

STATE ARCHIVES AND RECORDS COMMISSION
Minutes of the Quarterly Meeting
March 10, 2016
Department for Libraries and Archives

The State Archives and Records Commission met at 10:00 a.m., March 10, 2016, in the Board Room, Kentucky Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Kentucky.

Members present: Terry Manuel, Acting Chair; Richard Belding, representing Citizens-at-Large; Terry Birdwhistell, representing the University of Kentucky; Mary Margaret Bell, representing Citizens-at-Large; Jeremy Rogers, representing Citizens-at-Large; David Byerman, Executive Director, Legislative Research Commission; Debra Batliner, representing local governments; Dave Schroeder, representing the Kentucky Library Association.

Representatives present: Bridget Papalia, representing Hal Heiner, Secretary, Education and Workforce Development Cabinet; Amye Bensenhaver, representing Andy Beshear, Attorney General; Melissa Scott, representing Mike Harmon, Auditor of Public Accounts; Kara Smothermon, representing John Chilton, State Budget Director; Dieter Ullrich, representing David Gregory, representing regional colleges and universities; and Glenn Thomas, representing Jim Barnhart, Acting Commissioner, Commonwealth Office of Technology.

Members not present or represented: Louise Jones, representing the Kentucky Historical Society; Roger Hamperian, representing Citizens-at-Large; and John D. Minton, Jr., Chief Justice, Supreme Court.

Archives and Records Management Division staff present: Jim Cundy, Manager, State Records Branch; Trace Kirkwood, Manager, Local Records Branch; Beth Shields, Manager, Electronic Records Management Branch; Pam Compton, Records Analyst; Joe Isaac, Records Analyst; Kris Justus, Electronic Records Specialist; Kari May, Electronic Records Archivist.

Guests Present: Leslie Smith, Legislative Research Commission; Brandi Hawkins, Bob Belen and Cindy Heddleston, Department of Corrections; Nicole Allison, Division of Oil and Gas; Courtney Skaggs and Jeff O'Dell, Office of the Reclamation Guaranty Fund; Lisa Franklin, Division of Mine Safety; Linda Potter, Department for Natural Resources; Martin Brashear, Glenda France, Shawn Fritz, Division of Mine Reclamation and Enforcement; Mark Stinnett, Division of Mine Permits; Mark Meade, Division of Abandoned Mine Lands.

Manuel called for introductions by those present.

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

Manuel recognized Cundy, who presented "Setting Retention Periods for Public Records: An Overview." The presentation reviewed the various responsibilities of the Commission, public agencies, and the Public Records Division; the process of developing retention schedules for the Commission members' review; advisory bodies to the Commission; and the materials that are distributed at each meeting (Agency Function and Records Summaries; draft Retention Schedules; Description and Analysis Forms; and System Descriptions).

RECORDS RETENTION SCHEDULES

Justice and Public Safety Cabinet – Department of Corrections – Division of Probation and Parole

Compton was the Records Analyst working on the revised Schedule. **Revisions to the Schedule:** *Changes in retention:* Series 02983, Restoration of Civil Rights, from permanent to "Retain in agency seventy-five (75) years from date of receipt of application for Restoration of Civil Rights, then destroy;" Series 02989, Case Folder – Field Office, from five (5) years after case closure, to seventy-five (75) years after case closure; Series 05454, Sex Offender Files, from "Retain in Agency for one (1) year after required registration period, after registrant has relocated to another state or after death of registrant, then destroy;" to "Retain in agency seventy-five (75) years after required registration period or after death of registrant, then destroy." *Closed series:* Series 02985, Master Card File on Probationers, Parolees, Misdemeanant, and Pre-Trial. *Staff also made administrative changes to one (1) series without changing retention or disposition:* Series 02987, Probation and Parole Officer's Monthly Caseload Report.

The Department of Corrections (DOC) is governed by KRS Chapters 196 and 197. DOC is responsible for managing the daily operations of the state correctional institutions, private prisons, and a variety of community based services; providing secure, humane incarceration for felony offenders; supervising probation and parole; and offering an opportunity for offenders to acquire skills that facilitate non-criminal behavior. The Division of Probation and Parole provides investigative services to the courts and Parole Board, rehabilitation services to offenders, and assistance in employment and home placement. Various duties include court appearances and testimony, reports to the releasing authorities, home visits, drug and alcohol testing, transportation of prisoners, referral of offenders to appropriate resources, and monitoring payment of fees, restitution and community service work. The Division of Probation and Parole is also responsible for and the processing of Civil Rights Restoration requests submitted by ex-offenders.

This is a complete revision of the retention schedule for this Division.

Current Schedule Date: September 10, 2009

Proposed Schedule Date: March 10, 2016

Compton said that the Archives and Records Management Advisory Committee had asked whether Series 05454, Sex Offender Files, contains DNA records, and had asked KDLA staff confirm that DNA records are maintained in a database by the Department of Kentucky State Police. Not all DNA records collected by the Department of Corrections are maintained by the State Police. KDLA staff members are working with Department of Corrections personnel to include DNA records in Series 02982, Offender Record - Master File, which has a seventy-five year retention period.

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

Energy and the Environment Cabinet – Department for Natural Resources

Manuel said the six divisions under the Department for Natural Resources would be discussed individually and voted on as a group.

Division of Abandoned Mine Lands

Compton was the Records Analyst working on the revised Schedule. **Addition to the Schedule:** Series 06692, Planning Units File. **Deletion from the Schedule:** Series 03341, Federal Administrative Grant File. **Revisions to the Schedule:** *Changes in retention:* Series 03339, Federal Cooperative Agreement Project File, from "Retain in agency for six (6) years after Close-Out Report has been completed and audit, transfer to the State Records Center nineteen (19) years, then destroy. Total retention is twenty-five (25) years;" to permanent; Series 03340, Federal Abandoned Mine Land Grant Project File, from "Retain in Agency for six (6) years; transfer to the State Records Center for nineteen (19) years. Destroy after audit. NOTE: Retention will be reviewed prior to destruction," to permanent. *Staff also made administrative changes to one (1) series without changing retention or disposition:* Series 03342, Bond Forfeiture Reclamation File.

The Division of Abandoned Mine Lands is responsible for protecting the public from health and safety problems caused by mining prior to 1982 in the Commonwealth of Kentucky to assure compliance with the 1977 Federal Surface Mining Control Act (SMCRA). The Division restores those degraded sites to a safe and environmentally stable condition through reclamation. The Division also administers the bond forfeiture reclamation program. The Division of Abandoned Mine Lands works with the Division of

Mine Permits and Division of Mine Reclamation and Enforcement to ensure compliance with KRS Chapter 350 and 405 KAR Chapter 5, and all established standards of operation and the public and environment are protected.

This is a complete revision of the records retention schedule for this agency.

Current schedule date: April 1, 1976

Proposed schedule date: March 10, 2016

Compton presented the revised Schedule.

Division of Mine Permits

Compton was the Records Analyst working on the revised Schedule. **Deletions from the Schedule:** Series 04043, Consultant's Geological and Hydrological Report; and Series 04044, Consultant File. **Revisions to the Schedule:** *Closed Series:* Series 04042, Small Operator Assistance Program Project File. *Staff also made administrative changes to two (2) series without changing retention or disposition:* Series 04332, Surface Mining Permittee Ownership File; and Series 04333, Permit File.

The Division of Mine Permits is created in the Department for Natural Resources and governed by KRS Chapter 350 and Title 405 of the Kentucky Administrative Regulations (KAR). The Division of Mine Permits evaluates applications, including mining and reclamation plans, and issues permits to ensure that all surface coal mining operations in the Commonwealth meet the minimum performance standards for environmental and public protection and reclamation as required by the federal Surface Mining Control and Reclamation Act (SMCRA) of 1977. The Division works with Division of Abandoned Mines and the Division of Mine Reclamation and Enforcement to administer the surface coal mining regulatory program.

This is a complete revision of the records retention schedule for this agency.

Current Schedule Date: April 1, 1976

Proposed Schedule Date: March 10, 2016

Compton said that Justus had completed system descriptions for this division.

Division of Mine Reclamation and Enforcement

Compton was the Records Analyst working on the revised Schedule. **Deletions from the Schedule:** Series 03268, Weekly Inspection Report; Series 04201, Blaster Certification File; Series 04203, Bond Forfeiture File; Series 04786, Interim On-Ground Study File; Series 04787, Unabated Cessation Order Study File; Series 04788, Pre-Walk

Study File; and Series 04789, Two-Acre Study File. **Revisions to the Schedule:** *Changes in retention:* Series 04199, Enforcement File, from permanent to “Retain in Agency five (5) years after completion of reclamation or bond forfeiture, or in the event of legal proceedings, retain in Agency six (6) months after all appeals have exhausted, whichever is longest; then destroy;” and Series 04200, Notice of Coal Exploration File, from “Retain in Agency until final disposition of all inspection activities, including completion of reclamation; trans to State Archives Center for permanent retention;” to “Retain in Agency five (5) years after completion of reclamation or bond forfeiture, or in the event of legal proceedings, retain in Agency six (6) months after all appeals have exhausted, whichever is longer; then destroy;” Series 04202, Bond File, from “Retain in Agency and transfer to the State Archives Center five (5) years after release of bond. NOTE: Transfer file to the Bond Forfeiture File (04203) if permittee defaults bond. Original bond is returned to issuer upon release;” to “Retain in Agency five (5) years after completion of reclamation or transferred to Division of Abandoned Mine Lands, or in the event of legal proceedings, retain in Agency six (6) months after all appeals have exhausted, whichever is longer; then destroy;” and Series 01291, Licensed Blasters File, from permanent to “Retain in Agency the background checks for thirty (30) days after issuance of license, then destroy. Retain in Agency the remainder of file five (5) years after expiration of license, then destroy.” *Staff also made administrative changes to twenty (20) series without changing retention or disposition:* Series 03336, Aerial Overflight Recordings; Series 03337, Aerial Overflight Permit Site Conditions File; Series 03338, Aerial Overflight Documentation File; Series 04204, Bond Log; Series 04207, Non-Coal Permit File; Series 04785, On-Site Construction Permit File; Series 01292, Licensed Blasters List; Series 01294, Night Blasting Permits and Reports; Series 06069, Permit Waivers – In Excess of 40,000 Pounds; Series 06070, Permit Waivers/Variances – Other than 40,000 Pounds; Series 06071, Inspection Files; Series 06072, Litigation Files; Series 06073, Permit to Purchase, Possess, or Use Explosives File; Series 06074, Complaint Files; Series 06075, Miscellaneous Reports; Series 06076, Dealer Registration File; Series 06077, Educational Instructor/Course File; Series 06078, Seismograph Measurement Summary Reports; Series 06079, Notification of Accident – Investigation.

The Division of Mine Reclamation and Enforcement (DMRE) is responsible for inspection all surface and underground coal mining permits in the Commonwealth of Kentucky to assure compliance with the 1977 Federal Surface Mining Control Act (SMCRA). DMRE is also responsible for regulating and enforcing the surface mining reclamation laws for non-coal mining sites in the state, including limestone, sand, gravel, shale and the surface effects of dredging river sand and gravel. DRME works closely with the Division of Mine Permits and Division of Abandoned Mine Lands to ensure compliance with KRS Chapter 350 and 405 KAR Chapter 5, and all established standards of operation and that the public and environment are protected. The Explosives and Blasting Branch is established in DRME and is responsible for the issuing permits to blasters and entities that possess explosives. The Branch ensures compliance with the required statutes and

regulations, as well as controls the manufacture, transportation, storage, distribution and eventual use of explosives.

This is a complete revision of the records retention schedule for this agency.

Current Schedule Date: April 1, 1976

Proposed Schedule Date: March 10, 2016

Compton said that Justus had completed system descriptions for this division.

Byerman asked whether proposed retention schedules were evaluated to see that they meet statutory requirements. Cundy said that Records Analysts worked closely with agencies to help ensure legal compliance and reviewed statutory and regulatory requirements separately as well. Compton said that she reviewed statutes and regulations before meeting with agencies.

Division of Mine Safety

Compton was the Records Analyst working on the revised Schedule. **Deletions from the Schedule:** Series 01265, Examination Grades and Certification of First and Second Class Mine Foreman; Series 01267, Index to Mine Foreman Certificates; Series 01270, Special Mining Permit Ledger; Series 01271, Special Mining Permit Folders; Series 01272, Safety Violation and Accident Correspondence; Series 01273, Annual Completed Report Cards From Coal Mine Operators; Series 01274, Mine Inspection History Books; Series 01276, Annual License Fee Receipt Ledger; Series 01279, Federal Inspection Reports; Series 01280, Examination Work Papers; Series 01281, Mine Address and Data; Series 01282, Field Inspector's Monthly Vehicle Expense Report; Series 01299, Mine Maps; Series 01300, Fire Boss Weekly Reports; Series 01301, Loose-Leaf Record of Safety Violations; Series 01302, Mine Inspection Folder Containing Copy of License; Series 01303, Inspectors Weekly Reports; Series 01304, Vehicle Expense Reports; Series 01305, Inspection Report; Series 01306, Fatal Mine Accident Reports; Series 01307, Safety Violation and Accident Report; Series 01308, Monthly Vehicle Expense Report; Series 03033, Student Mining Technology/Engineering File; and Series 03034, XYZ File. **Revisions to the Schedule:** *Changes in retention:* Series 03030, Miner Certification File, from "Retain in Agency three (3) years; transfer to the State Archives Center for permanent retention," to "Retain in Agency three (3) years; then destroy;" Series 03031, Miner Temporary Permit, from "Retain in Agency three (3) years; transfer to the State Archives Center for permanent retention," to "Retain in Agency three (3) years from date of issuance of temporary permit; transfer to series 03030, Miner Certification File after issuance of certification. If permit is not issued, destroy three (3) years from date of denied of application;" Series 03032, Miner Certification Affidavit, "Retain in Agency three (3) years; transfer to the State Archives Center for permanent retention," to "Retain in Agency three (3) years; then destroy;" Series 03035, Class

Enrollment Record, from "Retain in Agency three (3) years; transfer to the State Archives Center for permanent retention," to "Retain in Agency three (3) years; then destroy;" Series 03036, Miner Certification and Examination Permit Log, from "Retain in Agency three (3) years; transfer to the State Archives Center for permanent retention," to "Retain in Agency three (3) years; then destroy;" Series 03037, Inexperienced Miner Training File, from "Retain in Agency three (3) years; transfer to the State Archives Center for permanent retention," to "Retain in Agency three (3) years; then destroy;" Series 03038, Temporary Permit Extension Form, from "Retain in Agency three (3) years; transfer to the State Archives Center for permanent retention," to "Retain in Agency three (3) years; then destroy." *Closed series:* Series 01268, Index to Clay and Coal Mine Maps; Series 01275, Index to Mine Inspection Reports Prior to 1952. *Staff also made administrative changes to six (6) series without changing retention or disposition:* Series 01264, Fatal or Serious Injury Mine Accident Reports; Series 01266, Mining Specialty Application File; Series 01269, Mine Maps; Series 01277, Mine License File; Series 01298, Vital Facts on Mine Operators; and Series 03398, Radio Log

The Division of Mine Safety (DMS) was created by statute in 1942 and is governed under the Energy and Environment Cabinet, Department for Natural Resources. The Division is regulated by Kentucky Revised Statutes Chapters 351 and 352 and Chapter 805 of the Kentucky Administrative Regulations. DMS has the responsibility to ensure all coal miners in the Commonwealth are provided with a safe working environment; to provide effective education and training to coal mining personnel to foster safe work practices; and to ensure the coal mining statutes and regulations are enforced fairly and consistently throughout the Commonwealth. The Division provides service in the following areas: mine safety analysis, certification and training; mine licensing and inspections; mine mapping; mine rescue; accident investigations; and drug free workplace programs.

This is a complete revision of the records retention schedule for this agency.

Current Schedule Date: April 1, 1976

Proposed Schedule Date: March 10, 2016

Compton said that Committee members had asked about Series 01298, Vital Facts on Mine Operators. She had mistakenly said that these records contained information on drug testing. She subsequently learned that drug testing is conducted by the mine company, not the Division of Mine Safety, and that these records do not contain any information on drug testing.

Division of Oil and Gas

Compton was the Records Analyst working on the revised Schedule. **Additions to the Schedule:** Series 06628, Gathering Lines Permits File; Series 06629, Oil and Gas

Conservation Commission Hearings File; Series 06632, Spud Reports; Series 06633, Transfer Reports; Series 06634, Production Reports; Series 06686, Bond Files. **Deletions from the Schedule:** Series 01287, Maps of Secondary Recovery Projects; Series 01288, Vacuum Pump Permits; Series 01289, Field Inspector's Weekly Report on Wells; Series 01290, Weekly Lists of Permits Issued; and Series 03703, Bond Cards. **Revisions to the Schedule:** *Change in retention:* Series 01286, Administrative Hearing File, from permanent to "Retain in Agency five (5) years and after all appeals have exhausted, then destroy." *Staff made administrative changes to three (3) series without changing retention or disposition:* Series 01283, Permit Files; Series 01284, Well Permit Log; Series 01285, Notices of Non-Compliance/Violations and Forfeiture Files.

The Division of Oil and Gas ("Division") was created by statute in 1944 and is governed under the Energy and Environment Cabinet, Department for Natural Resources. The Division is regulated by Kentucky Revised Statutes Chapter 353 and Chapter 805 of the Kentucky Administrative Regulations. The Division regulates the crude oil and natural gas industry in the Commonwealth; protects the correlative rights of mineral owners, fresh water zones and minable coal seams; and conserves and protects oil and gas reserves in Kentucky.

This is a complete revision of the records retention schedule for this agency.

Current Schedule Date: April 1, 1976

Proposed Schedule Date: March 10, 2016

Compton said that Committee members had discussed Series 01286, Administrative Hearing File. Since 2008, the division's administrative hearings have been conducted by its Cabinet's Office of Administrative Hearings (OAH). The retention period for Series 01286 is the same as that for Series 03229, Administrative Hearing Case File, in OAH. Administrative orders, which document actions taken, are pulled from the files and maintained permanently. Advisory Committee members had asked that Archives and Records Management Division staff look into administrative hearing files across state agencies. Rogers said that Committee members had suggested a longer retention period may be appropriate.

Bensenhaver suggested that files documenting historically significant incidents may be maintained permanently.

Office of the Reclamation Guaranty Fund

Compton was the Records Analyst working on the new Schedule. **Additions to the Schedule:** Series 06639, Initial Capitalization Fee Assessment; Series 06640, Annual Classification and Invoice; Series 06641, Kentucky Bond Pool File; Series 06642,

Quarterly Fee Payments Records; Series 06643, Forfeited Bonds List; and Series 06647, Classification Contest Resolution File.

The Office of the Kentucky Reclamation Guaranty Fund (KRGF) was created by statute March 22, 2013, and is governed under the Energy and Environment Cabinet, Department for Natural Resources. The Office is regulated by KRS 350.500 through KRS 350.521 and Chapter 405 of the Kentucky Administrative Regulations. KRGF has the responsibility to assess and collect fees to provide financial assistance to the Cabinet in the event the permit-specific reclamation bond is insufficient to complete reclamation on a mine site. Participation in the fund is mandatory, unless permittees elect to provide a full-cost bond in accordance with specific calculation methods for reclamation. KRGF replaces the Kentucky Bond Pool, which was abolished in 2013.

This is a new records retention schedule for this agency.

Current Schedule Date: April 1, 1976

Proposed Schedule Date: March 10, 2016

In response to a question by Bensenhaver, Skaggs said that, in the absence of a Records Retention Schedule, the agency had maintained all the records it had created.

Belding made a motion to approve the revised and new Schedules for the Department for Natural Resources, seconded by Schroeder. The vote by members and representatives present was unanimous.

**Personnel Cabinet – Department of Human Resources Administration –
Division of Employee Management – Classification and Compensation Branch**

Isaac was the Records Analyst working on the Schedule additions. **Additions to the Schedule:** Series 06696, Salary Schedules File; and Series 06697, Supplemental Premium Requests File.

During the First Extraordinary Session of the 1956 Kentucky General Assembly, the Division of Personnel of the Department of Finance was abolished and the Department of Personnel was created. It was headed by a Commissioner appointed by the Governor. Chief among its responsibilities then, as now, was the certification of applicants for state jobs. Approximately four years later, a uniform Merit System for the Executive Department was created. On December 13, 1995, Executive Order 95-19 elevated the Department of Personnel to cabinet status and all powers and responsibilities of the Department of Personnel were transferred to the Personnel Cabinet. Upon expiration of the order, Executive Order 96-909 was issued on July 11, 1996, to create the Personnel Cabinet and this was confirmed by 1998 SB 139. Currently, the Personnel Cabinet is organized as follows: Office of

the Secretary; Office of Administrative Services; Office of Legal Services; Office of Employee Relations; Office of Diversity and Equality; Governmental Services Center (GSC); Center of Strategic Innovation; KY Public Employees' Deferred Compensation Authority; Department of Human Resources Administration; and the Department of Employee Insurance.

Bensenhaver suggested that the recommended permanent retention of Series 06697, Supplemental Premium Requests File, might be inappropriate. Isaac said that the Cabinet had asked to retain Series 06697 permanently. Bell suggested that if Series 06696, Salary Schedules File, had permanent value, these would have permanent value as well. Cundy said that the requests documented by Series 06697 were for job classifications, not for individual employees, and documentation of the history of those job classifications may have permanent value.

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

Department of Law – Office of the Attorney General – Medicaid Fraud and Abuse Control Division

Compton was the Records Analyst working on the revised Schedule. **Revision to the Schedule:** *Staff made administrative changes to the only series on the Retention Schedule for Medicaid Fraud and Abuse Control Division without changing retention or disposition:* Series 03293, Medicaid Fraud Investigation/Litigation File

The Medicaid Fraud and Abuse Control Division is part of the Criminal Division in the Office of Attorney General. The Medicaid Fraud and Abuse Control Division investigates medicaid provider fraud. Providers include medical doctors, dentists, hospitals, nursing homes, pharmacies, durable medical equipment sellers, ambulance companies, taxis, or anyone who bills the Kentucky Medical Assistance Program for health care goods or services provided to a Medicaid recipient.

This is a revised Schedule for the Medicaid Fraud and Abuse Control Division.

Current Schedule Date: June 8, 2000

Proposed Schedule Date: March 10, 2016

Compton said that, at its December 3, 2015 meeting, the Committee had suggested that access restrictions based on attorney-client privilege and attorney work product would be appropriate for this Series. This has been done. The Committee had also suggested changing the wording of the access restrictions for this Series from "Agency has responsibility to consult agency's legal department regarding confidential

information," to "Agency has responsibility to consult agency's legal department regarding protected information," This has been done.

Compton presented the revised Schedule.

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

Kentucky Housing Corporation

Isaac was the Records Analyst working on this revised Schedule. **Additions to the Schedule:** Series 06630, Form I-9, Employment Eligibility Verification; Series 06631, Davis-Bacon Payroll Compliance File; Series 06635, Building Access Records; Series 06636, Work Order File; Series 06637, Building Plans, Drawings, and Blueprints; Series 06645, Consolidated Plan, HUD Grant Block Programs; Series 06646, Corporate Business Plan File; Series 06652, Audit Work Papers File; Series 06655, Annual Financial Report File; Series 06656, Audit Report File; Series 06657, Journals and Ledgers; Series 06659, Banking Record File; Series 06660, Finance Closing Package; Series 06661, Workplace Injury and Illness Reporting Forms; Series 06662, Accounts Receivable Records; Series 06663, Procurement Records; Series 06664, Accounts Payable Records; Series 06665, Capital Projects File; Series 06666, Agency Property File; Series 06667, Policies and Procedures ; Series 06668, Publications Created by or for Housing Corporation; Series 06669, Requests to Inspect Public Records with Response; Series 06670, Open Records Register; Series 06671, Annual or Summary Reports; Series 06672, Press Releases; Series 06673, Audio/Video Records - Kentucky Housing Corporation Activities; Series 06674, Photographic File - Kentucky Housing Corporation Activities; Series 06675, Personnel Folder - Corporation Copy; Series 06676, Personnel Record - Departmental Duplicate; Series 06677, Time and Attendance Reports; Series 06678, Official Correspondence – Director; Series 06679, Signatory Resolutions; Series 06680, Minutes of Meetings; Series 06681, Personal Information Security Breach, Notification and Investigation File; Series 06682, Data Processing Policies; Series 06683, Special Purpose Programs/Source Code; Series 06684, Operating System and Hardware Conversion Plans; Series 06685, System Backup Files; Series 06687, Site/Equipment Support Files; Series 06688, Network or Circuit Installation and Service Files; Series 06693, Official Correspondence, Corporation; Series 06694, Routine Correspondence/Messages; and Series 06695, Informational and Reference Material. **Revision to the Schedule:** *Staff also made administrative changes to the following series without changing retention or disposition.* Series 06593, Contracts and Agreements.

To promote and improve the health, welfare, and prosperity of the people of the Commonwealth of Kentucky, the Kentucky Housing Corporation (KHC) was established as a result of the passage of HB 27 during the 1972 General Assembly. KRS Chapter

198A specifies KHC's creation, purpose, and powers. Among its powers, the KHC can provide low-cost housing to low- and moderate-income families, make insured construction loans to sponsors of land development and residential housing, purchase insured mortgage loans made to sponsors and to families of low and moderate income, and lease and sublease residential housing to families of low and moderate income.

This is a new records retention schedule for this agency.

Current schedule date: March 12, 2015

Proposed schedule date: March 10, 2016

In response to a question by Bensenhaver, Isaac said that the Housing Corporation had an internal records retention schedule that had been used before this one, and had most likely been destroying records according to that schedule.

In response to a question by Rogers, Isaac said that Series 06655 through Series 06695 on this Schedule had been adapted directly from the General Schedule for State Agencies for the Housing Corporation, with no changes in retention.

In response to a question by Bensenhaver about Series 06666, Agency Property File, Isaac said that, because not all agency property has a warranty, the Housing Corporation had asked that warranties be included in the disposition of that Series.

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

Tourism, Arts and Heritage Cabinet

Isaac was the Records Analyst working on the new Schedule. **Additions to the Schedule:** Series 06649, Private Event, Alcohol Waiver File; Series 06650, Litigation File; and Series 06651, Hearing Files – Board of Claims Cases.

The statutory organization for the Cabinet is set forth in KRS Chapter 148. The focus of the Cabinet is to develop new tourism, expand existing tourism, convention and conference marketing, sports venues, encourage and provide support in market development for Kentucky artists, historic downtown redevelopment, film opportunities, equine headquarter expansion, expanding recreation opportunities, attracting international trade shows or sporting events, and expanding museums and special exhibits. The organizational structure of the Cabinet is as follows: the Office of the Secretary including the Office of Legal Affairs, the Office of Finance, the Office of Governmental Relations and Tourism Development, the Office of Human Resources, the Office of Public Affairs and Constituent Services, the Office of the Kentucky Sports Authority, the Office of Arts and Cultural Heritage, the Office of Creative Services, the

Office of Capital Plaza Operations, and the Office of Research and Administration. Other divisions as the Department of Travel and Tourism, Department of Parks, the Office of Adventure Tourism, Department of Fish and Wildlife Resources, Kentucky Historical Society, Humanities Council, State Fair Board, Heritage Council, Kentucky Center for the Performing Arts, Frankfort Convention Complex, Governor's School for the Arts, Kentucky Artisans Center in Berea, Kentucky Arts Council, Kentucky Horse Park, the Kentucky Film Office, and the Tourism Development Finance Authority.

This is a new records retention schedule for this agency.

Proposed schedule date: March 10, 2016

Isaac presented the new Schedule.

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

County Clerks – Motor Vehicle

Kirkwood was the Records Analyst working on the Schedule addition. **Addition to the Schedule:** Series L6918, Temporary Tag Log.

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.

Kirkwood presented the Schedule addition.

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

Education and Workforce Development Cabinet – Department of Education – Office of Administration Support – Division of District Support

Isaac was the Records Analyst working on these Schedule additions and deletions. **Additions to the Schedule:** Series 06644, Salary Supplement Reimbursement for National Board Certification File; Series 06689, Building Sites and Property Inspections; Series 06690, Real Property Disposal File; Series 06691, Property Easements File. **Revisions to the Schedule:** Series 02509, District Facility Plans, from “Retain one (1) copy in agency. Transfer one (1) copy to the State Archives Center at time of printing for permanent retention;” to “Retain one (1) copy in agency twelve (12) years. After twelve (12) years transfer one (1) copy to the State Archives Center for permanent retention;” Series 02581, Capital Construction Projects, Submission Documents File, from “Retain full set of specifications and plans for three (3) years. Destroy specifications books after three (3) years and transfer drawings to State Records Center for an additional seven (7) years, for a total retention of ten (10) years;” to “Retain project file with full set of specifications and plans for three (3) years after project closeout. Transfer project file to the State Records Center for an additional seven (7) years. Total retention is ten (10) years, then destroy. Note: KDE must notify appropriate school district prior to any destruction of drawings;” Series 05319, Growth Factor Report, Summary File, from “Retain for three (3) years, then transfer to the State Archives Center for permanent retention;” to “Retain one (1) copy of the annual Growth Factor Summary in agency permanently. Retain Growth Factor Reports submitted by school districts for three (3) years in agency, then destroy;” Series 05321, Superintendent’s Annual Attendance Report and Summary File, from “Retain for three (3) years, then transfer to the State Archives Center for permanent retention;” to “Retain one (1) copy of the annual Superintendent’s Annual Attendance Report Summary in agency permanently. Retain SAAR’s submitted by school districts for three (3) years in agency, then destroy.”

The structure of the Department of Education was significantly changed in 1990 with enactment of HB 814 and HB 940. The Workforce Development Cabinet was created in HB 814, which required the Department to transfer to the new cabinet the State Board of Adult Vocational Education and Vocational Rehabilitation; Office of Vocational Rehabilitation; and Adult Basic Education programs. HB 940, the Kentucky Education Reform Act of 1990 (KERA), was enacted in response to a 1989 Kentucky Supreme Court decision that held Kentucky’s system of common schools to be unconstitutional. KERA provided that positions in the Department of Education were to be abolished, that all employees were to be terminated at the close of business June 30, 1991, and directed the new commissioner of Education to reorganize the Department with new positions, as of July 1, 1991. On June 28, 1991, the Commissioner issued Executive Order 91-DOE-01, which reorganized the Department of Education. The Kentucky Board of Education hires the Commissioner of the Department of Education, who serves as the chief state school officer. The Department was reorganized again December 16, 1998,

pursuant to Executive Order 98-1671 and again July 19, 2010 with an Executive Order from the Governor to come later. The current organizational structure is as follows: Office of the Commissioner; Office of Guiding Support Services and General Counsel; Office of Administration and Support; Office of Knowledge, Information and Data Services; Office of Next-Generation Schools and Districts; Office of Assessment and Accountability; and Office of Next-Generation Learners.

Isaac presented the Schedule additions and revisions.

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

Education and Workforce Development Cabinet – Office of Communication

Isaac was the Records Analyst working on the Schedule addition. **Addition to the Schedule:** Series 06654, Education-At-Work Scholarship Application File.

The Education and the Arts Cabinet, established by an executive order in 1973, was reorganized and renamed the Education and Humanities Cabinet in 1982; was renamed the Education, Arts, and Humanities Cabinet in 1994; was renamed the Education Cabinet; during the Fletcher Administration and was renamed once again in 2008, the Education and Workforce Development Cabinet. The business of the Education and Workforce Development Cabinet is to educate, prepare, and train Kentucky's current and future workforce. As a bridge between the world of education and the world of work, the cabinet coordinates P-20 learning programs and manages and supports training and employment opportunities. The cabinet's work is wide-ranging, focusing on lifelong learning. From early childhood education to job training programs for adult workers, the goal is to prepare Kentuckians for success at the next level - school ready, college and career ready, and work ready.

Isaac presented the Schedule addition.

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

Kenton County Airport Board – Cincinnati/Northern Kentucky International Airport

Kirkwood was the Records Analyst working on the Schedule deletion. **Deletion from the Schedule:** Series L6550, Journals

Cincinnati/Northern Kentucky International Airport, sometimes called the Greater Cincinnati Airport is located in Boone County, Kentucky, United States and serves the

Greater Cincinnati metropolitan area. It was established in 1942 as a training facility for the military. It became a commercial airport in 1947 and has grown since then. Despite being located in Boone County, the airport operations are governed by the neighboring Kenton County Airport Board. Because it is governed by this board it is considered a local government agency. The airport's revenue does not come from taxes but from fees collected by those using the airport. The airport's code, CVG, comes from the nearest major city at the time of its opening, Covington, Kentucky. Cincinnati/Northern Kentucky International Airport covers an area of 8,000 acres.

Kirkwood said that these records would be covered on by Series L4992, Journals, on the Local Government General Records Retention Schedule.

Byerman made a motion to approve the revised Schedule deletion, seconded by Schroeder. The vote by members and representatives present was unanimous.

Local Government General Records Retention Schedule – Administrative/ Public Safety – Emergency Medical Services/Financial – Debt Service

Kirkwood was the Records Analyst working on the Schedule additions and revision. **Additions to the Schedule:** Administrative: Series L6916, Monthly Alcoholic Beverage Control (ABC) Regulatory Report. Public Safety: Series L6917, Controlled Substance Log. **Revision to the schedule:** Financial: Series L5008, Bond Record File, from permanent to "Destroy IRS supporting, compliance and reporting records three (3) years after maturity of bond series. Retain all other relevant records permanently.

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 are not limited to, all 120 counties and their many offices, 425 incorporated cities, 173 school districts, 15 Area Development Districts and at least 2000 Special Purpose Government Entities.

Kirkwood presented the Schedule additions and revision.

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

Justice and Public Safety Cabinet – Department of Public Advocacy

Compton was the Records Analyst working on the Schedule deletion. **Deletion from the Schedule:** Series 03057, Attorney's Death Penalty Appeal Litigation File.

The Department of Public Advocacy provides for the establishment, maintenance and operation of a state-sponsored and controlled system for the representation of indigent persons accused of crimes or suffering psychological conditions that may result in their incarceration or confinement. The system consists of full-time state-employed public defenders, full-time non-state public defenders, and part-time private attorneys who are under contract with the Department. Created by KRS 31.010, the Department also pursues legal, administrative and other appropriate remedies to ensure the protection of the rights of the developmentally disabled. The Office of Public Defender was created in 1972 and in 1978 the name changed to Office of Public Advocacy. In 1984, the Office became the Department of Public Advocacy and attached to the Public Protection Cabinet. In 2004, the Office of Public Advocacy was attached to the Justice and Public Safety Cabinet.

Compton presented the Schedule deletion.

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

Public School Districts – Administration

Kirkwood was the Records Analyst working on the Schedule addition. **Addition to the Schedule:** Series L6919, Title I School/Parent Compact.

The first attempt to assemble a public school district-wide records retention schedule was made in 1988. The Archives and Records Commission approved the schedule that year. In 1999 a complete revision of the schedule was approved by the Commission. This schedule included K through 12 and the school district central office in one schedule. In June 2015 the Commission approved a complete revision of the entire schedule. The 174 school districts in the Commonwealth produce an overwhelming amount of paper and electronic records. We continue to work with school districts providing records management training and direct service.

Kirkwood presented the Schedule addition.

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

General Schedule for State Agencies – Personnel and Payroll Records

Cundy was the Records Analyst working on the Schedule addition and revision. **Addition to the Schedule:** Series P0056, Annual Leave Sharing File. **Revision to the Schedule:** *Staff made administrative changes to one (1) series without changing retention or disposition:* Series P0014, Sick Leave Sharing File

A General Schedule is a class of records retention schedule that governs the retention and disposition of specified records common to several or all public agencies. The General Schedule for State Agencies covers records for State Agencies.

Cundy presented the Schedule addition and revision.

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

Transportation Cabinet – Department of Highways – Division of Planning

Isaac was the Records Analyst working on the Schedule revision. **Addition to the Schedule:** Series 06638, Sub-recipient Contract Files.

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 for 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 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.

Isaac presented the Schedule addition.

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

State University Model

Cundy was the Records Analyst working on this Schedule addition and revision. **Addition to the Schedule:** Series U1314, Dispatch Call/Radio Run Recordings. **Revision to the Schedule:** Series U0104, Minutes, from "Transfer one (1) copy to the University Archives. Retain one (1) copy in the creating unit. Retain excess copies until no longer useful, then destroy;" to "Transfer one (1) copy to the University Archives for

permanent retention. Retain one (1) copy permanently in the creating unit. excess copies until longer useful, then destroy."

Belding asked whether the description of minutes included in the Function and Use of Series U0104, Minutes, could be improved. Specifically, he questioned the phrase "policy-making bodies." Cundy said that there are Records Series on both the State University Model (Series U0130, Minutes - University Faculty/Staff Meetings [Non-Policy-Setting Bodies]) and the General Schedule for State Agencies (Series M0009, Minutes - Agency Staff Meetings) that cover minutes created by non-policy-making bodies. Both are retained for three years. Bensenhaver said that there is a statutory requirement that all agencies create minutes, and that, while there is no statutory retention requirement these are important records. Rogers said that he would favor a permanent retention for any minutes created by a public agency covered by the Open Meetings Act. Bensenhaver said that there is an unpublished Attorney General's case differentiating agency staff meetings from general agency meetings. Owen did not feel that staff meeting minutes needed to be kept permanently and that any open records issues would likely arise within the three year retention period.

Cundy said that the change to Series U0104, Minutes, was to clarify the disposition by including "permanent." The Advisory Committee also recommended changes to the description of the Series; the proposed Series reflects those changes.

Cundy said that the retention period for Series U1314, Dispatch Call/Radio Run Recordings, is the same as that of Series L4697, Radio Run Recordings, on the Local Government General Records Retention Schedule.

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

The next item was **other business**. Manuel recognized Kirkwood, who discussed local records grants. Grants totaling \$433,000.00 were given to twenty-two recipients. Projects included scanning records; converting records from digital format to microfilm; microfilming hard copy records; and preserving paper records by deacidifying them and placing them in mylar sleeves.

Manuel recognized Shields who said that the department tracked records-management- and library-related to bills filed in the General Assembly. This session, KDLA staff had tracked approximately 276 bills related to such matters as expungement of criminal records, filing of marriage licenses, and Books for Brains.

Byerman said that March 13-19, 2016 is Sunshine Week. He will be using his Twitter feed to promote steps LRC takes to promote accessibility to the legislative process.

State Archives and Records Commission
Quarterly Meeting
March 10, 2016

The next item was the **2016 meeting schedule**. Cundy said that the Commission would meet on June 9, 2016; September 8, 2016; and December 8, 2016.

There being no further business, Manuel adjourned the meeting at 11:30.