

SF0057

Public records.

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

AN ACT relating to public records; requiring the release of public records within a specified time; requiring the designation of a public records person for each governmental entity; requiring applications for public records to be made to the designated public records person; requiring the department of administration and information to post contact information of designated public records persons; requiring the governor to designate an ombudsman to receive complaints for violations of the public records act as specified; modifying penalties and providing remedies for violations of the public records act; authorizing a position; providing an appropriation; and providing for an effective date.

1/4/2019 Bill Number Assigned
1/8/2019 S Received for Introduction
1/11/2019 S Introduced and Referred to S07 - Corporations
1/25/2019 S07 - Corporations:Recommend Amend and Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Case, Landen, Nethercott, Schuler, Scott
Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

1/25/2019 Rerefer to S02 - Appropriations
1/29/2019 S02 - Appropriations:Recommend Amend and Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Agar, Bebout, Gierau, Hicks, Kinskey
Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

1/29/2019 S Placed on General File

SF0057SS001/ADOPTED

That Substitute No. 1 for SF0057 DO PASS. LANDEN, CHAIRMAN

SF0057SS002/ADOPTED

[TO SUBSTITUTE BILL No. 1]

Page 9-line 15 After "2020." insert "The office of the governor may include an exception budget request for the 2021-2022 biennium to implement the purposes of this act."
BEBOUT, CHAIRMAN

1/30/2019 S COW:Passed
1/31/2019 S 2nd Reading:Passed
2/1/2019 S 3rd Reading:Passed 28-2-0-0-0

ROLL CALL

Ayes: Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Bebout, Biteman, Boner, Bouchard, Case, Coe, Dockstader, Driskill, Ellis, Gierau, Hutchings, James, Kinskey, Kost, Landen, Moniz, Pappas, Perkins, Rothfuss, Schuler, Scott, Steinmetz, Von Flatern, Wasserburger

Nays: Senator(s) Hicks, Nethercott

Ayes 28 **Nays** 2 **Excused** 0 **Absent** 0 **Conflicts** 0

2/4/2019 H Received for Introduction
2/6/2019 H Introduced and Referred to H07 - Corporations
2/7/2019 H07 - Corporations:Recommend Do Pass 9-0-0-0

ROLL CALL

Ayes: Representative(s) Blackburn, Clausen, Clem, Clifford, Duncan, Edwards, Eyre, Furphy, Lindholm

Ayes 9 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/7/2019 H Placed on General File
2/7/2019 H COW:Rerefer to H02 - Appropriations
2/13/2019 H02 - Appropriations:Recommend Amend and Do Pass 6-1-0-0-0

ROLL CALL

Ayes: Representative(s) Kinner, Larsen, Nicholas, Olsen, Schwartz, Sommers

Nays: Representative Walters

Ayes 6 **Nays** 1 **Excused** 0 **Absent** 0 **Conflicts** 0

2/13/2019 H Placed on General File

SF0057HS001/ADOPTED (TO ENGROSSED COPY)

Page 9-line 7 After "governor." delete balance of line.
Page 9-line 8 Delete entirely.
Page 9-line 9 Delete line through "2020."
Page 9-line 15 After "2020." delete balance of line.
Page 9-lines 16 and 17 Delete entirely. NICHOLAS, CHAIRMAN

SF0057HW001/ADOPTED (TO ENGROSSED COPY)

Page 1-line 3 Delete "agency,".
Page 1-line 4 Delete "institution and political subdivision of the";
after "state" insert "entity".
Page 2-lines 2 through 5 Delete entirely and insert:
"Section 1. W.S. 16-4-201(a)(ii), (v),(vi)(A) and (B),(ix), by creating
new paragraphs (xii) and (xiii) and by creating a new subsection (b),
16-4-202(a) through (c), (d)(ii) through (iv) and by creating a new subsection
(e), 16-4-203(b)(iii), (iv), (vi)(intro),(C) and (D) and (d)(xiv)(intro), (B)
and (xv), (f) and 16-4-205 are amended to read:".
Page 2-after line 9 Insert:

"(ii) "Official custodian" means any officer or employee of ~~the state or any agency, institution or political subdivision thereof~~ a state entity, who is responsible for the maintenance, care and keeping of public records, regardless of whether the records are in his actual personal custody and control;

(v) "Public records" when not otherwise specified includes any information in a physical form created, accepted, or obtained by ~~the state or any agency, institution or political subdivision of the~~ a state entity in furtherance of its official function and transaction of public business which is not privileged or confidential by law. Without limiting the foregoing, the term "public records" includes any written communication or other information, whether in paper, electronic, or other physical form, received by ~~the state or any agency, institution or political subdivision of the~~ a state entity in furtherance of the transaction of public business of ~~the state or agency, institution or political subdivision of the~~ state entity, whether at a meeting or outside a meeting. Electronic communications solely between students attending a school in Wyoming and electronic communications solely between students attending a school in Wyoming and a sender or recipient using a nonschool user address are not a public record of that school. As used in this

paragraph, a "school in Wyoming" means the University of Wyoming, any community college and any public school within a school district in the state;

(vi) Public records shall be classified as follows:

(A) "Official public records" includes all original vouchers, receipts and other documents necessary to isolate and prove the validity of every transaction relating to the receipt, use and disposition of all public property and public income from all sources whatsoever; all agreements and contracts to which ~~the state or any agency or subdivision a state entity thereof~~ is a party; all fidelity, surety and performance bonds; all claims filed against ~~the state or any agency or subdivision a state entity thereof~~; all records or documents required by law to be filed with or kept by ~~any agency or the a~~ state entity of Wyoming; and all other documents or records determined by the records committee to be official public records;

(B) "Office files and memoranda" includes all records, correspondence, exhibits, books, booklets, drawings, maps, blank forms, or documents not defined and classified in subparagraph (A) of this subsection as official public records; all duplicate copies of official public records filed with ~~any agency of the a~~ state ~~or subdivision entity thereof~~; all documents and reports made for the internal administration of the office to which they pertain but not required by law to be filed or kept with the office; and all other documents or records, determined by the records committee to be office files and memoranda."

Page 2-line 18 Delete "." and insert ";".

Page 2-after line 18 Insert:

"(xiii) "State entity" means the state of Wyoming, an agency, political subdivision or state institution of Wyoming."

Page 3-line 6 After "entity" insert ","" and strike "or political subdivision".

Page 3-line 17 After stricken "person" delete balance of line.

Page 3-line 18 Delete all new language and insert "state entity".

Page 4-line 10 After stricken "person" delete balance of line.

Page 4-line 11 Delete "political subdivision" and insert "state entity".

Page 5-line 7 Strike "agency's"; delete all new language.

Page 5-line 8 Delete all new language and insert "state entity's".

Page 5-line 21 Delete "agency, institution or political subdivision" and insert "entity".

Page 6-line 11 Delete "agency's, institution's or political".

Page 6-line 12 Delete "subdivision's" and insert "entity's".

Page 6-after line 15 Insert:

"(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) ~~An agency A state entity~~ shall provide an electronic record in alternative formats unless doing so is impractical or impossible;

(iii) ~~An agency A state 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 ~~agency's state entity's~~ ability to discharge its duties;

(iv) ~~An agency A state entity~~ shall not be required to allow inspection or copying of a record in its electronic format if doing so would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained;".

Page 6-line 17 Delete "agency, institution and political".

Page 6-line 18 Delete "subdivision" and insert "entity".

Page 6-line 19 Delete "agency, institution or".

Page 6-line 20 Delete "political subdivision" and insert "state entity".

Page 7-line 3 Delete "agency, institution or political".

Page 7-line 4 Delete "subdivision" and insert "state entity".

Page 7-after line 8 Insert:

"(b) The custodian may deny the right of inspection of the following records, unless otherwise provided by law, on the ground that disclosure to the applicant would be contrary to the public interest:

(iii) The specific details of bona fide research projects being conducted by a state institution, agency entity or any other person;

(iv) Except as otherwise provided by Wyoming statutes or for the owner of the property, the contents of real estate appraisals made for the state or a political subdivision thereof entity, relative to the acquisition of property or any interest in property for public use, until such time as title of the property or property interest has passed to the state or political subdivision entity. The contents of the appraisal shall be available to the owner of the property or property interest at any time;

(vi) To the extent that the inspection would jeopardize the security of any structure owned, leased or operated by the a state or any of its political subdivisions entity, facilitate the planning of a terrorist attack or endanger the life or physical safety of an individual, including:

(C) Records of any other building or structure owned, leased or operated by the a state or any of its political subdivisions entity that reveal the building's or structure's life and safety systems, surveillance techniques, alarm or security systems or technologies, operational and evacuation plans or protocols or personnel deployments; and

(D) Records prepared to prevent or respond to terrorist attacks or other security threats identifying or describing the name, location, pharmaceutical cache, contents, capacity, equipment, physical features, or capabilities of individual medical facilities, storage facilities or laboratories established, maintained, or regulated by the a state or any of its political subdivisions entity.

(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, 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 the a state or any agency, institution or political subdivision of the state 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:

(B) The custodian shall allow the right of inspection of payment information under a program of the a state or of any agency, institution or political subdivision of the state entity, including the names and addresses of recipients of payments;

(xv) Within any record held by an agency a state entity, any income tax return or any individual information derived by the agency state entity from an income tax return, however information derived from these documents may be released if sufficiently aggregated or redacted so that the persons or entities involved cannot be identified individually;".

Page 7-line 12 Delete "agency, institution or political subdivision" and insert "entity".

Page 7-line 14 Delete "agency,".

Page 7-line 15 Delete "institution or political subdivision" and insert "entity".

Page 8-line 2 Delete "agency, institution or political subdivision"
and insert "entity".
Page 8-line 7 Delete "agency, institution or political subdivision"
and insert "entity".
Page 8-line 13 Delete "agency, institution or political subdivision"
and insert "entity". EYRE

SF0057HW002/ADOPTED (TO ENGROSSED COPY)

Page 8-line 17 Before "Any" insert "(a)".
Page 8-after line 23 Insert:

"(b) If an applicant prevails in court following an unsuccessful attempt to resolve a dispute through the ombudsman pursuant to W.S. 16-4-202(c)(v) or 16-4-203(f), the court shall award attorney fees to the person which shall be paid by the state agency, institution or political subdivision found to have violated this act." JENNINGS, GRAY

2/14/2019 H COW:Passed

SF0057H2001/ADOPTED (TO ENGROSSED COPY)

Delete the Jennings, et al. committee of the whole amendment (SF0057HW002/AE) entirely. LINDHOLM

2/15/2019 H 2nd Reading:Passed

SF0057H3001/FAILED (TO ENGROSSED COPY)

Page 8-line 17 Before "Any" insert "(a)".
Page 8-after line 23 Insert:

"(b) After an unsuccessful attempt to resolve a dispute through the ombudsman under W.S. 16-4-202(c)(v) or 16-4-203(f), a court may award reasonable attorney's fees and other litigation costs reasonably incurred in a civil action in which an applicant has substantially prevailed and in which the court determines an award is appropriate." STITH

ROLL CALL

Ayes: Representative(s) Clem, Edwards, Gray, Hallinan, Jennings, Laursen, Miller, Nicholas, Piiparinen, Salazar, Simpson, Stith, Styvar, Tass, Washut

Nays: Representative(s) Barlow, Blackburn, Blake, Brown, Burkhart, Burlingame, Clausen, Clifford, Connolly, Crank, Dayton-Selman, Duncan, Eklund, Eyre, Flitner, Freeman, Furphy, Greear, Haley, Harshman, Henderson, Hunt, Kinner, Kirkbride, Larsen, Lindholm, Loucks, MacGuire, Newsome, Obermueller, Olsen, Paxton, Pelkey, Pownall, Roscoe, Schwartz, Sommers, Sweeney, Walters, Western, Wilson, Winter, Yin, Zwonitzer

Excused: Representative Northrup

Ayes 15 **Nays** 44 **Excused** 1 **Absent** 0 **Conflicts** 0

2/19/2019 H 3rd Reading:Passed 55-4-1-0-0

ROLL CALL

Ayes: Representative(s) Barlow, Blackburn, Blake, Brown, Burkhart, Burlingame, Clausen, Clem, Clifford, Connolly, Crank, Dayton-Selman, Duncan, Edwards, Eklund, Eyre, Freeman, Furphy, Gray, Greear, Haley, Hallinan, Harshman, Henderson, Hunt, Jennings, Kinner, Kirkbride, Larsen, Laursen, Lindholm, Loucks, MacGuire, Miller, Newsome, Nicholas, Obermueller, Olsen, Paxton, Pelkey, Piiparinen, Roscoe, Salazar, Schwartz, Simpson, Sommers, Stith, Styvar, Tass, Washut, Western, Wilson, Winter, Yin, Zwonitzer

Nays: Representative(s) Flitner, Pownall, Sweeney, Walters

Excused: Representative Northrup

Ayes 55 Nays 4 Excused 1 Absent 0 Conflicts 0

2/20/2019 S Received for Concurrence

2/20/2019 S Concur:Failed 0-28-2-0-0

ROLL CALL

Nays: Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Bebout, Biteman, Boner, Bouchard, Case, Coe, Dockstader, Driskill, Ellis, Gierau, Hicks, Hutchings, Kinskey, Kost, Landen, Moniz, Nethercott, Pappas, Rothfuss, Schuler, Scott, Steinmetz, Von Flatern, Wasserburger

Excused: Senator(s) James, Perkins

Ayes 0 Nays 28 Excused 2 Absent 0 Conflicts 0

2/20/2019 S Appointed JCC01 Members
 Senator(s) Landen, Case, Schuler

2/21/2019 H Appointed JCC01 Members
 Representative(s) Lindholm, Duncan, Eyre

2/25/2019 S Adopted SF0057JC001: 29-0-1-0-0

SF0057JC001/SADOPTED (TO ENGROSSED COPY)

Adopt the following House amendments:

SF0057HS001/A

Delete the following House amendments:

SF0057HW001/A

SF0057HW002/A

SF0057H2001/A

Further amend the ENGROSSED COPY as follows:

Page 1-line 3 Delete "agency,".

Page 1-line 4 Delete "institution and political subdivision of the state" and insert "governmental entity".

Page 2-lines 2 through 5 Delete entirely and insert:

 "**Section 1.** W.S. 16-4-201(a)(ii), (v),(vi)(A) and (B),(ix), by creating new paragraphs (xii) and (xiii) and by creating a new subsection (b), 16-4-202(a) through (c), (d)(ii) through (iv) and by creating a new subsection (e), 16-4-203(b)(iii), (iv), (vi)(intro), (C) and (D), (d)(xiv)(intro) and (B), (xv) and (f) and 16-4-205 are amended to read:".

Page 2-after line 9 Insert:

 "(ii) "Official custodian" means any officer or employee of ~~the state or any agency, institution or political subdivision thereof~~ a governmental entity, who is responsible for the maintenance, care and keeping of public records, regardless of whether the records are in his actual personal custody and control;

 (v) "Public records" when not otherwise specified includes any information in a physical form created, accepted, or obtained by ~~the state or any agency, institution or political subdivision of the state~~ a governmental entity in furtherance of its official function and transaction of public business which is not privileged or confidential by law. Without limiting the foregoing, the term "public records" includes any written communication or other information, whether in paper, electronic, or other physical form, received by ~~the state or any agency, institution or political subdivision of the state~~ a governmental entity in furtherance of the transaction of public business of the ~~state or agency, institution or political subdivision of the state~~ governmental entity, whether at a meeting or outside a meeting. Electronic communications solely between students attending a school in Wyoming and electronic communications solely between students attending a school in Wyoming and a sender or recipient using a nonschool user address are not a public record of that school. As used in this paragraph, a "school in Wyoming" means the

University of Wyoming, any community college and any public school within a school district in the state;

(vi) Public records shall be classified as follows:

(A) "Official public records" includes all original vouchers, receipts and other documents necessary to isolate and prove the validity of every transaction relating to the receipt, use and disposition of all public property and public income from all sources whatsoever; all agreements and contracts to which ~~the state or any agency or subdivision thereof~~ a governmental entity is a party; all fidelity, surety and performance bonds; all claims filed against ~~the state or any agency or subdivision thereof~~ a governmental entity; all records or documents required by law to be filed with or kept by ~~any agency or the state~~ a governmental entity of Wyoming; and all other documents or records determined by the records committee to be official public records;

(B) "Office files and memoranda" includes all records, correspondence, exhibits, books, booklets, drawings, maps, blank forms, or documents not defined and classified in subparagraph (A) of this subsection as official public records; all duplicate copies of official public records filed with any ~~agency of the state or subdivision thereof~~ governmental entity; all documents and reports made for the internal administration of the office to which they pertain but not required by law to be filed or kept with the office; and all other documents or records, determined by the records committee to be office files and memoranda."

Page 2-line 18 Delete "." and insert "i".

Page 2-after line 18 Insert:

"(xiii) "Governmental entity" means the state of Wyoming, an agency, political subdivision or state institution of Wyoming."

Page 3-line 6 Strike "state" and insert "governmental"; strike "or political subdivision".

Page 3-line 17 Delete "state agency, institution or".

Page 3-line 18 Delete "political subdivision" and insert "governmental entity".

Page 4-line 10 Delete "state agency, institution or".

Page 4-line 11 Delete "political subdivision" and insert "governmental entity".

Page 5-line 7 Strike "agency's"; delete ", institution's".

Page 5-line 8 Delete "or political subdivision's" and insert "governmental entity's".

Page 5-line 21 Delete "state agency, institution or political subdivision" and insert "governmental entity".

Page 6-line 11 Delete "agency's, institution's or political".

Page 6-line 12 Delete "subdivision's" and insert "governmental entity's".

Page 6-after line 15 Insert:

"(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) ~~An agency~~ A governmental entity shall provide an electronic record in alternative formats unless doing so is impractical or impossible;

(iii) ~~An agency~~ 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 ~~agency's~~ governmental entity's ability to discharge its duties;

(iv) ~~An agency~~ A governmental entity shall not be required to allow inspection or copying of a record in its electronic format if doing so would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained;".

Page 6-line 17 Delete "state agency, institution and political".
Page 6-line 18 Delete "subdivision" and insert "governmental entity".
Page 6-line 19 Delete "agency, institution or".
Page 6-line 20 Delete "political subdivision" and insert "governmental entity".
Page 7-line 3 Delete "agency, institution or political".
Page 7-line 4 Delete "subdivision" and insert "governmental entity".
Page 7-after line 8 Insert:

"(b) The custodian may deny the right of inspection of the following records, unless otherwise provided by law, on the ground that disclosure to the applicant would be contrary to the public interest:

(iii) The specific details of bona fide research projects being conducted by a ~~state institution, agency~~ governmental entity or any other person;

(iv) Except as otherwise provided by Wyoming statutes or for the owner of the property, the contents of real estate appraisals made for the ~~state or a political subdivision thereof~~ governmental entity, relative to the acquisition of property or any interest in property for public use, until such time as title of the property or property interest has passed to the ~~state or political subdivision~~ governmental entity. The contents of the appraisal shall be available to the owner of the property or property interest at any time;

(vi) To the extent that the inspection would jeopardize the security of any structure owned, leased or operated by ~~the state or any of its political subdivisions~~ a governmental entity, facilitate the planning of a terrorist attack or endanger the life or physical safety of an individual, including:

(C) Records of any other building or structure owned, leased or operated by ~~the state or any of its political subdivisions~~ a governmental entity that reveal the building's or structure's life and safety systems, surveillance techniques, alarm or security systems or technologies, operational and evacuation plans or protocols or personnel deployments; and

(D) Records prepared to prevent or respond to terrorist attacks or other security threats identifying or describing the name, location, pharmaceutical cache, contents, capacity, equipment, physical features, or capabilities of individual medical facilities, storage facilities or laboratories established, maintained, or regulated by ~~the state or any of its political subdivisions~~ a governmental entity.

(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, 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 ~~the state or any agency, institution or political subdivision of the state~~ 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:

(B) The custodian shall allow the right of inspection of payment information under a program of ~~the state or of any agency, institution or political subdivision of the state~~ a governmental entity, including the names and addresses of recipients of payments;

(xv) Within any record held by ~~an agency~~ a governmental entity, any income tax return or any individual information derived by the ~~agency~~ governmental entity from an income tax return, however information derived from these documents may be released if sufficiently aggregated or redacted so that the persons or entities involved cannot be identified individually;".

Page 7-line 11 Delete "state".
Page 7-line 12 Delete "agency, institution or political subdivision" and insert "governmental entity".
Page 7-line 14 Delete "state agency".
Page 7-line 15 Delete "institution or political subdivision" and insert "governmental entity".
Page 8-line 2 Delete entirely and insert "governmental entity".
Page 8-line 6 Delete "state".
Page 8-line 7 Delete "agency, institution or political subdivision" and insert "governmental entity".
Page 8-line 12 Delete "state".
Page 8-line 13 Delete entirely and insert "governmental entity".
LANDEN, CASE, SCHULER, LINDHOLM, DUNCAN, EYRE

ROLL CALL

Ayes: Senator(s) Anderson, Anselmi-Dalton, Baldwin, Bebout, Biteman, Boner, Bouchard, Case, Coe, Dockstader, Driskill, Ellis, Gierau, Hicks, Hutchings, James, Kinskey, Kost, Landen, Moniz, Nethercott, Pappas, Perkins, Rothfuss, Schuler, Scott, Steinmetz, Von Flatern, Wasserburger

Excused: Senator Agar

Ayes 29 **Nays** 0 **Excused** 1 **Absent** 0 **Conflicts** 0

2/26/2019 H Adopted SF0057JC001: 55-4-1-0-0

SF0057JC001/SADOPTEDHADOPTE (TO ENGROSSED COPY)

Adopt the following House amendments:

SF0057HS001/A

Delete the following House amendments:

SF0057HW001/A

SF0057HW002/A

SF0057H2001/A

Further amend the ENGROSSED COPY as follows:

Page 1-line 3 Delete "agency,".

Page 1-line 4 Delete "institution and political subdivision of the state" and insert "governmental entity".

Page 2-lines 2 through 5 Delete entirely and insert:

"**Section 1.** W.S. 16-4-201(a)(ii), (v),(vi)(A) and (B),(ix), by creating new paragraphs (xii) and (xiii) and by creating a new subsection (b), 16-4-202(a) through (c), (d)(ii) through (iv) and by creating a new subsection (e), 16-4-203(b)(iii), (iv), (vi)(intro), (C) and (D), (d)(xiv)(intro) and (B), (xv) and (f) and 16-4-205 are amended to read:".

Page 2-after line 9 Insert:

"(ii) "Official custodian" means any officer or employee of ~~the state or any agency, institution or political subdivision thereof~~ a governmental entity, who is responsible for the maintenance, care and keeping of public records, regardless of whether the records are in his actual personal custody and control;

(v) "Public records" when not otherwise specified includes any information in a physical form created, accepted, or obtained by ~~the state or any agency, institution or political subdivision of the state~~ a governmental entity in furtherance of its official function and transaction of public business which is not privileged or confidential by law. Without limiting the foregoing, the term "public records" includes any written communication or other information, whether in paper, electronic, or other physical form, received by ~~the state or any agency, institution or political subdivision of the state~~ a governmental entity in furtherance of the transaction of public business of the ~~state or agency, institution or political subdivision of the state~~ governmental

entity, whether at a meeting or outside a meeting. Electronic communications solely between students attending a school in Wyoming and electronic communications solely between students attending a school in Wyoming and a sender or recipient using a nonschool user address are not a public record of that school. As used in this paragraph, a "school in Wyoming" means the University of Wyoming, any community college and any public school within a school district in the state;

(vi) Public records shall be classified as follows:

(A) "Official public records" includes all original vouchers, receipts and other documents necessary to isolate and prove the validity of every transaction relating to the receipt, use and disposition of all public property and public income from all sources whatsoever; all agreements and contracts to which ~~the state or any agency or subdivision thereof~~ a governmental entity is a party; all fidelity, surety and performance bonds; all claims filed against ~~the state or any agency or subdivision thereof~~ a governmental entity; all records or documents required by law to be filed with or kept by ~~any agency or the state~~ a governmental entity of Wyoming; and all other documents or records determined by the records committee to be official public records;

(B) "Office files and memoranda" includes all records, correspondence, exhibits, books, booklets, drawings, maps, blank forms, or documents not defined and classified in subparagraph (A) of this subsection as official public records; all duplicate copies of official public records filed with any ~~agency of the state or subdivision thereof~~ governmental entity; all documents and reports made for the internal administration of the office to which they pertain but not required by law to be filed or kept with the office; and all other documents or records, determined by the records committee to be office files and memoranda."

Page 2-line 18 Delete "." and insert ";".

Page 2-after line 18 Insert:

"(xiii) "Governmental entity" means the state of Wyoming, an agency, political subdivision or state institution of Wyoming."

Page 3-line 6 Strike "state" and insert "governmental"; strike "or political subdivision".

Page 3-line 17 Delete "state agency, institution or".

Page 3-line 18 Delete "political subdivision" and insert "governmental entity".

Page 4-line 10 Delete "state agency, institution or".

Page 4-line 11 Delete "political subdivision" and insert "governmental entity".

Page 5-line 7 Strike "agency's"; delete ", institution's".

Page 5-line 8 Delete "or political subdivision's" and insert "governmental entity's".

Page 5-line 21 Delete "state agency, institution or political subdivision" and insert "governmental entity".

Page 6-line 11 Delete "agency's, institution's or political".

Page 6-line 12 Delete "subdivision's" and insert "governmental entity's".

Page 6-after line 15 Insert:

"(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) ~~An agency~~ A governmental entity shall provide an electronic record in alternative formats unless doing so is impractical or impossible;

(iii) ~~An agency~~ 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 ~~agency's~~ governmental entity's ability to discharge its duties;

(iv) ~~An agency~~ A governmental entity shall not be required to allow inspection or copying of a record in its electronic format if doing so would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained;"

Page 6-line 17 Delete "state agency, institution and political".

Page 6-line 18 Delete "subdivision" and insert "governmental entity".

Page 6-line 19 Delete "agency, institution or".

Page 6-line 20 Delete "political subdivision" and insert "governmental entity".

Page 7-line 3 Delete "agency, institution or political".

Page 7-line 4 Delete "subdivision" and insert "governmental entity".

Page 7-after line 8 Insert:

"(b) The custodian may deny the right of inspection of the following records, unless otherwise provided by law, on the ground that disclosure to the applicant would be contrary to the public interest:

(iii) The specific details of bona fide research projects being conducted by a ~~state institution, agency~~ governmental entity or any other person;

(iv) Except as otherwise provided by Wyoming statutes or for the owner of the property, the contents of real estate appraisals made for the ~~state or a political subdivision thereof~~ governmental entity, relative to the acquisition of property or any interest in property for public use, until such time as title of the property or property interest has passed to the ~~state or political subdivision~~ governmental entity. The contents of the appraisal shall be available to the owner of the property or property interest at any time;

(vi) To the extent that the inspection would jeopardize the security of any structure owned, leased or operated by ~~the state or any of its political subdivisions~~ a governmental entity, facilitate the planning of a terrorist attack or endanger the life or physical safety of an individual, including:

(C) Records of any other building or structure owned, leased or operated by ~~the state or any of its political subdivisions~~ a governmental entity that reveal the building's or structure's life and safety systems, surveillance techniques, alarm or security systems or technologies, operational and evacuation plans or protocols or personnel deployments; and

(D) Records prepared to prevent or respond to terrorist attacks or other security threats identifying or describing the name, location, pharmaceutical cache, contents, capacity, equipment, physical features, or capabilities of individual medical facilities, storage facilities or laboratories established, maintained, or regulated by ~~the state or any of its political subdivisions~~ a governmental entity.

(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, 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 ~~the state or any agency, institution or political subdivision of the state~~ 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:

(B) The custodian shall allow the right of inspection of payment information under a program of ~~the state or of any agency, institution~~

~~or political subdivision of the state~~ a governmental entity, including the names and addresses of recipients of payments;

(xv) Within any record held by ~~an agency~~ a governmental entity, any income tax return or any individual information derived by the agency governmental entity from an income tax return, however information derived from these documents may be released if sufficiently aggregated or redacted so that the persons or entities involved cannot be identified individually;".

Page 7-line 11 Delete "state".
Page 7-line 12 Delete "agency, institution or political subdivision" and insert "governmental entity".
Page 7-line 14 Delete "state agency,".
Page 7-line 15 Delete "institution or political subdivision" and insert "governmental entity".
Page 8-line 2 Delete entirely and insert "governmental entity;".
Page 8-line 6 Delete "state".
Page 8-line 7 Delete "agency, institution or political subdivision" and insert "governmental entity".
Page 8-line 12 Delete "state".
Page 8-line 13 Delete entirely and insert "governmental entity.".
LANDEN, CASE, SCHULER, LINDHOLM, DUNCAN, EYRE

ROLL CALL

Ayes: Representative(s) Barlow, Blackburn, Blake, Brown, Burkhardt, Burlingame, Clausen, Clem, Clifford, Connolly, Crank, Dayton-Selman, Duncan, Edwards, Eklund, Eyre, Freeman, Furphy, Gray, Greear, Haley, Hallinan, Harshman, Henderson, Hunt, Jennings, Kinner, Kirkbride, Larsen, Laursen, Lindholm, Loucks, MacGuire, Miller, Newsome, Nicholas, Obermueller, Olsen, Paxton, Pelkey, Piiparinen, Roscoe, Salazar, Schwartz, Simpson, Sommers, Stith, Styvar, Tass, Washut, Western, Wilson, Winter, Yin, Zwonitzer

Nays: Representative(s) Flitner, Pownall, Sweeney, Walters

Excused: Representative Northrup

Ayes 55 **Nays** 4 **Excused** 1 **Absent** 0 **Conflicts** 0

2/27/2019 Assigned Number SEA No. 0072
2/27/2019 S President Signed SEA No. 0072
2/27/2019 H Speaker Signed SEA No. 0072
3/8/2019 Governor Signed SEA No. 0072
3/8/2019 Assigned Chapter Number 174

Chapter No. 174 Session Laws of Wyoming 2019