

Approved 3-13-91
Date

MINUTES OF THE Senate COMMITTEE ON Federal and State Affairs

The meeting was called to order by Sen. Edward F. Reilly, Jr. at
Chairperson

11:00 a.m./~~pm~~ on March 11, 1991 in room 254-E of the Capitol.

All members were present ~~except~~:

Committee staff present:

Mary Galligan, Legislative Research Department
Lynne Holt, Legislative Research Department
Mary Torrence, Office of Revisor of Statutes
Deanna Willard, Committee Secretary

Conferees appearing before the committee:

Dr. Ramon Powers, Director, Kansas State Historical Society
Dr. David Haury, Kansas State Historical Society
Ms. Mary Douglass, Smoky Valley Genealogical Society
Mr. Duane Johnson, State Librarian
Ms. Cheryl Collins, Riley County Historical Society
Mrs. Ruth Keys Clark, Winchester, Kansas

Hearing on: SB 7 - Disposition of state historical society property.

A letter to the Chairman from Professor Donald McCoy was distributed. It stated, "Not everything is worth saving nor can we afford to save everything. The issue of what to dispose of is splendidly dealt with in the provisions of Senate Bill No. 7." (Attachment 1)

Dr. Ramon Powers, Director, Kansas State Historical Society, introduced Dr. David Haury, Assistant Director.

Dr. Haury gave testimony for the bill, saying the need for it results from restrictive language in the current statute which specifies the types of property which may be removed and limits the means of disposition. (Attachment 2) Attached to his testimony was the portion of the "Report of the Joint Committee on Arts and Cultural Resources" which dealt with deaccession.

Dr. Haury was asked the effect of recent appropriations to fund the filming of 2,000 rolls of newspapers per year. He said it would require five to six more years; he said they will want to make a second negative before deaccessioning.

Ms. Mary Douglass, representing Smoky Valley Genealogical Society and Library, Inc., read a letter from President Barbara Kollhoff in support of the bill. (Attachment 3)

Mr. Duane Johnson, State Librarian, expressed support for the bill because of the need for the orderly management of materials in the collections of such an institution. (Attachment 4) He said the policy of the Kansas State Library is to try to find another library who would have use for an item that would no longer have value to them.

Ms. Cheryl Collins, Riley County Historical Society, gave testimony endorsing the bill. She said it would make an already fine collection better. She said in earlier years, not much thought went into what was kept; occasionally items must be disposed of, and the KSHS should have that ability.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Federal and State Affairs,
room 254-E, Statehouse, at 11:00 a.m./~~p.m.~~^{XX} on March 11, 1991

Mrs. Ruth Keys Clark, Winchester, Kansas, expressed concerns with the bill, saying the current language is ambiguous and terms are too broadly defined. (Attachment 5) Attached to her testimony were 19 pages of articles, letters, and miscellaneous information.

Dr. Powers responded that this legislation is designed to give the historical society authority to write rules and regulations, which would be offered to genealogy organizations for approval. He said that Mrs. Clark is the only genealogist who has expressed concern to him about the bill.

Action on: SB 366 - Relating to investigations of violations of the Kansas parimutuel racing act.

A motion was made by Senator Bond and seconded by Senator Strick to adopt the substitute language for Subsection (d) submitted at the hearing by the KBI. The motion carried.

A motion was made by Senator Bond and seconded by Senator Daniels to amend the bill to take effect upon publication in the State Register. The motion carried.

A motion was made by Senator Strick and seconded by Senator Walker to recommend the bill favorably as amended. The motion carried.

The meeting was adjourned at 12:00 noon.

The University of Kansas

22 February 1991

University Distinguished
Professor of History

Senator Edward Riley
Chairman, State and Federal Affairs Committee
Kansas State Senate
Kansas State Capitol
Topeka, Kansas

Dear Senator Riley:

It has been several years since we have been in touch with one another, but I have followed the news of your activities with great satisfaction. What moves me to write you now is my interest in two bills before the State and Federal Affairs Committee.

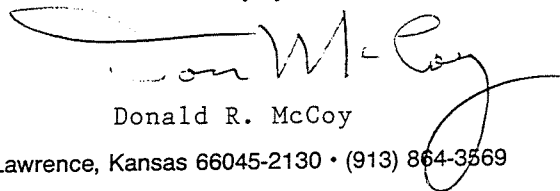
Senate Bill No. 5 was, I understand, largely generated by interested members of the State Legislature. I consider this to be a happy development because it is squarely in line with the proposals of the Kansas History Teachers Association and the Kansas State Historical Society regarding the records of the Governor for which I was a spokesman a decade or so ago. We were pleased with the response of the Legislature then, but it was clear that some of our key suggestions were not adopted although they were and still are state of the art among archivists and historical researchers. I heartily urge you and your colleagues to take this opportunity to give our state model legislation in this area, which Senate Bill No. 5 is.

Senate Bill No. 7 is basically an effort to tidy up existing legislation on the disposition of property of the Kansas State Historical Society with the objective of making such disposition more efficient. It achieves this goal admirably and in line with the state-of-the-art guidelines among archivists and historical society professionals. Equally important, indeed outstanding, are the provisions of the bill to guard against any ill-considered disposition of material of fundamental interest to researchers, including genealogists and historians. Not everything is worth saving nor can we afford to save everything. The issue of what to dispose of is splendidly dealt with in the provisions of Senate Bill No. 7.

I think I know what I am talking about in view of my record as an archivist, historical researcher, teacher of archivists and historians, and past president of both the Kansas History Teachers Association and State Historical Society. Please consider this in your deliberations on these two fine pieces of legislation.

With every good wish.

Sincerely yours,



Donald R. McCoy

Senate F&SA
3-11-91
Att. 1

Testimony before the Senate Committee on Federal and State Affairs

Senate Bill 7 -- March 11, 1991

David A. Haury, Assistant Director, Kansas State Historical Society

Thank you for this opportunity to testify in support of Senate Bill 7 as a representative of the Kansas State Historical Society. Senate Bill 7 amends K.S.A. 75-2701 and 75-2704 to authorize the Society to remove certain property from its research collections according to rules and regulations which would be approved by the Joint Committee on Administrative Rules and Regulations.

The need for this legislation results from restrictive language in the current statute which specifies the types of property which may be removed and limits the means of disposition. Materials are accessioned into our collections, and deaccessioning is the commonly used term for their removal. Lines 23 through 26 confine us to selling or exchanging duplicates and materials outside our fields of collection. Strict interpretation of this language has severely restricted our ability to manage our collections. For example, we cannot donate duplicate books to other appropriate libraries in the state. Duplicate materials with educational value cannot be given to schools. Moreover, hazardous materials or property with no value cannot be destroyed or discarded. The Attorney General's Opinion No. 87-44 affirmed this interpretation that our collections may not be donated or discarded. Thus we request the amendment to permit the Society to donate or otherwise dispose of property without research, educational, or exhibit value.

The deaccessioning issue has engendered some controversy. The concerns initially focused on the Society's newspaper collection, and I have attached a detailed position paper on the issues related to the storage, preservation, microfilming, and eventual disposition of the original newspapers.

Last session deaccessioning legislation was introduced as Senate Bill 499, and upon learning of the concerns and opposition of portions of the genealogical community, the Society requested that consideration of the bill be deferred to allow for further study and to avoid conflict with one of our primary constituencies. On June 27, 1990, the Joint Committee on Arts and Cultural Resources held hearings on deaccessioning issues and directed the Society and opponents of the legislation to work out their differences. Consequently the Society called together a Task Force of interested parties on September 11. Included were genealogists, archivists, librarians, historians, the press association, and other interest groups as well as members of the legislature, legislative research, and revisor's staff. The group reached a consensus which is outlined in the attached report of the Joint Committee and is implemented by Senate Bill 7.

The main component of the consensus was approval of the Society's deaccessioning procedures as rules and regulations by the Joint Committee on Administrative Rules and Regulations. The procedures will include internal committees within departments to review and select materials identified for deaccessioning and an external committee to give various groups of the public a similar oversight. Agreement by the Society to inspect and duplicate the microfilm prior to deaccessioning newspapers was also specified.

I would add that the public oversight provided by these procedures is extraordinary. Society staff guided by collection development policies make decisions daily on adding materials to our holdings, and, using those same policies, should be entrusted with the professional responsibility of recommending removal of property without research or other value. Other public and private research institutions throughout the country give their staff this authority, and deaccessioning occurs as a routine and necessary process.

I would like to conclude by noting that the discussion of deaccessioning has focused almost exclusively on the newspapers. Yet we have manuscripts, library materials, and archeological and museum artifacts which also will be reviewed for deaccessioning. For many years the Society operated without clear or written collection development policies. For example, around the turn of the century the society seems to have accepted numerous books simply because they were old -- their subject could be Cornwall, England, or Latin America. We have many items not remotely related to Kansas and in some cases even American history. Or we have twenty-five copies of a publication which waste valuable space in our facility and could serve the public best if distributed to other institutions. The Museum and Archeology Departments have numerous items, including human remains, which should be deaccessioned, and we have heard no opposition to granting such authority with respect to three-dimensional artifacts.

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Att. 2

In fact, in recently discussing Senate Bill 7 and the safeguards it provides for documentary collections with the genealogical community of Kansas, Dr. Powers and I have found strong support for the consensus reached by the Task Force last September. Deaccessioning must be done carefully and following established procedures and professional standards, and Senate Bill 7 provides the mechanism for doing so. I have given the chair a copy of the statutes and regulations governing deaccessioning in about a dozen other states - all allow deaccessioning within parameters similar to those proposed in Senate Bill 7.

Society staff take a very conservative approach in assessing the research value of materials, and public fears that they will willy nilly begin to discard valuable materials are unfounded. Roughly half of our patrons are genealogists, and it would be unthinkable to deaccession resources which they regularly consult. However, not to review collections systematically and deaccession items when necessary would continue to misdirect resources to the severe detriment of all researchers.

Change is difficult for many institutions, especially those with a strong sense of the past, but our mission of public service remains constant. During a period of declining revenues the efficient expenditure of public funds is of critical importance. No deaccessioning legislation can provide an ironclad guarantee that materials of interest to some researcher someday will never be discarded. However, to avoid that possibility by severely restricting our ability to deaccession materials does guarantee that thousands of dollars will go to preserve useless materials instead of acquiring and making available resources of value. This legislation provides a responsible and workable procedure. Our goal is to serve the public by operating the State Historical Society in a modern and professional manner according to nationally accepted standards. Indeed we function as public trustees, preservers of our heritage, and Senate Bill 7 provides the means professionally and efficiently to serve that mission.

Deaccessioning Newspapers at the Kansas State Historical Society

Senate Bill 7 -- Senate Committee on Federal and State Affairs

March 11, 1991

David A. Haury, Assistant Director, Kansas State Historical Society

We have over 55,000 cubic feet of newspapers, approximately half of our documentary holdings. These newspapers would completely cover a basketball court well above the backboard, or in more concrete terms they would fill one and a half storage bays in our proposed new building at a cost of roughly \$1.5 million per bay, or \$2.25 million total. Approximately 35,000 cubic feet of these newspapers have been microfilmed, and we anticipate within seven to eight years completing the filming of the Kansas papers, which constitute about ninety percent of the total.

The fiscal choices involving these newspapers are clear. We have received insufficient funding to construct a new building into which we could move the vast majority of the newspapers. We intend to keep only certain papers with special significance. To move all of the newspapers into the new building would require the addition of over \$2 million to the project, and the storage areas of the building would still be 100% occupied by the newspapers and other existing collections. In other words, short-term funding to store the newspapers will not make the storage problem go away. The only other choices are to spend \$20-30,000 per year to rent an unheated and un-airconditioned warehouse indefinitely to store the newspapers - an option which eventually will complete the already advanced process of turning these acidic and fragile materials to dust. Or the newspapers can be deaccessioned and where possible returned to publishers or local historical and genealogical societies for preservation and use. This is our preference. It would require \$400-500 million to deacidify and preserve the original newspapers.

Deaccessioning newspapers is not a new issue. Other historical societies around the country have faced the same problem, and, through informal discussions, it appears that we may be the only society to have kept most its original newspapers that have been microfilmed. In part, this is because we hold the nation's premier collection of newspapers and the Kansas Historical Society was founded by newspaper editors. Moreover, our staff have discussed the issue for many years, but innate conservatism and until recently the availability of space in the Memorial Building also influenced our reluctance to part with the papers.

Nevertheless, as I have suggested, deaccessioning the newspapers is inevitable. One must decide only whether one will deaccession newspapers now or dispose of the useless remains of newspapers, later. The old newspapers constitute a preservation nightmare. They are discolored and brittle, printed on the poorest acidic paper, and fall apart in your hands when being used.

The most common technique for preserving the intellectual content of newspapers is microfilming. We began our microfilm program in 1946 and have focused primarily on the newspapers. Some 40,000 rolls have been produced with an additional 1500-2000 rolls being added each year. The primary objection to our deaccessioning of the newspapers relates to the quality and survival of our microfilm. A few years ago an oxidation process called redox was discovered in various microfilm collections including our own. It begins as microscopic dots and eventually eats away the image on the film.

I will explain how we intend to deal with this redox problem. First, we have retrieved all 40,000 rolls of film out of the salt mine in Hutchinson to our new museum building in order to inspect the film for redox and other damage or inadequacies. We have examined numerous rolls with encouraging results.

Only a small percentage of rolls appear to have sufficient redox or other problems to require refilming of the newspaper. We will either refile papers or make a new negative from our unaffected positive copies when necessary. Most of the affected rolls have microscopic dots. We are working with the Preservation Office of the National Endowment for the Humanities to obtain funding to treat all of our film. I am optimistic that federal funding will pay for this treatment and for much of the refilming cost. Our Microfilm Department operates under standards insuring archival quality filming, and one can be assured that redox free film with proper resolution and density will be available prior to deaccessioning any original

materials.

However, a second step is necessary to guarantee the security of our film. Standards recommend the production of a second negative to be used to produce duplicates and to be stored in a second location. This helps to guarantee the survival of our original camera negatives. The cost of producing a second negative will be nearly seven dollars per roll (excluding labor) or about \$300,000 for our entire microfilm collection. We began to produce a second negative of all camera negatives since obtaining our own duplicator in May last year. However, since November we have been producing no negatives or positives of our film as a response to FY 1991 budget cuts. \$300,000 is not too much to spend to preserve film which cost over \$5,000,000 in today's dollars to produce. Or in other terms, is it too much to guarantee absolutely the survival of our microfilm and allow disposal of the original documents, saving over \$2 million in new building costs? The money could be appropriated over a three to four year period both to allow our staff to do the work and to coincide with the new building schedule.

Individuals have expressed concern that we must inspect and preserve all of our microfilm prior to the passage of the deaccessioning legislation. We are opposed to this delay, as it will take several years to inspect, treat, and duplicate the film, and deaccessioning can logically and most efficiently accompany this process. However, we are committed to inspecting the film prior to disposing of the newspapers, and we are supportive of having this stipulation added to the rules and regulations authorized by Senate Bill 7. In other words, we would inspect the film of each newspaper prior to deaccessioning that particular paper. As funding is made available for the security negatives, we would also produce a second negative prior to deaccessioning the original paper. The original negatives, we would also produce a second negative prior to deaccessioning the original paper.

REPORT OF THE
JOINT COMMITTEE ON
ARTS AND CULTURAL RESOURCES
TO THE
1991 LEGISLATURE

Kansas Legislative Research Department
Room 545-N -- Statehouse
Topeka, Kansas 66612-1586

January, 1991

TOPIC III•

The Joint Committee reviewed the provisions of S.B. 499 from the 1990 Session, which provides the Kansas State Historical Society (KSHS) with the authorization to deaccession items from its collection.

Background

Deaccession authorization for KSHS was discussed briefly by the Joint Committee during the 1989 interim and the Joint Committee endorsed the introduction of S.B. 499. The intent of S.B. 499 was to amend K.S.A. 75-2701** to include donation and other disposition methods of property, in addition to the sale and exchange of property by the Society; and expand the type of property that is eligible for deaccession to include property with insufficient research, educational, or exhibit value, or hazardous property, in addition to duplicate materials and materials outside its scope of collection which are already mentioned in statute.

Committee Activities

* The Joint Committee was provided information on the reasons behind the need for deaccession authorization for KSHS.

The issue of deaccessioning came to the forefront when it was determined that a new Center for Historical Research would be constructed. Due to budgetary constraints, the storage in the planned new Center was reduced to 22,000 square feet of floor space, which equates to 45,000 cubic foot boxes and 40,000 linear feet of library shelving space. The storage space modifications were predicated upon disposing of the newspaper collection which comprises 55,000 cubic feet of which 35,000 cubic feet have already been microfilmed. Besides the limited storage space in the new Center, there are numerous reasons, which are interrelated, why the Society requested deaccession authorization.

1. **Cost of Satellite Storage and Lack of Environment Controls in Satellite Storage.** Currently the Society has 13,000 square feet of satellite storage which is rented for \$2.60 per square foot. The Society is predicting that there will be no more storage space in the Memorial Building by November of this year, which will force the Society to make difficult decisions about accepting potentially valuable historic materials from state agencies, local governments, and private individuals.

Preservation of Property. The ultimate method of preserving materials is to microfilm them. Paper materials and documents in the Society's collection are deteriorating at a rapid rate, consumed by the acids in their pages, by exposure to too much light, by wide swings in temperature and humidity, and by excessive or improper handling. This problem is not the exclusive domain of Kansas, but part of a national predicament. It is estimated that by the year 2010, as much as 75 percent of the books and manuscripts currently in America's

* Proposed legislation accompanies this report.

**K.S.A. 75-2701 prevents the Society from selling, mortgaging, transferring, or disposing of in any manner any property owned by the Society, except that the Society may sell or exchange its publications, duplicate materials, or materials outside its fields of collection. No provision is made for other means of disposing materials, such as donation.

archives, libraries, and museums will have crumbled to dust or will have become too brittle to handle.

2. **Duplicate Property.**
3. **Hazardous Property.**
4. **Damaged Property.** Many materials in the Society's collections have deteriorated to such large extent that they cannot be used for research purposes. These are materials that cannot be repaired or conserved without significant outlays of human and fiscal resources.
5. **Skeletal Remains.** The Society wishes to comply with the Unmarked Burial Sites Act and reinter skeletal remains in its collection.
6. **Out-of-Scope Property.**
7. **Need for a Manageable Collection.** The current staff of the Society cannot process, preserve, and curate the present collections of the Society. A smaller and more rational collection would provide the staff of the Society the opportunity to process the immense backlog of materials which the Society has, which would ensure proper curation of materials, and would make those materials accessible to the public.

During the 1990 Session opposition to the bill was expressed by genealogical groups who were concerned that the provisions of S.B. 499 might allow KSHS to dispose of the 30,000 cubic feet of historic newspapers in its collection, which have been microfilmed. Genealogists were opposed to the disposition of the newspapers for several reasons, the paramount one being that the microfilm copies of the newspapers are being consumed by an oxidation process, called redox, which leaves spots on the film and eventually destroys the image. Genealogists were also concerned about some film in the collection which is unreadable due to poor film quality or poor filming practices, and therefore, the original newspapers are necessary especially to make photographic copies.

Committee Activities

The Joint Committee held a public hearing on the provisions of S.B. 499. Several genealogists, representing such groups as the Topeka Genealogical Society and the Kansas Council of Genealogical Societies appeared before the Joint Committee. Several genealogists communicated their concerns, that the bill, as currently written, provides no safeguards against the possibility that materials would be deaccessioned that should not be. The genealogists stressed that it is vital that the public be notified of the deaccessioning decisions and have some kind of input into those decisions. The following suggested additions to the bill were presented: provide that each collections department have a accession and deaccession committee which would follow written policies approved by the KSHS administration and the KSHS Board; require public notification of deaccession decisions; and provide that all deaccession actions be recorded, giving the date and identifying the method of disposal.

The issue of the disposal of the newspaper collection was discussed in length. Genealogists testified that through a quick survey of the microfilm collection, which they have conducted, it is apparent that many rolls of film are contaminated with redox. In addition, they testified that many times the microfilm is of such poor quality that it is difficult to read and impossible to make photograph copies of a page or an image.

KSHS staff testified that they are in the process of microfilming the entire newspaper collection which encompasses 55,000 cubic feet (half of the Society's collection holdings). KSHS commented that the fiscal choices involving the newspapers is clear -- the state cannot afford the additional storage space which would be

required to store the newspapers. To return the newspapers to local historical and genealogical societies for preservation is the most logical way to proceed.

The Historical Society briefed the Joint Committee on what it is doing to combat the redox problem. First of all, the Society has retrieved all 40,000 rolls of film from the salt mines in Hutchinson to inspect the film for redox. The Society would like to enlist volunteers from the genealogical community to assist with inspecting the microfilm of the newspaper collection for redox and for poor film quality. The Society is currently attempting to get funding from the National Endowment for the Humanities for a grant to treat the film for redox. However, a second step is necessary to guarantee the security of the film. Standards recommend the production of a second negative to be used to produce duplicates and to be stored in a second location. The cost of producing a second negative will be nearly \$300,000. The Historical Society is requesting funding of \$99,000 from the State General Fund for FY 1992 to begin the process of producing a second copy of microfilm.

The Joint Committee was asked not to only focus the discussion of deaccessioning of the newspapers, but to consider as well the collecting departments of archives, manuscripts, archeology, and the Kansas Museum of History. The Joint Committee was asked to consider the deaccession policies of KSHS in conjunction with its accession policies. Staff of KSHS repeatedly made the point to the Joint Committee that they make daily decisions about what historical materials should be accepted for the various collections. The question was posed, if Society librarians, archaeologists, museum personnel, manuscript curators, and archivists can be trusted to use sound professional judgement in deciding what to acquire in the first place, are they not trustworthy enough to carry out deaccessioning policies? Staff of KSHS informed the Joint Committee that the Society will not discard materials at random but will do so with careful documentation and in accordance with the Society's mission and goals. They identified the following procedures, which would be followed if the Society had the statutory authority to deaccession materials:

1. Clear title to the property would be established.
2. Documentation relating to the deaccessioned property will be amended to include the date and method of disposition.
3. Complete documentation of the deaccessioned property including, but not limited to deeds of gift or accession records, contracts, photographs, signed authorizations, correspondence, or advertisements will be retained by the Kansas State Historical Society.
4. The documentation will be accessible upon request during the Society's regular business hours, however, some donor information may be restricted.
5. Hazardous property will be disposed of according to existing state and federal laws or guidelines from appropriate state and federal regulatory agencies.

After appropriate evaluation and documentation following professional procedures, selected pieces from the collection holdings would be deaccessioned and disposed of as follows:

1. traded to public or private institutions or individuals for property the Society wishes to obtain, as specified in the Kansas State Historical Society collection development policies;
2. offered as a donation to Kansas libraries, museums, archives, historical societies, educational institutions, and other not-for-profit repositories for historical materials, public or private;
3. offered as a donation to national or out-of-state libraries, museums, archives, historical societies, educational institutions, and other not-for-profit repositories for historical materials, public or private;
4. auctioned or sold to the public; or

5. disposed of by burning, shredding, recycling, deposit in landfill, or other methods following professional procedures.

The Joint Committee asked that an ad hoc task force be formed to study the deaccessioning issue and to formulate a compromise to be presented to the Joint Committee. The task force was to be comprised of professional groups and other interested parties. The task force did meet and included the following members:

Ramon Powers, KSHS; David Haury, KSHS; Ruth Keys Clark, Genealogist; Helen King, Topeka Genealogical Society; Mary Burchill, Law Library, University of Kansas; Marc Galbraith, State Library; Cheryl Williams, Kansas Collection, University of Kansas; Terry Harmon, KSHS; Anthony Crawford, Farrell Library, Kansas State University; Cheryl Collins, Kansas Museums Association; Sarah Wood-Clark, Kansas Museum of History; Diane Good, KSHS; Representative Joan Adams; William O. Wagon, Topeka; Gayle Graham, Genealogist; David Furnas, Kansas Press Service, Inc.

The task force recommended to the Joint Committee that the bill, S.B. 499, be amended to include the provision that the Historical Society establish formal deaccession procedures to be approved by the Joint Committee on Administrative Rules and Regulations. Concepts the task force agreed to, include:

1. The Society will not deaccession newspapers until the microfilm is inspected. There are 40,000 rolls of microfilm, which equates to 35-40 million individual frames. Inspection of the microfilm will be conducted on a spot-check basis, with every 15-20 frames being examined. KSHS will assign five or six permanent staff people to the microfilming effort and also is actively seeking to secure volunteers for the effort. KSHS is also seeking funding of \$99,000 for three years for film and processing to be able to produce a second copy of the microfilm. KSHS hopes to have three copies of the film -- an original master negative; another negative to be stored at another location from which photos could be made; and a positive copy in the reading room. KSHS does plan to return the newspapers which have been filmed to communities which would like them. Already as many as 30 communities have requested their local newspapers.
2. Deaccession procedures will be approved by the Joint Committee on Administrative Rules and Regulations and outlined in *Kansas Administrative Regulations*. The procedures must include the important provision that each department will have a committee to review and select the materials slated for deaccession.
3. A public safeguard in the form of a committee must be established. The task force wanted a public body to review items to be deaccessioned. The task force envisioned that the committee would be a small group of five people, representing various professions and research groups, who would most likely meet quarterly. The committee would operate under the guidelines directing the collecting interests of KSHS.

The Joint Committee, in addition, toured the storage areas of KSHS, including an off-site storage warehouse. The Joint Committee observed materials being microfilmed and viewed microfilm that has redox.

Committee Recommendations

The Committee concludes that a consensus regarding deaccession authorization for the Kansas State Historical Society has been formed among the various interested parties. The Committee notes that the ad hoc task force, which met at the request of the Committee, recommended that the provisions of S.B. 499 be amended

to include the provision that the Historical Society develop detailed policies regarding deaccession and that those policies be approved by the Joint Committee on Administrative Rules and Regulations.

The Committee wishes to express its concern that the process of review by a public committee of the items to be deaccessioned (a procedure recommended by the task force) not become a process which stymies the actual deaccessioning of items. The Committee will be closely monitoring this procedure and will recommend changes if they are necessary to achieve a smooth functioning of the deaccessioning of items.

Finally, the Joint Committee wishes to express its appreciation for the effort put forth by the ad hoc task force in forging a compromise on this important issue.



**SMOKY VALLEY GENEALOGICAL SOCIETY
AND LIBRARY, INC.**

211 West Iron, Suite 205
Salina, Kansas 67401-2613
(913) 825-7573

9 March 1991

Senator Edward Reilly
State Capitol Building
Topeka, KS 66612

Dear Senator Reilly,

The board and membership (178) of the Smoky Valley Genealogical Society and Library, Inc. support Senate Bill #7, having to do with deaccessioning materials from the Kansas State Historical Society's collections.

Dwindling financial resources force all of us to look seriously at our collections and how we manage them. When items are found that no longer fit the parameters of our organization's purpose, we can dispose of them. Often that means that we direct the material to another organization within whose purpose the materials are useful. The Kansas State Historical Society should have the same opportunity to examine its many collections and remove those items which no longer fall within the scope of its purposes.

The rules and regulations which are being drawn up now will insure that unsuitable material will be directed to other organizations as appropriate. Input from the general public will assure that no material will be removed without due consideration.

We support the staff at the Kansas State Historical Society and know that their professional ethics will not allow material useful to the study of Kansas and family history to be lost.

Sincerely,

A handwritten signature in blue ink that reads "Barbara Kollhoff". The signature is written in a cursive style.

Barbara Kollhoff
president

Senate F&SA
3-11-91
Att. 3

Monday, March 11, 1991

To: Senator Ed Riley, Chair
Senate Committee on Federal and State Affairs

From: Duane Johnson, State Librarian

About: Speaking in support of Senate Bill 7

1. The State Library supports Senate Bill 7 because we understand the need for the orderly management of materials in the collections of an institution such as an historical society or a library.

2. For the effective administration of an historical society or a library, there should be carefully defined authority for the acquisition, management, preservation and disposition of materials in collections of the institution. Senate Bill 7 provides this carefully defined authority for the state historical society.

Thank you for the opportunity to give this endorsement.

HEARING ON SENATE BILL NO. 7

MONDAY, 11 MARCH 1991, 11:00 A.M.

I am Ruth Keys Clark of Winchester in Jefferson County. Both my paternal and maternal family lines have lived in this county for six generations. I am a member of the Kansas State Historical Society. I am past president of the Jefferson County Genealogical Society, served for eight years as an officer and board member of the Jefferson County Historical Society, am a past president of the Kansas Council of Genealogical Societies, and currently serve as corresponding secretary of the Federation of Genealogical Societies. I am a member of the National Genealogical Society and the Association of Professional Genealogists. I am a member of eleven lineage/genealogical societies and serve as state officer in five of these societies. I am a retired public school educator. I have been a patron of the Center for Historical Research of the Kansas State Historical Society for many years and feel it is one of the best research facilities in the nation. We promote and encourage individuals to visit the Center as we travel the state and nation. Last week a telephone call was received from an individual who had encouraged to visit the Center. This researcher was overjoyed with the information that was available and excitedly told of researching ancestors in twenty states. The Center will have many more visits from that researcher. We note that many researchers are from out of state and come to spend more than one day researching in our State. These visits add to the economy of our state and we do all we can to encourage these visits.

The Kansas genealogical community does have concerns regarding this bill. We are not opposed to deaccessioning. We know that is necessary. We feel that the current language of the bill is ambiguous and terms are too broadly defined.

We judge the bill in light of our interests and not in the interest of the all the collections of the Kansas State Historical Society such as the museum or

Senate F&SA

3-11-91

Att. 5

archeology, etc. Our concerns are expressed very well in the front page article of the current Topeka Genealogical Society Newsletter (addendum 1).

As this article indicates there is confusion regarding the bill and many feel that additional research and work needs to be done.

I regret that more representation from the genealogical community could not be present this morning. I did not know of this meeting until I returned, after several days spent in Wichita, late Thursday night. I had been informed that the hearing would be on a Thursday and had asked individuals to reserve Thursday for a possible trip to Topeka. There was not enough time for people to make plans to attend.

I will divide my remarks into seven sections: general remarks regarding deaccessioning, background remarks, interest in this legislation, the newspaper collection, documentation of genealogical material, authority of state agencies and the possibility of fees being charged at the Center for Historical Research.

DEACCESSIONING

We ALL feel that deaccessioning is necessary. Addendum 2 gives two of examples from the huge file I have accumulated in the last year regarding this subject. One is an example of the policies of a private museum and the other an article written by Dan Holt detailing some of the problems faced by public institutions regarding deaccessioning. We need and want individuals to continue to donate items to our collections. That fact brings up accountability, trust and ethical standards.

We have no problem with any of these items with the current staff employed by the Kansas State Historical Society but do have concerns about future employees who may interpret the broadly defined terms differently.

BACKGROUND REMARKS

As you are aware a hearing was held on this issue last June. A committee meeting was held in September and written remarks about that meeting were sent to me in October. In November, a tentative copy of the bill was received. Copies of the material received in October and November were sent to five individuals living in different sections of the state. Five negative responses were received. Dr. Powers was contacted and told of the mailings and responses. We asked that a copy of the rules and regulations be sent for additional information to be used to answer questions concerning the bill. Keith Bohlander, president of the Kansas Council of Genealogical Societies, also requested a copy of the rules and regulations, in December. Last Saturday afternoon, at the Kansas Council of Genealogical Societies board meeting in Salina, we were informed that a draft of the rules and regulations were available for our use. This was 16 weeks after our first request and less than 48 hours before this hearing. This did not allow time for study and feedback from the Kansas genealogical community. Feelings expressed at the KCGS board meeting indicated that the bill followed by the rules and regulations was "putting the cart before the horse."

When the January issue of the MIRROR arrived at the homes of members through-out the state, the light on my answering machine was in a constant blinking state. The front page article (Addendum 3) caused much concern in the genealogical community of both the state and the nation. (Addendum 4 gives copy of an item to appear in the spring issue of the FORUM the quarterly publication of the Federation of Genealogical Societies.) The concerns centered on the out-of-state collections such as the newspaper collection, Virginia collection, New England collection, etc. as well as the term "documentation". A

copy of the Senate Bill no. 7 and of the report of the Joint Committee on Arts and Cultural Resources was sent to all who called. Again the light on the answering machine went "wild" with individuals upset about the "burning and shredding" mentioned on page 17 (addendum 5). On 27 January, I called Dr. Powers and in a 28 minutes conversation told him there would be opposition to Senate Bill No. 7.

INTEREST

One of the best indicator of interest in this bill in the state as well as the nation is my telephone bill. I have attempted to answer all who called. I am a novice at this type of activity and have had an "education". As you can see my current telephone bill (addendum 6) is more than four times higher than the bill before my activity concerning deaccessioning legislation started in January 1990. This last bill took a "healthy hunk" of my KPERS retirement check!

NEWSPAPER COLLECTION

As many of you know, a mailing was sent out to Kansas historical/genealogical/lineage societies last year regarding interest in the disposal of the newspaper collection. The response was far beyond our expectations. Those responses are here if any of you are interested. Many were disappointed that Senate Bill No. 7 did not mention the newspaper collection. You will note that in addendum 7 the newspaper collection of the Illinois Society is mentioned in the statutes of that state.

The Society also has copies of several out-of-state newspapers which are listed in catalogues used by family history researchers as they plan research trips. We had asked that these newspapers be filmed so that a copy would remain in the Center for Historical Research before these newspapers were returned to the state of their origin. This accounts, in part, for the interest of the national genealogical community.

DOCUMENTATION

We find that many do not understand the definition used by family historians for the word "documentation". You will find pages from two family histories in addendum 8. The Jennings family history contains documentation giving the book and paper number where the court record may be found. The Hughes family history gives much information about the ancestor regarding his character, spouse(s), children and where he lived. It give no documentation but is important because it tells us where to look for that documentation.

About five years ago, the family historians in the state of Nebraska found many of their books in the state library were missing. A law with language much like Senate Bill No. 7 was used to remove these books from the shelves of that library. We do not want that to happen in Kansas. Most of the material currently housed in the Center for Historical Research is very useful but contains little or no documentation.

AUTHORITY

Several members of the Kansas genealogical community has suggested that Senate Bill No. 7 gives too much authority to the professional staff of the Society. Several members of the group who met last September thought there would be public input in the group that drew up the rules and regulations. The bill does not indicate this to be true. Many of the genealogical community would feel more comfortable if some authority were placed outside of the Society. Addendum 9 shows legislation in place in Michigan placing authority in a commission appointed by the governor. Others have suggested that the executive committee of the Society appoint the committee to review the items to be deaccessioned.

FEES

As you are keenly aware, the Kansas taxpayer is ever conscious of a

governmental request for money. The section of this bill regarding fees has never be implemented by the Society and we have been told there are no plans to implement the program. It is recommended that it be deleted from the bill.

In conclusion, we want to convey to you the suggestion of several of those who have contacted us. They ask that we tell you that they would encourage, support and work for additional money to enlarge the library portion of the new building for the Center of Historical Research if the current collection could be kept intact.

In summary the Kansas genealogical community is proud of the many and useful collections in the library of the Center for Historical Research. We will continue to work with groups such as the group in northeast Kansas (addendum 10) to give them a better appreciation of the collections found at the Center. We want to continue to expand these collections to keep in step with the other states in the nation so we can boast about the Kansas facility. We find the language of Senate Bill No. 7 to be ambiguous and terms are too broadly defined to protect the library collections from dispersal by future employees of the Society. We have tried to show that the term "documentation" may be different when referring to a family history as contrasted to a museum artifact. We feel that further study and research should be done to resolve the current confusion regarding Senate Bill No. 7.

TOPEKA GENEALOGICAL SOCIETY
NEWSLETTER

January February March 1991

LIBRARY LOCATION: 2717 Indiana Phone 913-233-5762
MAILING ADDRESS : BOX 4048 TOPEKA KS 66604-0048
LIBRARY HOURS: Wednesday Thursday Saturday 1:00-4:00 pm
Evening Hours--- 5:30-8:30 1st and 3rd Thursday

CALL FIRST IN BAD WEATHER CHECK FOR HOLIDAY CLOSING

Telephone Recorder Copy Machine Microfilm-fiche Machine

BOARD MEETING: 3rd Wednesday of each month 7:00 pm
TGS Library 2717 Indiana

REGULAR MEETING: 4th Wednesday of each month 7:30 pm
LDS Church 3611 Jewell

SPECIAL INTEREST GROUPS: For Members only WATCH FOR DATES
7-9 pm TGS library

We are acting on a suggestion from our Executive Board and including, for your convenience, a full page calendar for each of the next 3 months. You might like to let us know if you find this useful.

DEACCESSIONING LEGISLATION CAUSES CONCERN

An article published in the "MIRROR" January 1991 by the Kansas Historical Society has caused new concerns in the Genealogical Community. This published summary of "rules and regulations" to be adopted for solving the DISPOSAL of certain items now held at the Research Center Library is, in our opinion, flawed.

The phrase " items with insufficient research, educational, or scientific value because their lack of documentation" threatens much of the genealogical collections including such things as Family records , Bible records, Local Histories etc. We consider these items to be valuable research tools.

Interested persons should be aware of the SENATE BILL No 7 proposed by the Joint Committee on the Arts and Cultural Resources. It relates to the disposition (broadly defined) of certain property belonging to the Kansas Historical Society . It asks to repeal KSA 75-2701 and 75-2704. It sets in motion the possible destruction of certain items.

Rules adopted that are too ambiguous make for nightmares in the future. Trusted Officials employed by KSHS today, could --at a future date, be replaced by ones with other ideas and interpretations. A careful review of the rules to be adopted is important.

We are requesting an exclusion clause regarding genealogical collections to be made in reference to the undocumented items.

Ruth K.CLARK POB 153 Winchester Ks 66097-0153 may be contacted for current status of negotiations.

News Editor Dee PUFF

Rocky Mount

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1790-1792

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Telephone (615) 538-739

Collection Acquisition and Deaccession Policy

Acquisition

- 1- All artifacts are accepted with a clear title, without restrictions as to use or disposition. Any exception must be approved by the Board of Directors prior to acceptance and clear explanation of the restriction in writing signed by the donor and the museum staff will be kept in the artifact file.
- 2- All artifacts accepted must relate to the museum's purpose and programs.
- 3- The museum agrees to preserve the artifacts in accordance with professionally accepted standards and within financial resources.
- 4- Each collection must be accompanied by a signed, legally acceptable conveyance; and a receipt which is signed by the museum staff must be given to the donor or his agent.
- 5- Proper accession and catalog records must be kept by the museum.

Deaccession

- 1- Artifacts should be retained permanently if they are in accordance with the purposes of the museum, and if they can be properly preserved.
- 2- Artifacts may be deaccessioned upon recommendation of the museum staff and by an official vote of the Board of Directors.
- 3- The method of deaccessioning used shall be consistent with the best interest of the museum in keeping with its public trust. Consideration shall be given to giving, exchanging, or selling to another tax exempt organization. Finally, a public sale may be utilized.
- 4- Artifacts shall not be given or sold privately to museum employees, officers, members of the Association or its Board of Directors, or to their representatives.
- 5- Artifacts given with ownership restrictions should be returned to the donor, if living, or to heirs, if known. Before other disposition is made, legal counsel will be consulted.

Passed by Board of Directors
May 23, 1976



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**MIDWEST MUSEUMS
QUARTERLY**
VOL. 41 NOS. 1 & 2
Winter/Spring 1981

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Cover: Chicago's Picasso, a five-story sculpture of special steel which develops a protective rust coating. The sculpture, located on the Richard J. Daley Plaza, has become one of the city's most popular tourist attractions. Chicago Convention and Tourism Bureau photo.

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appropriate materials. Others, faced with inadequate storage facilities, would deaccession to meet operating costs or simply to reduce the size of their holdings. A common practice was to sell the unwanted items in order to acquire funds either for operating expenses or to purchase more suitable items. Some museum professionals saw no problem with this if the deaccessioned items were sold to another museum—after all, the items were still available to the public! Others, however, supported a more current view—a view that held the intent of the donor to be inviolate.

However, even in the case of art and general museums, I cannot recall much litigation or publicity more than ten or fifteen years old. Most of the cases I have studied were litigated within the last fifteen years. One reason for this is the relative youth of the "rights of the public" concept and the subsequent demand for protection of those rights. An example may be found in the current Harding Museum case in Chicago and in the earlier Maryhill Museum case (both of which deal with the fiduciary responsibility of trustees).

The landmark case forming the basis of many of these cases (and perhaps forming the precedent for their adjudication) is *Stern v. Lucy Webb Hays National Training School*

... we cannot dismiss our accountability to our institutions, our donors, or the public with mere expressions of exasperation at the complexity involved in arriving at an ethical and legal policy of accession and deaccession.

for *Deaconesses and Missionaries* (381 F. Supp. 1003, [D.C.C. 1974]). The legal principles of this case are often applied to museums.² In addition to this case, there are many concerned with deaccession policy and/or actions. Among these the most important are the New York Metropolitan Museum's Adelaide de Grott bequest case (1972),³ the Maryhill Corporation case already

mentioned,⁴ and the American Indian-Heye Foundation case.⁵ It must be said that deaccessioning in these cases is concerned not only with the problem of fiduciary responsibility but with the secondary, but also important, factor of conflict of interest.

Today there is nothing legally or ethically wrong with deaccessioning—as such. It is the *method* of deaccessioning that can be illegal, unethical, or a disaster for your public image. But there are *very precise procedures* for deaccessioning based upon case law, the principles of fiduciary trust, and ethical standards. (However, we will not go into all the legal precedents involved.) Statutory laws also affect deaccessioning: for example, the "national treasure" laws; the laws regulating endangered species; and the American Indian religious, archaeological, and cultural artifact laws. We will not discuss these statutes except to say that these laws should be consulted if it appears they might apply to a given deaccession. (We will treat only briefly the problems of proving legal title and receiving stolen materials as gifts. Unfortunately there is practically no state or federal legislation being considered to solve some of the dilemmas involved.)

The principles of deaccessioning apply to practically *all donations of any sort* to general museums, science museums, historical societies, art museums, and research libraries. Proper principles of deaccession apply to all items—whether artifacts, art works, document collections, or books—everything tangible except cash. (For the sake of brevity, we will use "items" to refer to all acquisitions and "museum" to describe *any* collecting institution.)

For any item to be deaccessioned it must first have been properly accessioned. A written policy of accession must be developed and accepted by the persons responsible for accessioning and approved by the museum's board of directors/trustees. This is *the* prerequisite step for deaccessioning. Without an accession policy reflecting your acquisition program, you cannot determine what does not fit your purpose.

Here we must consider the importance of fiduciary responsibility of boards and staff.

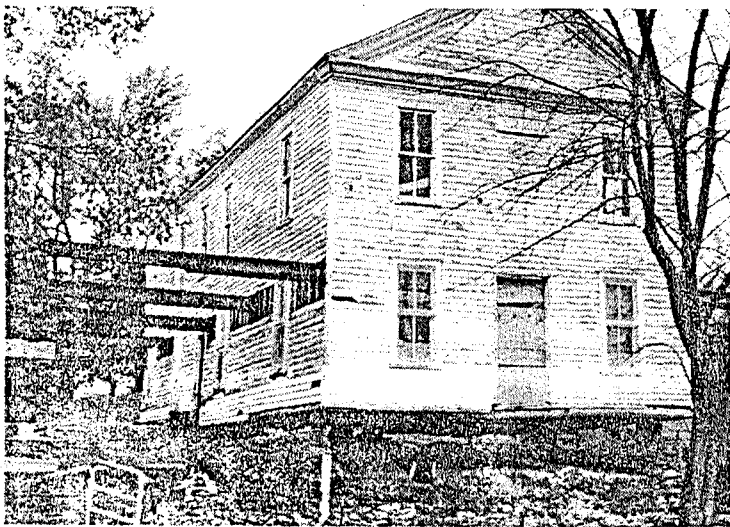
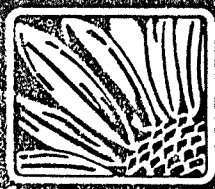
The ultimate responsibility for formulating accessioning and deaccessioning policies rests with your governing authority (usually your board of directors or board of trustees). It follows, however, that those institutional employees (or volunteers) who answer to that authority are also responsible for the

... there are very precise procedures for deaccessioning based upon case law, the principles of fiduciary trust, and ethical standards.

proper implementation of these policies. Furthermore, a trustee may not under any circumstances self-deal—i.e., have an interest in the actual operations of the institution. It should go without saying that a trustee may not benefit in any way from his position as a trustee. Trustees determine general policy for the public trust and are solely responsible for its beneficial application. They are accountable and *may even be sued for neglect* (of duty) at the slightest provocation.

While a member of the board may delegate authority for the operation of a museum (and may even participate in its administration), this delegation of administrative authority in no way relieves him of his fiduciary responsibilities to the institution. (It must be noted that, despite the old axiom to the effect that "although authority may be delegated, responsibility may not," the not-for-profit institution's staff director is *not relieved* of his fiduciary responsibilities either. This applies to subordinate staff members as well.)

A board member, with certain safeguards such as full public disclosure and prior approval of a majority of disinterested board members (the interested member not voting), may in some cases be involved in interests that are the same as the museum's—but that interest must be "beneficial to the museum." The board's standard



Constitution Hall, *above*, a state-owned National Historic Landmark in LeCompton, is undergoing stabilization by Rockhill and Sons Construction Company to restore it to sound physical condition. The building has been lifted to allow the rebuilding of the stone foundation and the first floor structure. Steel beams were inserted through the building beneath the second floor structure. Hydraulic jacks were used to lift the building off of the existing foundation, and wood cribbing supported the building while repairs were made. *Below*, Bill Lees and Rick Parker of the Society Archeology Department are excavating architectural features beneath the floor. This will help in understanding the building's construction history and in the future interpretation of the historic property.



Proposed Changes in Statutes To Affect Collections Policy

From its inception in 1875, the Historical Society has collected what F. G. Adams, first secretary of the Society, described as "everything that, by the most liberal construction, can illustrate the history of Kansas, its early settlement, its progress, or present condition." For many years, the Society operated without a clear or written collection development policy to identify collecting priorities and to specify the scope of collections. Several factors now compel the Society to examine its past collecting efforts, and to direct its future ones. Competent collection management, guided by professionally accepted standards, means providing adequate storage, accessibility, and preservation for collection holdings. Proposed changes in the statutes affecting Society collections will be considered by the 1991 legislature. The Society staff has proposed Collection Development Policies to assist in determining the significance of materials. General collecting guidelines for all of the collecting departments are supplemented by individual department policies.

Currently, the Society is permitted only to sell or exchange duplicate materials or materials outside its field of collection. However, materials may not simply be given to a more appropriate institution. Unidentified photographs, a collection of 14,000 pencils, duplicate copies of certain library materials, some out-of-state newspapers, and specimens with no history or background information should not remain unused in Society collections. The Society is requesting permission to donate such items to museums, libraries, or schools where they could have educational or exhibit value. Hazardous materials, such as nitrate negatives, diacetate safety-base film negatives which emit gasses during their stages of deterioration, and donated bottles of chemicals present safety hazards, but cannot be properly discarded.

Concerned patrons have questioned the deaccessioning of newspaper collections, of which nearly sixty-four percent have been recorded on microfilm. An

(Continued on page 2)

PROPOSED CHANGES

(Continued from page 1)

oxidation process known as redox was found to have destroyed parts of the images on some rolls of film. The legislative Joint Committee on Arts and Cultural Resources asked that a task force be established to resolve the controversy surrounding the newspaper deaccessioning. Drawing upon the expertise of historians, librarians, genealogists, archeologists, and museum professionals from around the state, the task force met to explore options. Their recommendation was that the Society develop Administrative Rules and Regulations, subject to public review, that define procedures to be followed when removing any materials from the Society's collections.

Newspapers are not the only items being considered for removal from the collections. The 1990 legislature passed the Unmarked Burial Sites Preservation Act. As a service to the public, Society archeologists have salvaged remains from unmarked graves threatened with destruction. The Society has also accepted donations of human remains and grave goods. Regardless of how these remains came into the Society's collections, they must now be reburied. However, to rebury without first deaccessioning them would be clearly in violation of K.S.A. 75-2701 as it currently exists.

Changes in K.S.A. 75-2701 and 75-2704 will allow the Society to find more appropriate places for duplicate items, items from outside the scope of its collecting, and items with insufficient research, educational, or scientific value because of their lack of documentation. Damaged, deteriorated, and hazardous items will be safely discarded. Human remains and grave goods will be reburied with dignity.

Efficient use of public funds is of critical importance as state revenues tighten. Historical collections cannot be fairly assigned a dollar value, but they must be cost-effectively managed.

**State Constitution Exhibit
On View at Capitol Building**

A reproduction of the state's first constitution is now on permanent display on the first floor of the Capitol, along with information panels with historical background material. The original document is in the collection of the Historical Society, but too fragile to be on exhibit permanently.

In 1859 delegates gathered in Wyandotte, Kansas Territory, to draft a constitution under which they hoped Kansas would be admitted into the Union. The Wyandotte Constitution was accepted by Congress and when signed by the President on January 29, 1861, became the Constitution of the State of Kansas.

The exhibit was funded by the Commission for the 125th Anniversary of Statehood.

**Kansas Day Celebration
Set January 29 at KMH**

The Historical Society will celebrate 130 years of statehood on Kansas Day, January 29, at the Kansas Museum of History. The program this year will complement the museum's temporary exhibit, "Gifts from Wah Shō Shah and the Osage World: The Sylvester J. Tinker Collection."

The exhibit opens January 26 in the Special Exhibits Gallery. It will feature Osage Indian artifacts from the collection of Osage chief Sylvester Tinker. The Kansas Day celebration will include a number of programs and activities which will highlight the history and culture of Native American groups in Kansas. Tentatively planned are performances by Indian storytellers and an Indian theater group in the museum classrooms. Native American craft demonstrators will be in the lobby, and films on the Native American heritage in Kansas will be shown in the audio-visual theater. Volunteer facilitators will be in the hands-on area of the special exhibit.

Also, throughout the main gallery, costumed living-history interpreters will be available to guide visitors on their tour of Kansas history presented in the permanent exhibits.

Activities are from 9:00 a.m. to 3:00 p.m., Tuesday, January 29. For more information, contact the Division of Museum Education at 913-272-8681. The Kansas Museum of History is located at 6425 South West Sixth, Topeka, KS 66615.

**The Historical Society
MIRROR**

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Ramon Powers, Executive Director
Dot E. Taylor, Managing Editor

Society Membership Dues

Basic	
Individual	\$25.00
Student	15.00
Educational Institution	25.00
Family Member	35.00
Life (Individual)	1000.00
Special	
Patron	\$100.00-499.00
Kanza	\$500.00 or more

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RUTH: PER OUR CONVERSATION, THIS WILL BE SUBMITTED THIS WEEK FOR PUBLICATION IN SPRING 1991 FGS FORUM, "ACCESS" SECTION (SPACE PERMITTING AND GOD WILLING!)

Andrew
2/8/91

KANSAS

Senate Bill #7 seeks to amend K.S.A. 75-2701 and 75-2704, relating to the disposition of certain property in the possession of the state historical society. One change causing concern among many genealogists is the sentence, "This shall not prevent the sale or exchange by the society of its publications, duplicate materials, or materials outside its fields of collection, that it may have or obtain." The proposed wording is: "This shall not prevent the sale, exchange, donation, or other disposition by the society of its publications, duplicate property in its collection holdings, property outside its scope of collection, hazardous property or property with insufficient research, educational or exhibit value."

Since the Bill makes disposal dependent upon rules and regulations established by the society, genealogists fear the interpretation of "property with insufficient research, educational or exhibit value," will extend to materials family historians have felt compelled to protect in the past, such as the collection of non-Kansas newspapers. A campaign calls for researchers to write the new governor of the state, Joan Finney, State House, Topeka, KS 66612, to protest the passage of this bill as it now reads.

REPORT OF THE
JOINT COMMITTEE ON
ARTS AND CULTURAL RESOURCES
TO THE
1991 LEGISLATURE

Kansas Legislative Research Department
Room 545-N -- Statehouse
Topeka, Kansas 66612-1586

January, 1991

5. disposed of by burning, shredding, recycling, deposit in landfill, or other methods following professional procedures.

The Joint Committee asked that an ad hoc task force be formed to study the deaccessioning issue and to formulate a compromise to be presented to the Joint Committee. The task force was to be comprised of professional groups and other interested parties. The task force did meet and included the following members:

Ramon Powers, KSHS; David Haury, KSHS; Ruth Keys Clark, Genealogist; Helen King, Topeka Genealogical Society; Mary Burchill, Law Library, University of Kansas; Marc Galbraith, State Library; Cheryl Williams, Kansas Collection, University of Kansas; Terry Harmon, KSHS; Anthony Crawford, Farrell Library, Kansas State University; Cheryl Collins, Kansas Museums Association; Sarah Wood-Clark, Kansas Museum of History; Diane Good, KSHS; Representative Joan Adams; William O. Wagon, Topeka; Gayle Graham, Genealogist; David Furnas, Kansas Press Service, Inc.

The task force recommended to the Joint Committee that the bill, S.B. 499, be amended to include the provision that the Historical Society establish formal deaccession procedures to be approved by the Joint Committee on Administrative Rules and Regulations. Concepts the task force agreed to, include:

1. The Society will not deaccession newspapers until the microfilm is inspected. There are 40,000 rolls of microfilm, which equates to 35-40 million individual frames. Inspection of the microfilm will be conducted on a spot-check basis, with every 15-20 frames being examined. KSHS will assign five or six permanent staff people to the microfilming effort and also is actively seeking to secure volunteers for the effort. KSHS is also seeking funding of \$99,000 for three years for film and processing to be able to produce a second copy of the microfilm. KSHS hopes to have three copies of the film -- an original master negative; another negative to be stored at another location from which photos could be made; and a positive copy in the reading room. KSHS does plan to return the newspapers which have been filmed to communities which would like them. Already as many as 30 communities have requested their local newspapers.
2. Deaccession procedures will be approved by the Joint Committee on Administrative Rules and Regulations and outlined in *Kansas Administrative Regulations*. The procedures must include the important provision that each department will have a committee to review and select the materials slated for deaccession.
3. A public safeguard in the form of a committee must be established. The task force wanted a public body to review items to be deaccessioned. The task force envisioned that the committee would be a small group of five people, representing various professions and research groups, who would most likely meet quarterly. The committee would operate under the guidelines directing the collecting interests of KSHS.

The Joint Committee, in addition, toured the storage areas of KSHS, including an off-site storage warehouse. The Joint Committee observed materials being microfilmed and viewed microfilm that has redox.

Committee Recommendations

The Committee concludes that a consensus regarding deaccession authorization for the Kansas State Historical Society has been formed among the various interested parties. The Committee notes that the ad hoc task force, which met at the request of the Committee, recommended that the provisions of S.B. 499 be amended

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DEPOSIT HELD = NO

BALANCE FROM PREVIOUS BILL 138.84
PAYMENTS APPLIED THROUGH 12-19-88 138.84
ADJUSTMENTS APPLIED THROUGH 12-19-88 .00
BALANCE .00

CURRENT CHARGES AND CREDITS
TOTAL CONTEL CHARGES INCLUDING TAX 34.04
TOTAL AT&T CHARGES INCLUDING TAX 43.64
CURRENT CHARGES DUE 77.68

RUTH CLARK
WINCHESTER KS 66097

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THANK YOU FOR YOUR PROMPT PAYMENT

L III is

CHAPTER 128 STATE LIBRARY

IN GENERAL

- Paragraph
 12.1, 12.2. Transferred.
 12.3 to 12.18. Transferred and renumbered.

- Paragraph
 103. Declaration of policy—State Library.
 104. Regional library districts.
 105. State Library Advisory Committee.
 106. Responsibilities and duties of the Committee.
 107. Purpose of the State Library.
 107.1. Repealed.
 107.2. Literacy Advisory Board.
 108. Catalog.
 109. Ownership mark.
 110. Users of the State Library.
 111. Registry of library materials.
 112. Replacement of library materials.
 113. Fines and recovery.
 114, 115. Repealed.
 116. Repeal.
 117. Expired.
 118. Federal aid.
 119. Reimbursement for services.
 120. Seal and authenticated copies.
 121. Publications and lists—Deposits by State agencies.

STATE HISTORICAL LIBRARY

- 16.1. Microphotographing of past editions of newspapers—Copies.

PRESERVATION OF HISTORICAL DOCUMENTS AND RECORDS

- 21, 22. Repealed.

MARKING STATE HISTORICAL SITES

31. Application for listing and marking.
 32. Listing in register—Display of marker.
 33. Placement and maintenance of markers at registered sites.

STATE LIBRARY

101. Short title.
 102. Secretary of State is State Librarian.

IN GENERAL

- 12.1. Transferred to paragraph 101 of this chapter.
 12.2. Transferred to paragraph 102 of this chapter.
 12.3 to 12.18. Transferred and renumbered as paragraphs 104, 105, 107 to 121 of this chapter.

STATE HISTORICAL LIBRARY

13. Historical Library Division established
 § 1. That there is hereby established at the capital of the state, within the Historic Preservation Agency, a Historical Library Division.
 Amended by P.A. 84-25, Art. III, § 26, eff. July 18, 1985.

Historical and Statutory Notes

P.A. 84-25 rewrote the paragraph.

15. Director of Historic Preservation

§ 3. The Historical Library Division shall be under the control and management of the Director of Historic Preservation, hereinafter referred to as the Director.
 Amended by P.A. 84-25, Art. III, § 26, eff. July 18, 1985.

Historical and Statutory Notes

P.A. 84-25 rewrote the paragraph.

16. Powers and duties

§ 4. The Director of Historic Preservation may and is hereby required to make all necessary rules, regulations and bylaws not inconsistent with law to carry into effect the purposes of this Act and to procure from time to time as may be possible and practicable, at reasonable cost, all books, pamphlets, manuscripts, monographs, writings, and other material of historical interest and useful to the historian bearing upon the political, physical, religious or social history of the State of Illinois from the earliest known period of time. The Director of Historic Preservation may exchange any books, pamphlets, manuscripts, records or other material which such library may acquire that are of no historical interest or for any reason are of no value to it, with any other library, school or historical society. The Director of Historic Preservation shall distribute volumes of the series known as the Illinois Historical Collections now in print, and to be printed, to all who may apply for same and who pay to the Historical Library Division for such volumes an amount fixed by the Director of Historic Preservation sufficient to cover the expenses of printing and distribution of each volume received by such applicants. However, the Director shall have authority to furnish not to exceed 25 of each of the volumes of the Illinois Historical Collections, free of charge to each of the authors and editors of the collections or parts thereof; to furnish, as in his discretion he deems necessary or desirable, a reasonable number of each of the volumes of the Collections without charge to archives, libraries and similar institutions from which material has been drawn or assistance has been given in the preparation of such Collections, and to the officials thereof; to furnish, as in his discretion he deems necessary or desirable, a reasonable number of each of the volumes of the Collections without charge to the University of Illinois Library and to instructors and officials of that University, and to public libraries in the State of Illinois. The Director may also make exchanges of Historical Collections with any other library, school or historical society, and to distribute volumes of collections for review purposes, without charge. All proceeds received by the Historical Library Division from the sale of volumes of the series of the Illinois Historical Collections shall be paid into the General Revenue fund in the State treasury. Subject to concurrence by the Board, the Director also may obtain pursuant to the "Personnel Code" ¹ some person having the requisite qualifications as State Historian.

Amended by Laws 1955, p. 2230, § 1, eff. July 1, 1957; P.A. 78-378, § 1, eff. Oct. 1, 1973; P.A. 84-25, Art. III, § 26, eff. July 18, 1985.

¹ Chapter 127, ¶ 63b101 et seq.

Historical and Statutory Notes

Section 2 of the amendatory Act of 1955 provided that such Act shall become effective July 1, 1957.

P.A. 84-25 substituted "Director of Historic Preservation" or "Director" for "trustees" throughout the paragraph; in the first sentence, deleted "These"; substituted "is" for "they are"; substituted "Historical Library Division" for "Illinois State Historical Library" throughout the paragraph; substituted "his" for "their" throughout the paragraph; substituted "he deems" for "they deem" throughout the paragraph; and inserted "Subject to concurrence by the board" in the last sentence.

Library References

States ¶82.

C.J.S. States § 102.

16.1. Microphotographing of past editions of newspapers—Copies

§ 5.1. The State Historian shall establish and supervise a program within the Historical Library Division designed to preserve as historical records selected past editions of newspapers of this State. Such editions shall be microphotographed. The negatives of such microphotographs shall be stored in a place provided by the Historical Library Division.

The State Historian shall determine on the basis of historical value the various newspaper edition files which shall be microphotographed and shall arrange a schedule for such microphotographing. The State Historian shall supervise the making of arrangements for acquiring access to past edition files with the editors or publishers of the various newspapers.

The method of microphotography to be employed in this program shall conform to the standards established pursuant to Section 17 of "The State Records Act", approved July 6, 1967.¹

one belonging to Joseph Williams; seven tithes belonging to Hannah Hedgman and five tithes belonging to Thomas Williams be added to the list taken by Duff Green, Gent. (Fauquier Co. Va.: Min. Bk. 1764-1768, p2.)

Augustine Jennings, Hamilton Parish, Fauquier Co. Va. a deed from John Duncan & w. Wilkey, of same place, sg. 20 Dec. 1765, tract of land lying in Hamilton Parish, whereon the son of sd. John Duncan now liveth, containing 200 acres, beginning at a White Oak in the dividing line between Peter Hedgman & Nathaniel Hedgman. Wit.: Wm. Hurdy, Paul Williams, Jonas Williams, Augustine Jennings. (Fauquier Co. Va.: D-Bk. 2-394.)

"Intense personal rivalry developed between John Wright, Gent., and Augustine Jennings over which man should become the Major of the Fauquier (County, Va.) Military forces, prior to which both gentlemen were appointed to act together with the former's brother-in-law, Wheatley and relative Morgan Darnall, by Wright's father then sitting as Justice." (Tyler's Q.: 4-247.)

26 Mch. 1770: At a Court held for Fauquier County, Augustine Jennings, Esq., Major, took the usual oaths and subscribed the Test. (Fauquier Co. Va.: Min. Bk. 1768-1772, pp164-166-167.)

Augustine Jennings, Sr., Hamilton Parish, Fauquier County, Va., a deed from John Smith & w. Mary of same place, sg. in the year, 1773, tract of land containing 182 acres lying in Parish of Hamilton, Fauquier County, beginning at a White Oak on the West side of Elk Marsh, adjoining the lands of Thornton, James Duff & others. Wit.: John Hudson, George Calvert, Augustine Jennings, John Okly. Fauquier Co. Va.: D-Bk. 5-397.

Augustine Jennings, Sr. (ca. 1708/10-1778) was too old to serve in the Revolutionary War.

(Augustine Jennings, the Elder, & (w. Hannah, of Hamilton Parish, Fauquier Co. Va., a deed to Augustine Jennings, the younger, of same place sg. 24 Mch. 1777, tract of land (containing 200 acres formerly sold by (Nathaniel Hedgeman to John Duncan (& by sd. John Duncan to Augustine Jennings the Elder, 20 Dec. 1765, beginning at a White Oak in the dividing line between Peter Hedgeman (& Nathaniel Hedgeman, laid off of (the south end of the aforesaid tract. (Wit.: Martin Pickett, Wm. Jennings, (Joseph Wheatley. (Fauquier Co. Va.: D-Bk. 6-353.

(The Right Hon. Lord Fairfax, Proprietor of the Northern Neck of Va., (have given unto Major Augustine Jennings of Fauquier Co. a certain (tract of waste & ungranted land containing 20 acres, adj. his own land, (the lands of the late Colonel Corbin, (land of Henry Bramlet on Elk Marsh Run, bounded as by a survey made (by Jno. Moffett beginning at two (White Oaks to Smiths in Corbin's (line. This 20 Feb. 1776. Va. State (Lib.: Bk. I, 1757-1781, p284.

(Whereas Augustine Jennings of (Fauquier Co. Va., hath set forth that (there is surplus land within the (bounds of a tract situated on Elk (Marsh Run in Fauquier Co., and being part of a tract of land granted (by deed dated 20 Sept. 1715 for 313 (acres to a certain John Smith, who (devised the sd. part to his son, John (Smith, who conveyed to sd. August-

He probably furnished supplies since we find his wife, Hannah being paid for Brandy &c.: "18 Sept. 1780: Paid to Hanah Jennings, £100 for four gallons of Brandy. John Blackwell, Commsr. Fauquier Co. Va." (See Va. State Lib.: Public Service Claims, Req. C 8527.)

(tine Jennings for 156½ acres, & the (sd. Augustine Jennings desiring a (surplus deed for the sd. part and (having presented a resurvey thereof (from John Moffett whereby it appears that there are within its bounds (175 acres of which 18½ are surplus (&c. This 23 July 1779. Va. State Lib.: (Bk. I, 1757-1781, p355. (N. B. This land was granted after (the death of Augustine Jennings, Sr.

Augustine Jennings, Sr., d. in Hamilton Parish, Fauquier Co. Va., leaving a will sg. 13 Dec. 1776 pr. 24 Aug. 1778, in which he names all of his sons first, according to their seniority in age, and his daughters likewise, with the exception of his two youngest daughters, Hannah and Sally Jennings, VIZ:

w. Hannah, "The plantation whereon I now live & 4 slaves, two of her choice, & of the Exors., hereafter named during her natural life or widowhood, not to claim any right or title to any lands hereafter, and in case she should marry her Dowry (sic) shall be divided as shall be mentioned hereafter."

My son, Wm. Jennings, "200a. belonging to the plantation where he now lives & all the goods & chattels he hath rec'd. & 1 negro, Tom."

My son, Augustine Jennings, "200a. belonging to the plantation where he now lives & two negroes, Benn & Agga, & if he should die without male heirs, the land is to fall to my son, Geo. Jennings."

My son, Berryman Jennings, "Land lying on the W. side of Elk Marsh Run, whereon he now lives, and two negroes, as it may fall by lott. If he should die without male heirs the land is to fall to my son, Geo. Jennings."

My son, Baylor Jennings, "The remaining part of tract of land lying on the E. side of Elk Marsh Run, & two negroes as shall fall by lott. If he should die without male heirs the land is to fall to my son, Geo. Jennings."

My son, Lewis Jennings, "The plantation whereon I now live after my wife's decease, & two slaves as shall fall by lott."

My son, Geo. Jennings, "Two slaves as shall fall by lott, and one more after his mother's decease."

My dau. Betty Jennings, "Forty pounds to be paid out of my Est. after my wife's decease, & if my wife should think proper to pay any part of the sd. money to her in her lifetime, it shall be good, on she giving a receipt for same."

My dau. Hannah Jennings, "Two negroes as may fall out by

dies. The vessel was spoken when three days out; was never heard from afterwards, and was supposed to have foundered at sea from the shifting of her ballast.

3—39. Sarah Bradley, June 28, 1801; d. of dropsy in the head, caused by a fall, March 24, 1805.

3—40. Susau, July 19, 1804; m. Wickham Mills.

3—41. John, July 21, 1806; d. of fever May 24, 1815.

II. — 9. REBECCA HUGHES, m. to *Thomas Howell*, of New Haven. She was a lady of intelligence, refinement, and great personal beauty.

They had one son, born at New Haven:

3—42. William Thomas, February 11, 1788; m. Betsey Lindsay.

She was married second to *Josiah Moulton*, at New Haven, August 14, 1794. They kept a hotel some years in Troy, New York, and afterwards resided at Floyd, Oneida County, where they both died. They were prominent and prosperous people.

They had two children:

3—43. Charles, for some years a merchant in New York city; now resides in Paris, France, and is reported a man of great wealth.

3—44. Harriet; m. Powers Green.

III. — 1. STEPHEN HUGHES, b. East Haven, April 8, 1773; baptized November 21, 1775, at Trinity Church; parents and Henry Freeman Hughes sponsors. When quite young, he removed with his father's family to Russell, Massachusetts, where he afterwards resided until the time of his death.

He was the eldest child and son, and had attained little more than twelve years of age when the family was deprived of its father by the accident already described in the brief sketch of his life. The mother was a helpless invalid, and the care of the family seems to have fallen mainly upon him for several years. He discharged the duties thus early imposed upon him

with singular fidelity, and in a manner highly creditable to his character and ability. The homestead seems originally to have belonged to his uncle, Daniel Hughes, as it was conveyed by him to Stephen by deed April 13, 1796, — twenty-three acres in consideration of £30. The deed describes it as in Russell, bounded west on Blanford line, north on Nehemiah Carter's land, east on the heirs of Henry Hughes, deceased, and south on Henry Hughes's heirs.

On the 4th of July, 1801, he joined the Congregational Church at Russell, and his three children, John, Electa and Stephen were baptized the same day. He was ever afterwards a faithful member. His wife Prudence, joined the church in 1809. He was chosen deacon July 29, 1820; was familiarly known by that title during the remainder of his life, and faithfully discharged the duties of the office.

He was selectman of his town several years; a prominent man in local affairs, and noted for his high sense of honor in his business and social relations and intercourse. The house in which his father lived, and the barn erected by Stephen shortly after his father's death, are still serving the purposes for which they were built. His tender consideration for his mother was exhibited in connection with this barn, which he managed to build without her knowledge, to prevent any disturbance of her nerves by apprehension of accidents.

In 1794, he married his first wife, *Prudence Newton*, who was born January 12, 1773, and died at Russell, September 29, 1818.

On the 16th of June, 1819, he married his second wife, *Nancy Crosby*, who was born December 15, 1784, and died July 6, 1825.

He married a third wife, *Anna Stoddard*, born June 7, 1769, who died October 29, 1873. He died February 3, 1861.

399.4. Duties of commission

Sec. 4. It shall be the duty of said commission to collect, arrange and preserve historical material, including books, pamphlets, maps, charts, manuscripts, papers, copies of domestic and foreign records and archives, paintings, statuary, and other objects and material illustrative of and relating to the history of Michigan and the old northwest territory; to procure and preserve narratives of the early pioneers, their exploits, perils, privations and achievements; to collect material of every description relative to the history, language, literature, progress or decay of our Indian tribes; to collect, prepare and display in the museum of said commission objects indicative of the life, customs, dress and resources of the early residents of Michigan, and to publish source materials, and historical studies relative to and illustrative of the history of the state, including such historical materials and studies as may be furnished for that purpose by educational institutions and by the Michigan pioneer and historical society. The commission shall cooperate with and assist the Michigan pioneer and historical society and local historical societies in the state, and help to organize new local historical societies of similar nature and purpose.

Historical Note

Source: C.L.1929, § 8117.
P.A.1913, No. 271, § 4, Imd. Eff. May 8. C.L.1948, § 399.4.
C.L.1915, § 10730. C.L.1970, § 399.4.
P.A.1917, No. 192, Imd. Eff. May 8.

Cross References

Aboriginal records and antiquities, preservation and regulation of taking, see § 299.51 et seq.

Library References

States 6-73.
C.J.S. States § 130 et seq.

Notes of Decisions

Archaeological objects 1 display in repository of the commission. Op. Atty.Gen.1957-58, No. 2932, p. 435.
Surveying, excavating, and exploring 2
2. Surveying, excavating, and exploring
Michigan historical commission, prior to doing any surveying, excavating or exploring of any aboriginal antiquities on state land, was to obtain a permit from director of department of conservation as required by § 299.51 et seq. Op.Atty.Gen.1957-58, No. 2932, p. 435.

399.4a. Confidential records, documents, papers, or other written material obtained by the secretary of state

Sec. 4a. (1) Records, documents, papers, or other written material obtained by the secretary of state from a person under a written agreement specifying that the material is for retention in the state archives, but is confidential, shall be kept confidential and shall not be open to public

and commission for
years, 1 for 4 years,
usually for a term
fixed and qualified.

office of existing boards
which are longer than four
years extended except as
otherwise provided.

to take effect, the said
commission shall organize by
rule, and shall
hold regular
meetings as may be
necessary to receive and
manage the property of the
state conveyed to the state
at the capitol building
and requests for

9a

WORK AND SITES

MICHIGAN HISTORICAL COMMISSION

399.5

which period shall on.

essing material, or om a governmental fidential basis shall n agreement. The e and a representa- l conditions under clude provision for mes of individuals

papers, electronic h were not exempt ic Acts of 1976, as n Compiled Laws,

Eff. Dec. 9, 1980.

les as evidence; disposal schedule by made the duty power, to collect nty, city, village, books and papers of the commission; files, documents, possession. The on, arranging and of the public. In roof building and ns, records, files, commission they y be left in the shed the commis- he finding of the ne in its opinion on. Copies of all certified to by the n evidence in all ustodian thereof. the discharge of ed to be filed in a

public office, or is a written memorial of a transaction of a public officer made in the discharge of his duty, shall be the property of the people of the state, and may not be disposed of, mutilated or destroyed except as provided by law. The provisions of this section shall not apply to bonds, bills, notes, interest coupons or other evidences of indebtedness issued by the state, county, multi-county, school, municipal agency, department, board, commission and institution of government. The directing authority of each state, county, multi-county, school, municipal agency, department, board, commission and institution of government shall present to the commission a schedule governing disposal of, or a list or description of the papers, documents and other records which it shall certify are useless and which have ceased to be of value to the governmental agency and to its duties to the public, whereupon the commission shall inspect the papers, documents and other records and shall requisition for transfer from the directing authority to the commission, such papers, documents and other records as the commission shall deem to be of value.

As soon as possible after the inspection by the commission and the transfer of records deemed to have value has been completed, the directing authority of the agency, department, board, commission and institution shall submit the schedule governing the disposal of, or the remainder of the list of such papers, documents and other records to the state administrative board, who shall approve or disapprove the disposal schedule or list and order the destruction of the valueless records accordingly.

Historical Note

Source:

- P.A.1913, No. 271, § 5, Imd. Eff. May 8.
- C.L.1915, § 10731.
- P.A.1923, No. 144, Eff. Aug. 30.
- C.L.1929, § 8118.
- P.A.1943, No. 172, Eff. July 30.
- C.L.1948, § 399.5.
- P.A.1952, No. 154, § 1, Eff. Sept. 18.
- P.A.1955, No. 59, § 1, Eff. Oct. 14.
- P.A.1959, No. 68, § 1, Eff. March 19, 1960.
- C.L.1970, § 399.5.

The 1952 amendment, in the first paragraph, in the first sentence, substituted "not in current use, and are of value, in the opinion of the commission" for "not less than 10 years old, and are not in current use, and are, in the opinion of the commission, valuable only for historical purposes", and in the proviso of the second sentence, substituted "public institution" for "public library"; and, in the second paragraph, in the first sentence, deleted ", except tax and assessment rolls of real and personal property," following "Any record", and in the second sentence, inserted "multi-county," substituted "during each calendar year" for "on or before January first of each year", and deleted "are not less than 10 years old and which" preceding "have ceased to be of value", and

"historical" preceding "value" where last appearing.

The 1955 amendment, in the second paragraph, in the second sentence, substituted "a schedule governing disposal of, or" for "during each calendar year," and "agency and to its duties to the public," for "agencies", and inserted "he shall certify"; and rewrote the third paragraph, which prior thereto read:

"Within 10 days after the transfer of said historical data to the said commission, the said directing authority of said agency, department, board, commission and institution shall report the substance of the remainder of such papers, documents and other records to the state administrative board, who shall thereupon order any portion or all thereof destroyed or otherwise disposed of."

The 1959 amendment, in the first paragraph, formed the second sentence from the former proviso of the first sentence, in the second sentence substituted "books and papers" for "etc."; in the second paragraph, in the first sentence, deleted "of Michigan" following "state", inserted the second sentence, and, in the third sentence, substituted a comma for "and/or" following "state" and "school", and "it shall certify" for "he shall certify"; and

inspection or copying for a period stated in the agreement which period shall not be more than 20 years or until the death of the person.

(2) Records, documents, papers, electronic data processing material, or other written material obtained by the secretary of state from a governmental agency which previously maintained the material on a confidential basis shall be kept confidential pursuant to the terms of a written agreement. The written agreement shall be signed by the secretary of state and a representative of the donating agency, shall specify the terms and conditions under which the materials are to be kept confidential, and may include provision for releasing materials for research purposes provided the names of individuals identified in materials are protected from disclosure.

(3) This section does not apply to records, documents, papers, electronic data processing material or other written materials which were not exempt from the disclosure requirements of Act No. 442 of the Public Acts of 1976, as amended, being sections 15.231 to 15.246 of the Michigan Compiled Laws, prior to receipt by the secretary of state.

P.A.1913, No. 271, § 4a, added by P.A.1980, No. 319, § 1, Imd. Eff. Dec. 9, 1980.

Library References

Records 31.
C.J.S. Records § 40.

399.5. Historical records; collection; preservation; copies as evidence; property of state; exceptions; inspection; disposal schedule

Sec. 5. The commission shall have power, and it is hereby made the duty of all public officials to assist in the performance of this power, to collect from the public offices in the state, including state, county, city, village, school and township offices, such records, files, documents, books and papers as are not in current use, and are of value, in the opinion of the commission; and it is hereby made the legal custodian of such records, files, documents, books and papers when collected and transferred to its possession. The commission shall provide for their preservation, classification, arranging and indexing, so that they may be made available for the use of the public. In counties where there is a public institution having a fireproof building and suitable arrangements for carefully keeping such publications, records, files, documents, books and papers, so that in the opinion of the commission they can be safely stored, the same or any part thereof may be left in the possession of such institution. A list thereof shall be furnished the commission and shall be kept of record in its office. A copy of the finding of the commission that such depository is a safe and a proper one in its opinion shall be made a part of the official records of the commission. Copies of all such papers, documents, files and records, when made and certified to by the secretary or archivist of the commission, shall be admitted in evidence in all courts, with the same effect as if certified to by the original custodian thereof.

Any record that is required to be kept by a public officer in the discharge of the duties imposed on him by law, or that is a writing required to be filed in a

public office, or is made in the discharge of the duties of a public officer, and may not be destroyed by law. The provisions of this act shall not apply to interest coupons, bonds, county, multi-county, and institutional records, county, multi-county, and institutional records, governing disposal of other records which have no value to the government, the commission shall requisition for such papers, documents, and records of value.

As soon as possible, records deemed to be of value of the agency, department, or schedule governing such papers, documents, and records shall appropriate or destruction of the

Source:

P.A.1913, No. 271, C.L.1915, § 10731. P.A.1923, No. 144, C.L.1929, § 8118. P.A.1943, No. 172, C.L.1948, § 399.5. P.A.1952, No. 154, § 399.5. P.A.1955, No. 59, § 399.5. P.A.1959, No. 68, § 399.5. C.L.1970, § 399.5.

The 1952 amendment in the first sentence, "use, and are of value to the commission" for "not in current use, and are not in current use, in the opinion of the commission for historical purposes", second sentence, "institution" for "public library", paragraph, in the first sentence, "and assessment of personal property," following the second sentence, "substituted "during the year or before January first" "are not less than the value of the preceding "have been


Hooked on History!

Nobody knows Ancestor Fever like William Dollarhide, creator of the computer program *Everyone's Family Tree*.

"I didn't expect to get hooked, but I opened a book and found the Dollarhides listed as Revolutionary War pensioners. That was it. When a person gets so involved in a hobby that he can't work, he must start a business."

He started his company, Genealogical Publishing Co., Inc., part time in 1980, but by 1985 he had become so absorbed in it that it became his full time occupation. He started his company with forms he had used in his research for years. When he was asked to teach a class at Western Washington University, he was inundated by his students requesting copies of the forms. Encouraged by their interest, he put a package of forms together, advertised them nationally, and the business mushroomed.

"Then I jumped into software with both feet. I was an architect for the University in Bellingham. We got our first computer about 1975, an Apple. We got an IBM in 1978 and I've used IBM compatibles ever since. I'm excited about what will happen in the next ten years, when people now in their twenties and thirties get interested in their family histories. I want to be waiting with the technology to serve that market. I've got a lot of ideas. We're now working on the upgrade to *Everyone's Family Tree*."


Professional genealogists don't stop with their own families. William Dollarhide has recently undertaken a research project brought to him by a family in his area who had passed down a family story that they were related to the famous Dutch painter Rembrandt. The family has found a painting which they believe might be an undocumented Rembrandt, and William Dollarhide is on the case. 

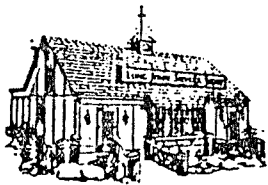
Where to Do Your Family Research

Mid-Continent Library, 24 Highway and Spring Street, Independence, Missouri, is excellent. About 60 miles from Atchison, it offers free parking and knowledgeable attendants who are helpful but not intrusive. It has extensive resources with shelves open for browsing and a self-service philosophy. It maintains a supply of free forms to aid your research and record your findings, so all you really need to take on your visit is a pencil.

Mid-Continent Library is open Monday through Thursday 9 a.m. to 9 p.m., Friday 9 a.m. to 6 p.m., Saturday 9 a.m. to 5 p.m., closed Sunday. A few yards away is Town Topic, a hamburger shop with extraordinary service, and across the street Poppy's Famous Donuts, in case you come early and stay late.

St. Joseph Family History Library, the library in the Church of Jesus Christ of Latter Day Saints at 7 North Carriage, is excellent. Parking is free and it is only about 30 miles from Atchison. The attendants are very helpful and friendly. They have good nationwide resources. When the computer arrives in the spring of 1991, this could be a gold mine. They are open Monday, Wednesday and Friday 9 a.m. to 2 p.m., Tuesday and Thursday 6 p.m. to 9 p.m.

The Kansas State Historical Society in Topeka is a good library with certain drawbacks. Right across the street from the capitol building, parking is dreadful and you will be ticketed relentlessly. The library is about 60 miles from Atchison. The attendants are helpful but somewhat impatient with the novice researcher. Among their extensive resources are book holdings larger than Mid-Continent's, but shelved on closed stacks that cannot be browsed. Here, you fill out a request slip and the attendant brings the books to your table, where your research card must be displayed or you will be reprimanded. This request system rules out the accidental finds that can be so exciting and satisfying. If you like to browse, this library will encumber you. 



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Vegetable, Slaw, & Breadstick

\$2.79

Expires May 30, 1991

2 Piece Fish & Fryes

\$2.89

Expires May 30, 1991