

APPROVED—The 18th day of January, A. D. 1968.

RAYMOND P. SHAFER

---

No. 428

AN ACT

HB 1573

Providing a method for the disposition of certain public records in cities of the third class, boroughs and townships of the first and second class, establishing a local Government Records Committee, empowering the committee to make rules and regulations for records disposition and assigning certain duties to the Pennsylvania Historical and Museum Commission.

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

Section 1. This act shall be known and may be cited as the "Municipal Records Act."

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

(1) "Municipality," a city of the third class, borough, incorporated town, township of the first class, township of the second class and any municipal authority created by any of these municipalities.

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

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

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

Section 4. The commission in cooperation with the several associations of municipal officials and related State agencies, shall make a study of the kind and character of municipal public records, and shall prepare proposed retention and disposal schedules for submission to the Local Government Records Committee established by section 5

for its approval, and advise the municipalities of all applicable operative schedules.

Section 5. No such schedule shall be operative unless approved by the Local Government Records Committee, which is hereby established under the commission and which shall consist of the State Auditor General, the State Treasurer, the Attorney General, the Executive Director of the Historical and Museum Commission, the Secretary of Community Affairs 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 Boroughs, the State Association of Township Commissioners, the State Association of Township Supervisors and the Municipal Authorities' Association. Each ex officio member of the committee may designate in writing a representative to act in his place on said committee. The Secretary of Community Affairs shall serve as chairman, the Executive Director of the Pennsylvania Historical and Museum Commission shall serve as secretary, and meetings of the committee shall be at the call of the chairman.

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

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

Section 7. No municipal official shall be held liable on his official bond or in the way of damages for loss or in any other manner, civil or criminal, because of the disposition of public records pursuant to the provisions of this act.

Section 8. Whenever any officer, commission or agency of any municipality shall have photographed, microphotographed or microfilmed any public record with the approval of and in conformance with standards established by the Local Government Records Committee, the original record may be destroyed, provided the department shall first have given its written consent to such destruction or other disposition.

In the event of any such destruction or other disposition of any public records under the provisions of this section, the photograph, microphotograph or microfilm or a certified copy of said photograph, microphotograph or microfilm shall be receivable in evidence in any

court or proceeding, and shall have the same force and effect as though the original public record had been there produced and proved.

Section 9. This act is intended as a supplement to existing laws in the respective municipal codes and in "The Administrative Code of 1929," relating to records disposition. Such existing laws which provide for destruction may be utilized by municipal officials in lieu of compliance with this act. Nothing in this act shall prevent municipal officials from retaining records longer than the periods which may be provided in schedules approved by the Local Government Records Committee.

Section 10. This act shall take effect January 1, 1968.

APPROVED—The 18th day of January, A. D. 1968.

RAYMOND P. SHAFER

No. 429

AN ACT

HB 1647

Amending the act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," prohibiting school directors from doing or limiting business with the district in which elected or appointed, and further regulating the purchase of school supplies.

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

Section 1. Section 324, act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949," amended October 19, 1959 (P. L. 1326) and November 16, 1959 (P. L. 1512), is amended to read:

Section 324. Not to be Employed by or do Business with District; Exceptions.—No school director shall, during the term for which he was elected or appointed, as a private person engaged in any business transaction with the school district in which he is elected or appointed, be employed in any capacity by the school district in which he is elected or appointed, or receive from such school district any pay for services rendered to the district except as provided in this act: Provided, That one who has served as a school director for two consecutive terms, of six years each, may be elected to the position of attorney or solicitor for the board of which he was a member by the unanimous vote of all the other members of the board, and, after resigning his