

## HOUSE BILL NO. HB0270

Public records management.

Sponsored by: Representative(s) Miller and Pedersen

A BILL

for

1 AN ACT relating to public records; authorizing the  
2 preservation of specified public records using the latest  
3 state of the art technology; providing definitions; and  
4 providing for an effective date.

5

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

7

8       **Section 1.**       W.S. 5-7-103, 9-2-401(a)(v),  
9 9-2-406(a)(vii), 9-2-407(a), 9-2-412, 9-2-413(a), (d) and  
10 (e), 16-4-201(a)(v), 18-3-402(a)(vi)(B), 21-3-117(a)(ii),  
11 29-6-206(b)(i) and 34-21-1102(a)(i) are amended to read:

12

13       **5-7-103. Filing, preserving and use of papers; latest**  
14 **state of the art technology permitted.**

15

16 The clerk shall file together and carefully preserve in his  
17 office, all papers delivered to him for that purpose in

1 every action or proceeding. He shall not permit the papers  
2 to be taken from his office except to be used at a session  
3 of the court or upon legal process, and he shall be liable  
4 upon his official bond to the party suffering injury on  
5 account of any violation of this section. This section  
6 shall not apply to matters in probate. Upon the order of  
7 the judge of the district, the clerk may transmit by  
8 express or registered mail to an attorney of the state  
9 appearing in the action or proceeding, who resides in a  
10 different county or away from the county seat, such  
11 original files as are not represented by copies in the  
12 clerk's office, and the clerk shall take the attorney's  
13 receipt for each paper in each case. Nothing in this  
14 section shall limit or prohibit the clerk from ~~microfilming~~  
15 converting papers through the latest state of the art  
16 technology in his office, disposing of the originals in  
17 accordance with W.S. 9-2-411 and retaining the official  
18 ~~microfilm~~conversion in lieu of the original papers  
19 pursuant to W.S. 9-2-413.

20

21 **9-2-401. Definitions.**

22

23 (a) As used in W.S. 9-2-401 through 9-2-415:

24

1 (v) "Public record" includes the original and  
2 all copies of any paper, correspondence, form, book,  
3 photograph, photostat, film, microfilm, sound recording,  
4 map, drawing or other document converted using the latest  
5 state of the art technology, regardless of physical form or  
6 characteristics, which have been made or received in  
7 transacting public business by the state, a political  
8 subdivision or an agency of the state.

9

10 **9-2-406. Director; management of public records.**

11

12 (a) The director shall properly manage and safely  
13 keep all public records in his custody, and administer the  
14 state archives. He shall:

15

16 (vii) Establish and operate a central microfilm  
17 conversion technology division in which all memoranda,  
18 writing, entry, print, representation or combination  
19 thereof, of any act, transaction, occurrence or event, may  
20 be ~~microfilmed~~ converted using the latest state of the art  
21 technology available. The division shall ~~microfilm~~ convert  
22 public records approved ~~for filming~~ by the head of the  
23 office of origin and by the director, and shall establish  
24 standards for ~~microfilming~~ converting these records using

1 the latest state of the art technology available. All state  
2 departments, agencies and subdivisions of the state  
3 government and all counties, municipalities and political  
4 subdivisions thereof shall consult with the director prior  
5 to ~~microfilming~~ converting public records within the  
6 departments, agencies or political subdivisions and shall  
7 comply with the standards for all ~~microfilming~~ converting  
8 established by the central ~~microfilm~~ conversion technology  
9 division. The central ~~microfilm~~ conversion technology  
10 division may ~~microfilm~~ convert records which are required  
11 to be kept a specified length of time or permanently, or to  
12 be destroyed by specific methods or under specific  
13 supervision. When records are ~~microfilmed~~ converted using  
14 the latest state of the art technology, the ~~microfilm~~  
15 converted record may be substituted for the original  
16 documents and retained in lieu of the original documents  
17 and the original documents may be destroyed;

18

19 **9-2-407. Director; duties regarding public records in**  
20 **his custody.**

21

22 (a) The director shall collect, arrange and make  
23 available to the public at reasonable times in his office  
24 in original form, copies or microfilm copies or negatives,

1 or records converted using the latest state of the art  
2 technology, all records in his custody not restricted by  
3 law, including official records of the state and its  
4 political subdivisions, of the United States or of foreign  
5 nations. He is the legal custodian of all public records in  
6 the custody of the Wyoming parks and cultural resources  
7 commission.

8  
9 **9-2-412. Destruction or disposition of public**  
10 **records; procedure.**

11  
12 Public records of the state and political subdivisions  
13 shall be disposed of in accordance with W.S. 9-2-411. The  
14 records committee may approve a departmental written  
15 request upon proper and satisfactory showing that the  
16 retention of certain records for a minimum period of ten  
17 (10) years is unnecessary and uneconomical. Recommendations  
18 for the destruction or disposition of office files and  
19 memoranda shall be submitted to the records committee upon  
20 approved forms, prepared by the records officer of the  
21 agency concerned and the director. The committee shall  
22 determine the period of time that any office file or  
23 memorandum shall be preserved and may authorize the  
24 division of archives, records management and centralized

1 ~~microfilm~~ conversion technology to arrange for its  
2 destruction or disposition.

3

4 **9-2-413. Reproduction of public records of political**  
5 **subdivisions.**

6

7 (a) Subject to this section and with the approval of  
8 the governing body of the political subdivision, any  
9 department, agency, board or individual of any political  
10 subdivision may record or copy by any microfilming,  
11 microphotographic, photographic, photostatic, ~~or other~~  
12 permanent reproductive device or conversion using the  
13 latest state of the art technology any public record which  
14 the department, agency, board or individual of the  
15 political subdivision records, keeps, retains, or is by  
16 law, rule or regulation required to record, keep or retain  
17 for a period of years or permanently. The microfilm,  
18 microphotograph, photograph, photostat, ~~or other~~ permanent  
19 reproduction or other conversion using the latest state of  
20 the art technology is deemed the original or official copy  
21 of the public record so reproduced for all purposes. If any  
22 department, agency, board or individual of any political  
23 subdivision is required to record any writing or document  
24 in books or on other forms, recording done directly onto

1 microfilm, microphotograph, ~~or other~~ permanent storage  
2 medium or conversion using the latest state of the art  
3 technology in lieu of the other required form of  
4 recordation constitutes compliance with the requirement. A  
5 master negative of microfilm, ~~or~~ microphotographs or  
6 conversion using the latest state of the art technology  
7 shall be made whenever any process is used to reproduce  
8 public records with the intent of disposing of the original  
9 or copies of the original. The master negative or  
10 conversion shall be sent to the director. One (1) copy of  
11 all master negatives or conversion shall be retained by the  
12 governmental entity or officer having custody of the  
13 writings or papers thus recorded or copied as the official  
14 copy.

15

16 (d) If the original documents are disposed of as  
17 allowed by law, the set of official ~~microfilm~~ converted  
18 records retained by the local governmental entity or  
19 official shall be stored in a safe place and protected from  
20 destruction. The official ~~microfilm~~ converted records shall  
21 be available to the public for inspection in the same  
22 manner as the original documents would have been, and  
23 ~~sufficient microfilm and microphotographic readers~~ the  
24 latest state of the art technology or other suitable

1 devices shall be available to the public to permit  
2 inspection.

3

4 (e) The clerk of district court shall not microfilm,  
5 microphotograph, photograph, photostat, convert using the  
6 latest state of the art technology or otherwise reproduce,  
7 for official record purposes, the files of any action or  
8 proceeding kept in his office until two (2) years have  
9 lapsed since the initial filing in the action or  
10 proceeding. The clerk of district court may make certified  
11 or other copies of documents in his office for individuals  
12 or officials.

13

14 **16-4-201. Definitions.**

15

16 (a) As used in this act:

17

18 (v) "Public records" when not otherwise  
19 specified includes the original and copies of any paper,  
20 correspondence, form, book, photograph, photostat, film,  
21 microfilm, sound recording, map drawing or other document,  
22 or any other record converted using the latest state of the  
23 art technology regardless of physical form or  
24 characteristics that have been made by the state of Wyoming



1 and any counties, municipalities and political subdivisions  
2 thereof and by any agencies of the state, counties,  
3 municipalities and political subdivisions thereof, or  
4 received by them in connection with the transaction of  
5 public business, except those privileged or confidential by  
6 law;

7  
8 **18-3-402. Duties generally.**

9  
10 (a) The county clerk shall:

11  
12 (vi) Have custody and keep all books, records,  
13 deeds, maps, papers and copies thereof deposited or kept in  
14 his office as required by law. All deeds, mortgages, and  
15 other instruments in writing authorized by law to be  
16 recorded or filed in his office and left in his office  
17 shall be:

18  
19 (B) Recorded on microfilm, microcards or  
20 other permanent record retention medium or otherwise  
21 converted using the latest state of the art technology. All  
22 reproduction processes shall be instituted and used  
23 pursuant to W.S. 9-2-413. Maps may either be recorded as  
24 herein provided or if the copying is unlikely to provide a

1 satisfactory record, the county clerk may keep the  
2 originals or tracings thereof, undamaged and unfolded and  
3 make prints available for public use.

4  
5 **21-3-117. Duties of clerk of school district.**

6  
7 (a) The clerk of each school district within the  
8 state shall:

9  
10 (ii) Cause to be filed copies of all reports  
11 made to the state superintendent and all papers transmitted  
12 to him by school officers or other persons pertaining to  
13 the business of the district. After two (2) years have  
14 elapsed from the date of filing, ~~microfilm~~ copies made  
15 using the latest state of the art technology may be treated  
16 as originals;

17  
18 **29-6-206. Duties of filing officer.**

19  
20 (b) If a certificate of release, nonattachment,  
21 discharge or subordination of any lien is presented to the  
22 secretary of state for filing he shall:

1           (i) Cause a certificate of release or  
2 nonattachment to be marked, held and indexed as if the  
3 certificate were a termination statement within the meaning  
4 of the Uniform Commercial Code and maintain a permanent  
5 record of the notice of the lien in the file or on  
6 microfilm, ~~or~~ by other photographic means or by the latest  
7 state of the art technology; and

8  
9           **34-21-1102. Central filing system; establishment.**

10  
11          (a) The secretary of state shall establish and  
12 operate a central filing system for effective financing  
13 statements. The system shall provide a means for filing  
14 effective financing statements or notices of such financing  
15 statements on a statewide basis. The system shall include  
16 requirements that:

17  
18           (i) An effective financing statement or notice  
19 of a financing statement shall be filed in the office of  
20 the secretary of state. A debtor's residence is presumed  
21 to be the residence shown on the filing. The validity of  
22 the filing is not affected if the residence indicated is  
23 improper or inaccurate. The secretary of state shall mark  
24 the statement or notice with a consecutive file number and

1 the date and hour of filing and shall hold the statement or  
2 notice or a microfilm, ~~or~~ other photographic or latest  
3 state of the art technology converted copy thereof for  
4 public inspection. In addition, the secretary of state  
5 shall index the statements and notices according to the  
6 name of the debtor and shall note in the index the file  
7 number and the address of the debtor given in the  
8 statement;

9

10 **Section 2.** This act is effective July 1, 2005.

11

12 (END)