

S. F. No. 143

Introduced by:

L. V. Stafford

A BILL

for

AN ACT providing that all public records of the State of Wyoming shall be open for inspection by any person at reasonable times; establishing definitions; allowance or denial of inspection, grounds, procedure, appeal; providing for copies, printouts, or photographs of public records; and providing penalties for persons violating provisions of act.

Jan. 24, 1969

Introduced

Read First Time

Referred to Com. No. 7

Delivered to Printing Com.

Returned from Printing Com.

Jan. 27, 1969

Delivered to Com. No. 7

Jan. 31, 1969

Com. Recommendation Amend and Do Pass

Feb. 5, 1969

Considered in Com. of Whole

Standing Com. Amdt. Adopted

Page 4, Line 22 & 23: Add the following subsection: "(v) Inter-agency or intra-agency memorandums or letters which would not be available by law to a private party in litigation with the agency."

And Further Amended

Enclose within quotation marks, the following phrases:

Page 1, line 19: "official public records"
Page 2, line 6: "official files and memoranda"

Recommended Do Pass as Amended

Feb. 6, 1969

Read Second Time

Ordered Engrossed

FEB 7 1969

READ THIRD TIME

PASSED
AYES 28 NOES 1 EXCUSED 1 ABSENT 1
SENT TO HOUSE

FEB 7 1969

Received from Senate

Read First Time

Referred to Comm. No. 8

Delivered to Comm. No. 8

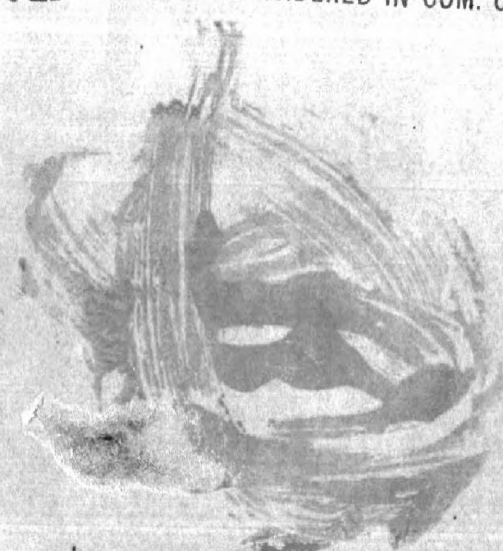
FEB 19 1969

RETURNED

Recommended Amend and Do Pass

PLACED ON GENERAL FILE

FEB 20 1969 CONSIDERED IN COM. OF WHOLE



SF 143

Comm of the Whole Amend #1

Page 5, Line 12

(viii) School district records containing information relating to the biography, family, physiology, religion, academic achievement and physical or mental ability of any student.

ADOPTED

RECOMMENDED DO PASS

FEB 21 1969

Rules Suspended

Read Third Time

Amended as follows

SF 143

3rd Reading Amend #1

Page 5, Line 12 - at the end of the Comm of the Whole Amend #1 strike period after "student" and add: "EXCEPT TO THE PERSON IN INTEREST OR TO THE OFFICIALS DULY ELECTED AND APPOINTED TO SUPERVISE HIM."

ADOPTED

PASSED

Ayes 38 Noes 19 Excused 2 Absent 2

Sent to Senate

Received Amended

Senate did concur on House Amendments

Ayes 26 Noes 3 Excused 1 Absent 3

Delivered to Enrolling Section

SF 143 = DEB 72

Date <u>1-24-69</u> Introduced, read first time, referred to Com. No <u>7</u> ____ Standing Com. Report: Do ____ Do not ____ Amend ____ ____ Com. of Whole: Do ____ Do not ____ Amend ____ Indef. Postponed. ____ 2nd: Amend ____ 3rd: Amend ____ Ayes ____ Noes ____ ____ Passed by House: Ayes ____ Noes ____

S. F. 143 Introduced by: L. V. Stafford

A BILL for

1 AN ACT providing that all public records of the State of Wyoming shall
2 be open for inspection by any person at reasonable times; establish-
3 ing definitions; allowance or denial of inspection, grounds, pro-
4 cedure, appeal; providing for copies, printouts, or photographs of
5 public records; and providing penalties for persons violating pro-
6 visions of act.

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

8 Section 1. Definitions as used in this act:

9 (a) The term "public records" when not otherwise specified shall
10 include any paper, correspondence, form, book, photograph, photostat,
11 film, microfilm, sound recording, map drawing, or other document, re-
12 gardless of physical form or characteristics, and including all copies
13 thereof, that have been made by the State of Wyoming and any counties,
14 municipalities and political sub-divisions thereof and by any agencies
15 of the State of Wyoming, counties, municipalities, and political
16 sub-divisions thereof, or received by them in connection with the
17 transaction of public business, *except those privileged or confidential by law.*

18 (b) Public records shall be classified as follows:

19 (i) The term "official public records" shall include all
20 original vouchers, receipts, and other documents necessary to isolate
21 and prove the validity of every transaction relating to the receipt,
22 use and disposition of all public property and public income from
23 all sources whatsoever; all agreements and contracts to which the
24 State of Wyoming or any agency or sub-division thereof may be a

1 party; all fidelity, surety and performance bonds; all claims filed
2 against the State of Wyoming or any agency or sub-division thereof;
3 all records or documents required by law to be filed with or kept by
4 any agency or the State of Wyoming; and all other documents or records
5 determined by the records committee to be official public records.

6 (ii) The term 'office files and memoranda' shall include all
7 records, correspondence, exhibits, books, booklets, drawings, maps,
8 blank forms, or documents not above defined and classified as official
9 public records; all duplicate copies of official public records filed
10 with any agency of the State of Wyoming or sub-division thereof; all
11 documents and reports made for the internal administration of the
12 office to which they pertain but not required by law to be filed or
13 kept with such agency; and all other documents or records, determined
14 by the records committee to be office files and memoranda.

15 (c) The term "writings" means and includes all books, papers,
16 maps, photographs, cards, tapes, recordings or other documentary
17 materials, regardless of physical form or characteristics.

18 (d) The term "political sub-division" means and includes every
19 county, city and county, city, incorporated and unincorporated town,
20 school district and special district within the state.

21 (e) The term "official custodian" means and includes any officer
22 or employee of the state or any agency, institution or political sub-
23 division thereof, who is responsible for the maintenance, care and
24 keeping of public records, regardless of whether such records are in
25 his actual personal custody and control.

26 (f) The term "custodian" means and includes the official custodian
27 or any authorized person having personal custody and control of the
28 public records in question.

29 (g) The term "person" means and includes any natural person,
30 corporation, partnership, firm or association.

31 (h) The term "person in interest" means and includes the person
32 who is the subject of a record or any representative designated by said
33 person, except that if the subject of the record is under legal disa-
34 bility, the term "person in interest" shall mean and include the parent
35 or duly appointed legal representative.

36 Section 2. ^(a) All public records shall be open for inspection by
37 any person at reasonable times, except as provided in this act or as

1 otherwise provided by law, but the official custodian of any public
2 records may make such rules and regulations with reference to the
3 inspection of such records as shall be reasonably necessary for the
4 protection of such records and the prevention of unnecessary inter-
5 ference with the regular discharge of the duties of the custodian or
6 his office.

7 ^b(a) If the public records requested are not in the custody or
8 control of the person to whom application is made, such person shall
9 forthwith notify the applicant of this fact, ~~in writing if requested~~
10 ~~by the applicant. In such notification he shall state in detail to~~
11 ~~the best of his knowledge and belief the reason for the absence of~~
12 ~~the records from his custody or control, their location, and what~~
13 ~~person then has custody or control of the records.~~

14 ^c(b) If the public records requested are in the custody and
15 control of the person to whom application is made but are in active
16 use or in storage, and therefore not available at the time an applicant
17 asks to examine them, the custodian shall forthwith notify the appli-
18 cant of this fact, ~~in writing if requested by the applicant. If re-~~
19 ~~quested by the applicant, the custodian shall set a date and hour~~
20 ~~within three working days at which time the records will be available~~
21 ~~for inspection.~~

22 Section 3. ^(a) The custodian of any public records shall allow any
23 person the right of inspection of such records or any portion thereof
24 except on one or more of the following grounds or as provided in
25 subsection ^b(d) or ^c(e) of this section:

26 (i) Such inspection would be contrary to any state statute;

27 (ii) Such inspection would be contrary to any federal statute
28 or regulation issued thereunder having the force and effect of law; or

29 (iii) Such inspection is prohibited by rules promulgated by
30 the ^dSupreme Court, or by the order of any court ^eof record.

31 ^f(4) The custodian may deny the right of inspection of the following
32 records, unless otherwise provided by law, on the ground that disclosure
33 to the applicant would be contrary to the public interest;

34 (i) Records of investigations conducted by, or of intelligence
35 information or security procedures of, any sheriff, county attorney, ^{city attorney,}
36 police department or any investigatory files compiled for any other law ^{the attorney general,}
37 enforcement ^{or prosecution} ~~purpose~~ purposes;

1 (ii) Test questions, scoring keys and other examination data
2 pertaining to administration of a licensing examination, examination for
3 employment or academic examination; except that written promotional exami-
4 nations and the scores or results thereof ~~conducted pursuant to civil~~
5 ~~service, or any similar system~~ shall be available for inspection, but
6 not copying or reproduction, by the person in interest after the conducting
7 and grading of any such examination;

8 (iii) The specific details of bona fide research projects being
9 conducted by a state institution;

10 (iv) The contents of real estate appraisals made for the state
11 or a political subdivision thereof, relative to the acquisition of property
12 or any interest in property for public use, until such time as title of
13 the property or property interest has passed to the state or political
14 subdivision, except that the contents of such appraisal shall be available
15 to the owner of the property at any time, and except as provided by Wyoming
16 Statutes. ~~If condemnation proceedings are instituted to acquire any such~~
17 ~~property, any owner thereof who has received the contents of any appraisal~~
18 ~~pursuant to this section shall, upon receipt thereof, make available to~~
19 ~~said state or political subdivision a copy of the contents of any appraisal~~
20 ~~which he has obtained relative to the proposed acquisition of the property,~~

21 (v) Inter-agency or intra-agency memorandums or letters which
22 would not be available by law to a private party in litigation with the
23 agency.

24 ^c
25 (b) If the right of inspection of any record falling within any of the
26 classifications listed in this subsection is allowed to any officer or
27 employee of any newspaper, radio station, television station or other per-
28 son or agency in the business of public dissemination of news or current
29 events, it ~~shall~~ ^{may} be allowed to all such news media.

30 ^d
31 (c) The custodian shall deny the right of inspection of the following
32 records, unless otherwise provided by law:

33 (i) Medical, psychological, and sociological data on individual
34 persons, exclusive of coroners' autopsy reports;

35 (ii) Adoption records or welfare records on individual persons;

 (iii) Personnel files except that such files shall be available
to the duly elected and appointed officials who supervise the

1 work of the person in interest. Applications, performance ratings
2 and scholastic achievement data shall be available only to the person
3 in interest and to the duly elected and appointed officials who super-
4 vise his work;

5 (iv) Letters of Reference

6 (v) Trade secrets, privileged information and confidential
7 commercial, financial, geological or geophysical data furnished by or
8 obtained from any person; ~~and~~

9 (vi) Library, archives and museum material contributed by
10 private persons, to the extent of any limitations placed thereon as
11 conditions of such contributions; *and*

see ① — and then see ② — then see ③
12 (d) Except in the case of judicial proceedings or in accordance
13 with proper judicial order, or except with the written consent of the
14 applicant, personal representative, or attorney for the estate, or
15 except in classified or statistical form without identification of
16 particular taxpayers or distributees, or except for the proper cooper-
17 ation with federal or state tax authorities in the determination of
18 gift or death taxes, or with local authorities with regard to the
19 value of property on the tax rolls, or except as otherwise provided
20 by law, it shall be unlawful for the commissioner, attorney general
21 or any deputy or any other person to disclose any particulars of any
22 inheritance tax application or its attendant information or corre-
23 spondence required under this article or the amount of tax that is
24 assessed.

25 (e) If the custodian denies access to any public record, the
26 applicant may request a written statement of the grounds for the
27 denial, which statement shall cite the law or regulation under which
28 access is denied, and it shall be furnished forthwith to the applicant.

29 (f) Any person denied the right to inspect any record covered
30 by this act may apply to the district court of the district wherein
31 the record is found for any order directing the custodian of such
32 record to show cause why he should not permit the inspection of such
33 record. Hearing on such application shall be held at the earliest
34 practical time. Unless the court finds that denial of the right of
35 inspection was proper, it shall order the custodian to permit such
36 inspection.

37 (g) If, in the opinion of the official custodian of any public


1 record, disclosure of the contents of said record would do substantial .
2 injury to the public interest, notwithstanding the fact that said
3 record might otherwise be available to public inspection, he may apply
4 to the district court of the district in which such record is located
5 for an order permitting him to restrict such disclosure. ~~Hearing on~~
6 ~~such application shall be held at the earliest practical time.~~ After
7 hearing, the court may issue such an order upon a finding that dis-
8 closure would cause substantial injury to the public interest. ~~In such~~
9 ~~action the burden of proof shall be upon the custodian.~~ The person
10 seeking permission to examine the record shall have notice of said
11 hearing served upon him in the manner provided for service of process
12 by the Wyoming ^{Rules of Civil Procedure} ~~Statutes~~ and shall have the right to appear and be heard.

13 Section 4. ^(a) In all cases in which a person has the right to inspect
14 any public records he may request that he be furnished copies, printouts
15 or photographs for a reasonable fee to be set by the official custodian.
16 Where fees for certified copies or other copies, printouts or photographs
17 of such record are specifically prescribed by law, such specific fees
18 shall apply.

19 ^b (A) If the custodian does not have the facilities for making
20 copies, printouts or photographs of records which the applicant has
21 the right to inspect, then the applicant shall be granted access to
22 the records for the purpose of making copies, printouts or photographs.
23 The copies, printouts or photographs shall be made while the records
24 are in the possession, custody and control of the custodian thereof
25 and shall be subject to the supervision of such custodian. When practical,
26 they shall be made in the place where the records are kept, but if it
27 is impractical to do so, the custodian may allow arrangements to be made
28 for this purpose. If other facilities are necessary the cost of pro-
29 viding them shall be paid by the person desiring a copy, printout or
30 photograph of the records. The official custodian may establish a
31 reasonable schedule of times for making copies, printouts or photographs
32 and may charge a reasonable fee for the services rendered by him or his
33 deputy in supervising the copying, printingout or photographing as he
34 may charge for furnishing copies under this section.

35 Section 5. Any person who willfully and knowingly violates the
36 provisions of this act shall be guilty of a misdemeanor and, upon con-
37 viction thereof, shall be punished by a fine not to exceed one hundred

- 1 dollars (\$100.00), ~~or by imprisonment in the county jail not to exceed~~ .
- 2 ~~ninety (90) days, or by both such fine and imprisonment.~~

- ✓ Page 1, line 17 Strike the period and insert a comma and add the words "except those privileged or confidential by law."
- ✓ Page 2, line 36 After the numeral 2 insert "(a)"
- ✓ Page 3, line 7 Strike "(a)" and insert in lieu thereof "(b)"
- ✓ Page 3, line 9 After the word "fact" add a period. Strike the words "in writing if requested"
- ✓ Page 3, line 10 Strike the words "by the applicant." Strike the balance of the line and all of lines 11, 12 and 13.
- ✓ Page 3, line 14 Strike "(b)" and insert in lieu thereof "(c)"
- ✓ Page 3, line 18 Insert a period after the word "fact," and strike the balance of the line and all of lines 19, 20, and 21.
- ✓ Page 3, line 22 Insert "(a)" after the period
- ✓ Page 3, line 25 Strike "(a)" and insert "(b)", strike "(c)" and insert "(d)"
- ✓ Page 3, line 30 Strike the period after the word "court" and insert the words "of record." in lieu thereof
- ✓ Page 3, line 31 Strike "(a)" and insert "(b)"
- ✓ Page 3, line 35 After the word "attorney" insert the words "city attorney, the attorney general,"
- ✓ Page 3, line 37 After the word "enforcement" insert the words "or prosecution" and insert an "s" after the word "purpose"
- ✓ Page 4, line 4 Strike the word "conducted" 
- ✓ Page 4, line 5 Strike the words "pursuant to civil service, or any similar system"
- ✓ Page 4, line 16 Strike all words after the period and strike lines 17, 18, 19, 20, 21 and 22
- ✓ Page 4, line 23 Strike "(b)" and insert "(c)"
- ✓ Page 4, line 27 Strike the word "shall" and insert in lieu thereof the word "may"
- ✓ Page 4, line 29 Strike "(c)" and insert "(d)"
- ✓ Page 5, line 8 Strike "and"
- ✓ Page 5, line 11 After the semi-colon add the word "and"
- ✓ Page 5, line 11 After the word "contributions;" add the following sub-section:

① "(vii) Hospital records relating to medical administration, medical staff, personnel, medical care, and other medical information, whether on individual persons or groups, or whether of a general or specific classification."
- ✓ Page 5: Strike all of lines 12 through 24
- ✓ Page 5, line 33 Strike "Hearing on such application shall be held at the earliest"
- ✓ Page 5: Strike all of lines 34, 35, and 36
- Page 6, line 5 Strike the words "Hearing on"
- ✓ Page 6, line 6 Strike the words "such application shall be held at the earliest practical time."
- ✓ Page 6, line 8 Strike the words "In such"
- ✓ Page 6, line 9 Strike the words "action the burden of proof shall be upon the custodian"
- ✓ Page 6, line 12 Strike the word "Statutes" and insert in lieu thereof "Rules of Civil Procedure"
- ✓ Page 6, line 13 After the period insert "(a)"
- ✓ Page 6, line 19 Strike "(a)" and insert "(b)"
- ✓ Page 7, line 1 Insert a period after "\$100.00)" and strike the balance of the line and all of line 2.

S.F. 143 Introduced by

M. Stettin

Senate Stand. Com. Amdt Jan 31
S.F. 143

Page 4, Line 22 & 23 - Add the following subsection:
(v) Inter-agency or intra-agency memorandums
or letters which would not be available by law to
a private party in litigation with the agency.

A BILL

for

AN ACT providing that all public records of the State of Wyoming shall be open for inspection by any person at reasonable times; establishing definitions; allowance or denial of inspection, grounds, procedure, appeal; providing for copies, printouts, or photographs of public records; and providing penalties for persons violating provisions of act.

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JAN 24 1969	Returned from Printing Com.
JAN 27 1969	Delivered to Com. No. 7

JAN 31 1969

COM. RECOMMENDATION AMEND AND DO PASS

FEB 5 1969 CONSIDERED IN COM. OF WHOLE

STANDING COM. AMDT. ADOPTED

AND FURTHER AMENDED

Senate Comm. Whole Amdt. Feb. 5
S. F. 143

Enclose within quotation marks,
the following phrases:

Page 1, line 19: "official
public records"

Page 2, line 6: "official files
and memoranda"

RECOMMENDED DO PASS AS AMENDED

FEB 6 1969

**READ SECOND TIME
ORDERED ENGROSSED**

1 (ii) Test questions, scoring keys and other examination
2 data pertaining to administration of a licensing examination, exam-
3 ination for employment or academic examination; except that written
4 promotional examinations and the scores or results thereof conducted
5 pursuant to civil service, or any similar system shall be available
6 for inspection, but not copying or reproduction, by the person in
7 interest after the conducting and grading of any such examination;

8 (iii) The specific details of bona fide research projects
9 being conducted by a state institution;

10 (iv) The contents of real estate appraisals made for the
11 state or a political subdivision thereof, relative to the acquisi-
12 tion of property or any interest in property for public use, until
13 such time as title of the property or property interest has passed
14 to the state or political subdivision, except that the contents of
15 such appraisal shall be available to the owner of the property at
16 any time, and except as provided by Wyoming Statutes. If condemna-
17 tion proceedings are instituted to acquire any such property, any
18 owner thereof who has received the contents of any appraisal pursuant
19 to this section shall, upon receipt thereof, make available to said
20 state or political subdivision a copy of the contents of any appraisal
21 which he has obtained relative to the proposed acquisition of the
22 property.

23 (b) If the right of inspection of any record falling within
24 any of the classifications listed in this subsection is allowed to
25 any officer or employee of any newspaper, radio station, television
26 station or other person or agency in the business of public dis-
27 semination of news or current events, it shall be allowed to all such
28 news media.

29 (c) The custodian shall deny the right of inspection of the
30 following records, unless otherwise provided by law:

31 (i) Medical, psychological, and sociological data on
32 individual persons, exclusive of coroners' autopsy reports.

33 (ii) Adoption records or welfare records on individual
34 persons;

35 (iii) Personnel files except that such files shall be avail-
36 able to the duly elected and appointed officials who supervise the

Roll Call of the House

of the

FORTIETH LEGISLATURE

Of Wyoming

RULES SUSPENDED

Read third time

FEB 21 1969

SF 143

	AYES	NOES		AYES	NOES
MRS. BOYLE	✓		MR. MEIER	✓	
MR. BREECE	✓		MR. MICKELSON	✓	✓
MR. BUCK	✓		MR. MORRISON	✓	
MR. BUDD	✓	✓	MR. MORTON	✓	✓
MR. BURNETT	✓		MR. MURRAY	✓	✓
MR. CAMPBELL	✓		MR. MYERS	✓	
MR. CARROLL	✓		MR. NICHOLAS	✓	
MR. COX	✓		MR. NOVOTNY	✓	✓
MR. CRAFT	✓	✓	MR. PARSONS	✓	
MR. CURRY	✓		MR. PEASE	✓	
MR. DAILY	✓	✓	MRS. PHELAN	✓	
MR. DAVIS	✓		MR. REYNOLDS	✓	
MR. DONLEY	✓		MR. RHOADS	✓	
MR. EARNSHAW	✓	✓	MR. ROCHELLE	✓	✓
MR. EMRICH	✓		MR. ROONEY	✓	✓
MR. ENGEN	✓		MR. SIDI	✓	
MR. GIOVANINI	✓		MR. SIMPSON	✓	
MR. GRAHAM	✓		MR. SMITH	✓	
DR. GURNEY	✓	✓	MR. TROWBRIDGE	✓	
MR. HELLBAUM	✓		MR. UPDIKE	✓	
MR. HERSCHLER	✓		MR. VAN VELZOR	✓	
MR. HOY	✓	✓	MRS. WALLACE	✓	
MR. HUBBARD	✓		MR. WALLOP	✓	✓
MR. HUFSMITH	✓		MR. WHITEHEAD	✓	✓
MISS JAMES			MR. WILLOX	✓	
MR. KEITH	✓	✓	MR. YONKEE	✓	✓
MR. KELLY	✓		MR. ZUMBRUNNEN	✓	
MR. KENNEDY	✓		MISS (MR.) SPEAKER	✓	✓
MR. KURTZ	✓				
MR. LANGDON	✓				
MR. LONABAUGH	✓	✓			
MR. MAJHANOVICH	✓				
MR. McILVAIN	✓				
MR. MEENAN	✓				

PRESENT ----- AYES 38
 NOES 19
 EXCUSED 2
 ABSENT 2
 TOTAL 61