

STATE RECORDS COMMISSION  
MINUTES

July 21, 2016  
Springfield, Illinois

A meeting of the State Records Commission was held at 9:30 a.m., July 21, 2016 in the John Daly conference room of the Margaret Cross Norton Building in Springfield.

Commission members present were: Chairman David Joens, designee of Secretary of State Jesse White; Lynn Patton, representing Attorney General Lisa Madigan ; Matthew Sebek, representing acting director Michael Hoffman of the Department of Central Management Services; G. Allen Mayer, representing State Treasurer Michael Frerichs;, and Ian Hunt, the designee of State Historian's Office and Secretary of the Commission.

State Archives staff members present were: Rochelle Joseph, Lynn Kahbeah, Steve Jones, Bob Boots and Pat Davis.

Commission member absent was: Steve Klokkenga, representing State Comptroller Leslie Geissler Munger.

Records Officer present was Linda Ballard from the Illinois Department of Revenue.

The meeting was called to order by Chairman Joens at 9:30 a.m.

Mr. Joens introduced the commission to Ian Hunt, designee of State Historian's Office. Mr. Hunt will be replacing Gary Stockton on the commission.

The first item on the agenda was a review of the June 15, 2016 minutes. Ms. Patton moved to page 4, line 2. She noted in the citation the word should be "seq." not "sec" as listed. Mr. Mayer moved to approve as corrected. Mr. Sebek seconded the motion. The motion carried and the minutes from the June 15, 2016 State Records Commission were unanimously approved as corrected.

***OLD BUSINESS***

The first item of old business was Application 16-07 from the Department of Revenue (All). An agency representative was present to answer questions. This Application was deferred 5/18/16 and 6/15/16 to review the retention and the administrative rules. Ms. Joseph summarized the Department of Revenue's reasoning on the retention. Ms. Ballard said she had discussed the retention with the

department's legal staff and they determined that since the "Retailer's Occupation Tax" was referenced and has a 3 ½ year retention requirement, the agency should request a four (4) year retention for the "Medical Cannabis Cultivation Privilege Tax Files." Ms. Patton asked which specific section of the "Retailers' Occupation Tax Act" sets the limitation period. Ms. Ballard said she was not sure. Ms. Patton said the statute of limitations for the Department of Revenue's office is 3 ½ years to file claims and issue assessments Her concern is the documents the AG's office would rely on in filing litigation would potentially be destroyed two years prior to the statute of limitations. Ms. Patton said after she reviewed section 5 her understanding is the Attorney General's office has six years to file litigation to enforce certain provisions of the "Retailer's Occupation Tax Act." After deliberation the commission suggested a six (6) year retention. Mr. Sebek moved to approve as amended. Ms. Patton seconded the motion. The motion carried and Application 16-07 was unanimously approved as amended.

The next item of old business was Application 16-49 from the State Fire Marshal (Fire Prevention). This Application was deferred at the June 15, 2016 State Records Commission meeting in order to research citation 30/22 which pertains to fireworks. Mr. Jones said the citation referencing fireworks was removed. Mr. Mayer moved to approve. Ms. Patton seconded the motion. The motion carried and Application 16-49 was unanimously approved as rewritten.

### ***NEW BUSINESS***

The first item of new business was Application 16-23 from the Illinois Department of Revenue (Audit Bureau). Mr. Mayer moved to approve. Ms. Patton seconded the motion. The motion carried and Application 16-23 was unanimously approved as written.

Next on the agenda was Application 16-36 from the Illinois Department of Revenue (All Divisions). Ms. Patton asked Ms. Ballard why the retention of the data was being reduced from permanent to six (6) years. Ms. Ballard said the data should not have been included in the schedule. Mr. Sebek moved to approve. Mr. Mayer seconded the motion. The motion carried and Application 16-36 was unanimously approved as written.

Application 16-37 from the Illinois Department of Revenue (Director's Office) was next on the agenda. Ms. Patton moved to approve. Mr. Mayer seconded the motion. The motion carried and Application 16-37 was unanimously approved as written.

The next Application on the agenda was 16-50 from the Illinois Department of Revenue (Board of Appeals). Ms. Patton asked why the retention was being decreased. Ms. Ballard said after evaluating these records, the agency concluded the records are not needed past the ten year retention. Mr. Mayer moved to approve. Ms. Patton seconded the motion. The motion carried and Application 16-50 was unanimously approved as written.

Application 15-76 from the Illinois Department of Human Services (Ethics Office) was the next to be considered. Mr. Sebek moved to approve. Mr. Mayer seconded the motion. The motion carried and Application 15-76 was unanimously approved as written.

The next item to be considered was Application 98-2L from the Office of the State Treasurer (Unclaimed Property). Ms. Patton moved to approve. Mr. Sebek seconded the motion. The motion carried and Application 98-2L was unanimously approved as written.

Next on the agenda was Application 13-13C from the Teachers' Retirement System (Member Services). Mr. Mayer moved to approve. Ms. Patton seconded the motion. The motion carried and Application 13-13C was unanimously approved as written.

Application 16-42 from the Office of the Secretary of State (All) was next to be considered. Ms. Patton moved to approve. Mr. Mayer seconded the motion. The motion carried and Application 16-42 was unanimously approved as written.

Application 16-46 from the Illinois Department of Transportation (Finance and Administration) was the next on the agenda. Ms. Patton asked what happened to the IRS requirements that were referenced in Application 16-06 which is being superseded by 16-46. Mr. Mayer noted when he was with the Department of Commerce and Economic Opportunity the Governor's Office of Management and Budget (GOMB) said – Bonds Records of bonds issued have to be maintained for the life of the bond. Mr. Mayer said he believes the retention is sufficient. He moved to defer until IDOT submits the appropriate citation. Ms. Patton seconded the motion. The motion carried and Application 16-46 was unanimously deferred.

The last Application on the agenda was 07-12H from the Southern Illinois University – Edwardsville (V.C. for Student Affairs). Ms. Patton moved to item 110.26 "Confiscation Sheets." Ms. Patton asked what type of items are being confiscated. She asked if this pertained to items left in lockers at the facility. Ms. Patton said thirty (30) days did not seem long enough to maintain these records. Mr. Mayer asked if the description was accurate. He said the word "confiscated" did not seem appropriate.

Mr. Jones said this is just the receipt of the records, not the actual items from the locker. Mr. Mayer said according to the description the file contains more than the receipts. After deliberation Mr. Mayer moved to approve Application 07-12H with the exception of item 110.26 which was deferred. Ms. Patton seconded the motion. The motion carried and Application 07-12H was unanimously approved except item 110.26 which was deferred.

***PUBLIC COMMENT***

There was no public comment.

The date of the next scheduled State Records Commission meeting is Wednesday, August 17, 2016 at 9:30 a.m. in the John Daly Conference Room of the Margaret Cross Norton Building, Springfield, Illinois. Mr. Mayer moved to adjourn. Ms. Patton seconded the motion. The motion carried and the July 20, 2016 State Records Commission adjourned at 10:06 a.m.

The following applications were submitted to the State Records Commission members for consideration:

- 16-07 Illinois Department of Revenue  
(All Divisions and Bureaus)  
*Approved as Amended*
- 16-49 Illinois State Fire Marshal  
(Fire Prevention)  
*Approved as Rewritten*
- 16-23 Illinois Department of Revenue  
(Audit Bureau)  
*Approved as Written*
- 16-36 Illinois Department of Revenue  
(All)  
*Approved as Written*
- 16-37 Illinois Department of Revenue  
(Director's Office)  
*Approved as Written*
- 16-50 Illinois Department of Revenue  
(Board of Appeals)  
*Approved as Written*
- 15-76 Illinois Department of Human Services  
(Ethics Office)  
*Approved as Written*
- 98-2L Office of the State Treasurer  
(Unclaimed Property)  
*Approved as Written*
- 13-13C Teachers' Retirement System  
(Members Services)  
*Approved as Amended*

- 16-42 Office of the Secretary of State  
(All)  
*Approved as Written*
- 16-46 Illinois Department of Transportation  
(Finance and Administration)  
*Deferred*
- 07-12H Southern Illinois University  
(V.C. for Student Affairs)  
*Approved as Written, except item 110.26 which was deferred*