

CHAPTER 197

S.B. No. 1375

AN ACT

relating to microfilm records of county clerks.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsection (d), Section 6, Article 1941(a), Revised Statutes, is amended to read as follows:

(d) Upon the certificate of a county clerk of a county to the Commissioners Court of the county that the original negative microfilm of a designated microfilm record fully meets the requirements of the *American National Standards Institute* [~~Bureau of Standards of the United States Government~~] for archival quality, for density, for resolution and for definition of said original negative microfilm [~~and, further, that microfilm film prints from said negative have been satisfactorily used by the public for five years, or more~~], said Commissioners Court may authorize by order of said court the disposal of the original paper records from which said microfilm records were made.

SECTION 2. Section 5, Article 1941(a), Revised Statutes, is amended to read as follows:

Sec. 5. Should a Public Records Commission of Texas be authorized by law, all microfilming shall be done in accordance with reasonable rules and regulations, and under the general supervision, of said Commission; otherwise the county clerk shall establish the reasonable rules and regulations and have complete control of the microfilming in the county clerk's office in accordance with the following:

(a) Each original negative roll, and each original negative discrete image, of microfilmed records shall meet all of the requirements for archival quality, for density, for resolution and for definition, of the Public Records Commission of Texas, if there be one, otherwise of the *American National Standards Institute* [~~United States Bureau of Standards~~].

(b) For each roll, or part of a roll, of microfilm to be an official original record, the first image on the roll, or part of a roll, shall be of a Title Page showing the name of the Official Record, the starting identification number, the date, and a certificate of the county clerk signed by the camera operator; and the last image on the roll, or part of a roll, shall be of a Certificate of Legality and Authenticity certifying that "the microfilming of the images between the Title Page and the Certificate of Legality and Authenticity has been in strict accordance with Article 1941(a), Vernon's Texas Civil Statutes, and that each image is a true, correct, and exact copy of the page or pages of the identified instrument of writing, legal document, paper, or record which had been filed for record on the date and at the time stamped on each; that no splice was made in the original negative film between the Title Page and this Certificate"; followed by the name of the Official Record, the starting image identification number of the Title Page and the ending image identification number of the Certificate of Legality and Authenticity, the date microfilmed and the certificate of the county clerk signed by the camera operator, if the camera operator is a deputy county clerk, or otherwise signed by the county clerk in person.

(c) For each separate and individual image of a discrete group of discrete images of a microfilm record to be an official original record, the first image of the discrete group shall be of a Title Page showing the name of the Official Record, the starting identification number, the date, and a certificate of the county clerk signed by the camera operator; and the last image of the discrete group shall be of a Certificate of Legality and Authenticity certifying "that the discrete numbered microfilm images between the Title Page and the Certificate of Legality and Authenticity have been made in strict accordance with Article 1941(a), Vernon's Texas Civil Statutes, and that each image is a true, correct, and exact copy of the page or pages of the identified instrument of writing, legal document, paper, or record which had been filed for record on the date and at the time stamped on each; that no microfilm image or images were substituted for any original discrete microfilm image or images between the Title Page and this Certificate"; followed by the name of the Official Record, the starting image identification number of the Title

Page and the ending image identification number of the Certificate of Legality and Authenticity, the date microfilmed and the certificate of the county clerk signed by the camera operator, if the camera operator is a deputy county clerk, or otherwise signed by the county clerk in person.

(d) At least one additional negative copy of each roll, or part of a roll, or of each discrete image of a group of discrete images, of the original negative microfilm shall be made. The original negative of each roll, or part of a roll, or of each discrete image of a group of discrete images, of microfilm shall be the security record and, in the absence of other statutory provisions, shall be stored in a fireproof and burglarproof safe or locker outside of, and at a distance from, the courthouse. One negative copy of each roll, or part of a roll, or of each discrete image of a group of discrete images, of microfilm shall be used for making positive film prints and for no other purpose. Either negative copies or positive copies of film shall be used on projection devices or readers.

(e) All original negative microfilm now in an office of a county clerk and which negative microfilm is of archival quality, or which is made into negative film of archival quality, and which has thereon the certificates of the county clerk is hereby designated original records for all purposes and shall be so accepted by all courts and administrative agencies of this State.

(f) Each image on each roll, or each discrete image of a group of discrete images, of microfilm shall be of such a size that its image can be projected with clear legibility and without distortion onto a view screen or view glass with such projected image being as large as, or larger than, the original instrument of writing, legal document, paper or record from which it was made.

(g) Each image on a microfilm record shall be identified by a number by which it can be located quickly and easily, and which number shall be used in indexing such image.

(h) Cameras used for microfilming shall meet or exceed the then current standards of the *American National Standards Institute* [~~United States Bureau of Standards~~] for the documentation of permanent records.

(i) Suitable means shall be furnished for the public to quickly and easily locate and project onto a viewing screen or viewing glass the complete image of a desired record. Such projected image shall be as large as, or larger than, the instrument of writing, legal document, paper or record of which it is an image.

SECTION 3. This Act takes effect September 1, 1987.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 24, 1987, by the following vote: Yeas 31, Nays 0. Passed the House on May 15, 1987, by a non-record vote.

Approved May 27, 1987.

Effective Sept. 1, 1987.