

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Public records ombudsman.

Sponsored by: Joint Corporations, Elections & Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to the public records ombudsman; clarifying
2 that the public records ombudsman is a separate operating
3 agency; providing for the appointment of the ombudsman;
4 specifying duties of the public records ombudsman;
5 authorizing positions; providing an appropriation;
6 providing for a transfer of the office of the public
7 records ombudsman; and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 9-2-1704(d) by creating a new
12 paragraph (xviii), 16-4-201(a)(xiv), (c)(intro)(i), (iv)

1 and (v) and 16-4-403 by creating a new subsection (e) are
2 amended to read:

3
4 **9-2-1704. Reorganization plan; structure; time frame.**

5
6 (d) The entities of state government specified in
7 this subsection are designated as separate operating
8 agencies, which are separate and distinct from the
9 departments and offices specified in subsection (a) of this
10 section because of their quasi-judicial responsibility or
11 because of their unique, specialized function which
12 precludes their inclusion in another department. This act
13 does not otherwise apply to separate operating agencies.
14 Separate operating agencies are as follows:

15
16 (xviii) The public records ombudsman established
17 under W.S. 16-4-201(c).

18
19 **16-4-201. Definitions; short title; designation of**
20 **ombudsman.**

21
22 (a) As used in this act:

1 (xiv) "Ombudsman" means the person ~~designated by~~
2 ~~the governor as required by~~ appointed under subsection (c)
3 of this section.

4
5 (c) ~~The governor shall designate an~~ The public
6 records ombudsman shall be appointed for purposes of this
7 act by a majority of the governor, secretary of state and
8 state auditor, with the advice and consent of the senate.
9 The ombudsman shall serve for a term of six (6) years and
10 may be removed by a majority vote of the governor,
11 secretary of state and state auditor only for misfeasance,
12 malfeasance or nonfeasance in office. The office of the
13 ombudsman shall be a separate operating agency as provided
14 in W.S. 9-2-1704(d). The state auditor shall provide
15 suitable office space for the ombudsman and the ombudsman's
16 employees. The ombudsman shall:

17
18 (i) Receive complaints as provided under this
19 act for public records and as provided under W.S. 16-4-
20 403(e) for public meetings;

21
22 (iv) Provide uniform interpretation and training
23 on the ombudsman's role and recommendations under this act

1 for public records and under W.S. 16-4-401 through 16-4-408
2 for public meetings to governmental entities and the
3 general public;

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

7
8 **16-4-403. Meetings to be open; participation by**
9 **public; minutes; complaints.**

10
11 (e) Any person aggrieved by the failure of a
12 governmental entity to comply with the requirements of this
13 act may file a complaint with the ombudsman appointed under
14 W.S. 16-4-201(c). The filing of a complaint under this
15 subsection shall not preclude any penalty under W.S. 16-4-
16 408. If a complaint is filed under this subsection, the
17 ombudsman may:

18
19 (i) Mediate disputes between the governmental
20 entity and the person;

1 (ii) Refer the matter to the attorney general or
2 district attorney, who may apply to a Wyoming district
3 court to enforce compliance with this act.

4
5 **Section 2.**

6
7 (a) The public records ombudsman appointed under W.S.
8 16-4-201(c) is authorized two (2) employee positions as
9 provided in this subsection. Of the positions authorized in
10 this subsection, one (1) shall be a full-time employee
11 position to assist the public records ombudsman and one (1)
12 shall be a part-time employee position for an attorney to
13 assist the public records ombudsman. It is the intent of
14 the legislature that the positions authorized in this
15 subsection be included in the public record ombudsman's
16 standard budget for the immediately succeeding fiscal
17 biennium.

18
19 (b) There is appropriated XXXX dollars (\$x.xx) from
20 the general fund to the public records ombudsman for the
21 positions authorized in subsection (a) of this section,
22 support costs, equipment and costs associated with hiring
23 the positions. This appropriation shall be for the period

1 beginning with the effective date of this section and
2 ending June 30, 2028. This appropriation shall not be
3 transferred or expended for any other purpose and any
4 unexpended, unobligated funds remaining from this
5 appropriation shall revert as provided by law on June 30,
6 2028.

7

8 **Section 3.**

9

10 (a) The position of the ombudsman designated by the
11 governor under W.S. 16-4-201(c) as it existed prior to the
12 effective date of section 1 of this act shall terminate
13 effective July 1, 2027. On July 1, 2027 any property,
14 equipment, obligations and unexpended funds owned by or
15 allocated to the ombudsman are transferred to the public
16 records ombudsman under W.S. 16-4-201(c) as amended by
17 section 1 of this act and as appointed under subsection (b)
18 of this section. As a separate operating agency as provided
19 in W.S. 9-2-1704(a)(xviii), no plan for reorganization
20 under W.S. 9-2-1707 shall be required.

21

22 (b) The governor, secretary of state and state
23 auditor shall appoint the public records ombudsman under

1 W.S. 16-4-201(c) as amended by section 1 of this act not
2 later than July 1, 2027. The six (6) year term of the
3 public records ombudsman appointed under this section shall
4 begin on July 1, 2027, provided that the appointment under
5 this subsection shall be a temporary appointment as
6 provided by W.S. 28-12-102(b) until the appointment can be
7 made with the advice and consent of the senate.

8
9 **Section 4.**

10
11 (a) Except as provided under subsection (b) of this
12 section, this act is effective immediately upon completion
13 of all acts necessary for a bill to become law as provided
14 by Article 4, Section 8 of the Wyoming Constitution.

15
16 (b) Section 2 of this act is effective July 1, 2027.

17
18 (END)