

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1243 Session of  
1993

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

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 19, 1993

AN ACT

1 Amending the act of January 18, 1968 (1967 P.L.961, No.428),  
2 entitled "An act providing a method for the disposition of  
3 certain public records in cities of the third class, boroughs  
4 and townships of the first and second class, establishing a  
5 local Government Records Committee, empowering the committee  
6 to make rules and regulations for records disposition and  
7 assigning certain duties to the Pennsylvania Historical and  
8 Museum Commission," further defining "municipality"; further  
9 providing for the maintenance, copying and disposition of  
10 records; and making editorial changes.

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

13 Section 1. Sections 2, 3, 4, 5, 6 and 8 of the act of  
14 January 18, 1968 (1967 P.L.961, No.428), known as the Municipal  
15 Records Act, are amended to read:

16 Section 2. The following words and phrases, whenever used in  
17 this act, shall have the following meanings unless the context  
18 clearly indicates otherwise:

19 (1) "Municipality," a city of the third class, borough,  
20 incorporated town, township of the first class, township of the  
21 second class, any municipality as described in this paragraph

1 which has adopted a home rule charter and any municipal  
2 authority created by any of these municipalities.

3 (2) "Public records," any papers, books, maps, photographs  
4 or other documentary materials, regardless of physical form or  
5 characteristics, made or received by a municipality or a  
6 municipal government agency in pursuance of law or in connection  
7 with the exercise of its legitimate functions and the discharge  
8 of its responsibilities.

9 (3) "Commission," the Pennsylvania Historical and Museum  
10 Commission.

11 Section 3. [Certain public records, archives or printed  
12 public documents, whether or not they are in current use, in the  
13 custody of any person or office, shall be destroyed, sold or  
14 otherwise] Public records may be disposed of if the disposition  
15 is in conformance with schedules and regulations which shall be  
16 made and promulgated by the Local Government Records Committee  
17 as established by section 5 of this act.

18 Section 4. The commission in cooperation with the several  
19 associations of municipal officials and related State agencies,  
20 shall make a study of the kind and character of municipal public  
21 records, and shall prepare proposed retention and [disposal]  
22 disposition schedules for submission to the Local Government  
23 Records Committee established by section 5 for its approval, and  
24 advise the municipalities of all applicable operative schedules  
25 and prepare updates of these schedules as needed.

26 Section 5. (a) No such schedule shall be operative unless  
27 approved by the Local Government Records Committee, which is  
28 hereby established under the commission and which shall consist  
29 of the State Auditor General, the State Treasurer, the [Attorney  
30 General] General Counsel, the Executive Director of the

1 Pennsylvania Historical and Museum Commission, the Secretary of  
2 Community Affairs and five other members to be appointed by the  
3 Governor to represent each of the following municipal  
4 associations: the League of Cities, the State Association of  
5 Boroughs, the State Association of Township Commissioners, the  
6 State Association of Township Supervisors and the Municipal  
7 Authorities' Association. Each ex officio member of the  
8 committee may designate in writing a representative to act in  
9 his place on said committee. The Secretary of Community Affairs  
10 shall serve as chairman, the Executive Director of the  
11 Pennsylvania Historical and Museum Commission shall serve as  
12 secretary, and meetings of the committee shall be at the call of  
13 the chairman.

14 (b) The Local Government Records Committee shall have the  
15 powers and duties prescribed for it herein, and shall make and  
16 promulgate such regulations not inconsistent with law as may be  
17 necessary to adequately effectuate such powers and duties.

18 Section 6. (a) Whenever any such schedule is approved by  
19 the committee, a copy thereof shall be filed with the commission  
20 which shall, through appropriate means, inform the  
21 municipalities that such schedule has been approved. Thereupon  
22 such schedule shall remain in force and effect and may be acted  
23 upon by the municipalities until superseded by a subsequent duly  
24 approved schedule. Each municipality shall declare its intent to  
25 follow such schedule by municipal ordinance or resolution, and  
26 each individual act of disposition shall be approved by  
27 resolution of the governing body of the municipality.

28 (b) Original records scheduled for permanent retention may  
29 be disposed of if, in addition to the procedures listed in this  
30 section, the municipality generates and maintains a copy of the

1 original in conformance with section 8 of this act and receives  
2 written permission from the commission to dispose of the  
3 records. Written permission from the commission is required only  
4 for disposition actions involving records scheduled for  
5 permanent retention, records not listed on the schedules, and  
6 records selected for transfer to the State Archives.

7       Section 8. [Whenever any officer, commission or agency of  
8 any municipality shall have photographed, microphotographed or  
9 microfilmed any public record with the approval of and in  
10 conformance with standards established by the Local Government  
11 Records Committee, the original record may be destroyed,  
12 provided the department shall first have given its written  
13 consent to such destruction or other disposition.] (a) Records  
14 may be recorded or copied in conformance with section 1 of the  
15 act of May 9, 1949 (P.L.908, No.250), entitled "An act relating  
16 to public records of political subdivisions other than cities  
17 and counties of the first class; authorizing the recording and  
18 copying of documents, plats, papers and instruments of writing  
19 by photostatic, photographic, microfilm or other mechanical  
20 process, and the admissibility thereof and enlargements thereof  
21 in evidence; providing for the storage of duplicates and sale of  
22 microfilm copies of official records and for the destruction of  
23 other records deemed valueless; and providing for the services  
24 of the Department of General Services to political  
25 subdivisions," and applicable policies, standards and procedures  
26 adopted by the committee.

27       (b) In the event of any such destruction or other  
28 disposition of any public records under the provisions of this  
29 section, the [photograph, microphotograph or microfilm or a  
30 certified copy of said photograph, microphotograph or microfilm]

1 copy shall be receivable in evidence in any court or proceeding,  
2 and shall have the same force and effect as though the original  
3 public record had been there produced and proved.

4       Section 2. This act shall take effect immediately.