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HB 2761
VETO

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1999



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House Bill No. 2761

(By Delegates Manuel, Douglas, Staton,
Trump, Doyle and Faircloth)



Passed March 11, 1999

In Effect Ninety Days from Passage

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H. B. 2761

(BY DELEGATES MANUEL, DOUGLAS, STATON,
TRUMP, DOYLE AND FAIRCLOTH)

[Passed March 11, 1999; in effect ninety days from passage.]

AN ACT to amend and reenact section seven-c, article one, chapter fifty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to authorizing optical image media preservation of certain county records.

Be it enacted by the Legislature of West Virginia:

That section seven-c, article one, chapter fifty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 1. LEGISLATIVE ACTS AND RESOLUTIONS; PUBLIC RECORDS.

§57-1-7c. Use of microfilm, microcards and optical image media to store, reproduce and preserve records; destruction or transfer of originals to archivist.

- 1 (a) The clerk of any court of record of the state, with the
- 2 approval of the court for which he or she is clerk, and the
- 3 county clerk, with the approval of the county commission, may
- 4 cause any or all records, papers, plats, or other documents kept
- 5 by him or her to be reproduced on photographic microfilm,
- 6 microcards or nonerasable write once read only optical image

7 media and may record, keep and preserve any and all records,
8 papers, plats or other documents required by the laws of this
9 state to be recorded or kept by said clerk or court exclusively
10 upon photographic microfilm, microcards or optical image
11 media instead of in well-bound books or instead of by any other
12 method heretofore prescribed by law: *Provided*, That any
13 storage media utilized must be permanent in nature and may not
14 allow changes to stored documents upon preservation.

15 (b) The photographic microfilm, microcards and optical
16 image media shall be of durable material and possess good,
17 archival qualities. The device used to reproduce such records on
18 the film, cards or optical image media shall accurately repro-
19 duce the original thereof in all details. The photographic
20 microfilm, microcards and optical image media shall be deemed
21 to be an original record for all purposes, including introduction
22 into evidence in all courts or administrative agencies. A
23 transcript, exemplification or photographic reproduction thereof
24 shall, when properly authenticated by the clerk of such court, be
25 deemed for all purposes to be a transcript, exemplification or
26 certified copy of the original.

27 (c) The photographic microfilm, microcards and optical
28 image media shall be put in convenient, accessible fireproof
29 files and adequate provision shall be made for preserving,
30 examining and using the same.

31 (d) Any records, papers, plats or other documents not held
32 for others by said clerk or court or required by law to be
33 delivered to some other person, court, corporation or agency,
34 may, with the approval of the court keeping such records,
35 papers, plats or other documents, be destroyed. However,
36 before any such records, papers, plats or other documents are
37 authorized to be destroyed, the court or clerk thereof keeping
38 the records shall obtain the advice and counsel of the state
39 historian or archivist, or his or her designated representative, as
40 to the desirability of placing the records, papers, plats or other
41 documents in the section of archives and history: *Provided*,
42 That prior to destroying or otherwise disposing of the same, the
43 court or clerk shall give written notice of the intention to do so

44 to the director of the section of archives and history of the
45 division of culture and history.

46 (e) Upon the written request of the director given to the
47 court or clerk thereof within ten days of receipt of said notice,
48 the court or clerk shall retain the original record for a period of
49 thirty days. In the event the director fails to retrieve the original
50 document from the court or clerk within the thirty-day period,
51 the court or clerk may destroy or otherwise dispose of the
52 original without further notice to the director.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



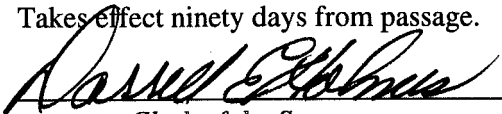
Chairman Senate Committee



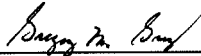
Chairman House Committee

Originating in the House.

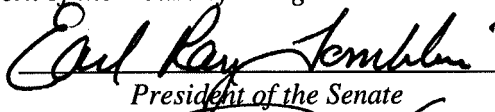
Takes effect ninety days from passage.



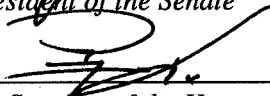
Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within disapproved this the 25th
day of March, 1999.



Governor

PRESENTED TO THE

GOVERNOR

Date 3/19/89

Time 10:10 am