

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRSThe meeting was called to order by Representative Robert H. Miller at _____
Chairperson1:30 a.m./p.m. on January 31, 1984 in room 526S of the Capitol.

All members were present except:

Representative Peterson - E

Committee staff present:

Russ Mills, Research Department
Mary Torrence, Revisor of Statute's Office

Conferees appearing before the committee:

Kim Dewey, Sedgwick County Delegation
Terry Harman, State Historical SocietyRepresentative Ott made a motion, seconded by Representative Matlack, to approve the minutes of the January 30 meeting. The motion carried.HB2391 - relating to the preservation and disposition of
public recordsKim Dewey, Sedgwick County, Kansas, explained to the committee that the Sedgwick County Delegation had requested the bill last year. They have had continuing problems with requirements for the retention of county government records. See attachment A.Terry Harman, State Historical Society, gave testimony in support of the bill and the basic objectives being sought through it, but believes that in its present form the proposal would create serious problems for the state archivist and his staff. See attachments B & C.

Mr. Harman stated he and his staff had worked two years surveying records in Jefferson, Saline, Ford, Sherman and Crawford Counties, but did not ask if they had any recommendations for change.

There was discussion on how we can implement something that has not been agreed upon. Mr. Dewey said that under Item 15 of the County Platform, the Association has taken the stand there is a need for a change to add more flexibility. When asked if he had communicated with the counties about these amendments or this bill, Mr. Dewey said he had discussed them with the governing body.

Hearings on HB2391 were concluded.

SB401 - Revising bingo statutes for greater regulation and
clarifying enforcement

Robert Coldsnow gave the committee a brief history of the bingo laws in Kansas. A study committee had been formed to investigate improprieties. They found several problems occurring - extremely high rents, determination of ownership, two addresses on one premise.

There was discussion about whether bingo can be regulated in Kansas. Chairman Miller appointed a subcommittee with Representative Roe as chairman and Representatives Runnels and Ramirez members to look into the bingo bill.

SB89 - Notarial Acts

Representative Fuller made a motion, seconded by Representative Vancrum, to adopt the amendments proposed by Representative Rolfs raising the bond from \$2500-\$7500. The motion carried.

CONTINUATION SHEET

Minutes of the F&SA Committee on January 31, 1984

Representative Aylward made a motion, seconded by Representative Vancrum, to report SB89 favorably as amended. The motion carried.

HB2598 - Sale of smokeless tobacco to minors

Representative Fuller expressed her opinion that enforcement of this bill would be next to impossible.

There was discussion about the penalty section.

Representative Vancrum made a motion, seconded by Representative Roe, to amend line 27-30 of the bill to remain the same as current law. The motion carried.

Representative Vancrum made a motion, seconded by Representative Fuller, to report HB2598 favorably as amended. The motion carried.

The meeting was adjourned.



SEDGWICK COUNTY, KANSAS

DEPARTMENT OF ADMINISTRATION

FOREST TIM WITSMAN
COUNTY ADMINISTRATOR

COUNTY COURTHOUSE, • 525 N. MAIN, • WICHITA, KANSAS 67203-3703 • TELEPHONE 268-7575

TESTIMONY OF KIM C. DEWEY SEDGWICK COUNTY, KANSAS

HOUSE FEDERAL & STATE AFFAIRS COMMITTEE
HOUSE BILL, 2391
JANUARY 31, 1984

The Board of Sedgwick County Commissioners requested members of the Sedgwick County Delegation to introduce House Bill 2391 last year. We have had continuing problems with the requirements for the retention of county government records. In effect, all county government records must be kept for twenty years. After twenty years, the Board of County Commissioners must first offer the records to the State Historical Society for review. If they have no interest, the BOCC must petition the District Court for permission to dispose of the records.

These requirements have resulted in large volumes of insignificant records being stored way beyond the limits of their relevance. Although there are many examples we can point to, one stands out as particularly significant.

The Sedgwick County Department of Community Mental Health serves over 8,000 patients per year. The resulting patient records are of clinical value for 5-7 years, but are of no value beyond that. Keeping them for twenty years is certainly beyond the limits of their relevance. The problem gets worse when we attempt to dispose of them. Since they are confidential records, they cannot be offered to the Historical Society for review. So, in effect, the county is obligated under current statutes to maintain these records for eternity. At the rate of 8,000 per year, we are beginning to take up a lot of space in the Hutchinson Salt Mine storage vaults. Storing records in this manner does cost money, and we incur \$15-20,000 per year in storage costs for all the county government records.

The basic problem with the current statutes is that there is no provision for exceptions. County government records must be kept for twenty years, no "ifs," "ands" or "buts". Our intent in requesting House Bill 2391 was to provide a means whereby the State Records Board would develop appropriate schedules for retention of County government records in much the same manner they do for State agencies.

Atch. A

Subsequent to the introduction of the bill, we learned that the State Historical Society was in the process of a survey of county government records which was to result in the development of appropriate schedules for the retention of these records.

After reviewing House Bill 2391, they concluded that the bill as drafted did not accomplish what we had intended it to do, although they were in agreement with the type of arrangement we had envisioned. Representatives of the Historical Society are present to explain their activities and the amendments they are suggesting to House Bill 2391.

The Board of Sedgwick County Commissioners encourage amendment of House Bill 2391 and its passage.

Presented to the House Committee on Federal and State Affairs
by Terry Harmon, Assistant State Archivist
Kansas State Historical Society
January 31, 1984

House Bill No. 2391 proposes the repeal or amendment of various statutes related to the disposition of county government records. It reportedly was introduced because officials in Sedgwick county want to dispose of some records more easily and more promptly than is allowed by current Kansas laws.

The State Historical Society supports the basic objectives being sought through this bill, but we believe that in its present form the proposal would create serious problems for the state archivist and his staff. We want to suggest some amendments which would achieve the same ends in a far more efficient manner.

K.S.A. 19-254 requires that most county records be retained a minimum of twenty years; they then must be offered to the State Historical Society and the approval of the district court must be obtained before they may be destroyed. Repeal of this statute, as proposed in H.B. 2391, would be a good idea because many records do not merit retention for two decades, and involvement of the district courts in records disposal is unnecessary and cumbersome.

Destruction of certain specified types of county records, after minimum retention periods varying from seven to fifteen years, is authorized by K.S.A. 19-325 through 19-327. Repeal of these laws through H.B. 2391 also would be appropriate because incorporating retention and disposition schedules in the statutes is not a sound records management practice.

Important steps were taken toward providing the statutory basis for efficient records disposal when the Government Records Preservation Act (K.S.A. 45-401 through 45-413) was adopted in 1981. Among other things, this law provides for the preparation of comprehensive retention and disposition schedules. These will be lists of the various types of records found in each governmental office with minimum retention periods specified for each record series.

In accordance with records management practices in most other states, the Government Records Preservation Act sets forth a different system for creation of schedules for state agencies than it provides for county offices. Although there often are some similarities, each state agency has unique functions and creates unique records. Special schedules must be prepared for each state agency, and K.S.A. 45-404 requires that the State Records Board review and approve each schedule in order to prevent the destruction of records with enduring value.

On the other hand, all county clerks or all county sheriffs in Kansas tend to create quite similar records. It therefore is most efficient to prepare one

Atch. B

set of general retention and disposition schedules applicable to all counties in the state. K.S.A. 45-406 directs the state archivist to prepare and distribute such general schedules for county offices and other local government agencies.

For more than two years the state archivist's staff has been involved in a project funded by a grant from the National Historical Publications and Records Commission to carry out a comprehensive survey of all local government records in five Kansas counties, to utilize the information thus gathered in preparing general retention and disposition schedules, to publish and distribute records manuals containing these schedules, and to perform various other tasks. This has been a more difficult and time-consuming undertaking than anticipated, but the schedules for county offices will be completed within the next six months.

In its present form H.B. 2391 would make changes in the Government Records Preservation Act which would result in handling disposition of county records the same as that of state records. In other words, instead of having general retention and disposition schedules available in a published records manual, each county would prepare its own schedules, with the assistance of the state archivist, and each county's schedules would be approved by the State Records Board. Statutory authorization for a county records manual containing the general schedules currently being prepared would be eliminated.

If this proposed policy change from general schedules to unique schedules in each county were made, the disposition of county records would be a far less efficient process than the procedure envisioned in the Government Records Preservation Act, and Kansas would be out of step with archival trends in other states. The state archivist, moreover, would need an increase in the size of his staff in order to provide a significant amount of assistance to local officials in the preparation of unique schedules for each of 105 counties. Much unnecessary paperwork and considerable inconsistency in record retention practices from one county to another might also result from such a change in policy.

The State Historical Society proposes adoption of the amendments on the "balloon version" of H.B. 2391 which has been distributed to members of the committee--or perhaps preparation of a substitute bill containing these provisions. We suggest proceeding with the repeal of K.S.A. 19-254 through 19-256 and K.S.A. 19-325 through 19-327 and then adoption of amendments to K.S.A. 45-404 which would authorize any board of county commissioners to do the following:

- (1) Dispose of county government records after the minimum retention periods set forth in the general schedules currently being prepared by the State Historical Society;

- (2) Petition the State Records Board for amendments to the general schedules for counties;
- (3) Petition the State Records Board for authority to depart from specific provisions of the schedules;
- (4) Petition the State Records Board for approval of unique schedules applicable to only a single county.

These amendments would retain statutory authorization for preparation and use of general retention and disposition schedules, while allowing the kind of flexibility which is wanted by Sedgwick county officials.

An additional amendment suggested by the State Historical Society would require that county records scheduled for permanent retention be offered to the State Historical Society before such records could be destroyed by county officials. This would merely be a matter of retaining in the statutes an important provision of K.S.A. 19-254 which helps protect records with enduring value from destruction.

It is the policy of the State Historical Society to promote the preservation of such records by local officials, county historical societies, public libraries, college and university libraries, or other suitable organizations or institutions in the counties or regions where the records were created. Local government records with archival value are brought to Topeka only as a last resort to prevent their destruction when there is no suitable local repository and county officials have decided to discard them. Retaining the requirement that records scheduled for permanent retention be offered to the State Historical Society would enable the state archivist and his staff to continue playing a significant role in the preservation of county government records which they have had since K.S.A. 19-254 was adopted in 1961.

One other change in H.B. 2391 which merits the committee's consideration is elimination of the proposed repeal of K.S.A. 19-250, which is the basic statutory authorization for microfilming by county governments. Repeal of this statute would seem to raise serious questions about the continued legality of such microfilming. It should be noted, moreover, that if K.S.A. 19-250 were repealed and K.S.A. 19-251 and 19-252 remained in effect, the meaning of the latter two statutes would be very unclear.

At the very least the State Historical Society hopes that this committee will eliminate the provision of H.B. 2391 which would amend subsection (d) of K.S.A. 45-406. The State Historical Society made a firm commitment to prepare a records manual containing general schedules for counties upon receiving the \$64,000 federal grant which is funding our local government records survey project. The proposed amendment to subsection (d) of K.S.A. 45-406 would repeal the statutory authorization for this county records manual and thus would severely limit the value of more than two years of very hard work by the state archives staff.

Amendments Proposed by the Kansas State Historical Society

Session of 1963

HOUSE BILL No. 2391

By Representatives Matlack, Baker, Cribbs, Foster, Francisco, Helgerson, Jarchow, Luzzati, K. Ott, Spaniol, Darrel Webb and Whitaker

2-9

0019 AN ACT relating to the preservation and disposition of public
0020 records; concerning certain county records; amending K.S.A.
0021 45-402, 45-404, 45-405, 45-406, ~~45-407~~, ~~45-408~~ and ~~45-412~~ and
0022 repealing the existing sections and also repealing K.S.A. ~~19-250~~
0023 ~~250~~, 19-254, 19-255, 19-256, 19-325, 19-326 and 19-327.

0024 *Be it enacted by the Legislature of the State of Kansas:*

0025 Section 1. K.S.A. 45-402 is hereby amended to read as fol-
0026 lows: 45-402. As used in this act:

0027 (a) "State agency" means any department, board, commis-
0028 sion, or authority of the executive branch of state government.

0029 (b) "Local agency" means any department, board, commis-
0030 sion, officer or authority of a ~~county~~; city, township, school
0031 district or other tax-supported governmental subdivision of the
0032 state.

0033 (c) "Board" means the state records board established pursu-
0034 ant to K.S.A. 75-3502.

0035 (d) "Government records" means all volumes, documents,
0036 reports, maps, drawings, charts, indexes, plans, memoranda,
0037 sound recordings, microfilms, photographic records and other
0038 data, information or documentary material, regardless of physical
0039 form or characteristics, storage media or condition of use, made or
0040 received by an agency in pursuance of law or in connection with
0041 the transaction of official business or bearing upon the official
0042 activities and functions of any governmental agency. Published
0043 material acquired and preserved solely for reference purposes,
14 extra copies of documents preserved only for convenience of
0045 reference and stocks of publications, blank forms and duplicated
0046 documents are not included within the definition of government

} Eliminate amendment of K.S.A. 45-407,
45-408, and 45-412 and eliminate
repeal of 19-250; add repeal of 19-257 and
19-258.

} Restore "county"

Atch. c

0047 records.

0048 (e) "Noncurrent government records" means all government
0049 records which no longer are necessary for the handling of ordi-
0050 nary official public business by the agency and which are not
0051 required by law to be retained in the immediate custody of the
0052 agency for a longer period of time.

0053 (f) "Government records with enduring value" means all
0054 government records which merit preservation for historical, legal,
0055 fiscal or administrative reasons, or for research purposes.

0056 (g) "Retention and disposition schedules" means lists of
0057 series of government records, prepared pursuant to K.S.A. 45-404
0058 and subsections (c) and (d) of K.S.A. ~~45-405~~, specifying which
0059 series of records have enduring value, authorizing disposition of
0060 certain other series of records, and indicating how long certain
0061 series of records should be retained before disposition of them.

0062 Sec. 2. K.S.A. 45-404 is hereby amended to read as follows:
0063 45-404. The state records board shall:

0064 (a) Approve or modify retention and disposition schedules
0065 and records manuals prepared pursuant to subsections (c) and (d)
0066 of K.S.A. 45-406, *and amendments thereto*. Once approved by the
0067 board the retention and disposition schedules for state agencies
0068 ~~and counties~~ shall be filed with the revisor of statutes. Without
0069 further action by the board, noncurrent records of state agencies
0070 ~~and counties~~ scheduled for disposition may be disposed of as
0071 provided in the schedules and noncurrent records scheduled for
0072 retention may be transferred to the state archives, subject to
0073 approval by the state archivist and in accordance with procedures
0074 to be established by the state archivist.

0075 (b) Pass upon any proposed revisions in the retention and
0076 disposition schedules and upon requests for authority to dispose
0077 of records of state agencies *or counties* not listed in the schedules.
0078 No records of state agencies *or counties* shall be disposed of
0079 before the retention periods designated in the schedules have
0080 elapsed without the approval of the board. No state agency *or*
0081 *county* shall be required to destroy records which it chooses to
0082 retain, even though the retention and disposition schedules au-
0083 thorize their destruction. The retention and disposition schedules

} should be 45-406 (error in K.S.A.)

} Eliminate "and counties"

all except counties

0084 for local agencies shall be recommendations and shall not alter or
0085 replace current statutes authorizing or restricting the disposition
0086 of government records by local agencies.

0087 (e) ~~Let~~ Pass upon recommendations by the state archivist for
0088 transfer to the state archives of any noncurrent government rec-
0089 ords with enduring value which are held by a state agency ~~or~~
0090 ~~county~~ opposing such a transfer. When the state archivist makes
0091 such a recommendation, the state agency ~~or county~~ opposing the
0092 transfer shall defend before the board its reasons for wanting to
0093 retain the records in its custody, and the board shall determine
0094 whether the transfer shall occur.

0095 (f) ~~Let~~ Approve or modify recommended microphotographic
0096 standards prepared by the state archivist and pass upon requests
0097 for authority to dispose of original government records of state
0098 agencies ~~and counties~~ following reproduction on film, as pro-
0099 vided in K.S.A. 45-412.

0100 Sec. 3. K.S.A. 45-405 is hereby amended to read as follows:
0101 45-405. (a) The state historical society shall serve as the official
0102 state archives and shall assist state and local governmental agen-
0103 cies in the preservation of government records with enduring
0104 value.

0105 (b) Any state ~~or local governmental~~ agency may transfer to the
0106 state archives any noncurrent government records accepted by
0107 the state archivist and all state agencies ~~and counties~~ shall
0108 transfer to the state archives any noncurrent government records
0109 when directed to do so by the state records board. With the
0110 approval of the state archivist, noncurrent legislative and judicial
0111 records also may be deposited in the state archives for preserva-
0112 tion.

0113 (c) The secretary of state shall not be prevented by subsection
0114 (a) of K.S.A. 74-7249 ~~or~~ by K.S.A. 75-402 or 75-408 from deposit-
0115 ing in the state archives any noncurrent government records
0116 accepted by the state archivist.

0117 (d) The provisions of this act shall not prohibit discarding or
0118 otherwise disposing of extraneous, worthless or duplicate mate-
0119 rial found in government records when processed by the state
0120 archives staff. Any records placed in the state archives may be

Note additions

Add: (c) Any board of county commissioners may order disposition of any noncurrent county government records after minimum retention periods set forth in the schedules prepared pursuant to subsection (d) of K.S.A. 45-406. Any board of county commissioners may petition the state records board for amendments to the schedules, for authority to depart from specific provisions of the schedules, or for authority to implement schedules applicable to only a single county.

(d) Any county government records for which permanent retention is set forth in the schedules shall be offered to the state historical society before such records may be destroyed.

Omit "or county"
twice.

Omit "and
counties" and
"state and local"

Omit "and counties"

0121 disposed of in any manner approved by the board and the state
 0122 archivist upon a determination that such records no longer have
 0123 enduring value.

0124 Sec. 4. K.S.A. 45-406 is hereby amended to read as follows:
 0125 45-406. Under the supervision of the secretary of the state histor-
 0126 ical society, the state archivist shall:

0127 (a) Seek, negotiate for, acquire and receive noncurrent gov-
 0128 ernment records with enduring value from agencies and branches
 0129 of state government, ~~counties~~ and from local agencies.

0130 (b) Properly arrange, store, preserve and make accessible to
 0131 the public the records in the state archives, in accordance with
 0132 appropriate archival procedures and in accordance with the pro-
 0133 visions of K.S.A. 45-407. Provide advice and assistance to state,
 0134 ~~county~~ and local agencies and to branches of state government
 0135 with regard to proper arrangement, storage, preservation and
 0136 accessibility of the government records with enduring value
 0137 remaining in their custody.

0138 (c) Advise and assist state agencies ~~and counties~~ in the prepa-
 0139 ration of retention and disposition schedules for government
 0140 records.

0141 (d) Prepare, publish and distribute to the appropriate public
 0142 officers and to other interested persons records manuals contain-
 0143 ing retention and disposition schedules for government records
 0144 of local agencies. ~~other than counties~~. Recommendations for
 0145 proper arrangement, storage and preservation of records with
 0146 enduring value and an analysis of state and federal legislation
 0147 relevant to government records in Kansas also shall be included
 0148 in these records manuals. Appropriate public officers of the state
 0149 and its governmental subdivisions shall be consulted during the
 0150 preparation of the records manuals.

0151 (e) Review the contents of the records manuals annually and
 0152 distribute any revisions which are made to the appropriate public
 0153 officers. The contents of the records manuals and subsequent
 0154 revisions shall be approved by the state records board.

0155 (f) Assist in preparing and making available to the public
 0156 comprehensive inventories containing general information about
 0157 the nature, scope, contents and location of government records of

} Omit "counties" if amendment to subsection
 (b) of K.S.A. 45-402 eliminated.

} Omit "county" if amendment to subsection
 (b) of K.S.A. 45-402 eliminated.

} Omit "and counties" if amendments to subsection
 (b) of K.S.A. 45-402 and subsection (d) of
 K.S.A. 45-406 are eliminated.

} Omit "other than counties"

0158 the agencies and branches of state government, ~~counties~~ and of
0159 local agencies in Kansas.

} Omit "counties" if amendment to subsection
(b) of K.S.A. 45-402 eliminated.

0160 (g) Prepare or permit the preparation of copies of government
0161 records deposited in the state archives, as required by current
0162 statutes, unless public access to the records is restricted as pro-
0163 vided in K.S.A. ~~45-406 45-407, and amendments thereto~~. When
0164 certified by the state archivist such copies shall have all the force
0165 and effect as if made by the officer originally in custody of them.
0166 Reasonable fees may be charged for preparation of such copies.
0167 The state archivist shall not allow copies to be made by methods
0168 which might damage the original records.

} Omit "and amendments thereto"

0169 (h) Exercise such other duties and functions as the secretary
0170 of the state historical society may direct or as may be provided by
0171 law.

0172 Sec. 5. K.S.A. 45-407 is hereby amended to read as follows:
0173 45-407. (a) All government records deposited subsequent to
0174 adoption of this act in the state archives shall remain subject to
0175 any current state or federal statutes, or administrative regulations
0176 authorized by statute, which require public access or restrict
0177 public access to the records while retained by the state, ~~county~~ or
0178 local agency or the branch of state government making the de-
0179 posit. The state, ~~county~~ or local agency or the branch of state
0180 government making the deposit may require continued applica-
0181 tion to government records deposited in the state archives of any
0182 discretionary restrictions on public access which are authorized
0183 by statute or by administrative regulations authorized by statute,
0184 if such requirements are specified at the time of the deposit. No
0185 fees shall be charged for the examination of government records
0186 held by the state archives.

— Omit "county" if amendment to subsection
(b) of K.S.A. 45-402 eliminated.

0187 (b) Any discretionary restrictions placed on public access to
0188 government records deposited in the state archives shall be en-
0189 forced for periods designated at the time of the deposit which
0190 shall not exceed, and preferably will be much less than, 70 years
0191 after creation of the records.

0192 (c) The state archivist, or representatives of the state archivist
0193 may examine records deposited in the state archives to which
0194 public access is restricted by statute or by administrative regula-

0195 tions authorized by statute, to the extent necessary to properly
0196 arrange, store and preserve them and provide proper public
0197 access.

0198 (d) Statutes or administrative regulations authorized by stat-
0199 ute restricting public access to certain types of records shall not
0200 prohibit the state archivist or authorized representatives of the
0201 state archivist from examining any government records held by a
0202 state, ~~county~~ or local agency in order to prepare comprehensive
0203 inventories containing general information about the nature,
0204 scope, contents and location of each record series, or in order to
0205 assist in properly arranging, storing and preserving government
0206 records with enduring value. No confidential information found
0207 in such restricted government records shall be revealed to any
0208 person by the state archivist or by representatives of the state
0209 archivist. Violation of this subsection shall be punishable as a
0210 class B misdemeanor.

0211 Sec. 6. K.S.A. 45-408 is hereby amended to read as follows:
0212 45-408. Each agency of state government ~~and county~~ shall:

0213 (a) Obtain authority from the state records board before dis-
0214 posing of any government record, unless the disposition is au-
0215 thorized by statute or in the retention and disposition schedules,
0216 or unless the record is being deposited in the state archives;
0217 obtain authority from the board before disposing of any govern-
0218 ment record prior to termination of the minimum retention period
0219 listed in the retention and disposition schedules.

0220 (b) Provide storage conditions for all government records
0221 with enduring value which are not seriously adverse to their
0222 preservation and which will not prevent providing proper public
0223 access to the records; adopt reasonable security measures to
0224 protect government records from theft or damage.

0225 (c) Cooperate with efforts by the state archivist or representa-
0226 tives of the state archivist to inspect records and the conditions in
0227 which they are stored, to prepare comprehensive inventories of
0228 government records, to microfilm noncurrent records with en-
0229 doring value and to improve the arrangement, storage and physi-
0230 cal condition of noncurrent government records with enduring
0231 value in accordance with appropriate archival techniques. State

} Omit "county" if amendment to subsection
(b) of K.S.A. 45-402 eliminated.

} Omit "and county" if amendment to subsection
(b) of K.S.A. 45-402 eliminated.

0232 agencies ~~and counties~~ shall not be required to provide funds or
 0233 staff time for these purposes, but they shall give careful consid-
 0234 eration to requests and recommendations made by the state arch-
 0235ivist.

0236 (d) Comply with rules and regulations, standards and pro-
 0237 cedures adopted by the state records board and the state archivist
 0238 pursuant to the provisions of this act.

0239 Sec. 7. K.S.A. 45-412 is hereby amended to read as follows:
 0240 45-412. (a) The state archivist shall prepare recommendations, to
 0241 be approved by the state records board, based on the current
 0242 standards of the federal government and the American national
 0243 standards institute, for the quality of film, proper arrangement of
 0244 materials, suitable filming techniques and equipment, quality of
 0245 photographic images, film processing results, and film storage
 0246 conditions which should be achieved or utilized by state, ~~county~~
 0247 and local agencies in making microphotographic copies of gov-
 0248 ernment records with enduring value pursuant to K.S.A. 12-122,
 0249 19-250 or 75-3506. Whenever microphotographic copies of rec-
 0250 ords with enduring value fail to meet the standards recommended
 0251 by the state archivist and approved by the state records board, the
 0252 state archivist shall urge state, ~~county~~ and local agencies to retain
 0253 the original records.

0254 (b) Whenever photographs, microphotographs or other repro-
 0255 ductions on film have been prepared pursuant to K.S.A. 75-3506
 0256 and have been placed in conveniently accessible files and provi-
 0257 sions made for preserving, examining and using the same, and
 0258 when a negative copy of the film has been deposited in a secure
 0259 place where it will not be subject to use except in making
 0260 additional positive copies, any state agency, with the approval of
 0261 the state records board or as authorized by the retention and
 0262 disposition schedules, may cause the original records from which
 0263 the photographs, microphotographs or other reproductions on
 0264 film have been made, or any part thereof, to be destroyed. Such
 0265 records shall not be destroyed and shall be retained by the agency
 0266 or transferred to the state archives or temporarily to another
 0267 suitable place designated by the board, if the board judges such
 0268 materials to have enduring value in their original form.

} Omit "and counties" if amendment to subsection
 (b) of K.S.A. 45-402 is eliminated.

Omit "county" if amendment to subsection
 (b) of K.S.A. 45-402 is eliminated.

0269 (c) Whenever photographs, microphotographs or other repro-
 0270 ductions on film have been prepared as provided in K.S.A. 12-122
 0271 ~~or 19-250~~ and have been placed in conveniently accessible files
 0272 and provisions made for preserving, examining and using the
 0273 same, and when a negative copy of the film has been deposited in
 0274 a secure place where it will not be subject to use except in making
 0275 additional positive copies, a ~~county or~~ local agency, may retain the
 0276 original records in its custody at any suitable location, may
 0277 deposit them in collections established pursuant to K.S.A. 12-
 0278 1658 and 12-1660 or K.S.A. 19-2648 and 19-2649, or may dispose
 0279 of the original records as provided in the retention and disposi-
 0280 tion schedules. If there are no relevant provisions in the retention
 0281 and disposition schedules, the original records shall be offered to
 0282 the state historical society prior to other disposition of them.

0283 (d) The state historical society may prepare and deposit in the
 0284 state archives a microfilm or other copy of any noncurrent gov-
 0285 ernment record which is retained by a state, ~~county~~ or local
 0286 agency, unless public access to the record is restricted by statute
 0287 or by administrative regulation authorized by statute.

0288 Sec. 8. K.S.A. ~~19-250~~, 19-254, 19-255, 19-256, ¹⁹⁻²⁵⁷ 19-325, 19-326,
 0289 19-327, 45-402, 45-404, 45-405, 45-406, ~~45-407, 45-408~~ and ~~45-~~
 0290 ~~412~~ are hereby repealed.

0291 Sec. 9. This act shall take effect and be in force from and after
 0292 its publication in the statute book.

} Restore "or 19-250"

} Omit "county or" if amendment to subsection (b) of K.S.A. 45-402 is eliminated.

} Omit "county" if amendment to subsection (b) of K.S.A. 45-402 is eliminated.

} Eliminate repeal of K.S.A. 19-250, 45-407, 45-408, and 45-412 and strike sections 45-407, 45-408, and 45-412 from this bill; add repeal of 19-257 and 19-258.