

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1242 Session of
1993

INTRODUCED BY LESCOVITZ, PISTELLA, BATTISTO, D. W. SNYDER AND
MERRY, APRIL 19, 1993

REFERRED TO COMMITTEE ON TOURISM AND RECREATIONAL DEVELOPMENT,
APRIL 19, 1993

AN ACT

1 Amending the act of August 14, 1963 (P.L.839, No.407), entitled,
2 as amended, "An act creating a county records committee;
3 imposing powers and duties upon it; authorizing the
4 Pennsylvania Historical and Museum Commission to assist and
5 cooperate with it; defining county records; and authorizing
6 the disposition of certain county records by county officers
7 in counties of the second to eighth class," further providing
8 for definitions; providing for a definition of "county" and
9 clarifying the application of the act to include home rule
10 counties; and further providing for the disposition of county
11 records.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 1 of the act of August 14, 1963 (P.L.839,
15 No.407), entitled, as amended, "An act creating a county records
16 committee; imposing powers and duties upon it; authorizing the
17 Pennsylvania Historical and Museum Commission to assist and
18 cooperate with it; defining county records; and authorizing the
19 disposition of certain county records by county officers in
20 counties of the second to eighth class," amended November 23,
21 1976 (P.L.1161, No.258), is amended to read:

22 Section 1. There is hereby created a county records

1 committee which shall consist of fifteen members who shall be
2 appointed by the Governor for a term of four years. One member
3 of the committee shall be the Chief Justice of the Pennsylvania
4 Supreme Court, or his judicial representative, one a
5 representative of the Pennsylvania Historical and Museum
6 Commission, one an attorney, one a prothonotary, one a clerk of
7 courts, one a county commissioner, one a county controller or
8 auditor, one a district attorney, one a county treasurer, one a
9 sheriff, one a register of wills, one a recorder of deeds, one a
10 jury commissioner, one a coroner, and the other a member of the
11 general public. The committee shall select one of its members to
12 serve as chairman. Within the means at its command, the
13 Pennsylvania Historical and Museum Commission shall assist and
14 cooperate with the county records committee by providing for its
15 necessary expenses, by providing for examining and inventorying
16 county records for the preparation of schedules, and by
17 enforcing such schedules and procedures as the county records
18 committee may make or revise under the provisions of this act.

19 Section 2. Section 2 of the act, added November 30, 1967
20 (P.L.650, No.300), is amended to read:

21 Section 2. [As used in this act, county records are defined
22 as any papers, dockets, books, maps, photographs, or other
23 documentary materials, regardless of physical form or
24 characteristics, made or received in any office of county
25 government in pursuance of law or in connection with
26 transactions of public business in the exercise of its
27 legitimate functions and the discharge of its responsibilities.
28 Unofficial published material used solely for reference
29 purposes, extra copies preserved only for reference in distinct
30 reference files; drafts, work copies and notes made merely as a

1 matter of convenience by county officers of their employees; and
2 stocks of publications are not included as county records under
3 the provisions of this act.] The following words and phrases
4 when used in this act shall have the meanings given to them in
5 this section unless the context clearly indicates otherwise:

6 "Commission." The Pennsylvania Historical and Museum
7 Commission of the Commonwealth.

8 "County." Any county of the second through eighth class,
9 including any of such counties as may have adopted a home rule
10 charter.

11 "County records." Any papers, dockets, books, maps,
12 photographs or other documentary materials, regardless of
13 physical form or characteristics, made or received in any office
14 of county government in pursuance of law or in connection with
15 transactions of public business in the exercise of its
16 legitimate functions and the discharge of its responsibilities.

17 Section 3. Sections 3 and 4 of the act, amended November 23,
18 1976 (P.L.1161, No.258), are amended to read:

19 Section 3. It shall be the duty of the committee to meet at
20 least once a year to make or revise schedules setting forth the
21 conditions under which county records filed in any office of
22 county government may be disposed of[, either with or without
23 microfilming, but the schedules shall distinguish clearly
24 between records of temporary value and records of permanent
25 value, and no schedule shall be made or revised which will
26 permit the destruction of county records of permanent value
27 unless the same are microfilmed. If the said records are no
28 longer in active use but have value for historical research, the
29 county records committee may authorize their disposition by
30 transfer to the Pennsylvania Historical and Museum Commission or

1 to other depositories designated by the commission]. Meetings of
2 the committee shall be called by the Executive Director of the
3 Pennsylvania Historical and Museum Commission; however, meetings
4 may also be called by the chairman or by a majority of the
5 members of the committee whenever the chairman or the majority
6 of members deems it necessary.

7 Section 4. County officers in counties [of the second,
8 second A, third, fourth, fifth, sixth, seventh and eighth
9 class], as defined in this act, may dispose of all county
10 records in their custody, provided they follow the schedules and
11 procedures prescribed by the county records committee [which is
12 created under the provisions of this act, and provided that the
13 Pennsylvania Historical and Museum Commission, through its
14 executive director, certifies that such disposal is in
15 accordance with the established schedules.] and maintain a log
16 of individual disposition actions involving nonpermanent
17 records. Copies of such logs, in a form approved by the
18 committee, shall be submitted annually to the commission.
19 Original records scheduled for permanent retention may be
20 disposed of if the county officer creates and maintains a copy
21 of the original in conformance with section 4.1 of this act and
22 receives written permission from the commission. Written
23 permission from the commission is required only for disposition
24 actions involving records scheduled for permanent retention,
25 records not listed on the schedules and records selected for
26 transfer to the State Archives.

27 Section 4. The act is amended by adding a section to read:
28 Section 4.1. Records may be recorded, copied or recopied in
29 conformance with the act of May 9, 1949 (P.L.908, No.250),
30 entitled "An act relating to public records of political

subdivisions other than cities and counties of the first class;
authorizing the recording and copying of documents, plats,
papers and instruments of writing by photostatic, photographic,
microfilm or other mechanical process, and the admissibility
thereof and enlargements thereof in evidence; providing for the
storage of duplicates and sale of microfilm copies of official
records and for the destruction of other records deemed
valueless; and providing for the services of the Department of
Property and Supplies to political subdivisions," and applicable
policies, standards and procedures adopted by the committee. In
the event of any such destruction or other disposition of any
public records under the provisions of this section, the copy
shall be receivable in evidence in any court or proceeding, and
shall have the same force and effect as though the original
public record had been there produced and proved.

Section 5. This act shall take effect in six months.