

No. 1998-29

## AN ACT

HB 1114

Amending the act of August 14, 1963 (P.L.839, No.407), entitled, as amended, "An act creating a county records committee; imposing powers and duties upon it; authorizing the Pennsylvania Historical and Museum Commission to assist and cooperate with it; defining county records; and authorizing the disposition of certain county records by county officers in counties of the second to eighth class," further providing for definitions; providing for a definition of "county" and clarifying the application of the act to include home rule counties; and further providing for the disposition of county records.

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

Section 1. Section 1 of the act of August 14, 1963 (P.L.839, No.407), entitled, as amended, "An act creating a county records committee; imposing powers and duties upon it; authorizing the Pennsylvania Historical and Museum Commission to assist and cooperate with it; defining county records; and authorizing the disposition of certain county records by county officers in counties of the second to eighth class," amended November 23, 1976 (P.L.1161, No.258), is amended to read:

Section 1. There is hereby created a county records committee which shall consist of fifteen members who shall be appointed by the Governor for a term of four years. One member of the committee shall be the Chief Justice of the Pennsylvania Supreme Court, or his judicial representative, one a representative of the Pennsylvania Historical and Museum Commission, one an attorney, one a prothonotary, one a clerk of courts, one a county commissioner, one a county controller or auditor, one a district attorney, one a county treasurer, one a sheriff, one a register of wills, one a recorder of deeds, one a jury commissioner, one a coroner, and the other a member of the general public. The committee shall select one of its members to serve as chairman. Within the means at its command, the Pennsylvania Historical and Museum Commission shall assist and cooperate with the county records committee by providing for its necessary expenses, by providing for examining and inventorying county records for the preparation of schedules, and by enforcing such schedules *and procedures* as the county records committee may make or revise under the provisions of this act.

Section 2. Section 2 of the act, added November 30, 1967 (P.L.650, No.300), is amended to read:

Section 2. [As used in this act, county records are defined as any papers, dockets, books, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or

received in any office of county government in pursuance of law or in connection with transactions of public business in the exercise of its legitimate functions and the discharge of its responsibilities. Unofficial published material used solely for reference purposes, extra copies preserved only for reference in distinct reference files; drafts, work copies and notes made merely as a matter of convenience by county officers of their employes; and stocks of publications are not included as county records under the provisions of this act.] *The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:*

**“Commission.”** *The Pennsylvania Historical and Museum Commission of the Commonwealth.*

**“County.”** *Any county of the second through eighth class, including any of such counties as may have adopted a home rule charter.*

**“County records.”** *Any papers, dockets, books, maps, photographs or other documentary materials, regardless of physical form or characteristics, made or received in any office of county government in pursuance of law or in connection with transactions of public business in the exercise of its legitimate functions and the discharge of its responsibilities.*

Section 3. Sections 3 and 4 of the act, amended November 23, 1976 (P.L.1161, No.258), are amended to read:

Section 3. It shall be the duty of the committee to meet at least once a year to make or revise schedules setting forth the conditions under which county records filed in any office of county government may be disposed off, **either with or without microfilming, but the schedules shall distinguish clearly between records of temporary value and records of permanent value, and no schedule shall be made or revised which will permit the destruction of county records of permanent value unless the same are microfilmed.** If the said records are no longer in active use but have value for historical research, the county records committee may authorize their disposition by transfer to the Pennsylvania Historical and Museum Commission or to other depositories designated by the commission]. Meetings of the committee shall be called by the Executive Director of the Pennsylvania Historical and Museum Commission; however, meetings may also be called by the chairman or by a majority of the members of the committee whenever the chairman or the majority of members deems it necessary.

Section 4. County officers in counties [of the second, second A, third, fourth, fifth, sixth, seventh and eighth class], *as defined in this act*, may dispose of all county records in their custody, provided they follow the schedules *and procedures* prescribed by the county records committee [which is created under the provisions of this act, and provided that the Pennsylvania Historical and Museum Commission, through its executive director, certifies that such disposal is in accordance with the established schedules.] *and maintain a log of individual disposition actions involving*

*nonpermanent records. Copies of such logs, in a form approved by the committee, shall be submitted annually to the commission. Original records scheduled for permanent retention may be disposed of if the county officer creates and maintains a copy of the original in conformance with section 4.1 and receives written permission from the commission. 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.*

Section 4. The act is amended by adding a section to read:

*Section 4.1. Records may be recorded, copied or recopied in conformance with 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. In the event of any such destruction or other disposition of any public records under the provisions of this section, the copy 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 5. This act shall take effect in six months.

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

THOMAS J. RIDGE