

HOUSE BILL 31, 1973

Title:

AN ACT to create section 9-212.7:1; to amend sections 1-175, 5-141, 9-212.7, 18-58 and 18-123 of the statutes relating to recording, storage, preservation, inspection, reproduction and disposal of public records; authorizing political subdivisions of the state to dispose of originals or copies of public records after reproduction; defining political subdivisions; and specifying conditions and procedures for reproducing and disposing of public records.

Introduced by:

William J. Curry
John W. Stewart
Don Dugan
Lyndee Byrum

HOUSE BILL 31, 1973

DATE	ACTION	DATE	ACTION
JAN 15 1973	INTRODUCED		
	READ FIRST TIME		
	REFERRED TO COM. NO. <u>7</u>	FEB 15 1973	RECEIVED
	DELIVERED TO COM. NO. <u>7</u>		
JAN 31 1973	RETURNED		DELIVERED TO LSA FOR ENROLLING
	Recommended Amend and Do Pass		FILED FROM LSA ENROLLED
	PLACED ON GENERAL FILE		REF. NO. <u>64</u>
FEB 1 1973	CONSIDERED IN COM. OF WHOLE	FEB 15 1973	SIGNED BY SPEAKER
	Standing Com. Amendment <u>H6312S1A</u>	FEB 16 1973	SIGNED BY PRESIDENT
	AMENDED	FEB 21	APPROVED BY GOVERNOR
	DO PASS		CHAPTER NO. <u>84</u> SESSION LAWS OF WYOMING
FEB 2 1973	READ SECOND TIME		HB310
FEB 3 1973	Read Third Time		
	AYES <u>57</u> NAYS <u>3</u> ABSENT <u>2</u>		
2-5	To LSA		
2-6	ENGROSSED		
2-6	Sent to Senate		
	Received from House FEB 5 1973		
	Read first time FEB 5 1973		
	Referred to Com. No. <u>7</u>		
	Delivered to Com. No. <u>7</u>		
FEB 12 1973	COM. RECOMMENDATION DO PASS		
FEB 13 1973	CONSIDERED IN COM. OF WHOLE DO PASS		
FEB 14 1973	READ SECOND TIME		
FEB 15 1973	READ THIRD TIME		
	AYES <u>28</u> NAYS <u>1</u> EXCUSED <u>1</u> ABSENT <u>0</u>		

INTRODUCED

1973

STATE OF WYOMING

LSA-073.01

GWF:kar

HOUSE BILL NO. 31

Microfilming public records.

Introduced by: JOINT CORPORATIONS, ELECTIONS AND POLITICAL
SUBDIVISIONS INTERIM COMMITTEE

William J. Curran
Al Engen
Engen
A BILL

Joe W. Starnes
for

1 AN ACT to create section 9-212.7:1; to amend sections
2 1-175, 5-141, 9-212.2 (g) and (h), 9-212.3, 9-212.5
3 through 9-212.7, 18-58 and 18-123 of the statutes relating
4 to recording, storage, preservation, inspection, reproduc-
5 tion and disposal of public records; authorizing political
6 subdivisions of the state to dispose of originals or
7 copies of public records after reproduction; defining
8 political subdivisions; and specifying conditions and
9 procedures for reproducing and disposing of public
10 records.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WYOMING:

12 Section 1. Section 9-212.7:1 of the statutes is
13 created to read:

14 9-212.7:1. Definition; reproduction of public
15 records; disposal of originals; returning documents; con-
16 sultation; storage and public inspection; clerk of dis-
17 trict court; inconsistent legislation.

1 (a) As used in this section, "Political subdivision"
2 means any county, municipality, special district or any
3 other local government entity of the state of Wyoming.

4 (b) Any department, agency, board or individual of
5 any political subdivision of the state may, subject to the
6 provisions of this section, with the approval of the gov-
7 erning body of the political subdivision, record or copy
8 by any microfilming, microphotographic, photographic,
9 photostatic or other permanent reproductive device any
10 public record, as defined in section 9-212.1(c) of the
11 statutes, which the department, agency, board or indi-
12 vidual of the political subdivision records, keeps,
13 retains, or is by law, rule or regulation required to
14 record, keep or retain for a period of years or perma-
15 nently. The microfilm, microphotograph, photograph,
16 photostat or other permanent reproduction is deemed the
17 original or official copy of the public records so repro-
18 duced for all purposes, if the same are lost, destroyed or
19 disposed of pursuant to subsection (c) hereof. If any
20 department, agency, board or individual of any political
21 subdivision is required to record any writing or document
22 in books or on other forms, the recording may be done
23 directly onto microfilm, microphotograph or other perma-
24 nent storage medium in lieu of the other required form of
25 recordation and shall constitute compliance with any such

1 requirement. Duplicate sets of microfilm,
2 microphotographs, or other miniature copy shall be made
3 whenever any such process is used to reproduce public
4 records with the intent of disposing of the original or
5 copies of the original. One set shall be retained as the
6 official record by the governmental entity or officer hav-
7 ing custody of the writings or papers thus recorded or
8 reproduced. The second set shall be sent to the director
9 of the state archives and historical department.

10 (c) After any public record has been reproduced pur-
11 suant to this section, the original or copy from which the
12 reproduction was made may be disposed of as follows:

13 (i) The original or copy, as the case may
14 be, shall first be offered to the direc-
15 tor of the state archives and historical
16 department. If the director does not
17 accept the original or copy or does not
18 remove them from the political subdivi-
19 sion office within six months after the
20 offer they may be destroyed, sold for
21 salvage or disposed of in a manner
22 approved by the governing body of the
23 political subdivision.

24 (d) If any document is presented to a county clerk
25 for recording or notation in public records by writing or

1 for recording or notation in public records by writing or
2 by reproduction pursuant to this section, or other provi-
3 sion of law, the document shall after recording, be
4 returned to the party from whom it was received. If the
5 party cannot be located or refuses to accept it, the docu-
6 ment shall be disposed of by the county clerk in a manner
7 approved by the board of county commissioners.

8 (e) Prior to adopting any microfilming, microphoto-
9 graphic, photographic, photostatic or other reproductive
10 process, the governing body of a political subdivision
11 shall consult with the director of the state archives and
12 historical department. If any of the public records which
13 are reproduced pursuant to this section are permanent
14 records or are, under the laws, rules or regulations in
15 effect at the time of reproduction, required to be trans-
16 ferred at a later date to any agency or department of the
17 state, the particular microfilming, microphotographic,
18 photographic, photostatic or other reproductive process
19 shall be approved by the state library, archives and his-
20 torical board as one which clearly and accurately makes
21 copies that will last the time they are to be kept, or can
22 be subsequently reproduced without distortions that sub-
23 stantially affect their legibility.

24 (f) If the originals are disposed of as al-
25 lowed by law, the set of reproductions retained by the

1 local governmental entity or official shall be stored in a
2 safe place and protected from destruction. The reproduc-
3 tions shall, however, be available to the public for
4 inspection in the same manner as the originals or copies
5 would have been and sufficient microfilm or microphoto-
6 graphic readers, or other suitable devices shall be avail-
7 able to the public to permit inspection.

8 (g) The clerk of district court shall not microfilm,
9 microphotograph, photograph, photostat or otherwise repro-
10 duce, for official record purposes, the files of any
11 action or proceeding kept in his office until five years
12 have lapsed since the initial filing in the action or pro-
13 ceeding. However, the clerk of district court is not pre-
14 cluded from making certified or other copies of documents
15 in his office for individuals or officials.

16 (h) In recording, reproducing or copying any public
17 records as authorized by this section and in disposing of
18 the originals or copies, no restrictions or provisions of
19 law regarding recording, reproducing or copying, or the
20 disposition of originals or copies inconsistent with the
21 provisions hereof shall be applicable to the governmental
22 entity or its officers, agents and employees.

23 Section 2. Sections 1-175, 5-141, 9-212.2 (g) and
24 (h), 9-212.3, 9-212.5 through 9-212.7, 18-58 and 18-123 of
25 the statutes are amended to read:

1 1-175. Use of photographic copies of business and
2 public records as evidence. If any business, institution,
3 member of a profession or calling, or any department or
4 agency of STATE government, OR OF ANY POLITICAL SUBDIVI-
5 SION OF THE STATE in the regular course of business or
6 activity has kept or recorded any memorandum, writing,
7 entry, print, representation or combination thereof, of
8 any act, transaction, occurrence or event, and in the
9 regular course of business has caused any or all of the
10 same to be recorded, copied or reproduced by any photo-
11 graphic, photostatic, microfilm, microcard, miniature
12 photographic, or other process which accurately reproduces
13 or forms a durable medium for so reproducing the original,
14 the original may be destroyed in the regular course of
15 business unless held in custodial or fiduciary capacity or
16 unless its preservation is required by law. When the
17 scale or dimension of such reproduction is of the essence,
18 such scale shown in appropriate units, English measure,
19 shall be clearly and accurately represented thereon. Such
20 reproduction, when satisfactorily identified, is as admis-
21 sible in evidence as the original itself in any judicial
22 or administrative proceeding, whether the original is in
23 existence or not, and enlargement or facsimile of such
24 reproduction is likewise admissible in evidence if the
25 original reproduction is in existence and available for

1 inspection under direction of court. The introduction of
2 a ~~repreduced~~ REPRODUCED record, enlargement or facsimile
3 does not preclude admission of the original.

4 5-141. Duty of clerk to file and preserve papers;
5 not to permit papers to be taken from office; exception;
6 liability on bond for violation of section; transmission
7 of papers to attorney in different county, etc. The clerk
8 shall file together and carefully preserve in his office,
9 all papers delivered to him for that purpose in every
10 action or proceeding. He shall not permit the ~~said~~ papers
11 to be taken from his office except to be used at a session
12 of the court or upon legal process, and he shall be liable
13 upon his official bond to the party suffering injury on
14 account of any violation of this section. ~~7-provided7~~ This
15 section shall not apply to matters in probate. ~~7--and--pre-~~
16 ~~vided7--further7--that~~ Upon the order of the judge of the
17 district, the clerk may transmit by express or registered
18 mail, to an attorney of the state, appearing in the action
19 or proceeding, who resides in a different county, or away
20 from the county seat, such original files, as are not
21 represented by copies in the clerk's office, and the clerk
22 shall take the attorney's receipt for each paper in each
23 case. NOTHING IN THIS SECTION SHALL LIMIT OR PROHIBIT
24 THE CLERK FROM MAKING COPIES OF PAPERS IN HIS OFFICE,
25 DISPOSING OF THE ORIGINALS AND RETAINING THE

1 COPIES AS THE ORIGINALS PURSUANT TO SECTION 9-212.7:1 OR
2 REMOVING PAPERS FROM HIS OFFICE FOR THE PURPOSE OF MAKING
3 COPIES.

4 9-212.2. Functions, duties and responsibilities of
5 director generally; establishment and operation of central
6 microfilm division; conveyance of personal property of
7 historical landmark commission; board declared successor
8 to historical landmark commission.

9 (g) On July 1, 1959 establish and operate a central
10 microfilm division in which division any and all memo-
11 randa, writing, entry, print, representation, or combi-
12 nation thereof, of any act, transaction, occurrence, or
13 event, may be microfilmed. ~~THE~~ division ~~shall~~ MAY
14 microfilm public records approved for filming by the head
15 of the office of origin and by the director, and shall
16 establish standards for microfilming. All state depart-
17 ments and all STATE agencies ~~and--sub-divisions--of--the~~
18 ~~state--government--and--all--counties,--municipalities--and~~
19 ~~political-sub-divisions--thereof~~ shall consult with the
20 director prior to microfilming within such departments, OR
21 agencies, ~~or-sub-divisions~~ and shall comply with the stan-
22 dards for all microfilming established by the central
23 microfilming division. The central microfilm division may
24 microfilm records which are required to be kept a speci-
25 fied length of time or permanently, or to be destroyed by

1 specific methods or under specific supervision, and when
2 ~~such~~ THE records are microfilmed, ~~said~~ THE microfilm may
3 be substituted for the original documents and retained in
4 lieu of the original and the original documents may be
5 destroyed. Film copies, for all intents and purposes,
6 shall be considered the same as the original document.
7 The central microfilm division ~~shall--be--and~~ is hereby
8 ~~deemed--and~~ considered a continuance of and successor to
9 the centralized microfilm department ~~heretofore~~ estab-
10 lished by sections 9-221 to 9-229, Wyoming Statutes, 1957,
11 and all the records, machinery, furniture, materials and
12 supplies heretofore in the centralized microfilm depart-
13 ment hereby become the property of the state archives and
14 historical department.

15 (h) Maintain necessary facilities for the review of
16 records approved for destruction and their economical dis-
17 position by sale, shredding or burning; and supervise the
18 destruction of public records KEPT BY STATE DEPARTMENTS
19 AND STATE AGENCIES.

20 9-212.3. Records required to be transferred to state
21 archives; purpose of transfer. All public records KEPT BY
22 STATE DEPARTMENTS AND STATE AGENCIES, not required in the
23 current operation of the office where they are made or
24 kept, and all records of every agency, commission, commit-
25 tee, or any other activity of state, county or municipal

1 government and political ~~sub-divisions~~ SUBDIVISIONS
2 thereof which may be abolished or discontinued, shall be
3 transferred to the state archives so that the valuable
4 historical records of the state may be centralized, made
5 more widely available, and insured permanent preservation;
6 or said transfer may be made to a recognized supplementary
7 depository agency, selected by the board, if such deposi-
8 tory agency becomes necessary.

9 9-212.5. Records to remain property of state; out-
10 going officials to deliver records to successor; preser-
11 vation, etc. All public records are and shall remain the
12 property of the state of Wyoming. They shall be delivered
13 by outgoing officials and employees to their successors
14 and shall be preserved, stored, transferred, destroyed, or
15 disposed of, and otherwise managed, only in accordance
16 with the provisions of ~~this-act~~ LAW.

17 9-212.6. Records committee created; composition;
18 salary and expenses; meetings; duties, etc. There is
19 hereby created the records committee to be composed of the
20 director of the archives and historical department, who
21 shall act as chairman and as secretary of the committee,
22 the attorney general or his appointee, and the state exam-
23 iner or his appointee. Committee members shall serve
24 without additional salary, but shall be entitled to
25 traveling expenses incurred incident to committee records.

1 Such expenses shall be paid from the appropriations made
2 for operation of their respective departments or offices.
3 The records committee shall meet upon call by the chairman
4 at least once every quarter and as often as business
5 dictates. Action by the committee shall be by majority
6 vote and records shall be kept of all committee business.
7 When the disposition of records is considered by the
8 records committee, it shall ascertain the recommendations
9 of the head of the department or the departmental records
10 officer to whose custody such records have been designated
11 by law. It ~~shall be~~ IS the duty of the records committee
12 to approve, modify or disapprove the recommendations on
13 retention schedules of all files of public records and to
14 act upon requests to destroy any public records. ~~7-pro-~~
15 ~~vided, that~~ Any modification of a request or recommenda-
16 tion must be approved by the head of the agency originat-
17 ing the request or recommendation. IN THE EVENT ANY
18 PUBLIC RECORDS OF ANY POLITICAL SUBDIVISION HAVE BEEN
19 MICROFILMED OR OTHERWISE REPRODUCED, THE POWER OF THE
20 COMMITTEE TO SET SCHEDULES AND APPROVE REQUESTS FOR
21 DESTRUCTION SHALL ONLY APPLY TO THE MICROFILM OR OTHER
22 REPRODUCTIONS, NOT THE RECORDS SO REPRODUCED. The direc-
23 tor, upon written request of the department or agency
24 head, shall furnish the film or a copy of the film to be
25 retained by the department, if such be deemed necessary or

1 expedient by the records committee. The archives and his-
2 torical department shall provide forms, approved by the
3 records committee, upon which it shall prepare recommenda-
4 tions to the committee in cooperation with the records
5 officer of the department or other agency whose records
6 are involved.

7 9-212.7. When public records may be destroyed;
8 procedure prior to destruction. Official public records of
9 the state, county and municipal governments and political
10 ~~sub-divisions~~ SUBDIVISIONS thereof shall not be destroyed
11 until they are ten years old or until they are either
12 photographed, microphotographed, photostated, ~~or~~ repro-
13 duced on film, ~~OR OTHERWISE COPIED PURSUANT TO SECTION~~
14 9-212.7:1. The records committee may approve a depart-
15 mental written request, upon proper and satisfactory show-
16 ing, that the retention of certain records for a minimum
17 period of ten years is unnecessary and uneconomical.
18 Recommendations for the destruction or disposition of
19 office files and memoranda shall be submitted to the
20 records committee upon approved forms, prepared by the
21 records officer of the agency concerned and the director.
22 The committee shall determine the period of time that any
23 office file or memorandum shall be preserved and may
24 authorize the division of archives and records management
25 to arrange for its destruction or disposition.

1 18-58. Offices and records to be kept at county
2 seat; exceptions; records open to public inspection;
3 removal for purposes of copying. Each county officer,
4 except the county attorney, shall keep his office at the
5 county seat of his county, ~~and~~ in the office provided by
6 the county. ~~If there be none provided,~~ THE COUNTY DOES
7 NOT PROVIDE AN OFFICE, then AN OFFICE SHALL BE MAINTAINED
8 at such place as the board of county commissioners may
9 direct. ~~and they~~ ALL COUNTY OFFICERS shall keep ~~the same~~
10 THEIR OFFICES open during the usual business hours of each
11 day, EXCLUDING Sundays. ~~excepted, and~~ All books and papers
12 required to be in their offices, ~~shall be~~ ARE open to the
13 examination of any person. ~~and~~ If any person or officer
14 ~~shall~~ neglects to comply with the provisions of this
15 section, he shall forfeit, for each day he so neglects,
16 the sum of ~~five dollars-(\$5.00)~~ \$5. At the discretion of
17 the officer in charge of ~~said~~ ANY documents, he may tempo-
18 rarily remove any of ~~said~~ THE documents ~~to the centralized~~
19 ~~microfilm department for the purposes set forth in section~~
20 ~~18-2806, Wyoming Compiled Statutes, 1945, as amended by~~
21 ~~chapter 147, Session Laws of Wyoming, 1955, and that~~ FROM
22 THEIR REPOSITORY FOR LAWFUL REPRODUCTION PURPOSES, AND
23 during the period ~~that such documents are removed from the~~
24 ~~office for the purposes of this act~~ OF REMOVAL, he shall
25 not be subject to any penalty.

1 18-123. Custodian of public records and papers; man-
2 ner of preserving maps; recording or filing of deeds,
3 mortgages and other instruments; recording of maps accom-
4 panying deeds and fee therefor; unclear documents.

5 (a) The county clerk shall have custody of, and
6 safely keep and preserve all the books, records, deeds,
7 maps and papers AND COPIES THEREOF deposited or kept in
8 his office; ~~--in--the--case--of--maps--the--original--in-~~
9 ~~tracings--shall--be--kept--undamaged--and--unfolded--in--files~~
10 ~~conforming--to--the--size--of--the--tracing,--and--prints--of--the~~
11 ~~original--tracings--shall--be--made--accessible--for--the--use--of~~
12 ~~the--public,--he--shall--also--record,--in--plain--or--distinct~~
13 ~~hand--writing,--or--by--typing,--photostating,--photographing,~~
14 ~~or--printing--either--in--whole--or--in--part,--in--suitable--books~~
15 ~~to--be--provided--and--kept--in--his--office,--or--file,--all--deeds,~~
16 ~~mortgages,--maps,--instruments--in--writing,--authorized--by--law~~
17 ~~to--be--recorded--or--filed--in--his--office,--and--left--with--him~~
18 ~~for--that--purpose,~~ and shall perform all other duties
19 required of him by law in relation thereto, ~~7--provided--that~~
20 ~~no--photostating--or--photographing--system--shall--be--ordered~~
21 ~~or--installed--by--said--clerk,--without--prior--approval--of--the~~
22 ~~board--of--county--commissioners;~~ ALL DEEDS, MORTGAGES, AND
23 OTHER INSTRUMENTS IN WRITING, AUTHORIZED BY LAW TO BE
24 RECORDED OR FILED IN HIS OFFICE, AND LEFT WITH THE COUNTY
25 CLERK FOR THAT PURPOSE SHALL EITHER BE:

1 (i) RECORDED IN PLAIN OR DISTINCT HANDWRIT-
2 ING, OR BY TYPING, PHOTOSTATING,
3 PHOTOGRAPHING, PRINTING OR OTHERWISE
4 REPRODUCING, EITHER IN WHOLE OR IN PART,
5 IN SUITABLE BOOKS; OR

6 (ii) RECORDED ON MICROFILM, MICROCARDS, OR
7 OTHER PERMANENT RECORD RETENTION MEDIUM.
8 ALL MICROFILMING, MICROPHOTOGRAPHIC,
9 PHOTOSTATIC, PHOTOGRAPHIC OR OTHER
10 REPRODUCTIVE PROCESSES SHALL BE INSTI-
11 TUTED AND USED PURSUANT TO SECTION
12 9-212.7:1. MAPS MAY EITHER BE RECORDED
13 AS ABOVE PROVIDED OR THE COUNTY CLERK
14 MAY, IF COPYING IS NOT LIKELY TO PROVIDE
15 A SATISFACTORY RECORD, KEEP THE ORIG-
16 INALS OR TRACINGS THEREOF, UNDAMAGED AND
17 UNFOLDED, AND MAKE PRINTS AVAILABLE FOR
18 PUBLIC USE.

19 (b) Any deed containing a metes and bounds descrip-
20 tion to be recorded may be accompanied by a map prepared
21 in compliance with current statutes and delineating the
22 land described in such deed, and if a map delineating the
23 land has been previously recorded then the deed may set
24 forth the ~~book-and-page~~ reference ~~of~~ TO the ~~said~~ recorded
25 map. The county clerk shall charge a fee of \$2.00 for

1 recording maps submitted in accordance with this section.
2 ~~(b)~~ (c) Whenever the text of a document presented
3 for record is legible but is not sufficiently clear to
4 produce a readable ~~photographic-record~~ COPY, the county
5 clerk shall require the person presenting it for record to
6 substitute a clear original or a legible true copy of the
7 original document, or the county clerk may prepare a true
8 copy of the document by handwriting or typewriting and
9 attach the same to the original as a part of the document
10 for making the permanent photographic record. The county
11 clerk shall charge a fee of ~~fifty-cents-(\$0.50)~~ \$.50 per
12 ~~one-hundred~~ 100 words for preparing ~~such~~ a true copy.

13 (END)

THE LEGISLATURE OF THE STATE OF WYOMING

January 30, 1973

Introduced by: JOINT CORPORATIONS, ELECTIONS AND POLITICAL SUBDIVISIONS
INTERIM COMMITTEE

Mr. Speaker:

Your Committee No. 7 on Corporations, Elections and Political Subdivisions to whom was referred H. B. No. 31 respectfully reports same back to the House with the recommendation that it DOO PASS with the following standing committee amendments:

Delete the entire original bill and insert the following bill:

for

1 AN ACT to create section 9-212.7:1; to amend sections
2 1-175, 5-141, 9-212.7, 18-58 and 18-123 of the statutes
3 relating to recording, storage, preservation, inspection,
4 reproduction and disposal of public records; authorizing
5 political subdivisions of the state to dispose of orig-
6 inals or copies of public records after reproduction;
7 defining political subdivisions; and specifying conditions
8 and procedures for reproducing and disposing of public
9 records.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WYOMING:

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12 created to read:

13 9-212.7:1. Definition: reproduction of public
14 records; disposal of originals; returning documents; con-
15 sultation; storage and public inspection; clerk of dis-
16 trict court; inconsistent legislation.

17 (a) As used in this section, "Political subdivi-

1 sion" means any county, municipality, special district or
2 any other local government entity of the state of Wyoming.

3 (b) Any department, agency, board or individual of
4 any political subdivision of the state may, subject to the
5 provisions of this section, with the approval of the gov-
6 erning body of the political subdivision, record or copy
7 by any microfilming, microphotographic, photographic,
8 photostatic or other permanent reproductive device any
9 public record, as defined in section 9-212.1(c) of the
10 statutes, which the department, agency, board or indi-
11 vidual of the political subdivision records, keeps,
12 retains, or is by law, rule or regulation required to
13 record, keep or retain for a period of years or perma-
14 nently. The microfilm, microphotograph, photograph,
15 photostat or other permanent reproduction is deemed the
16 original or official copy of the public records so repro-
17 duced for all purposes. If any department, agency, board
18 or individual of any political subdivision is required to
19 record any writing or document in books or on other forms,
20 the recording may be done directly onto microfilm,
21 microphotograph or other permanent storage medium in lieu
22 of the other required form of recordation and shall con-
23 stitute compliance with any such requirement. A master
24 negative of microfilm or microphotographs shall be made
25 whenever any such process is used to reproduce public

1 records with the intent of disposing of the original or
2 copies of the original. The master negative shall be sent
3 to the director of the state archives and historical
4 department. One copy of all master negatives shall be
5 retained by the governmental entity or officer having cus-
6 tody of the writings or papers thus recorded or copied as
7 the official copy.

8 (c) If any document is presented for recording or
9 notation in public records the document shall, after
10 recording, be returned to the party from whom it was
11 received. If the party cannot be located or refuses to
12 accept it, the document shall be disposed of in accordance
13 with section 9-212.6 of the statutes.

14 (d) Prior to adopting any microfilming, microphoto-
15 graphic, photographic, photostatic or other reproductive
16 process, the governing body of a political subdivision
17 shall consult with the director of the state archives and
18 historical department. If any of the public records which
19 are reproduced pursuant to this section are permanent
20 records or are, under the laws, rules or regulations in
21 effect at the time of reproduction, required to be trans-
22 ferred at a later date to any agency or department of the
23 state, the particular microfilming, microphotographic,
24 photographic, photostatic or other reproductive process
25 shall be approved by the director of the archives and his-

1 torical department as one which clearly and accurately
2 makes copies that will last the time they are to be kept,
3 or can be subsequently reproduced without distortions that
4 substantially affect their legibility.

5 (e) If the original documents are disposed of as
6 allowed by law, the set of official microfilm retained by
7 the local governmental entity or official shall be stored
8 in a safe place and protected from destruction. The offi-
9 cial microfilm shall, however, be available to the public
10 for inspection in the same manner as the original docu-
11 ments would have been, and sufficient microfilm and micro-
12 photographic readers or other suitable devices shall be
13 available to the public to permit inspection.

14 (f) The clerk of district court shall not micro-
15 film, microphotograph, photograph, photostat or otherwise
16 reproduce, for official record purposes, the files of any
17 action or proceeding kept in his office until five years
18 have lapsed since the initial filing in the action or pro-
19 ceeding. However, the clerk of district court is not pre-
20 cluded from making certified or other copies of documents
21 in his office for individuals or officials.

22 (g) In recording, reproducing or copying any public
23 records as authorized by this section and in disposing of
24 the originals or copies, no restrictions or provisions of
25 law regarding recording, reproducing or copying, or the

1 disposition of originals or copies inconsistent with the
2 provisions hereof shall be applicable to the governmental
3 entity or its officers, agents and employees.

4 Section 2. Sections 1-175, 5-141, 9-212.7, 18-58 and
5 18-123 of the statutes are amended to read:

6 1-175. Use of photographic copies of business and
7 public records as evidence. If any business, institution,
8 member of a profession or calling, or any department or
9 agency of STATE government, OR OF ANY POLITICAL SUBDIVI-
10 SION OF THE STATE in the regular course of business or
11 activity has kept or recorded any memorandum, writing,
12 entry, print, representation or combination thereof, of
13 any act, transaction, occurrence or event, and in the
14 regular course of business has caused any or all of the
15 same to be recorded, copied or reproduced by any photo-
16 graphic, photostatic, microfilm, microcard, miniature
17 photographic, or other process which accurately reproduces
18 or forms a durable medium for so reproducing the original,
19 the original may be destroyed in the regular course of
20 business unless held in custodial or fiduciary capacity or
21 unless its preservation is required by law. When the
22 scale or dimension of such reproduction is of the essence,
23 such scale shown in appropriate units, English measure,
24 shall be clearly and accurately represented thereon. Such
25 reproduction, when satisfactorily identified, is as admis-

1 sible in evidence as the original itself in any judicial
2 or administrative proceeding, whether the original is in
3 existence or not, and enlargement or facsimile of such
4 reproduction is likewise admissible in evidence if the
5 original reproduction is in existence and available for
6 inspection under direction of court. The introduction of
7 a ~~reproduced~~ REPRODUCED record, enlargement or facsimile
8 does not preclude admission of the original.

9 5-141. Duty of clerk to file and preserve papers;
10 not to permit papers to be taken from office; exception;
11 liability on bond for violation of section; transmission
12 of papers to attorney in different county, etc. The clerk
13 shall file together and carefully preserve in his office,
14 all papers delivered to him for that purpose in every
15 action or proceeding. He shall not permit the ~~said~~ papers
16 to be taken from his office except to be used at a session
17 of the court or upon legal process, and he shall be liable
18 upon his official bond to the party suffering injury on
19 account of any violation of this section. ~~† provided, This~~
20 section shall not apply to matters in probate. ~~—and pro-~~
21 ~~vided, —further, —that~~ Upon the order of the judge of the
22 district, the clerk may transmit by express or registered
23 mail, to an attorney of the state, appearing in the action
24 or proceeding, who resides in a different county, or away
25 from the county seat, such original files, as are not

1 represented by copies in the clerk's office, and the clerk
2 shall take the attorney's receipt for each paper in each
3 case. NOTHING IN THIS SECTION SHALL LIMIT OR PROHIBIT THE
4 CLERK FROM MICROFILMING PAPERS IN HIS OFFICE, DISPOSING OF
5 THE ORIGINALS IN ACCORDANCE WITH SECTION 9-212.6 OF THE
6 STATUTES AND RETAINING THE OFFICIAL MICROFILM IN LIEU OF
7 THE ORIGINAL PAPERS PURSUANT TO SECTION 9-212.7:1 OF THE
8 STATUTES.

9 9-212.7. When public records may be destroyed;
10 procedure prior to destruction. Official public records
11 of the state, county and municipal governments and polit-
12 ical ~~sub-divisions~~ SUBDIVISIONS thereof shall ~~not~~ be
13 ~~destroyed~~ DISPOSED OF IN ACCORDANCE WITH SECTION 9-212.6
14 OF THE STATUTES. ~~until they are ten years old or until~~
15 ~~they are either photographed, microphotographed,~~
16 ~~photostated, or reproduced on film.~~ The records committee
17 may approve a departmental written request, upon proper
18 and satisfactory showing, that the retention of certain
19 records for a minimum period of ten years is unnecessary
20 and uneconomical. Recommendations for the destruction or
21 disposition of office files and memoranda shall be submit-
22 ted to the records committee upon approved forms, prepared
23 by the records officer of the agency concerned and the
24 director. The committee shall determine the period of
25 time that any office file or memorandum shall be preserved

1 and may authorize the division of archives and records
2 management to arrange for its destruction or disposition.

3 18-58. Offices and records to be kept at county
4 seat; exceptions; records open to public inspection;
5 removal for purposes of copying. Each county officer,

6 except the county attorney, shall keep his office at the
7 county seat of his county, ~~and~~ in the office provided by
8 the county. ~~† If there be none provided,~~ THE COUNTY DOES

9 NOT PROVIDE AN OFFICE, then AN OFFICE SHALL BE MAINTAINED
10 at such place as the board of county commissioners may
11 direct, ~~and they~~ ALL COUNTY OFFICERS shall keep ~~the same~~

12 THEIR OFFICES open during the usual business hours of
13 each day, EXCLUDING Sundays, ~~excepted, and~~ All books and
14 papers required to be in their offices, ~~shall be~~ ARE open

15 to the examination of any person, ~~and~~ If any person or
16 officer ~~shall~~ neglect to comply with the provisions of
17 this section, he shall forfeit, for each day he so

18 neglects, the sum of ~~five dollars (5.00)~~ \$5. ~~At the~~
19 ~~discretion of~~ The officer in charge of ~~said~~ ANY documents,
20 he may temporarily remove any of ~~said~~ THE documents ~~to the~~

21 ~~centralized microfilm department for the purposes set~~
22 ~~forth in section 18-2806, Wyoming Compiled Statutes, 1945,~~
23 ~~as amended by chapter 147, Session Laws of Wyoming, 1955,~~

24 ~~and that~~ FROM THEIR REPOSITORY FOR LAWFUL REPRODUCTION
25 PURPOSES, AND during the period ~~that such documents are~~

1 ~~removed from the office for the purposes of this act~~ OF
2 REMOVAL, he shall not be subject to any penalty.

3 18-123. Custodian of public records and papers; man-
4 ner of preserving maps; recording or filing of deeds,
5 mortgages and other instruments; recording of maps accom-
6 panying deeds and fee therefor; unclear documents.

7 (a) The county clerk shall have custody of, and
8 safely keep and preserve all the books, records, deeds,
9 maps and papers AND COPIES THEREOF deposited or kept in
10 his office, ~~in the case of maps the original linen~~
11 ~~tracings shall be kept undamaged and unfolded in files~~
12 ~~conforming to the size of the tracing, and prints of the~~
13 ~~original tracings shall be made accessible for the use of~~
14 ~~the public, he shall also record, in plain or distinct~~
15 ~~hand writing, or by typing, photostating, photographing,~~
16 ~~or printing either in whole or in part, in suitable books~~
17 ~~to be provided and kept in his office, or file, all deeds,~~
18 ~~mortgages, maps, instruments in writing, authorized by law~~
19 ~~to be recorded or filed in his office, and left with him~~
20 ~~for that purpose,~~ and shall perform all other duties
21 required of him by law in relation thereto, ~~provided that~~
22 ~~no photostating or photographing system shall be ordered~~
23 ~~or installed by said clerk, without prior approval of the~~
24 ~~board of county commissioners.~~ ALL DEEDS, MORTGAGES, AND
25 OTHER INSTRUMENTS IN WRITING, AUTHORIZED BY LAW TO BE

1 RECORDED OR FILED IN HIS OFFICE, AND LEFT WITH THE COUNTY
2 CLERK FOR THAT PURPOSE SHALL EITHER BE:

3 (i) RECORDED IN PLAIN OR DISTINCT HANDWRIT-
4 ING, OR BY TYPING, PHOTOSTATING,
5 PHOTOGRAPHING, PRINTING OR OTHERWISE
6 REPRODUCING, EITHER IN WHOLE OR IN PART,
7 IN SUITABLE BOOKS; OR

8 (ii) RECORDED ON MICROFILM, MICROCARDS, OR OTHER
9 PERMANENT RECORD RETENTION MEDIUM. ALL
10 MICROFILMING, MICROPHOTOGRAPHIC, PHOTO-
11 STATIC, PHOTOGRAPHIC OR OTHER REPRODUC-
12 TIVE PROCESSES SHALL BE INSTITUTED AND
13 USED PURSUANT TO SECTION 9-212.7:1. MAPS
14 MAY EITHER BE RECORDED AS ABOVE PROVIDED
15 OR THE COUNTY CLERK MAY, IF COPYING IS
16 NOT LIKELY TO PROVIDE A SATISFACTORY
17 RECORD, KEEP THE ORIGINALS OR TRACINGS
18 THEREOF, UNDAMAGED AND UNFOLDED, AND MAKE
19 PRINTS AVAILABLE FOR PUBLIC USE.

20 (b) Any deed containing a metes and bounds descrip-
21 tion to be recorded may be accompanied by a map prepared
22 in compliance with current statutes and delineating the
23 land described in such deed, and if a map delineating the
24 land has been previously recorded then the deed may set
25 forth the ~~book and page~~ reference ~~of~~ TO the ~~said~~ recorded

1 map. The county clerk shall charge a fee of \$2 for
2 recording maps submitted in accordance with this section.

3 ~~(b)~~ (c) Whenever the text of a document presented for
4 record is legible but is not sufficiently clear to produce
5 a readable ~~photographic-record~~ COPY, the county clerk
6 shall require the person presenting it for record to sub-
7 stitute a clear original or a legible true copy of the
8 original document, or the county clerk may prepare a true
9 copy of the document by handwriting or typewriting and
10 attach the same to the original as a part of the document
11 for making the permanent photographic record. The county
12 clerk shall charge a fee of ~~fifty cents (\$0.50)~~ \$.50 per
13 ~~one hundred~~ 100 words for preparing ~~such~~ a true copy.

14 (END)

ENCROSSED

1973

STATE OF WYOMING

LSA-073/ENG

HOUSE BILL NO. 31

Microfilming public records.

Introduced by: JOINT CORPORATIONS, ELECTIONS AND
POLITICAL SUBDIVISIONS INTERIM COMMITTEE

A BILL

for

1 AN ACT to create section 9-212.7:1; to amend sections
2 1-175, 5-141, 9-212.7, 18-58 and 18-123 of the statutes
3 relating to recording, storage, preservation, inspection,
4 reproduction and disposal of public records; authorizing
5 political subdivisions of the state to dispose of orig-
6 inals or copies of public records after reproduction;
7 defining political subdivisions; and specifying conditions
8 and procedures for reproducing and disposing of public
9 records.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WYOMING:

11 Section 1. Section 9-212.7:1 of the statutes is
12 created to read:

13 9-212.7:1. Definition; reproduction of public
14 records; disposal of originals; returning documents; con-
15 sultation; storage and public inspection; clerk of dis-
16 trict court; inconsistent legislation.

1 (a) As used in this section, "Political subdivision"
2 means any county, municipality, special district or any
3 other local government entity of the state of Wyoming.

4 (b) Any department, agency, board or individual of
5 any political subdivision of the state may, subject to the
6 provisions of this section, with the approval of the gov-
7 erning body of the political subdivision, record or copy
8 by any microfilming, microphotographic, photographic,
9 photostatic or other permanent reproductive device any
10 public record, as defined in section 9-212.1(c) of the
11 statutes, which the department, agency, board or indi-
12 vidual of the political subdivision records, keeps,
13 retains, or is by law, rule or regulation required to
14 record, keep or retain for a period of years or perma-
15 nently. The microfilm, microphotograph, photograph,
16 photostat or other permanent reproduction is deemed the
17 original or official copy of the public records so repro-
18 duced for all purposes. If any department, agency, board
19 or individual of any political subdivision is required to
20 record any writing or document in books or on other forms,
21 the recording may be done directly onto microfilm,
22 microphotograph or other permanent storage medium in lieu
23 of the other required form of recordation and shall con-
24 stitute compliance with any such requirement. A master
25 negative of microfilm or microphotographs shall be made

1 whenever any such process is used to reproduce public
2 records with the intent of disposing of the original or
3 copies of the original. The master negative shall be sent
4 to the director of the state archives and historical
5 department. One copy of all master negatives shall be
6 retained by the governmental entity or officer having cus-
7 tody of the writings or papers thus recorded or copied as
8 the official copy.

9 (c) If any document is presented for recording or
10 notation in public records the document shall, after
11 recording, be returned to the party from whom it was
12 received. If the party cannot be located or refuses to
13 accept it, the document shall be disposed of in accordance
14 with section 9-212.6 of the statutes.

15 (d) Prior to adopting any microfilming, microphoto-
16 graphic, photographic, photostatic or other reproductive
17 process, the governing body of a political subdivision
18 shall consult with the director of the state archives and
19 historical department. If any of the public records which
20 are reproduced pursuant to this section are permanent
21 records or are, under the laws, rules or regulations in
22 effect at the time of reproduction, required to be trans-
23 ferred at a later date to any agency or department of the
24 state, the particular microfilming, microphotographic,
25 photographic, photostatic or other reproductive process

1 shall be approved by the director of the archives and his-
2 torical department as one which clearly and accurately
3 makes copies that will last the time they are to be kept,
4 or can be subsequently reproduced without distortions that
5 substantially affect their legibility.

6 (e) If the original documents are disposed of as
7 allowed by law, the set of official microfilm retained by
8 the local governmental entity or official shall be stored
9 in a safe place and protected from destruction. The offi-
10 cial microfilm shall, however, be available to the public
11 for inspection in the same manner as the original docu-
12 ments would have been, and sufficient microfilm and micro-
13 photographic readers or other suitable devices shall be
14 available to the public to permit inspection.

15 (f) The clerk of district court shall not microfilm,
16 microphotograph, photograph, photostat or otherwise repro-
17 duce, for official record purposes, the files of any
18 action or proceeding kept in his office until five years
19 have lapsed since the initial filing in the action or pro-
20 ceeding. However, the clerk of district court is not pre-
21 cluded from making certified or other copies of documents
22 in his office for individuals or officials.

23 (g) In recording, reproducing or copying any public
24 records as authorized by this section and in disposing of
25 the originals or copies, no restrictions or provisions of

1 law regarding recording, reproducing or copying, or the
2 disposition of originals or copies inconsistent with the
3 provisions hereof shall be applicable to the governmental
4 entity or its officers, agents and employees.

5 Section 2. Sections 1-175, 5-141, 9-212.7, 18-58 and
6 18-123 of the statutes are amended to read:

7 1-175. Use of photographic copies of business and
8 public records as evidence. If any business, institution,
9 member of a profession or calling, or any department or
10 agency of STATE government, OR OF ANY POLITICAL SUBDIVI-
11 SION OF THE STATE in the regular course of business or
12 activity has kept or recorded any memorandum, writing,
13 entry, print, representation or combination thereof, of
14 any act, transaction, occurrence or event, and in the
15 regular course of business has caused any or all of the
16 same to be recorded, copied or reproduced by any photo-
17 graphic, photostatic, microfilm, microcard, miniature
18 photographic, or other process which accurately reproduces
19 or forms a durable medium for so reproducing the original,
20 the original may be destroyed in the regular course of
21 business unless held in custodial or fiduciary capacity or
22 unless its preservation is required by law. When the
23 scale or dimension of such reproduction is of the essence,
24 such scale shown in appropriate units, English measure,
25 shall be clearly and accurately represented thereon. Such

1 reproduction, when satisfactorily identified, is as admis-
2 sible in evidence as the original itself in any judicial
3 or administrative proceeding, whether the original is in
4 existence or not, and enlargement or facsimile of such
5 reproduction is likewise admissible in evidence if the
6 original reproduction is in existence and available for
7 inspection under direction of court. The introduction of
8 a ~~reproduced~~ REPRODUCED record, enlargement or facsimile
9 does not preclude admission of the original.

10 5-141. Duty of clerk to file and preserve papers;
11 not to permit papers to be taken from office; exception;
12 liability on bond for violation of section; transmission
13 of papers to attorney in different county, etc. The clerk
14 shall file together and carefully preserve in his office,
15 all papers delivered to him for that purpose in every
16 action or proceeding. He shall not permit the ~~said~~ papers
17 to be taken from his office except to be used at a session
18 of the court or upon legal process, and he shall be liable
19 upon his official bond to the party suffering injury on
20 account of any violation of this section. ~~7-provided7~~ This
21 section shall not apply to matters in probate. ~~-and-pre-~~
22 ~~vided7-further7-that~~ Upon the order of the judge of the
23 district, the clerk may transmit by express or registered
24 mail, to an attorney of the state, appearing in the action
25 or proceeding, who resides in a different county, or away

1 from the county seat, such original files, as are not
2 represented by copies in the clerk's office, and the clerk
3 shall take the attorney's receipt for each paper in each
4 case. NOTHING IN THIS SECTION SHALL LIMIT OR PROHIBIT THE
5 CLERK FROM MICROFILMING PAPERS IN HIS OFFICE, DISPOSING OF
6 THE ORIGINALS IN ACCORDANCE WITH SECTION 9-212.6 OF THE
7 STATUTES AND RETAINING THE OFFICIAL MICROFILM IN LIEU OF
8 THE ORIGINAL PAPERS PURSUANT TO SECTION 9-212.7:1 OF THE
9 STATUTES.

10 9-212.7. When public records may be destroyed;
11 procedure prior to destruction. Official public records
12 of the state, county and municipal governments and polit-
13 ical ~~sub-divisions~~ SUBDIVISIONS thereof shall ~~not~~ be
14 ~~destroyed~~ DISPOSED OF IN ACCORDANCE WITH SECTION 9-212.6
15 OF THE STATUTES. ~~until-they-are-ten-years-old-or-until~~
16 ~~they---are---either---photographed,---microphotographed,~~
17 ~~photostated,-or-reproduced-on-film.~~ The records committee
18 may approve a departmental written request, upon proper
19 and satisfactory showing, that the retention of certain
20 records for a minimum period of ten years is unnecessary
21 and uneconomical. Recommendations for the destruction or
22 disposition of office files and memoranda shall be submit-
23 ted to the records committee upon approved forms, prepared
24 by the records officer of the agency concerned and the
25 director. The committee shall determine the period of

1 time that any office file or memorandum shall be preserved
2 and may authorize the division of archives and records
3 management to arrange for its destruction or disposition.

4 18-58. Offices and records to be kept at county
5 seat; exceptions; records open to public inspection;
6 removal for purposes of copying. Each county officer,
7 except the county attorney, shall keep his office at the
8 county seat of his county, ~~and~~ in the office provided by
9 the county. ~~If there-be-none-provided,~~ THE COUNTY DOES
10 NOT PROVIDE AN OFFICE, then AN OFFICE SHALL BE MAINTAINED
11 at such place as the board of county commissioners may
12 direct. ~~--and-they~~ ALL COUNTY OFFICERS shall keep ~~the-same~~
13 THEIR OFFICES open during the usual business hours of each
14 day, EXCLUDING Sundays. ~~excepted,~~ and All books and papers
15 required to be in their offices, ~~shall-be~~ ARE open to the
16 examination of any person. ~~and~~ If any person or officer
17 ~~shall~~ neglect to comply with the provisions of this
18 section, he shall forfeit, for each day he so neglects,
19 the sum of ~~five-dollars-(5.00)~~ \$5. ~~At-the--discretion--of~~
20 The officer in charge of said ANY documents, ~~he~~ may tempo-
21 rarily remove any of ~~said~~ THE documents ~~to-the-centralized~~
22 ~~microfilm-department-for-the-purposes-set-forth-in-section~~
23 ~~18-2806,--Wyoming--Compiled--Statutes,--1945,--as-amended-by~~
24 ~~chapter-147,--Session-Laws-of-Wyoming,--1955,--and-that~~ FROM
25 THEIR REPOSITORY FOR LAWFUL REPRODUCTION PURPOSES, AND

1 during the period ~~that-such-documents-are-removed-from-the~~
2 ~~office-for-the-purposes-of-this-act~~ OF REMOVAL, he shall
3 not be subject to any penalty.

4 18-123. Custodian of public records and papers; man-
5 ner of preserving maps; recording or filing of deeds,
6 mortgages and other instruments; recording of maps accom-
7 panying deeds and fee therefor; unclear documents.

8 (a) The county clerk shall have custody of, and
9 safely keep and preserve all the books, records, deeds,
10 maps and papers AND COPIES THEREOF deposited or kept in
11 his office,--in--the--case--of--maps--the--original--linen
12 tracings--shall--be--kept--undamaged--and--unfolded--in--files
13 conforming--to--the--size--of--the--tracing,--and--prints--of--the
14 original--tracings--shall--be--made--accessible--for--the--use--of
15 the--public,--he--shall--also--record,--in--plain--or--distinct
16 hand--writing,--or--by--typing,--photostating,--photographing,
17 or--printing--either--in--whole--or--in--part,--in--suitable--books
18 to--be--provided--and--kept--in--his--office,--or--file,--all--deeds,
19 mortgages,--maps,--instruments--in--writing,--authorized--by--law
20 to--be--recorded--or--filed--in--his--office,--and--left--with--him
21 for--that--purpose, and shall perform all other duties
22 required of him by law in relation thereto,--provided--that
23 no--photostating--or--photographing--system--shall--be--ordered
24 or--installed--by--said--clerk,--without--prior--approval--of--the
25 board--of--county--commissioners. ALL DEEDS, MORTGAGES, AND

1 OTHER INSTRUMENTS IN WRITING, AUTHORIZED BY LAW TO BE
2 RECORDED OR FILED IN HIS OFFICE, AND LEFT WITH THE COUNTY
3 CLERK FOR THAT PURPOSE SHALL EITHER BE:

4 (i) RECORDED IN PLAIN OR DISTINCT HANDWRIT-
5 ING, OR BY TYPING, PHOTOSTATING,
6 PHOTOGRAPHING, PRINTING OR OTHERWISE
7 REPRODUCING, EITHER IN WHOLE OR IN PART,
8 IN SUITABLE BOOKS; OR

9 (ii) RECORDED ON MICROFILM, MICROCARDS, OR
10 OTHER PERMANENT RECORD RETENTION MEDIUM.
11 ALL MICROFILMING, MICROPHOTOGRAPHIC,
12 PHOTOSTATIC, PHOTOGRAPHIC OR OTHER
13 REPRODUCTIVE PROCESSES SHALL BE INSTI-
14 TUTED AND USED PURSUANT TO SECTION
15 9-212.7:1. MAPS MAY EITHER BE RECORDED
16 AS ABOVE PROVIDED OR THE COUNTY CLERK
17 MAY, IF COPYING IS NOT LIKELY TO PROVIDE
18 A SATISFACTORY RECORD, KEEP THE ORIG-
19 INALS OR TRACINGS THEREOF, UNDAMAGED AND
20 UNFOLDED, AND MAKE PRINTS AVAILABLE FOR
21 PUBLIC USE.

22 (b) Any deed containing a metes and bounds descrip-
23 tion to be recorded may be accompanied by a map prepared
24 in compliance with current statutes and delineating the
25 land described in such deed, and if a map delineating the

1 land has been previously recorded then the deed may set
2 forth the ~~book-and-page~~ reference ~~of~~ TO the ~~said~~ recorded
3 map. The county clerk shall charge a fee of \$2 for
4 recording maps submitted in accordance with this section.

5 ~~(b)~~ (c) Whenever the text of a document presented for
6 record is legible but is not sufficiently clear to produce
7 a readable ~~photographic--record~~ COPY, the county clerk
8 shall require the person presenting it for record to sub-
9 stitute a clear original or a legible true copy of the
10 original document, or the county clerk may prepare a true
11 copy of the document by handwriting or typewriting and
12 attach the same to the original as a part of the document
13 for making the permanent photographic record. The county
14 clerk shall charge a fee of ~~fifty-cents-(\$0.50)~~ \$.50 per
15 ~~one-hundred~~ 100 words for preparing ~~such~~ a true copy.

16 (END)

HB31

ADOPTED

THE LEGISLATURE OF THE STATE OF WYOMING

HB 31451A

January 30, 1973

Introduced by: JOINT CORPORATIONS, ELECTIONS AND POLITICAL SUBDIVISIONS
INTERIM COMMITTEE

Mr. Speaker:

Your Committee No. 7 on Corporations, Elections and Political Subdivisions to whom was referred H. B. No. 31 respectfully reports same back to the House with the recommendation that it DOO PASS with the following standing committee amendments:

Delete the entire original bill and insert the following bill:

for

1 AN ACT to create section 9-212.7:1; to amend sections
2 1-175, 5-141, 9-212.7, 18-58 and 18-123 of the statutes
3 relating to recording, storage, preservation, inspection,
4 reproduction and disposal of public records; authorizing
5 political subdivisions of the state to dispose of orig-
6 inals or copies of public records after reproduction;
7 defining political subdivisions; and specifying conditions
8 and procedures for reproducing and disposing of public
9 records.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WYOMING:

11 Section 1. Section 9-212.7:1 of the statutes is
12 created to read:

13 9-212.7:1. Definition: reproduction of public
14 records; disposal of originals; returning documents; con-
15 sultation; storage and public inspection; clerk of dis-
16 trict court; inconsistent legislation.

17 (a) As used in this section, "Political subdivi-

1 sion" means any county, municipality, special district or
2 any other local government entity of the state of Wyoming.

3 (b) Any department, agency, board or individual of
4 any political subdivision of the state may, subject to the
5 provisions of this section, with the approval of the gov-
6 erning body of the political subdivision, record or copy
7 by any microfilming, microphotographic, photographic,
8 photostatic or other permanent reproductive device any
9 public record, as defined in section 9-212.1(c) of the
10 statutes, which the department, agency, board or indi-
11 vidual of the political subdivision records, keeps,
12 retains, or is by law, rule or regulation required to
13 record, keep or retain for a period of years or perma-
14 nently. The microfilm, microphotograph, photograph,
15 photostat or other permanent reproduction is deemed the
16 original or official copy of the public records so repro-
17 duced for all purposes. If any department, agency, board
18 or individual of any political subdivision is required to
19 record any writing or document in books or on other forms,
20 the recording may be done directly onto microfilm,
21 microphotograph or other permanent storage medium in lieu
22 of the other required form of recordation and shall con-
23 stitute compliance with any such requirement. A master
24 negative of microfilm or microphotographs shall be made
25 whenever any such process is used to reproduce public

1 records with the intent of disposing of the original or
2 copies of the original. The master negative shall be sent
3 to the director of the state archives and historical
4 department. One copy of all master negatives shall be
5 retained by the governmental entity or officer having cus-
6 tody of the writings or papers thus recorded or copied as
7 the official copy.

8 (c) If any document is presented for recording or
9 notation in public records the document shall, after
10 recording, be returned to the party from whom it was
11 received. If the party cannot be located or refuses to
12 accept it, the document shall be disposed of in accordance
13 with section 9-212.6 of the statutes.

14 (d) Prior to adopting any microfilming, microphoto-
15 graphic, photographic, photostatic or other reproductive
16 process, the governing body of a political subdivision
17 shall consult with the director of the state archives and
18 historical department. If any of the public records which
19 are reproduced pursuant to this section are permanent
20 records or are, under the laws, rules or regulations in
21 effect at the time of reproduction, required to be trans-
22 ferred at a later date to any agency or department of the
23 state, the particular microfilming, microphotographic,
24 photographic, photostatic or other reproductive process
25 shall be approved by the director of the archives and his-

1 torical department as one which clearly and accurately
2 makes copies that will last the time they are to be kept,
3 or can be subsequently reproduced without distortions that
4 substantially affect their legibility.

5 (e) If the original documents are disposed of as
6 allowed by law, the set of official microfilm retained by
7 the local governmental entity or official shall be stored
8 in a safe place and protected from destruction. The offi-
9 cial microfilm shall, however, be available to the public
10 for inspection in the same manner as the original docu-
11 ments would have been, and sufficient microfilm and micro-
12 photographic readers or other suitable devices shall be
13 available to the public to permit inspection.

14 (f) The clerk of district court shall not micro-
15 film, microphotograph, photograph, photostat or otherwise
16 reproduce, for official record purposes, the files of any
17 action or proceeding kept in his office until five years
18 have lapsed since the initial filing in the action or pro-
19 ceeding. However, the clerk of district court is not pre-
20 cluded from making certified or other copies of documents
21 in his office for individuals or officials.

22 (g) In recording, reproducing or copying any public
23 records as authorized by this section and in disposing of
24 the originals or copies, no restrictions or provisions of
25 law regarding recording, reproducing or copying, or the

1 disposition of originals or copies inconsistent with the
2 provisions hereof shall be applicable to the governmental
3 entity or its officers, agents and employees.

4 Section 2. Sections 1-175, 5-141, 9-212.7, 18-58 and
5 18-123 of the statutes are amended to read:

6 1-175. Use of photographic copies of business and
7 public records as evidence. If any business, institution,
8 member of a profession or calling, or any department or
9 agency of STATE government, OR OF ANY POLITICAL SUBDIVI-
10 SION OF THE STATE in the regular course of business or
11 activity has kept or recorded any memorandum, writing,
12 entry, print, representation or combination thereof, of
13 any act, transaction, occurrence or event, and in the
14 regular course of business has caused any or all of the
15 same to be recorded, copied or reproduced by any photo-
16 graphic, photostatic, microfilm, microcard, miniature
17 photographic, or other process which accurately reproduces
18 or forms a durable medium for so reproducing the original,
19 the original may be destroyed in the regular course of
20 business unless held in custodial or fiduciary capacity or
21 unless its preservation is required by law. When the
22 scale or dimension of such reproduction is of the essence,
23 such scale shown in appropriate units, English measure,
24 shall be clearly and accurately represented thereon. Such
25 reproduction, when satisfactorily identified, is as admis-

1 sible in evidence as the original itself in any judicial
2 or administrative proceeding, whether the original is in
3 existence or not, and enlargement or facsimile of such
4 reproduction is likewise admissible in evidence if the
5 original reproduction is in existence and available for
6 inspection under direction of court. The introduction of
7 a ~~reproduced~~ REPRODUCED record, enlargement or facsimile
8 does not preclude admission of the original.

9 5-141. Duty of clerk to file and preserve papers;
10 not to permit papers to be taken from office; exception;
11 liability on bond for violation of section; transmission
12 of papers to attorney in different county, etc. The clerk
13 shall file together and carefully preserve in his office,
14 all papers delivered to him for that purpose in every
15 action or proceeding. He shall not permit the ~~said~~ papers
16 to be taken from his office except to be used at a session
17 of the court or upon legal process, and he shall be liable
18 upon his official bond to the party suffering injury on
19 account of any violation of this section. ~~provided, This~~
20 section shall not apply to matters in probate, ~~and pro-~~
21 ~~vided, further, that~~ Upon the order of the judge of the
22 district, the clerk may transmit by express or registered
23 mail, to an attorney of the state, appearing in the action
24 or proceeding, who resides in a different county, or away
25 from the county seat, such original files, as are not

1 represented by copies in the clerk's office, and the clerk
2 shall take the attorney's receipt for each paper in each
3 case. NOTHING IN THIS SECTION SHALL LIMIT OR PROHIBIT THE
4 CLERK FROM MICROFILMING PAPERS IN HIS OFFICE, DISPOSING OF
5 THE ORIGINALS IN ACCORDANCE WITH SECTION 9-212.6 OF THE
6 STATUTES AND RETAINING THE OFFICIAL MICROFILM IN LIEU OF
7 THE ORIGINAL PAPERS PURSUANT TO SECTION 9-212.7:1 OF THE
8 STATUTES.

9 9-212.7. When public records may be destroyed;
10 procedure prior to destruction. Official public records
11 of the state, county and municipal governments and polit-
12 ical ~~sub-divisions~~ SUBDIVISIONS thereof shall ~~not~~ be
13 ~~destroyed~~ DISPOSED OF IN ACCORDANCE WITH SECTION 9-212.6
14 OF THE STATUTES. ~~until they are ten years old or until~~
15 ~~they are either photographed, microphotographed,~~
16 ~~photostated, or reproduced on film.~~ The records committee
17 may approve a departmental written request, upon proper
18 and satisfactory showing, that the retention of certain
19 records for a minimum period of ten years is unnecessary
20 and uneconomical. Recommendations for the destruction or
21 disposition of office files and memoranda shall be submit-
22 ted to the records committee upon approved forms, prepared
23 by the records officer of the agency concerned and the
24 director. The committee shall determine the period of
25 time that any office file or memorandum shall be preserved

1 and may authorize the division of archives and records
2 management to arrange for its destruction or disposition.

3 18-58. Offices and records to be kept at county
4 seat; exceptions; records open to public inspection;
5 removal for purposes of copying. Each county officer,

6 except the county attorney, shall keep his office at the
7 county seat of his county, and in the office provided by
8 the county.† ~~If there be none provided,~~ THE COUNTY DOES

9 NOT PROVIDE AN OFFICE, then AN OFFICE SHALL BE MAINTAINED
10 at such place as the board of county commissioners may
11 direct, ~~and they~~ ALL COUNTY OFFICERS shall keep ~~the same~~

12 THEIR OFFICES open during the usual business hours of
13 each day, EXCLUDING Sundays, ~~excepted, and~~ All books and
14 papers required to be in their offices, ~~shall be~~ ARE open

15 to the examination of any person, ~~and~~ If any person or
16 officer shall neglect to comply with the provisions of
17 this section, he shall forfeit, for each day he so

18 neglects, the sum of ~~five dollars (5.00)~~ \$5. ~~At the~~

19 ~~discretion of~~ The officer in charge of said ANY documents,
20 he may temporarily remove any of said THE documents ~~to the~~

21 ~~centralized microfilm department for the purposes set~~

22 ~~forth in section 18-2806, Wyoming Compiled Statutes, 1945,~~

23 ~~as amended by chapter 147, Session Laws of Wyoming, 1955,~~

24 ~~and that~~ FROM THEIR REPOSITORY FOR LAWFUL REPRODUCTION
25 PURPOSES, AND during the period ~~that such documents are~~

1 ~~removed from the office for the purposes of this act~~ OF
2 REMOVAL, he shall not be subject to any penalty.

3 18-123. Custodian of public records and papers; man-
4 ner of preserving maps; recording or filing of deeds,
5 mortgages and other instruments; recording of maps accom-
6 panying deeds and fee therefor; unclear documents.

7 (a) The county clerk shall have custody of, and
8 safely keep and preserve all the books, records, deeds,
9 maps and papers AND COPIES THEREOF deposited or kept in
10 his office, ~~in the case of maps the original linen~~
11 ~~tracings shall be kept undamaged and unfolded in files~~
12 ~~conforming to the size of the tracing, and prints of the~~
13 ~~original tracings shall be made accessible for the use of~~
14 ~~the public, he shall also record, in plain or distinct~~
15 ~~hand writing, or by typing, photostating, photographing,~~
16 ~~or printing either in whole or in part, in suitable books~~
17 ~~to be provided and kept in his office, or file, all deeds,~~
18 ~~mortgages, maps, instruments in writing, authorized by law~~
19 ~~to be recorded or filed in his office, and left with him~~
20 ~~for that purpose,~~ and shall perform all other duties
21 required of him by law in relation thereto, ~~provided that~~
22 ~~no photostating or photographing system shall be ordered~~
23 ~~or installed by said clerk, without prior approval of the~~
24 ~~board of county commissioners.~~ ALL DEEDS, MORTGAGES, AND
25 OTHER INSTRUMENTS IN WRITING, AUTHORIZED BY LAW TO BE

1 RECORDED OR FILED IN HIS OFFICE, AND LEFT WITH THE COUNTY
2 CLERK FOR THAT PURPOSE SHALL EITHER BE:

3 (i) RECORDED IN PLAIN OR DISTINCT HANDWRIT-
4 ING, OR BY TYPING, PHOTOSTATING,
5 PHOTOGRAPHING, PRINTING OR OTHERWISE
6 REPRODUCING, EITHER IN WHOLE OR IN PART,
7 IN SUITABLE BOOKS; OR

8 (ii) RECORDED ON MICROFILM, MICROCARDS, OR OTHER
9 PERMANENT RECORD RETENTION MEDIUM. ALL
10 MICROFILMING, MICROPHOTOGRAPHIC, PHOTO-
11 STATIC, PHOTOGRAPHIC OR OTHER REPRODUC-
12 TIVE PROCESSES SHALL BE INSTITUTED AND
13 USED PURSUANT TO SECTION 9-212.7:1. MAPS
14 MAY EITHER BE RECORDED AS ABOVE PROVIDED
15 OR THE COUNTY CLERK MAY, IF COPYING IS
16 NOT LIKELY TO PROVIDE A SATISFACTORY
17 RECORD, KEEP THE ORIGINALS OR TRACINGS
18 THEREOF, UNDAMAGED AND UNFOLDED, AND MAKE
19 PRINTS AVAILABLE FOR PUBLIC USE.

20 (b) Any deed containing a metes and bounds descrip-
21 tion to be recorded may be accompanied by a map prepared
22 in compliance with current statutes and delineating the
23 land described in such deed, and if a map delineating the
24 land has been previously recorded then the deed may set
25 forth the ~~book and page~~ reference ~~of~~ TO the ~~said~~ recorded

1 map. The county clerk shall charge a fee of \$2 for
2 recording maps submitted in accordance with this section.

3 ~~(b)~~ (c) Whenever the text of a document presented for
4 record is legible but is not sufficiently clear to produce
5 a readable ~~photographic-record~~ COPY, the county clerk
6 shall require the person presenting it for record to sub-
7 stitute a clear original or a legible true copy of the
8 original document, or the county clerk may prepare a true
9 copy of the document by handwriting or typewriting and
10 attach the same to the original as a part of the document
11 for making the permanent photographic record. The county
12 clerk shall charge a fee of ~~fifty cents (\$0.50)~~ \$.50 per
13 ~~one hundred~~ 100 words for preparing ~~such~~ a true copy.

14

(END)

