

SENATE FILE NO. SF0082

Public records-amendments.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to public records; amending provisions  
2 related to the designated public records person and  
3 ombudsman; specifying gubernatorial appointment of the  
4 ombudsman; amending salary reporting requirements for  
5 certain governmental entities; amending compilation and  
6 formatting requirements; defining terms; clarifying and  
7 modifying the release of agricultural information and  
8 rulemaking authority; and providing for an effective date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12       **Section 1.** W.S. 15-1-110(b)(i), 16-4-201(a) by  
13 creating a new paragraph (xiv) and by creating a new  
14 subsection (c), 16-4-202(a), (d)(ii), (iii) and (e),  
15 16-4-203(d)(xiv)(intro) and 18-3-516(b)(i) are amended to  
16 read:

1

2           15-1-110. Minutes of meetings and titles of  
3 ordinances passed to be published; exception; contents;  
4 publication of salary information of specified officials  
5 and employees.

6

7           (b) A city or town required to publish minutes under  
8 subsection (a) of this section shall separately publish:

9

10           (i) Within sixty (60) days after the end of each  
11 fiscal year, the name, position, ~~and gross monthly base~~  
12 annual salary of and amount of overtime pay paid to each  
13 full-time employee and each elected official. A brief  
14 statement shall accompany the salary publication specifying  
15 that all salaries are listed as ~~gross monthly base annual~~  
16 salaries or actual ~~monthly~~ wages, not including any ~~fringe~~  
17 benefits such as health insurance costs, life insurance  
18 benefits and pension plans. The statement shall also  
19 indicate that ~~the salaries or wages do not include~~ any  
20 overtime the employee ~~may earn which would be earned and~~  
21 was paid by the city or town is included;

22

1           16-4-201. Definitions; short title; designation of  
2 ombudsman.

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4           (a) As used in this act:

5  
6                   (xiv) "Ombudsman" means the person designated by  
7 the governor as required by subsection (c) of this section.

8  
9                   (c) The governor shall designate an ombudsman for  
10 purposes of this act. The ombudsman shall:

11  
12                   (i) Receive complaints as provided under this  
13 act;

14  
15                   (ii) Upon request of either party, mediate  
16 disputes between a governmental entity and an applicant for  
17 a public record;

18  
19                   (iii) Keep confidential all records submitted by  
20 a governmental entity;

21

1           (iv) Provide uniform interpretation and training  
2 on the ombudsman's role and recommendations under this act  
3 to governmental entities and the general public;

4  
5           (v) Have other authority and duties as provided  
6 in this act.

7  
8           **16-4-202. Right of inspection; rules and regulations;**  
9 **unavailability; training.**

10  
11           (a) All public records shall be open for inspection  
12 by any person at reasonable times, during business hours of  
13 the governmental entity, except as provided in this act or  
14 as otherwise provided by law, but the ~~official custodian of~~  
15 ~~any public records~~ governmental entity may make rules and  
16 regulations with reference to the inspection of the records  
17 as is reasonably necessary for the protection of the  
18 records and the prevention of unnecessary interference with  
19 the regular discharge of the duties of the ~~custodian or his~~  
20 ~~office~~ governmental entity. All applications for public  
21 records shall be made to the designated public records  
22 person.

23

1           (d) If a public record exists primarily or solely in  
2 an electronic format, the custodian of the record shall so  
3 inform the requester. Electronic record inspection and  
4 copying shall be subject to the following:

5

6           (ii) A governmental entity shall provide an  
7 electronic record, if requested, in alternative formats  
8 electronic file types unless doing so is impractical or  
9 impossible;

10

11           (iii) A governmental entity shall not be  
12 required to compile data, extract data or create a new  
13 document to comply with an electronic record request; ~~if~~  
14 ~~doing so would impair the governmental entity's ability to~~  
15 ~~discharge its duties;~~

16

17           (e) Each governmental entity shall designate a person  
18 to receive all applications for public records. The  
19 designated public records person shall be an employee,  
20 officer, contractor or agent of the governmental entity.

21 The governmental entity shall submit the name, business  
22 email address and business mailing address of the  
23 designated public records person to the department of

1 administration and information for publication on the  
2 department of administration and information official  
3 website. The designated public records person shall serve  
4 as a point of contact between the governmental entity and  
5 applicants seeking public records.

6

7 **16-4-203. Right of inspection; grounds for denial;**  
8 **access of news media; order permitting or restricting**  
9 **disclosure; exceptions.**

10

11 (d) The custodian shall deny the right of inspection  
12 of the following records, unless otherwise provided by law:

13

14 (xiv) Information concerning an agricultural  
15 operation, farming or conservation practice, a surface or  
16 subsurface resource or the land itself, if the information  
17 was provided by an agricultural producer or owner of  
18 agricultural land in order to participate in a program of a  
19 governmental entity. The custodian shall also deny the  
20 right of inspection to geospatial information maintained  
21 about the agricultural land or operations. Provided,  
22 however, that if otherwise permitted by law, the inspection

1 of the information described in this paragraph shall be  
2 allowed in accordance with the following:

3

4 **18-3-516. Publication of proceedings; publication of**  
5 **salary information of certain officials and employees.**

6

7 (b) Each board of county commissioners shall post on  
8 the county's official website in the manner provided in  
9 subsection (f) of this section and publish separate from  
10 the minutes of the proceedings:

11

12 (i) Within sixty (60) days after the end of each  
13 fiscal year, the name, position, ~~and gross monthly base~~  
14 annual salary of ~~and amount of overtime pay paid to~~ each  
15 full-time employee and each elected official. A brief  
16 statement shall accompany the salary publication specifying  
17 that all salaries are listed as ~~gross monthly base annual~~  
18 salaries or actual ~~monthly~~ wages, not including any ~~fringe~~  
19 benefits such as health insurance costs, life insurance  
20 benefits and pension plans. The statement shall also  
21 indicate that ~~the salaries or wages do not include~~ any  
22 overtime that the employee ~~may earn which would be earned~~  
23 and was paid by the county is included.

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2       **Section 2.** This act is effective July 1, 2020.

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(END)