

SESSION OF 2010

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2195**

As Agreed to February 11, 2010

Brief*

HB 2195, as amended, concerns state records and the State Archivist of the Kansas State Historical Society. The bill would create new law that would:

- Direct the State Archivist to prepare and present recommendations to the State Records Board regarding the preservation process for maintaining the authenticity of electronic records;
- Provide that electronic records maintained pursuant to the preservation process and certified by the electronic signature of the State Archivist would have the same legal effect as the original document; and
- Allow reasonable fees to be charged for electronic copies.

The bill also would require the State Archivist to:

- Certify by an electronic signature any electronic government record maintained using preservation processes that meet national and professional standards for authenticity as determined by the State Archivist and approved by the State Records Board;
- Charge a fee for certification of records by electronic signature or otherwise; and

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- Prepare and recommend to the State Records Board any policies and rules and regulations necessary to implement, administer, and enforce the act.

The bill also would amend several statutes to include an option for transmittal via e-mail and other electronic means for certain court documents. Currently, those statutes require transmittal in either written or facsimile form.

In addition, the bill makes technical amendments to two statutes amended in 2009 that include provisions relating to electronic copies of certain court documents.

The bill would take effect upon its publication in the *Kansas Register*.

Conference Committee Action

The 2009 Conference Committee agreed to the version of the bill as amended by the Senate Committee on Ways and Means and added to the bill technical amendments to two statutes that have provisions relating to electronic copies of certain court documents. The Conference Committee report was not adopted in 2009. That version was rejected because of references to 2008 supplements, not current law. A second Conference Committee was appointed in 2010. The 2010 Conference Committee adopted the same report with amendments to reflect 2009 statutes.

Background

HB 2195 was introduced by the House Committee on Government Efficiency and Fiscal Oversight. Persons who testified in support of the bill at the House Committee hearing were Patricia Michaelis, Director of the State Archives and Library Division, Kansas State Historical Society; and Matt Veatch, State Archivist, Kansas State Historical Society. Ms. Michaelis stressed the need to address the highly complex

issue of preserving and providing access to authentic electronic government records. She noted that while the bill is only one part of creating a digital state archive, it is an important step in declaring that electronic records preserved under processes established in the bill would have the same legal authority as those records transferred to the State Archives in paper form.

Mr. Veatch cited a pilot project initiated in 2004 called KSPACe, which provides the Historical Society with experience in acquiring and providing access to digital content in the form of electronic state government publications. He also discussed a collaborative project to create a digital repository for authentic Kansas government records and electronic state archives. The House Committee amendment would make the bill effective upon its publication in the *Kansas Register* rather than upon its publication in the statute book.

The bill was amended by the Senate Committee on Ways and Means. Several statutes that currently require transmittal of documents in either written or facsimile form would be amended to provide an option for transmittal via e-mail or other electronic means.

According to the fiscal note on the original bill, the State Historical Society indicated that passage of HB 2195 would have negligible effect on the responsibilities of the Society, and any changes to the duties of the State Archivist could be performed within existing resources.

state records, State Archivist, Kansas State Historical Society electronic records