

Approved: February 12, 2009  
Date

MINUTES OF THE HOUSE GOVERNMENT EFFICIENCY AND FISCAL OVERSIGHT  
COMMITTEE

The meeting was called to order by Chairman Jim Morrison at 3:37 p.m. on February 11, 2009, in Room 535-N of the Capitol.

All members were present except:

Representative Brenda Landwehr- excused  
Representative Judy Loganbill- excused  
Representative Louis Ruiz- excused

Committee staff present:

Rena Jefferies, Office of the Revisor of Statutes  
Daniel Yoza, Office of the Revisor of Statutes  
Hank Avila, Kansas Legislative Research Department  
Mary Galligan, Kansas Legislative Research Department  
Gary Deeter, Committee Assistant

Conferees appearing before the committee:

Matt Veatch, State Archivist, Kansas State Historical Society  
Patricia Michaelis, Director of Library and Archives Division, Kansas State Historical Society

Others attending:

See attached list.

The Chairman opened the hearing on **HB 2195 - Public records; certification of electronic records by the state archivist.**

Patricia Michaelis, Director of Library and Archives Division, Kansas State Historical Society, explained that the bill is an important first step in creating a digital state archives because it establishes a process giving electronic records the same legal authority as paper records (Attachment 1).

Ms. Michaelis then introduced Matt Veatch, State Archivist, who provided a brief history of the work of the State Historical Society, then noted a pilot project begun in 2004 to establish some baselines for electronic state government publications. He said the Society is presently engaged in a collaborative effort to create a trusted digital repository for authentic Kansas government records—an electronic state archives. The Society is working on two fronts: first, designing, developing, and implementing the software and hardware infrastructure to support long-term preservation of state electronic records, and, secondly, creating the necessary policy and regulatory framework for such archives. He said that the bill will provide an important statutory foundation to support the transition to digital archives and digital government.

Revisor Rena Jefferies briefed the Committee on the bill, saying that it directs the state archivist to prepare and present recommendations to the State Records Board regarding the preservation process for maintaining the authenticity of electronic government records. She stated that the state archivist's electronic signature

## CONTINUATION SHEET

Minutes of the House Government Efficiency And Fiscal Oversight Committee at 3:37 p.m. on February 11, 2009, in Room 535-N of the Capitol.

shall have the same legal effect as the original document.

Answering questions, Ms. Michaelis said no definition is given in the bill for the term “reasonable fees,” but she noted that presently \$2 is charged for a certified copy of a historical document.

Legislative Chief Information Technology Officer Don Heiman responded to a question regarding digital signatures, saying that a set of keys controls the unique digital signature, which can be encrypted and decrypted. He explained that a digital signature can be associated with a set of processes and disciplines and that it attests to authorizing standards and has the full effect of a historical document. The Chairman commented that the legislature is moving toward using digital signatures and encrypted messages.

The hearing was closed.

The meeting was adjourned at 4:05 p.m. The next meeting is scheduled for February 12, 2009.



**Testimony Before the House Committee on Government Efficiency and Fiscal Oversight  
Regarding HB 2195, An Act concerning state records; relating to maintenance and  
certification of electronic records, amending K.S.A. 45-406 and 75-3519 and repealing the  
existing sections**

**Patricia Michaelis, Director, State Archives and Library Division, Kansas State Historical  
Society and Matt Veatch, State Archivist, Kansas State Historical Society  
February 11, 2009**

**Testimony by Patricia Michaelis**

Chairman Morrison, Vice Chairman Burgess, and members of the committee: Thank you for the opportunity to speak with you today about House Bill 2195 which relates to the preservation and authenticity of electronic government records. My name is Pat Michaelis and I am director of the State Archives and Library Division at the Kansas State Historical Society (KSHS).

Accountability and transparency -- essential foundations of democratic government -- can only be achieved if citizens have access to authentic government records. Ironically, the rapidly evolving information technology that has enhanced citizen access to government also presents inherent risks to long-term access to and preservation of government records. These risks are intimately tied to the ever-changing technology used to create records. While digital technologies have transformed the way we work, the way we manage the records of that work has not kept pace. Information systems are often funded, designed, implemented, and, now, even replaced without adequate thought for the records they create and how those records will be managed over time. As a result, Kansas government risks retaining electronic records and information for longer than needed and destroying electronic records and information with permanent legal and historical value. In fact, we can no longer access the content of some early digital records. There is a need for the state of Kansas to address the highly complex issue of preserving and providing access to authentic electronic government records if we are to avoid what I refer to as the "archival black hole." While this bill is only one part of creating a digital State Archives, it is an important first step in declaring that electronic records preserved under process established though this bill would have the same legal authority as those records transferred to the State Archives in paper form.

I want to introduce Matt Veatch, my assistant division director and the State Archivist.

**Testimony by Matt Veatch**

Thank you for the opportunity to speak with you today about House Bill 2195. My name is Matt Veatch and I am the State Archivist, employed by the Kansas State Historical Society (KSHS).

Since 1905, the Kansas State Historical Society, under authority granted in the Government Records Preservation Act (KSA 45-401 through 45-413), has served as the official archives for Kansas state government records. The transition from a paper-based to a digital state archives has presented significant technological, organizational, and resource challenges. For more than a

Attachment 1  
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decade, KSHS staff have worked closely with Kansas government entities to improve electronic records management and preservation practices. However, the Historical Society has not had the ability to properly authenticate electronic records with permanent historical value.

A pilot project initiated in 2004 called KSPACE, provided the KSHS with some experience in acquiring and providing access to digital content in the form of electronic state government publications. KSPACE continues to operate and new digital publications are added to the repository on a regular basis. Yet KSPACE does not possess all the elements of a trusted digital repository -- it is not fully compliant with national and professional standards for a digital archives.

The Historical Society is currently engaged in a collaborative project to create a trusted digital repository for authentic Kansas government records -- an electronic state archives. . Using the acronym KEEP (Kansas Enterprise Electronic Preservation) the project will involve working with the Kansas Legislature and at least one other state agency (to be identified during the planning process) using an ISO standard (the Open Archival Information System Reference Model -- ISO 14721:2003) to design, develop, and implement the required software and hardware infrastructure to support the long-term preservation of state electronic records. In parallel, the KSHS will be developing the necessary policy and regulatory framework required to support state organizations in their participation in the digital archives. The KEEP archives project represents a key element in a larger effort to develop a shared roadmap to guide electronic records and information management in Kansas government -- an effort that received legislative support in FY 2009. While one size won't fit all, the magnitude of the problem requires partnerships at all levels to resolve the challenges of managing electronic records and information and to avoid expensive duplication of efforts. The electronic archives envisioned by the KEEP project is an important step in enabling the state archives to make the transition from an analog to a digital repository.

HB 2195 would provide an important statutory foundation to support this transition to a digital archives and to digital government. Electronic records are now ubiquitous -- they are the norm in both the private and public sectors. For government to remain fully accountable and transparent and continue to protect the legal rights of citizens, we must maintain electronic records that are authentic and trustworthy representations of our actions. Maintaining authentic records in a digital environment requires a careful and disciplined approach to their management -- particularly when digital records with long-term value must be transferred from one generation of technology to another. This bill would authorize the state records board to establish standards for preserving and maintaining the authenticity of digital records. Moreover, it would recognize electronic records maintained in accordance with these standards as having full legal status.

Thank you.