

Education and Labor Cabinet
Department for Libraries and Archives
Archives and Records Management Division
(Amendment)

725 KAR 1:050. Records management program.

RELATES TO: KRS Chapter 171

STATUTORY AUTHORITY: KRS 171.450(2), 171.520

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 171.450(2) requires that the department shall enforce the provisions of KRS 171.410 ~~to~~~~through~~ 171.740 by appropriate rule and~~promulgation of~~ administrative regulations. KRS 171.520 requires the department to prescribe~~establish~~ the policies and principles to be followed by state and local agencies in the conduct of their records management programs;~~;~~ to ensure the maintenance and security of records deemed appropriate for preservation;~~;~~ to facilitate the segregation and disposal of records of temporary value and to promote the effective and economical use of space, equipment, and supplies needed for the purpose of creating, maintaining, and servicing records. KRS 171.520 authorizes the department to administer and grant any money appropriated to it for providing and improving records management programs of state and local agencies. This administrative regulation establishes uniform policies ~~in~~~~for~~ the administration of grants to local governments for the improvement of records management programs.

Section 1. Eligibility of Applicants. Any local government office interested in improving the management and preservation of its public records may apply for a grant under the local records program by completing application forms available through the department~~the Local Records Program Grant Application~~. For the purposes of this program, a local government office shall conform to the definition of~~constitute a~~ "public agency" as defined by KRS 171.410(4)~~61.870(1)~~.

Section 2. Application Procedures. All applications shall be submitted on the Local Records Program Grant Application and include a detailed project description, plan of work, and budget request. Additional guidance is~~Supporting documentation, such as the Invitation for Bid Proposal are~~ established in the Local Records Program Grant Guidelines. Entries on the application form and any required supporting documents shall be ~~typed and~~ completed as fully as possible, with additional sheets attached if necessary. In signing the application and in accepting a grant award, applicants agree, in carrying out their projects, to abide by the criteria established in this administrative regulation.

Section 3. Categories for Funding. Any project to improve the management and preservation of local public records shall be considered. Categories for funding include, for example:

- (1) Security microfilming permanent, vital, and/or archival records. Security microfilms created with Local Records Program Grant (LRPG) funds must adhere to the standards and procedures defined in Microfilming and Digital Imaging of Public Records: A Procedural Guide. A certified micrographics laboratory or vendor must be used. A list of currently certified laboratories may be obtained from the department's website;
- (2) Creating digital counterparts and/or digital indexes of born-analog permanent, vital, and/or archival records. Digital images or indexes created with LRPG funds must adhere to standards and procedures described in Microfilming and Digital Imaging of Public Records: A Procedural Guide;

(3) Records preservation, conservation, or restoration projects for at risk or affected permanent, vital, and/or archival records. These projects should adhere to current archival best practice and standards. These projects can include, but are not limited to, services to preserve at-risk records or mitigation of existing damage;

(4) Purchasing supplies and equipment that promote preservation, conservation, or restoration of permanent, vital, and/or archival records, including but not limited to, archival quality boxes and folders, shelving, cabinets, and microfilm readers/scanners;

(5) Establishing a local government records management program or archives. This may include salary for hiring new staff. These funds are not designed for ongoing support, and they cannot be used to replace salary funds already being expended by a local government. Salary support can only be used for compensation of wages up to forty (40) hours per week, and cannot be used for overtime, taxes, or any other fringe benefits;

(6) Arranging and describing permanent, vital, and/or archival records, according to generally accepted professional standards of records management and archival theory and practice;

(7) Codification of ordinances, orders, resolutions, motions, etc. for cities and counties. Codification projects will adhere to Policy Memorandum on Approved Codification Services Vendors and Codification Grant Applicants/Recipients (PM 2021-01); and

(8) Limited records management for records with less than permanent retention(s) to assist in maintaining usability and accessibility for the entirety of the defined retention period(s). Records management tasks for these records may include purchase of storage, projects to provide for long-term storage, or access of records with multiple retentions. These projects should have clearly defined, specific, and time-limited parameters and be recognizable as part of established records management policies, procedures, and goals for the local agency. These funds shall not be used for ongoing records management support.

~~[(1)] [Security microfilming vital (critical for the functioning of the office) or historically significant records following the standards and procedures in Microfilming and Digital Imaging of Public Records: A Procedural Guide. Security microfilming carried out with local records grant funds must be done through a micrographics laboratory or vendor certified according to the criteria established in the Microfilming and Digital Imaging of Public Records: A Procedural Guide and officially recognized by the State Libraries, Archives, and Records Commission. A list of the names of currently certified laboratories or vendors may be obtained from the department's web site (<https://kdla.ky.gov/records/reemgmtservices/Pages/LocalRecordsProgramGrants.aspx>);]~~

~~[(2)] [Rerecording projects, for rerecording damaged records or records now losing their image, using archivally acceptable methods of recording on paper or microfilm;]~~

~~[(3)] [Document preservation projects, to carry out preservation or conservation measures on endangered records of major historical significance;]~~

~~[(4)] [Purchasing document conservation supplies;]~~

~~[(5)] [Establishing a local government records management program or archives. This may include hiring or partially subsidizing the salary of a qualified archivist who will work with department personnel in initiating a specific, time-limited project. Requests for salary support shall be evaluated based on this administrative regulation. These funds are not designed for ongoing support, and they shall not be used to replace salary funds already being expended by the local government. They may be used as short term salary supplements;]~~

~~[(6)] [Arranging and describing archival holdings, according to generally accepted professional standards of records management and archival theory and practice;]~~

~~[(7)] [Purchasing supplies and equipment that promote preservation of or access to archival materials, including acid-free boxes and folders, shelving, and cabinets; and]~~

~~{(8)} [Codification of ordinances for cities and counties, according to procedures in Policy Memorandum on Approved Codification Services Vendors and Codification Grant Applicants/Recipients. Funds shall be available for production of initial codes but not for code supplements.]~~

Section 4. Grant Award Periods. Grants shall be awarded ~~throughout~~^{on} a state fiscal year ~~basis~~^{on a quarterly schedule as set forth in Section 5 of this administrative regulation.}

Section 5. Grant Application Review and Evaluation. All applications shall be reviewed by KDLA staff to ensure compliance with the application requirements set forth in this administrative regulation. All qualified applications shall be reviewed by an Advisory Group of the State Libraries, Archives, and Records Commission using the criteria set forth in this administrative regulation. Applications shall be submitted by March 15, June 15, September 15, and December 31. Ranked recommendations shall be presented to the State Libraries, Archives and Records Commission at the next regular meeting, or special meeting called to reschedule a regular meeting.~~[Applications shall be reviewed by the Local Records Grant Review Committee and ranked recommendations shall be presented to the State Libraries, Archives, and Records Commission.]~~ The State Libraries, Archives and Records Commission shall make the final decision on grant awards using the criteria established in Section ~~6~~⁵ of this administrative regulation.

Section 6. Grant Review Criteria. In reviewing applications and recommending the funding of specific projects, reviewers ~~shall consider~~^{judge the projects by criteria, which includes}:

- (1) Category for funding fits within the scope of projects outlined in Section 3 of this administrative regulation.
- (2) Urgency of the problem, such as significance and age of the records. Precedence shall be given to local government applicants with critical records problems, those with older records, and those with chronologically complete groupings of records.
- (3) Value and equity in the distribution of grants. The program shall include various types and sizes of local governments, and provide geographic distribution of grants.
- (4) Alignment of the proposed methods with accepted professional standards of records management and archival theories and practices.
- (5) Adequate security and protection of records. Local governments should house records in fire-resistant facilities, or state how the proposed project will safeguard the records in question. (See KRS 171.710 regarding the safeguarding of public records.)
- (6) Compliance with all legal requirements regarding custody and public access. This shall include complying with the requirements of the state's Open Records Law (KRS 61.870-876) and providing access to the public in an area with proper security and supervision.
- (7) Commitment by the local government to a comprehensive records management program. This shall include regular legal disposition of records in accordance with the records retention schedules covering the records of a local government agency, and may also include files control, segregation of inactive or noncurrent material from active files, selective microfilming (where appropriate), and training of records personnel in records management standards.
- (8) ~~Ninety (90) percent of the grant funds shall be awarded to county clerks unless insufficient qualified applications are received from county clerks.~~
- (9) Proposed project was not previously funded by LRPG.

~~{(1)} [Urgency of the problem, such as significance and age of the records. The commission and other evaluation groups shall consider first local government applicants with critical records problems and to those with older records and with chronologically complete groupings of records;]~~

~~[(2)] [Value as a model and type for size and geographical location of the local government. The program shall promote equity in the geographic distribution of grant projects. The program shall include projects in various types and sizes of local governments, with a major goal to provide model projects in all areas of the state;]~~

~~[(3)] [Soundness of the proposed methods. The methods of handling the records shall conform to generally accepted professional standards of records management and archival theory and practice;]~~

~~[(4)] [Commitment of local government resources to the project. The commission and other evaluation groups shall give preference to local governments that commit some local resources to the proposed projects. Support may take the form of adequate office, storage, or working space; personnel; supplies; equipment; or a monetary contribution. Evidence of previous concern or commitment of support to improved local records management and preservation shall also be important factors in the reviewers' evaluation;]~~

~~[(5)] [Commitment by the local government to maintain the program or the lasting benefit of a specific project. This may include provisions for maintaining the accuracy and currency of a grant-funded code of ordinances with annual supplements, providing adequate storage space, designating of a person or persons responsible for maintaining and adding to a local archives, adhering to all standards for archival microfilming, or being willing to assume the cost of future security microfilming of relevant records;]~~

~~[(6)] [Adequate security and protection of records. Local governments shall:]~~

~~[(a)]~~

~~[1.] [House records in secure, fire-resistant facilities; or]~~

~~[2.] [State how the proposed project will safeguard the records in question.]~~

~~[(b)] [Applicants shall comply with KRS 171.710 regarding the safeguarding of public records;]~~

~~[(7)] [Compliance with all legal requirements regarding custody and public access. This shall include complying with the requirements of the state's Open Records Law (KRS 61.870-876) and providing access to the general public in an area with proper security and supervision; and]~~

~~[(8)] [Commitment by the local government to a comprehensive records management program. This shall include regular legal disposition of records in accordance with the records retention schedules covering the records of a local government agency, and may also include files control, segregation of inactive or noncurrent material from active files, selective microfilming (where appropriate), and training of records personnel in records management techniques].]~~

Section 7. ~~[Informal]~~ Appeals.

(1) An applicant who believes their application was wrongly denied by~~[aggrieved by a decision of]~~ the State Libraries, Archives and Records Commission shall~~[may]~~ file an ~~[informal]~~ appeal with the commissioner of the department.

(2) Procedures.

(a) A formal letter of appeal shall be sent via email or postal mail to the commissioner of the department within five (5)~~[three (3)]~~ working days of receipt of notice of rejection.

(b) The appeal shall include a brief description of why the applicant believes the decision of the State Libraries, Archives, and Records Commission is in error. The decision of~~[appeal shall be based solely upon alleged error by]~~ the State Libraries, Archives, and Records Commission shall not be overturned unless there is clear and convincing evidence that the decision violated this administrative regulation. New information shall not be considered in~~[submitted with]~~ the appeal.

(c) The commissioner of the department shall ~~issue a~~~~make~~ decision within five (5) ~~two (2)~~ working days of receipt of the letter of appeal.

(d) An applicant who is dissatisfied with the commissioner's decision may appeal to Franklin Circuit Court.

Section 8. Local governments that are awarded grants shall enter into a grant contract with the department. The ~~contract~~~~grant~~ shall establish performance and reporting requirements. Failure to fulfill the requirements may result in the return of the grant funds to the department and may affect future funding considerations. ~~shall result in the return of the grant to the department.~~

~~[Section 9.] [Selection of Codification Services Vendors. The department, in approving established codification services vendors to participate in codification work funded with local records grants, shall ensure that basic criteria and professional standards are met. Criteria such as the following shall be used as essential measures to approve prospective codification services vendors:]~~

~~[(1)] [Corporate stability or a history of reliable service, preferably to client governments in Kentucky;]~~

~~[(2)] [Experienced legal and editorial staff conversant with local government law and the technical and editorial requirements to be met in producing accurate, usable codes of ordinances;]~~

~~[(3)] [Access to online statutory databases; and]~~

~~[(4)] [(5)] The ability to provide code supplement services on a continuing basis.]~~

~~[Section 10.] [Codification Services Vendor Applications from prospective codification services vendors shall be reviewed by the State Libraries, Archives, and Records Commission using the criteria established in Section 9 of this administrative regulation.]~~

Section 9. ~~[Section 11.]~~ Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Local Records Program Grant Guidelines", June 2025. ~~["Local Records Program Grant Application", October 2021;]~~

(b) "Microfilming and Digital Imaging of Public Records: A Procedural Guide", June 2025; ~~["Invitation for Bid Proposal", October 2021;]~~

(c) "Policy Memorandum on Approved Codification Services Vendors and Codification Grant Applicants/Recipients, PM 2021-11", November 2021. ~~["Local Records Program Grant Guidelines", November 2021;]~~

~~[(d)] ["Microfilming and Digital Imaging of Public Records: A Procedural Guide", January 2010;]~~

~~[(e)] ["Policy Memorandum on Approved Codification Services Vendors and Codification Grant Applicants/Recipients, PM 2021-11", November 2021; and]~~

~~[(f)] ["Codification Services Vendor Application", December 2021.]~~

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Kentucky 40601, Monday through Friday, 9 a.m. to 4 p.m.

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency.

JAMIE LINK, Secretary

APPROVED BY AGENCY: September 3, 2025

FILED WITH LRC: September 12, 2025 at 10:20 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Friday, November 21, 2025, at 11:00 AM Eastern time, at the Kentucky Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Kentucky 40601. 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 was received by that date, the hearing may be cancelled. 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 November 30, 2025. 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: Drew Preston, Local Records Branch Manager, Kentucky Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Kentucky 40601, phone (502) 330-4986, andrewd.preston@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Andrew Preston

Subject Headings: Archives and Records, County Clerks, Local Governments

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes uniform policies to govern the Local Records Grant Program as required by KRS 142.010(5).

(b) The necessity of this administrative regulation:

This regulation is essential to establish the method by which the Kentucky Department for Libraries and Archives administers the Local Records Program Grant funds in accordance with KRS 142.010(5).

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

This regulation sets forth the details of the Local Records Program Grant and the method by which the Kentucky Department for Libraries and Archives administers it as required by KRS 142.010(5).

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

The regulation outlines eligibility requirements, evaluation criteria, application procedures, and program rules for local government offices pursuing a Local Records Program Grant.

(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:

The amended regulation amends the program rules and processes to align with state procurement law, streamline the process for local agency applicants, and eliminate the restrictions applied to codification services.

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

This amendment is necessary to implement the Local Records Program Grant as mandated by KRS 142.010(5). It ensures local government offices understand the parameters for eligibility and the criteria by which applications are reviewed.

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

KRS 142.010(5) mandates the Kentucky Department for Libraries and Archives to administer the Local Records Program Grant; and KRS 171.520 mandates the Kentucky Department for Libraries and Archives to prescribe policies for the provision and improvement of records management programs. Amendments to the regulation effectuate the Kentucky Department for Libraries and Archives' responsibility to establish policies and principles for records management programs and administer the Local Records Program Grant.

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

The amendment ensures the program rules and processes align with state procurement law, streamlines the process for local agency applicants, and eliminates the restrictions applied to codification services.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No

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

This regulation, which effectuates the Local Records Program Grants, affects all one hundred twenty (120) of Kentucky's County Clerks offices, potentially all other local government offices, and micrographics vendors.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment:

The amended regulation changes the applicable procurement procedures used when grant recipients utilize the grant money to ensure grant recipients follow their locally adopted procurement laws.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):

The amendment implements a grant program; therefore, the amendment carries no expected costs for those identified in question four (4).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):

Entities identified in question (4) will benefit from this amendment by having a clearer definition of the eligibility of their projects and the criteria by which they are judged. It also streamlines the required procurement procedures to ensure they align with the grantees locally adopted procurement laws.

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

(a) Initially:

No new costs will be incurred.

(b) On a continuing basis:

No new costs will be incurred.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment:

Taxes on legal processes and instruments per KRS 142.010(5) provide the funding for this regulation.

(8) 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 increase in fees or funding will be required.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

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

(10) TIERING: Is tiering applied?

Tiering is not applicable to the requirements of this regulation because the expectations it establishes apply to all local government offices equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:

KRS 142.010(5)(a), KRS 171.450(2), and KRS 171.520.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:

KRS 171.450(2) requires the Department for Libraries and Archives (Department) to use allocated tax funds to fund the Local Records Grant Program. KRS 171.520 authorizes the department to administer and grant any money appropriated to it for providing and improving records management programs of state and local agencies. This administrative regulation establishes uniform policies for the administration of the Department's Local Records Grant Program, which effectuates the mandate set forth in KRS 171.450.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:

The promulgating agency is the Kentucky Department for Libraries and Archives. This regulation is used to administer the Local Records Grant Program, and it affects the county clerks as well as all other local government agencies which apply for a grant.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year:Not applicable.

For subsequent years:Not applicable.

2. Revenues:

For the first year:Not applicable.

For subsequent years:Not applicable.

3. Cost Savings:

For the first year:Not applicable.

For subsequent years:Not applicable.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):

Any local government office is eligible to apply for a grant. KRS 142.010(5) requires the Department to allocate ninety percent (90%) of the funds to county clerks. However, if there are insufficient grant applications from the county clerks, the Department may award remaining grant money to any local government office. (b) Estimate the following for each affected state unit, part, or division identified in (4)(a):

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year:Not applicable.

For subsequent years:Not applicable.

2. Revenues:

For the first year:Not applicable.

For subsequent years:Not applicable.

3. Cost Savings:

For the first year:Not applicable.

For subsequent years:Not applicable.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):

None

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year:Not applicable.

For subsequent years:Not applicable.

2. Revenues:

For the first year:Not applicable.

For subsequent years:Not applicable.

3. Cost Savings:

For the first year:Not applicable.

For subsequent years:Not applicable. (6) Provide a narrative to explain the following for each entity identified in 3(a), (4)(a), and (5)(a)

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation:

The amendments are procedural and will not impact the amount of grants awarded through the local records grant program.

(b) Methodology and resources used to reach this conclusion:

The local records grants are funded through taxes collected in accordance with KRS 142.010(5). Therefore, the Department has no authority to determine the total amounts available to award through the local records grant program.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14):

This administrative regulation will not have a "major economic impact" as defined by KRS 13A.010(14), because there are no additional costs to implement the amendments to the Local Records Grant Program.

(b) The methodology and resources used to reach this conclusion:

Not applicable.