

HOUSE BILL NO. HB0121

Public records.

Sponsored by: Representative(s) Edmonds, Blake, Bonner,
Buchanan, Patton, Teeters and Wallis and
Senator(s) Dockstader and Martin

A BILL

for

1 AN ACT relating to public records; setting reasonable time
2 for production of public records; clarifying reasonable
3 fees for duplication of public records; and providing for
4 an effective date.

5

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

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8 **Section 1.** W.S. 16-4-202(d)(i) and by creating a new
9 subsection (e) and 16-4-204(a) are amended to read:

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11 **16-4-202. Right of inspection; rules and regulations;**
12 **unavailability.**

13

14 (d) If a public record exists primarily or solely in
15 an electronic format, the custodian of the record shall so

1 inform the requester. Electronic record inspection and
2 copying shall be subject to the following:

3
4 (i) The reasonable costs of producing a copy of
5 the public record shall be borne by the party making the
6 request. The costs may include the cost of producing a
7 copy of the public record and the cost of constructing the
8 record, including the cost of programming and computer
9 services only as provided in W.S. 16-4-204(a);

10
11 (e) The date and hour set for the inspection of
12 records not readily available at the time of the request
13 shall be within a reasonable time after receipt of the
14 request. A reasonable time shall be presumed to be three
15 (3) working days or less. The period may be extended by
16 the custodian if extenuating circumstances exist. However,
17 the period of extension shall not exceed seven (7) working
18 days, unless agreed to by both parties.

19
20 **16-4-204. Right of inspection; copies, printouts or**
21 **photographs; fees.**

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23 (a) In all cases in which a person has the right to
24 inspect and copy any public records he may request that he

1 be furnished copies, printouts or photographs for a
2 reasonable fee to be set by the official custodian. Where
3 fees for certified copies or other copies, printouts or
4 photographs of the record are specifically prescribed by
5 law, the specific fees shall apply. The custodian shall
6 not charge for the retrieval of an existing record,
7 regardless of format. Reasonable costs shall not exceed
8 the actual cost of duplication of the record. As used in
9 this subsection, "actual cost of duplication" means the
10 cost of materials and supplies used to duplicate or
11 reproduce the record, but shall not include the cost of
12 labor or overhead associated with the duplication. Costs
13 for labor may be charged only when the request requires the
14 custodian to compile data or extract data in order to
15 create a new document to comply with a public record
16 request. Nothing in this section shall be construed as
17 authorizing a fee to be charged as a condition of making a
18 public record available for inspection.

19

20 **Section 2.** This act is effective July 1, 2011.

21

22 (END)