



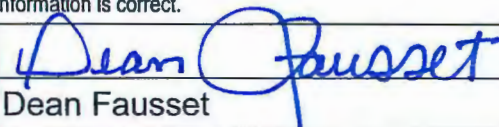
## Certification Page Regular and Emergency Rules

Revised July 2016

Emergency Rules *(After completing all of Sections 1 and 2, proceed to Section 5 below)*

Regular Rules

<b>1. General Information</b>		
a. Agency/Board Name Department of Administration and Information		
b. Agency/Board Address 2001 Capitol Avenue	c. City Cheyenne	d. Zip Code 82002
e. Name of Contact Person Shelley Berry-Parker	f. Contact Telephone Number 307-777-7201	
g. Contact Email Address shelley.berry@wyo.gov	h. Adoption Date July 15, 2016	
i. Program Director's Office		
<b>2. Rule Type and Information:</b> For each chapter listed, indicate if the rule is New, Amended, or Repealed.		
If "New," provide the Enrolled Act numbers and years enacted: <b>Senate Enrolled Act 47 (2014)(W.S. 16-4-204(e))</b>		
c. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed <i>(Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification)</i>		
Chapter Number: Chapter 2	Chapter Name: <small>Uniform Procedures, Fees, Costs, and Charges for Inspection, Copying, and Producing Public Records</small>	<input checked="" type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
d. <input checked="" type="checkbox"/> The Statement of Reasons is attached to this certification.		
e. If applicable, describe the <b>emergency</b> which requires promulgation of these rules without providing notice or an opportunity for a public hearing:		

<b>3. State Government Notice of Intended Rulemaking</b>				
a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the Secretary of State:		February 11, 2016		
b. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the Legislative Service Office:		February 11, 2016		
c. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the Attorney General:		February 11, 2016		
<b>4. Public Notice of Intended Rulemaking</b>				
a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A				
b. A public hearing was held on the proposed rules. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
If "Yes:"	Date:	Time:	City:	Location:
	May 12, 2016	3:00 p.m.	Cheyenne	Herschler Building, 122 W. 25th Street, Cheyenne, WY 82002
<b>5. Final Filing of Rules</b>				
a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature:		July 20, 2016		
b. Date on which final rules were sent to the Legislative Service Office:		July 20, 2016		
c. Date on which a PDF of the final rules was electronically sent to the Secretary of State:		July 20, 2016		
<b>6. Agency/Board Certification</b>				
The undersigned certifies that the foregoing information is correct.				
Signature of Authorized Individual <i>(Blue ink as per Rules on Rules, Section 7)</i>				
Printed Name of Signatory		Dean Fausset		
Signatory Title		Director, Department of Administration and Information		
Date of Signature		July 15, 2016		
<b>7. Governor's Certification</b>				
I have reviewed these rules and determined that they:				
<ol style="list-style-type: none"> <li>1. Are within the scope of the statutory authority delegated to the adopting agency;</li> <li>2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,</li> <li>3. Are necessary and that I concur in the finding that they are an emergency.</li> </ol>				
Therefore, I approve the same.				
Governor's Signature				
Date of Signature				

**Attorney General:** 1. Statement of Reasons; 2. Original Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; and 5. Memo to Governor documenting emergency (for emergency rules only).

**LSO:** 1. Statement of Reasons; 2. Copy of Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; 5. Electronic copy of rules (PDFs) emailed to [LSO-Rules@wyoleg.gov](mailto:LSO-Rules@wyoleg.gov): clean and strike/underscore; and 6. Memo to Governor documenting emergency (for emergency rules only).

**SOS:** 1. PDF of clean copy of rules; and 2. Hard copy of Certification Page as delivered by the AG.

## **Statement of Principal Reasons**

### **Department of Administration and Information**

#### **Uniform Procedures, Fees, Costs, and Charges for Inspection, Copying, and Producing Public Records**

The department is proposing to adopt these uniform rules to comply with the legislative mandate outlined in W.S. 16-4-204(e)(see also Senate Enrolled Act 47 (2014)). That legislation required the department to adopt uniform rules for the use of state agencies establishing procedures, fees, costs, and charges for inspection, copies, and production of public records under W.S. 16-4-202(d)(i), 16-4-203(h)(i), and 16-4-204.

These rules set fees for production and construction costs related to electronic public records. The costs may include, but are not limited to, the time spent retrieving, compiling, sorting, reviewing, redacting, formatting, converting, or copying the electronic public records as well as activities required to create or construct a new electronic public record from existing data sources and all associated programming and computer services. Production and construction costs are: 1) \$15.50/hour for clerical staff time; 2) \$30.00/hour for information technology staff time; and 3) \$40.00/hour for professional staff time. These rates were compiled by comparing and averaging the computed hourly rates of certain related state job classifications that fit within each category.

In addition, these rules create a minimum threshold that must be met prior to any costs being charged for electronic public records requests. If production and/or construction costs for an electronic public records request are less than or equal to \$180.00, the applicant will not be charged any costs for production and/or construction of the electronic public records.

These rules also set fees relating to both electronic and non-electronic public records such as copying costs and transmitting fees.

## Chapter 2

### Uniform Procedures, Fees, Costs, and Charges for Inspecting, Copying, and Producing Public Records

**Section 1. Authority.** These rules are promulgated under the Department of Administration and Information's rule-making authority established by W.S. 16-4-204(e).

**Section 2. Purpose.** The Department of Administration and Information hereby establishes uniform procedures, fees, costs, and charges for inspection, copies, and production of public records.

**Section 3. Definitions.**

(a) **"Applicant"** is the person that is making the public records request.

(b) **"Clerical/support staff"** are employees who generally perform office or administrative support duties. Clerical/support staff employees include secretaries and administrative assistants.

(c) **"Electronic public record"** is a public record that is primarily or solely stored in an electronic format. Typically, the custodian will only be able to produce a copy of the original electronic public record due to the native format, security, and integrity of the original data or electronic record.

(d) **"Information technology staff"** are employees who perform duties relating to retrieving, compiling, constructing, formatting, or extracting electronic public records located on computer systems, software, servers, or networks. Information technology staff employees may also perform computer programming or other computer services relating to electronic public records.

(e) **"Professional staff"** are employees who are not clerical/support or information technology staff as defined herein. Professional staff employees perform administrative, managerial, or professional duties.

(f) **"Supervise copying"** as stated in section 5(b)(viii) occurs if someone other than the custodian is allowed under W.S. 16-4-204(b) to make copies, printouts, or photographs. Under W.S. 16-4-204(b), the custodian is authorized to charge a reasonable fee to supervise the copying, printing out, or photographing if someone other than the custodian makes the copies, printouts or

photographs. The supervision fee shall be the hourly rates stated in section 4(c)(i) through (iii). For instance, if clerical/support staff is required to supervise the copying, printing out, or photographing, the hourly rate will be \$15.50.

#### **Section 4. Electronic Public Records.**

(a) Production and Construction Costs. Under W.S. 16-4-202(d)(i), a custodian shall charge an applicant the reasonable costs of producing and constructing a copy of an electronic public record for inspection and copying. This cost may include, but is not limited to, the time spent retrieving, compiling, sorting, reviewing, redacting, formatting, converting, or copying the electronic public record, as well as activities required to create or construct a new electronic public record from existing data sources and all associated programming and computer services.

(b) Minimum Requirement to Charge Costs. Production and construction costs will be charged only if they exceed \$180.00. If the costs exceed \$180.00, the initial \$180.00 will be a credit and not charged to the applicant. If electronic production and/or construction costs for a request total \$180.00, the applicant will not be charged any costs for production and/or construction of said electronic records. If, for example, the production and/or construction costs for a request total \$200.00, the applicant will be charged \$20.00. The initial \$180.00 is a credit upon the total amount charged for the production and/or construction of electronic records. Applicants may not use multiple record requests to evade this \$180.00 threshold. The custodian has discretion to consolidate public records requests that he or she reasonably believes have been drafted and submitted to evade this \$180.00 threshold.

(c) Production and Construction Costs. Production and construction costs for electronic public records shall be as follows:

- (i) \$15.50/hour for clerical staff time.
- (ii) \$30.00/hour for information technology staff time.
- (iii) \$40.00/hour for professional staff time.
- (iv) Actual cost of programming and computer services.

(d) Payment. The custodian must provide the applicant with an estimate of the reasonable costs of production and construction of the electronic public records. The applicant must pre-pay the estimated costs before the custodian produces or constructs the electronic public records or provides any copies for inspection. Payment shall be made to the custodian. If the custodian reaches the limit of the payment by the applicant, the custodian will produce the records that are ready and available at that point and will provide an additional estimate pursuant to this subsection prior to continuing with the request.

(e) Refund. If a custodian estimates and receives costs exceeding the actual time required to produce and construct the electronic public records, the custodian shall refund the excess charge received at the same time that he allows the applicant to inspect the electronic public records.

(f) Inspection. The custodian shall notify the applicant in writing when copies of the electronic public records are produced and available for inspection. The applicant shall have one month from the time the custodian provides notification to come to the custodian's designated location to inspect the records. After the one month time period, the request shall be officially closed.

(g) Request Priority. Requests that are at or below the \$180.00 threshold will be handled expeditiously by the custodian and will take priority over other public record requests that are above the threshold.

(h) Costs for Producing Copies. The fee schedules described in Section 5(b), (d), and (e) apply to electronic public records.

**Section 5. Non-Electronic Public Records.**

(a) Inspection. The custodian shall notify the applicant in writing when copies of the non-electronic public records are produced and available for inspection. The applicant shall have one month from the time the custodian provides notification to come to the custodian's designated location to inspect the records. After the one month time period, the request shall be officially closed.

(b) Fees for Copying Non-Electronic Public Records. Under W.S. 16-4-204, an applicant may obtain a paper copy of a non-electronic public record upon payment as follows:

- |   |                                   |
|---|-----------------------------------|
| (i) Standard (8.5 by 11 inch) - Black and White Copy. | \$0.10/page                       |
| (ii) Standard (8.5 by 11 inch) - Colored Copy.        | \$0.60/page                       |
| (iii) Legal (8.5 by 14 inch) - Black and White Copy.  | \$0.25/page                       |
| (iv) Legal (8.5 by 14 inch) - Colored Copy.           | \$1.00/page                       |
| (v) Other sheet size.                                 | Actual Cost                       |
| (vi) Photograph.                                      | Actual Cost                       |
| (vii) Utilization of an outside vendor for copying.   | Actual Cost                       |
| (viii) Custodian's fee to supervise copying.          | See section 4(c)(i) through (iii) |
| (ix) Special instances, i.e. film.                    | Actual Cost                       |

(c) Payment. The applicant shall pre-pay the fees in section 5(b) before the custodian provides the copies, if requested. Payment shall be made to the custodian.

(d) Costs for Producing Electronic Copies. An applicant may obtain an electronic copy of a non-electronic public record upon payment as follows:

- (i) Scanning non-electronic public records. \$0.10/page
- (ii) Electronic Media (disk, thumb drive, etc.). Actual Cost

(e) Fees for Transmitting Public Records. The custodian may charge the following fees for transmitting non-electronic public records:

- (i) Mailing, including cost of the shipping container. Actual Cost
- (ii) Facsimile. Actual Cost