

**EDUCATION AND WORKFORCE DEVELOPMENT CABINET**  
**Department for Libraries and Archives**  
**Archives and Records Management Division**  
**(Amendment)**

**725 KAR 1:010. Records officers; duties.**

RELATES TO: KRS Chapter 171

STATUTORY AUTHORITY: KRS 171.450

NECESSITY, FUNCTION, AND CONFORMITY: KRS 171.450 requires the department to prescribe administrative regulations governing the procedures for retention scheduling of public records, disposal of public records, and for the transfer of public records to the State Archives ~~or~~~~and~~ Records Centers. This administrative regulation is to assure uniformity and continuity in these procedures.

Section 1. Each constitutional, statutory, and executive authority of state and local government shall designate a member of the staff as records officer, whose duty shall be to represent ~~that~~~~his~~ unit of government in its relations with the Archives and Records Management Division~~Division of Archives and Records~~.

Section 2. Duties and responsibilities of each records officer are as follows:

(1) The records officer ~~He~~ shall assist the Archives and Records Management Division~~Division of Archives and Records~~ in inventorying, analyzing, and scheduling disposition of records of the records officer's~~his~~ unit of government, or in any manner ~~as~~ approved by the agency head that ~~as~~ may tend to establish an efficient system of records management.

(2) The records officer ~~He~~ shall keep a record of the destruction of public records, noting the authorization for said destruction and the amount and date span of records destroyed. ~~He shall make an annual report of this record to a designated superior and to the Director of the Public Records Division.~~

Section 3. The records officer shall keep a record of the transfer of public records to the State Archives and Records Centers, including the records transferred, date of transfer, and location in the State Archives and Records Centers.

Section 4. ~~Section 3.~~

(1) A state or local agency shall not destroy any original records after the records are microfilmed, digitized, duplicated, or reformatted without written approval ~~No original documents may be destroyed by any political unit of state or local government after being microfilmed or otherwise duplicated without written approval~~ of the Department for Libraries and Archives.

(2) He shall keep a record of the destruction of public records, noting the authorization for said destruction and the amount of records destroyed. He shall make an annual report of this record to a designated superior and to the Director of the Public Records Division.

*TERRY MANUEL, Commissioner*

APPROVED BY AGENCY: July 2, 2021

FILED WITH LRC: July 6, 2021 at 11:30 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 21, 2021, at 10:00 a.m. Eastern Time at the Kentucky Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Kentucky 40601, Commission Room. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to

attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Terry Manuel, Commissioner, Kentucky Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Kentucky 40601. phone 502-564-8303. fax 502-564-5773, email [Terry.Manuel@ky.gov](mailto:Terry.Manuel@ky.gov).

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

**Contact Person:**Terry Manuel

**(1) Provide a brief summary of:**

**(a) What this administrative regulation does:**

This administrative regulation identifies the duties of records officers, who are appointed by agency heads to act as liaisons with the Archives and Records Management Division.

**(b) The necessity of this administrative regulation:**

KRS 171.680 requires agencies to implement a sound and ongoing records management program, and to cooperate with the Department for Libraries and Archives in doing so. This regulation facilitates that cooperation. KRS 171.450 requires the department to prescribe administrative regulations governing the procedures for retention scheduling of public records, disposal of public records, and for the transfer of public records to the State Archives and Records Centers. This regulation helps standardize these processes.

**(c) How this administrative regulation conforms to the content of the authorizing statutes:**

KRS 171.680 requires agencies to implement a sound and ongoing records management program, and to cooperate with the Department for Libraries and Archives in doing so. This regulation facilitates that cooperation.

**(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:**

This administrative regulation facilitates cooperation between state and local government agencies and the Department for Libraries and Archives in implementing effective and efficient records management programs at agencies.

**(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:**

**(a) How the amendment will change this existing administrative regulation:**

This amendment updates the nature of the duties of records officers and the name of the Archives and Records Management Division.

**(b) The necessity of the amendment to this administrative regulation:**

This amendment is necessary to ensure the regulation is current and up-to-date.

**(c) How the amendment conforms to the content of the authorizing statutes:**

The statute facilitates cooperation between agencies and the Department for Libraries and Archives.

**(d) How the amendment will assist in the effective administration of the statutes:**

The amendment of this regulation will ensure that agencies have the most complete information in carrying out their records management programs.

**(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:**

All state and local agencies must follow this regulation, as all have a responsibility to implement ongoing records management programs.

**(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the**

**change, if it is an amendment, including:**

**(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:**

There will be no new responsibilities added to those already existing for public agencies under this regulation.

**(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):**

There will be no new costs added to those already existing for public agencies under this regulation.

**(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):**

Agencies who comply with this regulation will recognize more effective and efficient business practices, will recognize cost savings from reduced records storage costs, and will document agency history more effectively.

**(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:**

**(a) Initially:**

There will be no costs for agencies to implement this regulation. This regulation

**(b) On a continuing basis:**

Same as (5)(a) above.

**(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:**

The activities involved in this regulation are already undertaken by public agencies.

**(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:**

No required increase is projected.

**(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:**

This regulation does not establish or increase, directly or indirectly, any fees.

**(9) TIERING: Is tiering applied?**

Tiering is not applied because this regulation applies uniformly to all public agencies.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

**(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?**

All state and local government entities are required to appoint the records officers whose duties are enumerated in this regulation.

**(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.**

KRS 171.680(2)(b) requires agencies to cooperate with the Department for Libraries and Archives in managing its records. This regulation facilitates that cooperation.

**(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.**

There will be no net effect on agencies' expenditures and revenues. Continued good records management results in cost savings for government and a more efficient operation of government.

**(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?**

There will be no additional revenues generated for the first year because of this regulation.

**(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?**

There will be no additional revenues generated for subsequent years because of this regulation.

**(c) How much will it cost to administer this program for the first year?**

There will be no additional costs generated for the first year because of this regulation.

**(d) How much will it cost to administer this program for subsequent years?**

There will be no additional costs generated for subsequent years because of this regulation.

**Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.**

**Revenues (+/-):\$0**

**Expenditures (+/-):\$0**

**Other Explanation:**

N/A