

No. 1998-27

## AN ACT

HB 1111

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

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

Section 1. Sections 1381, 1383, 1384, 1385, 1386 and 1388 of Title 53 of the Pennsylvania Consolidated Statutes are amended to read:

§ 1381. Short title and scope of subchapter.

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

(b) Scope of subchapter.—This subchapter applies to the following entities:

(1) **[Municipal corporations.]** *A city of the third class, borough, incorporated town, township of the first class or township of the second class, including any municipal corporation as described in this paragraph which has adopted 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 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 place of the member. The Secretary of Community [Affairs] and *Economic Development* shall serve as chairman, and the executive director of the commission shall serve as secretary. Meetings of the committee shall be at the call of the chairman.

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

§ 1386. Effect of approval of schedule.

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 Upon such notification, the schedule becomes effective and may be acted upon by them until superseded by a subsequent duly approved schedule.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

(b) *Disposition of permanent retention records.*—*Original records scheduled for permanent retention may be disposed of if, in addition to the procedures listed in this section, the entity generates and maintains a copy of the original in conformance with section 1388 (relating to recording and copying records) and receives written permission from the commission to dispose of the records. Written permission from the commission is required only for disposition actions involving records scheduled for permanent retention, records not listed on the schedules and records selected for transfer to the State Archives.*

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

(a) [Destruction authorized.—Whenever any officer, commission or agency has photographed, microphotographed or microfilmed any public record with the approval of and in conformance with standards established by the committee, the original record may be destroyed, provided written consent is given to the destruction or other disposition.] *Authorized methods.*—*Records may be recorded or copied in conformance with section 1 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," and applicable policies, standards and procedures adopted by the committee.*

(b) Evidence of records.—Upon [destruction or other] disposition of any public records under this [section] *subchapter*, the [photograph, microphotograph or microfilm or a certified] copy [thereof] 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 produced and proved.

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

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

THOMAS J. RIDGE