

Kansas—The Administration of the Public Records

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IT would give me a great deal of pleasure to say that Kansas has *no* problem with its public records. Unfortunately I cannot do that, but I can say that Kansas has a State records law that may certainly be characterized as workable and a system for the retention and disposition of State records that has proved increasingly satisfactory.

In 1957 a legislative act created a new State Records Board and redefined the powers of the board that had been set up originally in 1949. The board, as presently constituted, includes the attorney general, the State librarian, the State auditor, the secretary of the Kansas State Historical Society, or their designated representatives; and the State Archivist. The attorney general serves as chairman of the board, the State Archivist as secretary, and a representative of any agency with a request before the board is a member pro tem.

The State records board is an autonomous body which has the power to

pass upon the requests of the state departments or other agencies for the destruction or other disposition of records, and shall have power to order the destruction, reproduction, temporary or permanent retention, and disposition of the public records of any department or agency of the state, to establish records disposal schedules for the orderly retirement of records, and to adopt such other rules and regulations as they may deem necessary to accomplish the purposes of this act.¹

The broad powers given the board, including its right to determine what is best for the State where records are concerned, have thus far been wisely used. Although the law makes the attorney general the chairman, in present practice the State Archivist calls

* Adaptation by the author, with updating, of paper read, Oct. 6, 1961, at the 25th annual meeting of the Society of American Archivists, in Kansas City, Mo., as part of a session concerning archives programs of the Central Missouri Valley States. Theodore J. Cassady was chairman of the session. The author, after a year as archivist at the Nebraska State Historical Society, became State Archivist of Kansas in 1952. For some years he has lectured on American history at Washburn University, Topeka. He is co-author of the recently published *Kansas; a Pictorial History*.

¹ Kansas General Statutes (1961 Supplement), 75-3504.

the meetings and initially considers requests from agencies—a happy situation for both the Archivist and the State Historical Society. The members of the board have done much to make the system function properly. We have had two State auditors since the law was changed—both outspoken, practical men with an interest in history and a scorn for unnecessary recordkeeping. The attorney general's office has been careful to protect the State's legal interests but has not hindered the orderly disposition of worthless material. And, to complete the pleasant picture, nothing can be finally disposed of without the approval of the Kansas State Historical Society, which in its own self-interest keeps a sharp eye out for material of lasting value.

In this day of booming and bulging records centers, the rush for records management in government, and the expenditure of millions of dollars on microfilming, the State of Kansas is taking a second look at its records through the eyes of the Records Board and the State's Budget Division. It has found that the records center thought necessary three or four years ago would probably be a waste of the taxpayers' money at the present time. So many routine records have been scheduled for systematic disposal since 1957 that most of the agencies that earlier faced a staggering records problem have revised their thinking and their files to a point where the need for additional filing space has virtually disappeared. The Kansas Corporation Commission in August of 1957 was faced with a tremendous problem because it had been reluctant to dispose of certain routine records and because it had not been given any authority to dispose of its records in an orderly manner. In that month the commission came before the Records Board to obtain approval for the disposal of port of entry records of temporary value. The board granted the request and provided that these papers be retained only three years, with disposal to take place annually. The Corporation Commission has sufficient room for three years' files, and hence it has no need for a records center.

This is only one example of what the Kansas Records Board has accomplished, but the same sort of thing has been done for the Departments of Revenue and Social Welfare and the Motor Vehicle and Highway Departments, which together create tons of impermanent records yearly. On a smaller scale most of the other State agencies have had similar help from the Records Board; and, so far as we are able to determine, no one has been at all unhappy about the situation. At one meeting of the board we asked the

Department of Revenue representatives whether they were pleased with the way things had worked out. Their answer was strong approval—and probably no agency collects more pieces of paper than one that deals with taxes.

In 1957, at the time the legislature established the present State Records Board, a law was enacted establishing a State records center under the supervision of the State Historical Society. Two years later the statute was amended, upon recommendation of an Efficiency and Economy Commission, so that the center was transferred to the control of the State's Department of Administration. Neither the 1957 nor the 1959 law, however, carried any appropriation for establishing and operating the center, since both the historical society and the Department of Administration doubted the need for such an installation. Nevertheless, authorization for a records center exists should the State wish to enter into such an operation at some future time.

Let no one interpret these remarks as a sweeping condemnation of records centers! Certainly in the Federal Government and in the heavily populated States something is necessary to bridge the gap between agency filing and final disposition—whether it be disposal or archival preservation. The same is true for the Nation's industrial giants, but we in Kansas are beginning to suspect that the necessity may not exist in some States with smaller populations.

Kansas has not solved all its archival problems. There are still matters of policy to be decided, such as whether the State treasurer or the insurance commissioner should be the final custodian of certain fiscal records involving money taken in by the Insurance Department and deposited with the treasurer. There are similar cases involving other agencies that deposit money with the State. There may be records upon which statutory requirements for preservation for specific years have been imposed that should be examined with an eye toward statutory revision. We are thinking about such things, and we hope that the future will see the attainment of proper solutions. Undoubtedly there are offices in the Kansas Statehouse that still contain unnecessary files, but these can be weeded out systematically as time goes by. We know that the Highway Department reduced records space when it found it could dispose of duplicate vouchers dating back to 1927. At a recent meeting of the State Records Board an agency appeared to request a shorter retention time for one of its routine forms. The agency's experience showed that the record was not so important as some people thought it was when the original schedule was

established. This was the first such change requested, and it is presumed that others will come. The revision was made quickly and easily, the agency representatives departed with smiling faces, and filing space was released for better use.

Kansas is not engaging in records management in the true sense of the term, but only in the sense that agencies have presented their problems to the historical society and the Records Board. Together they have devised disposal schedules that are agreeable to all concerned, so that records management of a sort is going on. This does not of itself prevent the creation of new forms, some of which may be unnecessary; but most State agencies have become so conscious of housekeeping problems that they are thinking twice before they add to records that must be stored. Perhaps one of the greatest aids to indirect records management is the attitude of the State's Budget Division. That office can be extremely economical when requests for authorization to purchase new filing equipment come before it; and, since it would be legally involved in the records center proposal, it is acutely aware of agency paper accumulations.

The State Historical Society, the official State Archives since 1905, is the final depository for State records of permanent historical value. Records may be transferred to the society at any time by a State agency without clearance through the State Records Board, and this happens with some frequency. Those records approved for disposal by the Records Board that seem to have historical possibilities are acquired by the historical society, and in some cases further examination by the archival staff indicates that there is no need for permanent preservation. The historical society is then responsible for disposal.

One cannot consider a records program without giving some attention to microfilm, which in Kansas is considered an original record for legal purposes. Kansas does not have a central microfilming agency, but the historical society films archival material as a part of its regular program. Certain State agencies operate their own microfilm projects either within the agency or on a contract basis with a commercial firm. For example, the State Board of Health with its own equipment puts vital statistics on film, and the Department of Revenue films certain tax records that are permanent. At present it does appear that State agencies are using microfilming intelligently and to good advantage. This was not always the case. In the past, persuasive salesmen "sold" some agencies on unnecessary microfilming, and thousands of dollars were spent on records that had no permanent value.

In the field of county records the historical society and the State Archivist are neophytes. The 1961 legislature passed a law allowing counties to petition the district courts for permission to dispose of records more than 20 years old and giving the historical society the right to review those records for possible historical value. Thus far several counties have inquired about the type of record in which the historical society is interested and have submitted lists of their records to the society.²

As yet no county has asked permission to destroy anything of real value. The stuff of which county history is made—commissioners' journals, court records, and registers—is not being disposed of.³ The State Archivist was given the opportunity to present some comments on county record preservation through the columns of the *Kansas Government Journal* and at a conference of county clerks held at the University of Kansas in February 1962. It appears that both efforts are paying dividends. At any rate, the historical society now has authority in law to preserve county records, and prior to 1961 the only county material held by the society had come to it on a purely voluntary basis.

The reader may have realized by now that the people in Kansas most concerned with public records are optimistic about their program thus far. We realize its shortcomings and hope that one day soon we will be able to insure the transfer of the Governors' papers to the historical society—something which ordinarily happens but which has no mandatory basis in law. We know that some people are not thinking enough about what constitutes the vital records of State and local governments, but we believe that progress will be made in that area.

Even in this era of overworked mimeograph machines—and of junior executives who write memoranda with the fervor of a chair-borne second lieutenant—we view the future of records in Kansas without apprehension. Our assets are many, not the least of which are the capable, nonpolitical persons who head State agencies. Our liabilities are recognizable and, we hope, subject to remedial treatment. It is the opinion of the Kansas State Historical Society that the Kansas records program is solidly implanted and that history is being served very well.

² Since the presentation of this paper other Kansas counties have asked for information about preserving their records and several have disposed of records with no lasting value.

³ County officials seem aware of what has value and are willing to provide proper storage.