

ORIGINAL SENATE  
FILE NO. SF0027

ENROLLED ACT NO. 30, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

AN ACT relating to archives; amending provisions related to the reproduction, storage, transfer and disposition of public records; authorizing state archives and the records committee to establish standards and best practices as specified; amending the definition of a public record to provide for electronic records; amending and repealing obsolete language; and providing for an effective date.

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

**Section 1.** W.S. 9-2-401(a)(v) and by creating a new paragraph (vi), 9-2-404(b)(i) and (c)(iv), 9-2-406(a)(v), (vii) and (viii), 9-2-407(a) and (c), 9-2-408(a), 9-2-409, 9-2-411, 9-2-412 and 9-2-413(a), (c) through (e) are amended to read:

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

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

(v) "Public record" includes the original and all copies of any paper, correspondence, form, book, photograph, photostat, film, microfilm, scan, sound recording, map, drawing or other document, regardless of physical, digital or electronic form or characteristics, which have been made or received in transacting public business by the state, a political subdivision or an agency of the state;~~;~~

(vi) "Commission" means the Wyoming parks and cultural resources commission.

**9-2-404. Creation of department; director; references to department.**

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(b) The director shall:

(i) Be a college graduate who has had work in social science and history or has educational and administrative experience satisfactory to the board commission;

(c) The director may:

(iv) Operate sales desks, or contract under terms determined by the board commission with nonprofit and charitable corporations, to sell materials relevant to the interpretation of museums and historic sites;

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

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

(v) Establish and operate state record centers for preserving, servicing, screening and protecting all state public records which must be preserved temporarily or permanently, but which need not be retained in office space and equipment. Centers established and operated pursuant to this paragraph may include one (1) or more digital repositories for temporary or permanent digital records;

(vii) Establish and operate a central microfilm division ~~state imaging center~~ in which all ~~memoranda, writing, entry, print, representation or combination thereof, of any act, transaction, occurrence or event,~~ public records may be scanned or microfilmed. The division center shall scan or microfilm public records approved ~~for filming~~ by the head of the office of origin and by the

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director, ~~and shall establish standards for microfilming.~~ All state departments, agencies and ~~subdivisions of the state government and all counties, municipalities and political subdivisions~~ thereof shall consult with the director prior to scanning or microfilming within the departments, agencies or political subdivisions and shall comply with the standards for all scanning and microfilming which shall be established by the ~~central microfilm division~~ state archives. The ~~central microfilm division center~~ may scan or microfilm records which are required to be kept a specified length of time or permanently, or to be destroyed by specific methods or under specific supervision. When records are scanned or microfilmed, the ~~microfilm reproductions~~ may be substituted for the original documents and retained in lieu of the original documents and the original documents may be destroyed. One (1) copy shall be made and sent to the director whenever any process is used to reproduce public records scheduled for permanent retention with the intent of disposing of the original or copies of the original;

(viii) Maintain necessary facilities for the review of records approved for destruction and their economical disposition by ~~sale, shredding or burning~~ any method approved by the records committee, and supervise the destruction of public records.

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

(a) The director shall collect, arrange and make available to the public at reasonable times in his office in original or reproduced form, ~~copies or microfilm copies or negatives~~, all records in his custody not restricted by law, including official records of the state and its

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political subdivisions, of the United States or of foreign nations. He is the legal custodian of all public records in the custody of the ~~Wyoming parks and cultural resources~~ commission.

(c) The director has the right of reasonable access to and may examine all public records in Wyoming. He shall examine into and report to the ~~board~~commission on their condition. He shall require their custodians to put them in the custody and condition prescribed by law and to secure their custody, the recovery of records belonging to their offices, the delivery of records to their successors in office and the adoption of sound practices relative to the ~~use of durable paper and ink, fireproof filing facilities and photographic processes for recording and copying~~long-term preservation of records.

**9-2-408. Transfer of public records to archives; transfer of records of uncollectible accounts receivable to department; duties of department thereto.**

(a) All public records, not required in the current operation of the office where they are made or kept, and all records of every public office of the state, agency, commission, committee or any other activity of the state or political subdivisions which are abolished or discontinued, shall be transferred to the state archives. ~~or to a recognized supplementary depository agency, selected by the Wyoming parks and cultural resources commission.~~The transfer of records shall be in accordance with standards and procedures issued by the records committee and subject to an agreement that ensures the safety, preservation and public availability of the records. Any public officer in Wyoming may deliver to the director for preservation and

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administration records in his custody if the director is willing and able to receive and care for them.

**9-2-409. Designation of records officer by state departments or agencies; duties.**

Each department or agency of the state government shall designate a records officer who shall supervise the departmental records program, review record retention schedules and ~~who shall~~ represent the office in all departmental matters before the records committee. The records officer and the director shall prepare transfer schedules for the transfer of public records to the records centers or to the archives.

**9-2-411. Records committee created; composition; expenses; meetings; action by majority vote; duties as to retention and disposition of public records.**

The records committee is created to be composed of the director or his deputy, who shall act as chairman and secretary of the committee, the attorney general or his appointee and the director of the state department of audit or his appointee. Committee members shall serve without additional salary, but shall be entitled to traveling expenses incurred incident to committee business. Expenses shall be paid from the appropriations made for operation of their respective departments or offices. The records committee shall meet upon call by the chairman at least once every quarter. Action by the committee shall be by majority vote and records shall be kept of all committee business. When the disposition of records is considered by the records committee, it shall ascertain the recommendations of the head of the department or the departmental records officer. The records committee shall

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approve, modify or disapprove the recommendations on retention schedules of all public records and act upon requests to destroy any public records. Any modification of a request or recommendation shall be approved by the head of the agency originating the request or recommendation. ~~Upon written request of the department or agency head, the director shall furnish the film or a copy of the film to be retained by the department if deemed necessary or expedient by the records committee.~~ The department shall provide forms, approved by the records committee, upon which it shall prepare recommendations to the committee in cooperation with the records officer of the department or other agency whose records are involved. The records committee may issue to state departments, agencies and political subdivisions thereof guidelines and best practices on records management and digital preservation.

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

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

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

(a) Subject to this section and with the approval of the governing body of the political subdivision, any department, agency, board or individual of any political subdivision may record or copy by any ~~microfilming, microphotographic, photographic, photostatic or other~~ permanent reproductive ~~device~~ process approved by the director as required in subsection (c) of this section any public record which the department, agency, board or individual of the political subdivision records, keeps, retains, or is by law, rule or regulation required to record, keep or retain for a period of years or permanently. The ~~microfilm, microphotograph, photograph, photostat or other~~ permanent reproduction is deemed the original or official copy of the public record so reproduced for all purposes. If any department, agency, board or individual of any political subdivision is required to record any writing or document in books or on other forms, recording done directly onto ~~microfilm, microphotograph or other~~ a permanent storage medium in lieu of the other required form of recordation constitutes compliance with the requirement. ~~A master negative of microfilm or microphotographs~~ One (1) copy shall be made and sent to the director whenever any process is used to reproduce public records with the intent of disposing of the original or copies of the original. ~~The master negative shall be sent to the director.~~ One (1) copy of all ~~master negatives~~ permanent reproductions shall be retained by the governmental entity or officer having custody of the writings or papers thus recorded or copied as the official copy.

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(c) Prior to adopting any ~~microfilming, microphotographic, photographic, photostatic or other~~ reproductive process, the governing body of a political subdivision shall consult with the director. If any of the public records which are reproduced pursuant to this section are permanent records or, under the laws, rules or regulations in effect at the time of reproduction, are required to be transferred at a later date to any agency or department of the state, the ~~particular microfilming, microphotographic, photographic, photostatic or other~~ reproductive process shall be approved by the director as one which clearly and accurately makes copies that will last the time they are to be kept, or can be subsequently reproduced without distortions that substantially affect their legibility.

(d) If the original documents are disposed of as allowed by law, ~~the set of official microfilm~~ the permanent reproduction retained by the local governmental entity or official shall be stored in a safe place and protected from destruction. ~~The official microfilm~~ Reproductions shall be available to the public for inspection in the same manner as the original documents would have been, and sufficient ~~microfilm and microphotographic readers or other suitable devices~~ access shall be available to the public to permit inspection.

(e) The clerk of district court shall not ~~microfilm, microphotograph, photograph, photostat or otherwise~~ reproduce, for official record purposes, the files of any action or proceeding kept in his office until two (2) years have lapsed since the initial filing in the action or proceeding. The clerk of district court may make certified or other copies of documents in his office for individuals or officials.



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**Section 2.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk