

No. 1998-28

AN ACT

HB 1113

Amending the act of May 9, 1949 (P.L.908, No.250), 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," further providing for methods for the copying of certain records, for identification of records, for duplicates of records, for the sale of certain records, for the destruction or disposal of certain records, for records requiring special care and for Pennsylvania Historical and Museum Commission services to political subdivisions.

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

Section 1. The title and sections 1 and 3 of the act of May 9, 1949 (P.L.908, No.250), 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," are amended to read:

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] *Pennsylvania Historical and Museum Commission* to political subdivisions.

Section 1. [When any public officer of any county, other than counties of the first class, city, other than cities of the first class, borough, town, township, school, poor or institution district, or agency thereof, is required or authorized by law or otherwise to record, copy or recopy

any document, plat, paper or instrument of writing, he may do so by any photostatic, photographic, microphotographic, microfilm or other mechanical process which produces a clear, accurate and permanent copy, microcopy or reproduction of the original in accordance with standards not less than those approved for permanent records by the National Bureau of Standards. Any such officer may also reproduce by such processes any document, plat, paper or instrument of writing which has previously been recorded, copied or recopied.] *Whenever any public officer of any political subdivision or agency thereof, including home rule municipalities, other than counties of the first class or agencies thereof and cities of the first class or agencies thereof, is required or authorized by law or otherwise to record or copy any document, the officers may do so by any photostatic, photographic, microphotographic, microfilm, microcard, miniature photographic, optical, electronic or other process which accurately reproduces the original and forms a durable medium for recording, storing and reproducing the original in accordance with standards, policies and procedures for the creation, maintenance, transmission or reproduction of images of records approved by the County or Local Government Records Committees, as applicable, but not less than those standards, policies and procedures approved by the National Institute of Standards and Technology. Any document within the scope of this section and which previously has been recorded or copied may be reproduced by processes authorized by this section.*

Section 3. [Each roll of microfilm bearing official copies of records shall begin with a separate photographic image showing on a title target the name and location of the office holding the records copied, the name and title of the officer having custody of the records at the date of copying, a brief, but clear, title for the particular series of records copied, and such volume, numbers, inclusive dates and serial numbers as shall make identification of the records filmed clear and positive. Each roll shall end with a separate photographic image repeating in substance the information given on the title target, together with the signature of the camera operator appended to a certificate which shall state the day, month and year on which the records were copied and affirm that the copying was performed in accordance with procedures prescribed by the custodian.] *Roll and unitized microfilms and imaged records shall be adequately identified in conformance with standards, policies and procedures approved by the County or Local Government Records Committees, as applicable.* It shall be the responsibility of the custodian of the records copied to regulate and supervise the copying process and to inspect the resulting microcopies *and imaged records* so as to satisfy [himself] *the custodian* that all copies are complete, accurate and clearly legible. When any enlarged reproduction of a negative or positive film is to be used as evidence, the reproduction shall contain, or have attached thereto,

the signed and sealed attestation of the officer having the official custody of the negative or positive film that the same is a true and correct copy thereof.

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

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

Section 6. Records which have been reproduced or copied in accordance with section one of this act or other records which are deemed valueless may be destroyed or otherwise disposed of, **subject to the approval of the court of common pleas of the proper county. The records of the register of wills and of the clerk of the orphans' court which have been so reproduced or which are deemed valueless may be destroyed or disposed of, subject to the approval of the orphans' court of the proper county] in accordance with applicable laws and regulations or schedules and procedures relating to the destruction of public records approved by the County or Local Government Records Committees, as applicable.**

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

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

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

Section 6. This act shall take effect immediately.

APPROVED—The 18th day of February, A.D. 1998.

THOMAS J. RIDGE