

ORIGINAL SENATE
FILE NO. SF0082

ENROLLED ACT NO. 16, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

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

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

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

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

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

(i) Within sixty (60) days after the end of each fiscal year, the name, position, ~~and gross monthly base~~ annual salary of and amount of overtime pay paid to each full-time employee and each elected official. A brief statement shall accompany the salary publication specifying that all salaries are listed as ~~gross monthly base annual~~ salaries or actual ~~monthly~~ wages, not including any ~~fringe~~ benefits such as health insurance costs, life insurance benefits and pension plans. The statement shall also indicate that ~~the salaries or wages do not include~~ any

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overtime the employee ~~may earn which would be earned and was~~ paid by the city or town is included;

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

(a) As used in this act:

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

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

(i) Receive complaints as provided under this act;

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

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

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

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

16-4-202. Right of inspection; rules and regulations; unavailability; training.

(a) All public records shall be open for inspection by any person at reasonable times, during business hours of the governmental entity, except as provided in this act or

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as otherwise provided by law, but the ~~official custodian of any public records~~ governmental entity may make rules and regulations with reference to the inspection of the records as is reasonably necessary for the protection of the records and the prevention of unnecessary interference with the regular discharge of the duties of the ~~eustodian or his office~~ governmental entity. All applications for public records shall be made to the designated public records person.

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

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

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

(e) Each governmental entity shall designate a person to receive all applications for public records. The designated public records person shall be an employee, officer, contractor or agent of the governmental entity. The governmental entity shall submit the name, business email address and business mailing address of the designated public records person to the department of administration and information for publication on the department of administration and information official website. The designated public records person shall serve

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as a point of contact between the governmental entity and applicants seeking public records.

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

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

(xiv) Information concerning an agricultural operation, farming or conservation practice, a surface or subsurface resource or the land itself, if the information was provided by an agricultural producer or owner of agricultural land in order to participate in a program of a governmental entity. The custodian shall also deny the right of inspection to geospatial information maintained about the agricultural land or operations. Provided, however, that if otherwise permitted by law, the inspection of the information described in this paragraph shall be allowed in accordance with the following:

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

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

(i) Within sixty (60) days after the end of each fiscal year, the name, position, and gross monthly base annual salary of and amount of overtime pay paid to each full-time employee and each elected official. A brief statement shall accompany the salary publication specifying that all salaries are listed as gross monthly base annual salaries or actual monthly wages, not including any fringe

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benefits such as health insurance costs, life insurance benefits and pension plans. The statement shall also indicate that ~~the salaries or wages do not include~~ any overtime that the employee ~~may earn which would be earned~~ and was paid by the county is included.

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk