve the schedule revisions, seconded by Gregory. The vote by members and representatives present was unanimous.

## **Board of Barbering**

Compton was the Records Analyst working on this revised schedule. **Additions to the Schedule:** Series 06502, Barber Schools File; and Series 06503, Deceased Licensee File. **Deletions from the Schedule:** Series 01975, Examination Record; Series 01979, License Renewal Application File – Barbers; Series 03915, Barber Shop Sanitation and Inspection File; **Revisions to the Schedule:** *Staff made administrative changes to six (6) series without changing retention or disposition:* Series 01973, Master Folders; Series 01974, Licensed Barber and Barbershop Listings; Series 01976, Drop-Out File; Series 01977, Individual Attendance Record; Series 01978, Barber Shops File – Inactive and/or Closed; Series 01980, Licensed Barber Shop File; and Series 03916, License Application File (Failed Exam).

The Board of Barbering is governed by KRS 317.410 through KRS 317.991. The Board consists of five (5) members appointed by the Governor of the Commonwealth. Four (4) of these members are barbers, while one is a public member. The mission of the Board is to protect the health and safety of the Commonwealth of Kentucky as well as to protect the public against misrepresentation, deceit or fraud in the practice of teaching and/or barbering, by having complete supervision over the administration relating to barbers, barber shops, barber schools, the teaching of barbering, and probationary barbers. The Board governs the location and housing of barber shops and schools; the quality or equipment, supplies, materials, records, and furnishings required in barber shops or schools; the training; the qualifications of teachers of barbering; the hours and courses of instruction at barber schools; and the examinations of applicants for barber, probationary barber, or teacher of barbering.

**This is a new records retention schedule for this agency.**

**Current Schedule Date:** December 13, 1990

**Proposed Schedule Date:** March 13, 2014

Compton presented this revised Schedule.

Frazier made a motion to approve the revised schedule, seconded by Belding. The vote by members and representatives present was unanimous.

## **Energy and Environment Cabinet – Department for Energy Development and Independence**

Compton was the Records Analyst working on this new schedule. **Addition to the Schedule:** Series 06846, Grant Files.

The mission of the Department for Energy Development and Independence (DEDI) is to improve the quality and security of life for all Kentuckians by creating efficient,

sustainable energy solutions and strategies and promoting clean, reliable, affordable energy sources that help Kentucky improve energy security, reduce emissions, and provide prosperity. Additionally, the Department supports and encourages energy-related research and development that will benefit Kentuckians. The Department was formed in 2008 by Executive Order 2008-531. It is headed by a Commissioner appointed by the Secretary of the Energy and Environment Cabinet with the approval of the Governor. The Department is made up of the following divisions: Biofuels; Carbon Management; Efficiency and Conservation; Energy Generation Transmission and Distribution; Fossil Energy Development; and Renewable Energy.

**This is a new records retention schedule for this agency.**

**Proposed Schedule Date:** March 13, 2014

Compton presented the new Schedule.

Smith made a motion to approve the new schedule, seconded by Goins. The vote by members and representatives present was unanimous.

### **Education and Workforce Development Cabinet – Department for Libraries and Archives**

Cundy was the Records Analyst working on this revised schedule. **Additions to the Schedule:** Series 06487, Media Scheduling Reservation List; Series 06488, Kentucky Virtual Library (KYVL) Courier Pickup Form; Series 06489, Circulation Checkout Record; Series 06490, Circulation Holds Report; Series 06491, Fines and Fees Notice; Series 06492, Reference Question File; Series 06493, Interlibrary Loan Transaction File; Series 06494, Offers List - Federal Government Documents; Series 06495, Shipping List - Federal Government Documents; and Series 06496, Acquisition Selection File. **Deletions from the Schedule:** Series 00679, Substantive Error Statistics; Series 00691, Film Booking Card; Series 00692, Order Requests – Film; Series 00689, Daily Circulation Report; Series 00696, Courier-Journal Searches; Series 00673, Shelf List – Classified; Series 00674, Book Catalog; Series 00677, Proof Slips; Series 00678, Cataloging Statistics; Series 00682, Serial Holdings; Series 00683, Request Form; Series 00684, Reference and Periodical Log Sheet; Series 00685, Hold Request Card; Series 00686, Library Card Application; Series 00690, Film Catalog; Series 00693, Inter-library Loan Log Sheet; Series 00695, Inter-library Loan Request; **Revisions to the Schedule:** Series 00676, Card Catalog (Retitled: **Library Catalog**), from “Retain until the catalog system or the individual card is superseded,” to “Retain entry until the item is no longer held by the library, then destroy;” Series 00681, Periodicals Received (Kardex Card File), from “Screen and destroy outdated cards when no longer useful, to “Retain until information has been entered into the library catalog, then destroy;” Series 00687, Patron File (Retitled: **User Account File**), from “Destroy one (1) year after last activity by cardholder,” to “Retain Kentucky-state-government-employee account

information until three (3) years after last transaction, then destroy. Retain non-Kentucky-state-government-employee accounts until staff is notified that patron no longer qualifies for an account, then destroy;" Series 00688, Photocopy Receipt Book, from three (3) years to one (1) year; and Series 00694, Kentucky Union List of Serials from "Destroy when superseded by semi-annual update," to "Retain individual record until item is no longer held by the library."

The Department for Libraries and Archives addresses the state's information and knowledge needs by initiating and directing statewide activities for library and archive development and for public records management. Four divisions administer the Department's programs: Field Services, State Library Services, Public Records and Administrative Services.

**This is a new schedule for this agency.**

**Current Schedule Date:** Various

**Proposed Schedule Date:** March 13, 2014

**The following sections have already been reviewed and approved by the Commission:**

Commissioner's Office: March 11, 2010

Field Services: March 11, 2009

Public Records: June 10, 2010

Cundy said that there had been a question as to why Series 06489, Circulation Checkout Record, was a new series when the State Library had always been circulating materials. Circulation records had been included in individual users' accounts.

Cundy said that there had been a question about whether Series 06496, Acquisition Selection File, documented specific comments or discussion regarding individual items. Cundy said there is not.

Bensenhaver asked about the retention of Series 06491, Fines and Fees Notice, which reads, "Transfer to Fiscal Services Branch upon generation of notice." Cundy said that once the notice is transferred, Fiscal Services Branch personnel retain the record for eight years after the transaction per Series F0141, Accounts Receivable Records, from the General Schedule for State Agencies. She asked if language to that effect could be included in the disposition for the Series. Cundy said he would add it.

Thomas made a motion to approve the revised schedule, seconded by Belding. The vote by members and representatives present was unanimous.

## County Clerk

Carlton was the Records Analyst working on this schedule addition. **Addition to the Schedule:** Series L6656, Appointment of Campaign Treasurer. **Revision to the Schedule:** Series L1425, Election Finance Statement (Report), from "Destroy one (1) year from date last report is required to be filed," to "Retain two (2) years, then destroy."

The office of the county court clerk was first created when Kentucky was part of Commonwealth of Virginia. As the title implies they actually were the clerks of the county courts. When Kentucky became a state in 1792 the first constitution of Kentucky provided for the appointment of the county clerk by the county court. The clerk's duties included collecting taxes, creating a list of persons and property for tax purposes, receiving and acknowledging deeds in and out of county court, administer oaths and performing other duties. The third constitution was adopted in 1850 and it made the county court clerk an elective office and their duties expanded to include licensing of businesses, recorded property records (deeds) and all public moneys received to the circuit court. Most of their duties were for the courts. Under the present constitution (1891) the county court clerk has taken on many duties. Those include elections, recording of deeds, mortgages, liens, collecting delinquent tax, marriage licensing, probate (recording of wills and maintaining the original will), motor vehicle licensing, recording certain UCC filings, administering oaths, recording incorporations, and other duties. The county court clerks can choose to be the clerk of the fiscal court.

Frazier objected to the change to Series L1425, Election Finance Statement (Report), because KRS 121.180(8) requires County Clerks to maintain these records until one year from date last report is required to be filed. In response to a question by Belding, Carlton said that the equivalent record is kept for twelve years by the Registry of Election Finance. Carlton said he was willing to leave the retention period as it is.

Bell made a motion to approve the schedule addition, without approving the revision to Series L1425, Election Finance Statement (Report), seconded by Frazier. The vote by members and representatives present was unanimous.

## Public Protection Cabinet – Department of Insurance

Compton was the Records Analyst working on these schedule additions. **Additions to the Schedule:** Series 06475, Request to Inspect Records (includes responses to requests); and Series 06482, Open Records Register

The Bureau of Insurance was established in the Office of Auditor of Public Accounts in 1870. The Auditor appointed the Insurance Commissioner. The Department of Insurance became a separate administrative department of state government in 1934 and the Governor appointed the Commissioner. In 1936, the Department became a

division of the Department of Business Regulation. It became a department again when the Division of Insurance was removed from the Department of Business Regulation in 1950. In 2004, the Department of Insurance was renamed the Office of Insurance and was made a part of the Environmental and Public Protection Cabinet. In 2008, the Office again became the Department of Insurance and was placed under the Public Protection Cabinet. The Commissioner is appointed by the Cabinet Secretary. The duties of the Department include: administering Kentucky's insurance laws, regulating the conduct of insurance business, licensing agents and other company representatives, administering insurance taxes, licensing insurance adjusters, enforcing the insurance code, making regulations based on the Department's interpretation of the code, disapproving companies that engage in illegal or unethical insurance practices, and, periodically examining all insurance companies doing business in Kentucky, to determine their solvency. The Department is comprised of the following units: Administrative Services Division; Consumer Protection Division; Health and Life Division; Financial Standards and Examinations Division; Insurance Fraud Investigation Division; Office of Legal Services, Insurance Legal Division; Agent Licensing Division; Property and Casualty Division; and Market Conduct Regulation Section.

Compton presented the Schedule additions.

Bell made a motion to approve the Schedule additions, seconded by Belding. The vote by members and representatives present was unanimous.

### **Lexington/Fayette Urban County Government**

Carlton was the Records Analyst working on this schedule additions. **Additions to the Schedule:** Council Clerk/Administration: Series L6662, Oath Books (Constitutional). Common Records: Series L6665, Sign-In and Sign-Out Log; and Series L6666, Open Records Appeals to the Office of the Attorney General.

Lexington/Fayette Urban County Government (LFUCG) was formed by the merger of the City of Lexington and Fayette County. The merged government officially chartered January 1, 1974 after a referendum was approved by the citizens of both governments. A government - wide records retention schedule was approved by the Archives and Records Commission on September 9, 2004. There have been numerous additions and changes to the schedule since that time. The Office of the Council Clerk is responsible for the records management program in the urban county government.

Carlton said that Series L6665, Sing-In and Sign-Out Log, would be removed from consideration, as there is already another records series on LFUCG's Retention Schedule that covers these records.

In response to question by Rogers, Carlton said that Series L6666, Open Records Appeals to the Office of the Attorney General, is a copy of materials maintained permanently by the Attorney General.

In response to a question by Frazier, Cundy said that State Agencies retain Series M0016, Request to Inspect Public Records (includes responses to those requests), for three years, per the General Schedule for State Agencies. Carlton said that Local Government agencies maintain Series L4963, Open Records Request for Inspection/Disposition Record, for one year; and Series L4962, Open Records Register, for five years, per the Local Government General Records Retention Schedule. Bell said public schools retain Series L5312, Open Records Request for Inspection/Disposition Record, for one year; and Series L5311, Open Records Register, for five years. Cundy said that Public Colleges and Universities retain Series U0123, Request to Inspect Public Records, for three years.

Bell made a motion to approve the Schedule additions, except Series L6665, Sign-In and Sign-Out Logs, seconded by Jones. The vote by members and representatives present was unanimous.

### **Local Government General Records Retention Schedule**

Carlton was the Records Analyst working on these schedule additions. **Additions to the Schedule:** Administration: Series L6659, Open Records Appeals to the Office of the Attorney General; and Series L6660, Sign-In and Sign-Out Log.

The Local Government General Records Retention Schedule was created in 1999 and has been updated periodically since that time. This schedule lists those record series that may be found throughout local government agencies. Local governments in Kentucky include but not limited to all 120 counties and their many offices, over 400 incorporated cities, 173 school districts, 15 Area Development Districts and many Special Purpose Government Entities.

Bensenhaver pointed out the difference between the thirty-day retention period proposed for Series L6660, Sign-In and Sign-Out Log, and the one-year retention periods for equivalent Series for the Lexington/Fayette Urban County Government and the Public School Districts. She asked whether the retention periods for these Series should be consistent. Carlton said he would look into this.

Frazier made a motion to approve the Schedule additions, seconded by Belding. The vote by members and representatives present was unanimous.

## **Louisville/Jefferson County Metro Government**

Carlton was the Records Analyst working on these schedule additions. **Additions to the Schedule:** Series L6664, Sign-In and Sign-Out Log; and Series L6667, Open Records Appeals to the Office of the Attorney General

Louisville and Jefferson County merged into the Louisville/Jefferson County Metro Government January 2003. This took place after special legislation was passed whereby a county with a first class city could merge into one government. A referendum was on the ballot in 2001 and was passed by voters in Jefferson County. Under the new government some of the existing incorporated municipalities joined the new merged government while others retained their legal status.

Carlton presented these Schedule additions.

Belding made a motion to approve the Schedule additions, seconded by Bell. The vote by members and representatives present was unanimous.

## **Personnel Cabinet (System Description only)**

For Commission members' information, Cundy said that Shields had updated the System Description for the Kentucky Human Resource Information System (KHRIS) by adding Series 04340, Official Class Job File, to it. Cundy changed "classification" to "job" in that same Series to reflect current verbiage at the Cabinet. There was no change to retention or disposition of the Series.

## **Public Library and Library Board**

Carlton was the Records Analyst working on this schedule addition. **Addition to the Schedule:** Series L6661, Schools & Libraries Telecommunication Program File (E-Rate).

This retention schedule was last revised in 2001 and contains those record series that are specific to all public libraries in the state. The libraries also use the Local Government General Records Retention Schedule.

Carlton presented this Schedule addition.

Gregory made a motion to approve the Schedule addition, seconded by Bell. The vote by members and representatives present was unanimous.

## **Public School District**

Carlton was the Records Analyst working on these schedule additions. **Additions to the Schedule:** Administration: Series L6657, Kentucky Educational Excellence

Scholarship (KEES) Report. Instruction: Series L6658, Local Educator Assignment Data (LEAD) Report.

This retention schedule was completely revised in 2012 and is used throughout the 173 school districts throughout the Commonwealth. It is an attempt to list all records created or received by the district's central office, school board, school administration, school based decision making councils and grades K thru 12.

Carlton said that, at the Advisory Committee's suggestion, he had added access restrictions to these Records Series: He had added 20 USC Section 1232g et seq. and KRS 160.700 et seq. KRS 61.878 1 (a) to Series L6657, Kentucky Educational Excellence Scholarship (KEES) Report; and KRS 61.878(1)(a) to Series L6658, Local Educator Assignment Data (LEAD) Report.

Belding made a motion to approve the Schedule additions, seconded by Bell. The vote by members and representatives present was unanimous.

### **Real Estate Appraisers Board**

Compton was the Records Analyst working on this schedule addition. **Addition to the Schedule:** Series 06485, Criminal Background Checks.

The Kentucky Real Estate Appraisers Board is charged with protecting the public interest through regulation, examination and licensing of Kentucky real estate appraisers and the registration of Appraisal Management Companies pursuant to KRS Chapter 324A and 201 KAR Chapter 30. The Real Estate Appraisers Board approves and monitors pre-licensing and certification education, experience and testing, as well as approves and monitors continuing education for real estate appraisers. The Kentucky Real Estate Appraisers Board also investigates complaints against real estate appraisers and Appraisal Management Companies. The Board is funded solely through fees charged to obtain and renew a license to practice real property appraising and to register to do business as an Appraisal Management Company in Kentucky.

Compton said that the Advisory Committee had asked whether agencies have any sort of checklist that is completed when individuals apply for licenses. The Real Estate Appraisers Board does have a checklist on its application. Further, if items are not attached to the application, it is considered incomplete and returned to the applicant. In response to a question by Frazier, Compton said that there is a list of exactly what is missing from the incomplete application files. These files are Series 06417, Application File – Incomplete, and are retained for one year after receipt.

In response to a question by Frazier, Compton said that it is the responsibility of the applicant to complete his or her background check.

Frazier made a motion to approve the schedule addition, seconded by Jones. The vote by members and representatives present was unanimous.

### **State University Model**

Cundy was the Records Analyst working on this schedule revision. **Revision to the Schedule:** Series U1800, Grant Proposal File – Funded, from “Destroy three (3) years after submission of final financial report, closure of account, and audit, unless otherwise specified by the terms of the grant contract,” to “Destroy three (3) years after submission of final financial report, or, for awards that are renewed quarterly or annually, three (3) years after the date of the submission of the quarterly or annual financial report. If any litigation, claim, or audit is started before the expiration of the three-year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved and final action taken.”

The State University Model Records Retention Schedule covers records that are common among Kentucky’s public university campuses and its Community and Technical College System.

This is part of the ongoing effort to revise the State University Model Records Retention Schedule.

Cundy said this change would bring the retention period for this series exactly in line with federal requirements.

Belding made a motion to approve the schedule revision, seconded by Bell. The vote by members and representatives present was unanimous.

The next item was **other business**. Teague gave an update on the construction of the new State Records Center. The tentative date for the building to be turned over to the department is March 22, 2014. PRD staff has been working with COT staff on the building’s wiring and has conducted walk-throughs to check for necessary adjustments. The Finance and Administration Cabinet’s Division of Engineering and Contract Administration sent an engineer to provide any assistance with the project. The initial shelving units are in storage awaiting delivery to the new building. The contract with the company that will be breaking down, moving, and reassembling the shelving is ready to be awarded. Trucks have been leased. Kentucky Correctional Industries moving crews will be used to helping staff move boxes. The biggest concern is when the concrete will be poured, as the weather has not been conducive to this. In response to a question by Belding, Teague said that the building is over 100,000 square feet, while the department is leasing just under 100,000 square feet.

Teague said that the PRD has issued an RFP for a records tracking system.

Carlton discussed Local Records grants. The Local Records Branch is accepting applications for grants totaling \$500,000. These will be distributed in June. The Branch will be receiving General Fund money totaling about \$260,000.

Onkst discussed the budget. In the proposed budget, the department will be taking a five percent cut. This includes the Local Records Grants, but does not include the Public Library Grants. There will be an additional transfer from the Local Records Grant Fund of \$300,000 in the first year of the biennium.

Shields gave a legislative update. There have been several bills related to expungement of records, particularly those for Class D Felonies. Department staff members have tracked the use of "public record" when "open record" was appropriate. They have also tracked bills creating new electronic systems and bills in which legislators set records retention periods.

Cundy said that he had met with executive directors from about twelve occupational and professional board and commissions in Louisville on February 18, 2014. The purpose of the meeting was to begin work on establishing consistent retention periods for equivalent records created by these various agencies.

Cundy distributed a summary of 2013's retention scheduling activity approved by Commission members, along with cost-savings to agencies resulting from destruction of records by state and local agencies and the Court of Justice.

There being no further business, Onkst adjourned the meeting at 11:15.