

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1113 Session of
1997INTRODUCED BY BARD, HERMAN, ROSS, LESCOVITZ AND COY,
APRIL 2, 1997AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 6, 1997

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 PENNSYLVANIA <—
17 HISTORICAL AND MUSEUM COMMISSION services to political
18 subdivisions.

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

21 Section 1. ~~Sections~~ THE TITLE AND SECTIONS 1 and 3 of the <—
22 act of May 9, 1949 (P.L.908, No.250), entitled "An act relating
23 to public records of political subdivisions other than cities
24 and counties of the first class; authorizing the recording and
25 copying of documents, plats, papers and instruments of writing

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

8 AN ACT <—

9 RELATING TO PUBLIC RECORDS OF POLITICAL SUBDIVISIONS OTHER THAN
10 CITIES AND COUNTIES OF THE FIRST CLASS; AUTHORIZING THE
11 RECORDING AND COPYING OF DOCUMENTS, PLATS, PAPERS AND
12 INSTRUMENTS OF WRITING BY PHOTOSTATIC, PHOTOGRAPHIC,
13 MICROFILM OR OTHER MECHANICAL PROCESS, AND THE ADMISSIBILITY
14 THEREOF AND ENLARGEMENTS THEREOF IN EVIDENCE; PROVIDING FOR
15 THE STORAGE OF DUPLICATES AND SALE OF MICROFILM COPIES OF
16 OFFICIAL RECORDS AND FOR THE DESTRUCTION OF OTHER RECORDS
17 DEEMED VALUELESS; AND PROVIDING FOR THE SERVICES OF THE
18 [DEPARTMENT OF PROPERTY AND SUPPLIES] PENNSYLVANIA HISTORICAL
19 AND MUSEUM COMMISSION TO POLITICAL SUBDIVISIONS.

20 Section 1. [When any public officer of any county, other
21 than counties of the first class, city, other than cities of the
22 first class, borough, town, township, school, poor or
23 institution district, or agency thereof, is required or
24 authorized by law or otherwise to record, copy or recopy any
25 document, plat, paper or instrument of writing, he may do so by
26 any photostatic, photographic, microphotographic, microfilm or
27 other mechanical process which produces a clear, accurate and
28 permanent copy, microcopy or reproduction of the original in
29 accordance with standards not less than those approved for
30 permanent records by the National Bureau of Standards. Any such

1 officer may also reproduce by such processes any document, plat,
2 paper or instrument of writing which has previously been
3 recorded, copied or recopied.] Whenever any public officer of
4 any political subdivision or agency thereof, including home rule
5 municipalities, other than counties of the first class or
6 agencies thereof and cities of the first class or agencies
7 thereof, is required or authorized by law or otherwise to record
8 or copy any document, the officers may do so by any photostatic,
9 photographic, microphotographic, microfilm, microcard, miniature
10 photographic, optical, electronic or other process which
11 accurately reproduces the original and forms a durable medium
12 for recording, storing and reproducing the original in
13 accordance with standards, policies and procedures for the
14 creation, maintenance, transmission or reproduction of images of
15 records approved by the County and Local Government Records
16 Committees, but not less than those standards, policies and
17 procedures approved by the National Institute of Standards and
18 Technology. Any document within the scope of this section and
19 which previously has been recorded or copied may be reproduced
20 by processes authorized by this section.

21 Section 3. [Each roll of microfilm bearing official copies
22 of records shall begin with a separate photographic image
23 showing on a title target the name and location of the office
24 holding the records copied, the name and title of the officer
25 having custody of the records at the date of copying, a brief,
26 but clear, title for the particular series of records copied,
27 and such volume, numbers, inclusive dates and serial numbers as
28 shall make identification of the records filmed clear and
29 positive. Each roll shall end with a separate photographic image
30 repeating in substance the information given on the title

1 target, together with the signature of the camera operator
2 appended to a certificate which shall state the day, month and
3 year on which the records were copied and affirm that the
4 copying was performed in accordance with procedures prescribed
5 by the custodian.] Roll and unitized microfilms and imaged
6 records shall be adequately identified in conformance with
7 standards, policies and procedures approved by the County and
8 Local Government Records Committees. It shall be the
9 responsibility of the custodian of the records copied to
10 regulate and supervise the copying process and to inspect the
11 resulting microcopies and imaged records so as to satisfy
12 [himself] the custodian that all copies are complete, accurate
13 and clearly legible. When any enlarged reproduction of a
14 negative or positive film is to be used as evidence, the
15 reproduction shall contain, or have attached thereto, the signed
16 and sealed attestation of the officer having the official
17 custody of the negative or positive film that the same is a true
18 and correct copy thereof.

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

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

21 Section 6. Records which have been reproduced or copied in
22 accordance with section one of this act or other records which
23 are deemed valueless may be destroyed or otherwise disposed of[,
24 subject to the approval of the court of common pleas of the
25 proper county. The records of the register of wills and of the
26 clerk of the orphans' court which have been so reproduced or
27 which are deemed valueless may be destroyed or disposed of,
28 subject to the approval of the orphans' court of the proper
29 county] in accordance with applicable legislation and
30 regulations or schedules and procedures relating to the

1 destruction of public records approved by the County and Local
2 Government Records Committees.

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

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

5 Section 8. The [Secretary of Property and Supplies]
6 executive director of the Pennsylvania Historical and Museum
7 Commission may, at [his] the executive director's discretion,
8 make available the services of the [Department of Property and
9 Supplies] Pennsylvania Historical and Museum Commission to
10 political subdivisions of the Commonwealth for the purpose of
11 photographing or imaging public records upon such terms and
12 conditions as [he] the executive director may prescribe, which
13 terms shall provide for the payment to, and reimbursement of,
14 the Commonwealth for the reasonable cost of such services. [Any
15 money payable to the Department of Property and Supplies by way
16 of reimbursement shall be paid into the General Fund in the
17 State Treasury through the Department of Revenue and credited to
18 the appropriation from which the expense incurred by the
19 Department of Property and Supplies was met.]

20 Section 6. This act shall take effect immediately.