

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 new  
9 subsections (e) and (f) and 16-4-204(a) are amended to  
10 read:

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

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15 (d) If a public record exists primarily or solely in  
16 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:

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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);

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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:

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20 (i) Agreed to by both parties; or

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22 (ii) The request is voluminous; or

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1           (iii) Fulfilling the request would impair the  
2 agency's ability to discharge its duties.

3  
4           (f) The custodian shall notify the person requesting  
5 the records within seven (7) working days of the reason why  
6 the request cannot be fulfilled within the time period  
7 specified in subsection (e) of this section, and when the  
8 custodian will provide the records.

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10           **16-4-204. Right of inspection; copies, printouts or**  
11 **photographs; fees.**

12  
13           (a) In all cases in which a person has the right to  
14 inspect and copy any public records he may request that he  
15 be furnished copies, printouts or photographs for a  
16 reasonable fee to be set by the official custodian. Where  
17 fees for certified copies or other copies, printouts or  
18 photographs of the record are specifically prescribed by  
19 law, the specific fees shall apply. The custodian shall  
20 not charge for the retrieval of an existing record,  
21 regardless of format. Reasonable costs shall not exceed  
22 the actual cost of duplication of the record. As used in  
23 this subsection, "actual cost of duplication" means the  
24 cost of materials and supplies used to duplicate or

1 reproduce the record. Costs for labor may be charged only  
2 when the request requires the custodian to compile data, or  
3 extract data, or redact information in order to create a  
4 new document to comply with a public record request.

5 Nothing in this section shall be construed as authorizing a  
6 fee to be charged as a condition of making a public record  
7 available for inspection.

8

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

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(END)