

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.

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

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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:

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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.

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

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

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

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4 (a) As used in this act:

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

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

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

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

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19 (iii) Keep confidential all records submitted by
20 a governmental entity until the records are released or, if
21 challenged, until the question of disclosure of the
22 submitted records is resolved as provided in W.S.
23 16-4-203(g);

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(iv) Provide uniform interpretation and training on 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 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 ~~custodian or his office~~ governmental entity. All applications for public records shall be made to the designated public records person.

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

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

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

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

22 The governmental entity shall submit the name, business
23 email address and business mailing address of the

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

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

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

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15 (xiv) Information concerning an agricultural
16 operation, farming or conservation practice, a surface or
17 subsurface resource or the land itself, if the information
18 was provided by an agricultural producer or owner of
19 agricultural land in order to participate in a program of a
20 governmental entity. The custodian shall also deny the
21 right of inspection to geospatial information maintained
22 about the agricultural land or operations. Provided,
23 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:

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

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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:

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

