

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1111 Session of
1997

INTRODUCED BY BARD, HERMAN, LESCOVITZ AND COY, APRIL 2, 1997

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, DECEMBER 9, 1997

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, further regulating public records.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Sections 1381, 1383, 1384, 1385, 1386 and 1388 of
6 Title 53 of the Pennsylvania Consolidated Statutes, added
7 December 19, 1996 (P.L.1158, No.177), are amended to read:

8 § 1381. Short title and scope of subchapter.

9 (a) Short title of subchapter.--This subchapter shall be
10 known and may be cited as the Municipal Records Act.

11 (b) Scope of subchapter.--This subchapter applies to the
12 following entities:

13 (1) [Municipal corporations.] A city of the third class,
14 borough, incorporated town, township of the first class,
15 township of the second class, including any municipal
16 corporation as described in this paragraph which has adopted
17 a home rule charter.

(2) Municipal authorities created by any municipal corporation which is subject to this subchapter.

This subchapter does not apply to cities of the first class, second class or second class A.

§ 1383. Disposition of public records.

Public records[, archives or printed public documents, whether or not in current use, in the custody of any person or office shall be destroyed, sold or otherwise] may be disposed of if the disposition is in conformity with schedules and regulations which are promulgated by the committee as established by section 1385 (relating to Local Government Records Committee).

§ 1384. Proposed retention and disposal schedules.

The commission, in cooperation with the several associations of municipal officials and related Commonwealth agencies, shall make a study of public records and shall prepare proposed retention and [disposal] disposition schedules for submission to the committee for its approval and advise each of them of all applicable operative schedules and prepare updates of these schedules as needed. No such schedule shall be operative unless approved by the committee.

§ 1385. Local Government Records Committee.

(a) Establishment.--There shall be established under the commission the Local Government Records Committee which shall consist of the Auditor General, the State Treasurer, the General Counsel, the Executive Director of the Pennsylvania Historical and Museum Commission, the Secretary of Community [Affairs] and Economic Development and five other members to be appointed by the Governor to represent each of the following municipal associations: the League of Cities, the State Association of

1 Boroughs, the State Association of Township Commissioners, the
2 State Association of Township Supervisors and the Municipal
3 Authorities' Association. Each ex officio member of the
4 committee may designate in writing a representative to act in
5 place of the member. The Secretary of Community [Affairs] and
6 Economic Development shall serve as chairman, and the executive
7 director of the [commission] PENNSYLVANIA HISTORICAL AND MUSEUM <—
8 COMMISSION shall serve as secretary. Meetings of the committee
9 shall be at the call of the chairman.

10 (b) Powers and duties.--The committee shall have the powers
11 and duties vested in and imposed upon it by this subchapter and
12 shall promulgate regulations not inconsistent with law necessary
13 to adequately effectuate its powers and duties.

14 § 1386. Effect of approval of schedule.

15 (a) Disposition generally.--Whenever a schedule is approved
16 by the committee, a copy shall be filed with the commission
17 which shall, through appropriate means, notify the entities that
18 the schedule has been approved. Upon such notification, the
19 schedule becomes effective and may be acted upon by them until
20 superseded by a subsequent duly approved schedule. Each entity
21 shall declare its intent to follow the schedule by ordinance or
22 resolution. Each individual act of disposition shall be approved
23 by resolution of the governing body.

24 (b) Disposition of permanent retention records.--Original
25 records scheduled for permanent retention may be disposed of if,
26 in addition to the procedures listed in this section, the entity
27 generates and maintains a copy of the original in conformance
28 with section 1388 (relating to recording and copying records)
29 and receives written permission from the ~~commission~~ PENNSYLVANIA <—
30 HISTORICAL AND MUSEUM COMMISSION to dispose of the records.

1 Written permission from the commission is required only for
2 disposition actions involving records scheduled for permanent
3 retention, records not listed on the schedules and records
4 selected for transfer to the State Archives.

5 § 1388. [Destruction of original] Recording and copying
6 records.

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

26 (b) Evidence of records.--Upon [destruction or other]
27 disposition of any public records under this [section]
28 subchapter, the [photograph, microphotograph or microfilm or a
29 certified] copy [thereof] shall be receivable in evidence in any
30 court or proceeding and shall have the same force and effect as

1 though the original public record had been produced and proved.

2 Section 2. This act shall take effect in 60 days.