

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 689 Session of
1995

INTRODUCED BY MERRY, PISTELLA, BATTISTO, D. W. SNYDER AND
LESCOVITZ, FEBRUARY 13, 1995

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 13, 1995

AN ACT

1 Amending the act of May 9, 1949 (P.L.908, No.250), entitled "An
2 act relating to public records of political subdivisions
3 other than cities and counties of the first class;
4 authorizing the recording and copying of documents, plats,
5 papers and instruments of writing by photostatic,
6 photographic, microfilm or other mechanical process, and the
7 admissibility thereof and enlargements thereof in evidence;
8 providing for the storage of duplicates and sale of microfilm
9 copies of official records and for the destruction of other
10 records deemed valueless; and providing for the services of
11 the Department of Property and Supplies to political
12 subdivisions," further providing for methods for the copying
13 of certain records, for identification of records, for
14 duplicates of records, for the sale of certain records, for
15 the destruction or disposal of certain records, for records
16 requiring special care and for Commonwealth services to
17 political subdivisions.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. Sections 1 and 3 of the act of May 9, 1949
21 (P.L.908, No.250), entitled "An act relating to public records
22 of political subdivisions other than cities and counties of the
23 first class; authorizing the recording and copying of documents,
24 plats, papers and instruments of writing by photostatic,
25 photographic, microfilm or other mechanical process, and the

1 admissibility thereof and enlargements thereof in evidence;
2 providing for the storage of duplicates and sale of microfilm
3 copies of official records and for the destruction of other
4 records deemed valueless; and providing for the services of the
5 Department of Property and Supplies to political subdivisions,"
6 are amended to read:

7 Section 1. [When any public officer of any county, other
8 than counties of the first class, city, other than cities of the
9 first class, borough, town, township, school, poor or
10 institution district, or agency thereof, is required or
11 authorized by law or otherwise to record, copy or recopy any
12 document, plat, paper or instrument of writing, he may do so by
13 any photostatic, photographic, microphotographic, microfilm or
14 other mechanical process which produces a clear, accurate and
15 permanent copy, microcopy or reproduction of the original in
16 accordance with standards not less than those approved for
17 permanent records by the National Bureau of Standards. Any such
18 officer may also reproduce by such processes any document, plat,
19 paper or instrument of writing which has previously been
20 recorded, copied or recopied.] Whenever any public officer of
21 any political subdivision or agency thereof, including home rule
22 municipalities, other than counties of the first class or
23 agencies thereof and cities of the first class or agencies
24 thereof, is required or authorized by law or otherwise to record
25 or copy any document, the officers may do so by any photostatic,
26 photographic, microphotographic, microfilm, microcard, miniature
27 photographic, optical, electronic or other process which
28 accurately reproduces the original and forms a durable medium
29 for recording, storing and reproducing the original in
30 accordance with standards, policies and procedures for the

1 creation, maintenance, transmission or reproduction of images of
2 records approved by the County and Local Government Records
3 Committees, but not less than those standards, policies and
4 procedures approved by the National Institute of Standards and
5 Technology. Any document within the scope of this section and
6 which previously has been recorded or copied may be reproduced
7 by processes authorized by this section.

8 Section 3. [Each roll of microfilm bearing official copies
9 of records shall begin with a separate photographic image
10 showing on a title target the name and location of the office
11 holding the records copied, the name and title of the officer
12 having custody of the records at the date of copying, a brief,
13 but clear, title for the particular series of records copied,
14 and such volume, numbers, inclusive dates and serial numbers as
15 shall make identification of the records filmed clear and
16 positive. Each roll shall end with a separate photographic image
17 repeating in substance the information given on the title
18 target, together with the signature of the camera operator
19 appended to a certificate which shall state the day, month and
20 year on which the records were copied and affirm that the
21 copying was performed in accordance with procedures prescribed
22 by the custodian.] Roll and unitized microfilms and imaged
23 records shall be adequately identified in conformance with
24 standards, policies and procedures approved by the County and
25 Local Government Records Committees. It shall be the
26 responsibility of the custodian of the records copied to
27 regulate and supervise the copying process and to inspect the
28 resulting microcopies and imaged records so as to satisfy
29 [himself] the custodian that all copies are complete, accurate
30 and clearly legible. When any enlarged reproduction of a

1 negative or positive film is to be used as evidence, the
2 reproduction shall contain, or have attached thereto, the signed
3 and sealed attestation of the officer having the official
4 custody of the negative or positive film that the same is a true
5 and correct copy thereof.

6 Section 2. Sections 4 and 5 of the act are repealed.

7 Section 3. Section 6 of the act is amended to read:

8 Section 6. Records which have been reproduced or copied in
9 accordance with section one of this act or other records which
10 are deemed valueless may be destroyed or otherwise disposed of[,
11 subject to the approval of the court of common pleas of the
12 proper county. The records of the register of wills and of the
13 clerk of the orphans' court which have been so reproduced or
14 which are deemed valueless may be destroyed or disposed of,
15 subject to the approval of the orphans' court of the proper
16 county] in accordance with applicable legislation and
17 regulations or schedules and procedures relating to the
18 destruction of public records approved by the County and Local
19 Government Records Committees.

20 Section 4. Sections 6.1, 6.2 and 7 of the act are repealed.

21 Section 5. Section 8 of the act is amended to read:

22 Section 8. The [Secretary of Property and Supplies]
23 executive director of the Pennsylvania Historical and Museum
24 Commission may, at [his] the executive director's discretion,
25 make available the services of the [Department of Property and
26 Supplies] Pennsylvania Historical and Museum Commission to
27 political subdivisions of the Commonwealth for the purpose of
28 photographing or imaging public records upon such terms and
29 conditions as [he] the executive director may prescribe, which
30 terms shall provide for the payment to, and reimbursement of,

1 the Commonwealth for the reasonable cost of such services. [Any
2 money payable to the Department of Property and Supplies by way
3 of reimbursement shall be paid into the General Fund in the
4 State Treasury through the Department of Revenue and credited to
5 the appropriation from which the expense incurred by the
6 Department of Property and Supplies was met.]

7 Section 6. This act shall take effect immediately.