

SENATE FILE NO. SF0027

State archives-amendments.

Sponsored by: Joint Travel, Recreation, Wildlife & Cultural
Resources Interim Committee

A BILL

for

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

8

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

10

11 **Section 1.** W.S. 9-2-401(a)(v) and by creating a new
12 paragraph (vi), 9-2-404(b)(i) and (c)(iv), 9-2-406(a)(v),
13 (vii) and (viii), 9-2-407(a) and (c), 9-2-408(a), 9-2-409,
14 9-2-411, 9-2-412 and 9-2-413(a), (c) through (e) are
15 amended to read:

1

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

3

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

5

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

14

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

17

18 **9-2-404. Creation of department; director; references**
19 **to department.**

20

21 (b) The director shall:

22

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

5
6 (c) The director may:

7
8 (iv) Operate sales desks, or contract under
9 terms determined by the ~~board~~-commission with nonprofit and
10 charitable corporations, to sell materials relevant to the
11 interpretation of museums and historic sites;

12
13 **9-2-406. Director; management of public records.**

14
15 (a) The director shall properly manage and safely
16 keep all public records in his custody, and administer the
17 state archives. He shall:

18
19 (v) Establish and operate state record centers
20 for preserving, servicing, screening and protecting all
21 state public records which must be preserved temporarily or
22 permanently, but which need not be retained in office space
23 and equipment. Centers established and operated pursuant

1 to this paragraph may include one (1) or more digital
2 repositories for temporary or permanent digital records;

3
4 (vii) Establish and operate a ~~central microfilm~~
5 ~~division~~ state imaging center in which all ~~memoranda,~~
6 ~~writing, entry, print, representation or combination~~
7 ~~thereof, of any act, transaction, occurrence or event,~~
8 public records may be scanned or microfilmed. The ~~division~~
9 center shall scan or microfilm public records approved ~~for~~
10 ~~filming~~ by the head of the office of origin and by the
11 director. ~~, and shall establish standards for microfilming.~~

12 All state departments, agencies and ~~subdivisions of the~~
13 ~~state government and all counties, municipalities and~~
14 political subdivisions thereof shall consult with the
15 director prior to scanning or microfilming within the
16 departments, agencies or political subdivisions and shall
17 comply with the standards for all scanning and microfilming
18 which shall be established by the ~~central microfilm~~
19 ~~division~~ state archives. The ~~central microfilm division~~
20 center may scan or microfilm records which are required to
21 be kept a specified length of time or permanently, or to be
22 destroyed by specific methods or under specific
23 supervision. When records are scanned or microfilmed, the

1 ~~microfilm~~ reproductions may be substituted for the original
2 documents and retained in lieu of the original documents
3 and the original documents may be destroyed. One (1) copy
4 shall be made and sent to the director whenever any process
5 is used to reproduce public records scheduled for permanent
6 retention with the intent of disposing of the original or
7 copies of the original;

8
9 (viii) Maintain necessary facilities for the
10 review of records approved for destruction and their
11 economical disposition by ~~sale, shredding or burning~~ any
12 method approved by the records committee, and supervise the
13 destruction of public records.

14
15 **9-2-407. Director; duties regarding public records in**
16 **his custody.**

17
18 (a) The director shall collect, arrange and make
19 available to the public at reasonable times in his office
20 in original or reproduced form, ~~copies or microfilm copies~~
21 ~~or negatives~~, all records in his custody not restricted by
22 law, including official records of the state and its
23 political subdivisions, of the United States or of foreign

1 nations. He is the legal custodian of all public records in
2 the custody of the ~~Wyoming parks and cultural resources~~
3 commission.

4
5 (c) The director has the right of reasonable access
6 to and may examine all public records in Wyoming. He shall
7 examine into and report to the ~~board~~ commission on their
8 condition. He shall require their custodians to put them in
9 the custody and condition prescribed by law and to secure
10 their custody, the recovery of records belonging to their
11 offices, the delivery of records to their successors in
12 office and the adoption of sound practices relative to the
13 ~~use of durable paper and ink, fireproof filing facilities~~
14 ~~and photographic processes for recording and copying~~
15 long-term preservation of records.

16
17 **9-2-408. Transfer of public records to archives;**
18 **transfer of records of uncollectible accounts receivable to**
19 **department; duties of department thereto.**

20
21 (a) All public records, not required in the current
22 operation of the office where they are made or kept, and
23 all records of every public office of the state, agency,

1 commission, committee or any other activity of the state or
2 political subdivisions which are abolished or discontinued,
3 shall be transferred to the state archives. ~~or to a~~
4 ~~recognized supplementary depository agency, selected by the~~
5 ~~Wyoming parks and cultural resources commission.~~ The
6 transfer of records shall be in accordance with standards
7 and procedures issued by the records committee and subject
8 to an agreement that ensures the safety, preservation and
9 public availability of the records. Any public officer in
10 Wyoming may deliver to the director for preservation and
11 administration records in his custody if the director is
12 willing and able to receive and care for them.

13

14 **9-2-409. Designation of records officer by state**
15 **departments or agencies; duties.**

16

17 Each department or agency of the state government shall
18 designate a records officer who shall supervise the
19 departmental records program, review record retention
20 schedules and ~~who shall~~ represent the office in all
21 departmental matters before the records committee. The
22 records officer and the director shall prepare transfer

1 schedules for the transfer of public records to the records
2 centers or to the archives.

3

4 **9-2-411. Records committee created; composition;**
5 **expenses; meetings; action by majority vote; duties as to**
6 **retention and disposition of public records.**

7

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

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

17

18 **9-2-412. Destruction or disposition of public**
19 **records; procedure.**

20

21 Public records of the state and political subdivisions
22 shall be disposed of in accordance with W.S. 9-2-411. The
23 records committee may approve a departmental written

1 request upon proper and satisfactory showing that the
2 retention of certain records for a minimum period of ten
3 (10) years is unnecessary and uneconomical. Recommendations
4 for the destruction or disposition of office files and
5 memoranda shall be submitted to the records committee upon
6 approved forms, prepared by the records officer of the
7 agency concerned and the director. The committee shall
8 determine the period of time that any office file or
9 memorandum shall be preserved and may authorize the
10 ~~division of archives, records management and centralized~~
11 ~~microfilm~~ state archives to arrange for its destruction or
12 disposition.

13

14 **9-2-413. Reproduction of public records of political**
15 **subdivisions.**

16

17 (a) Subject to this section and with the approval of
18 the governing body of the political subdivision, any
19 department, agency, board or individual of any political
20 subdivision may record or copy by any ~~microfilming,~~
21 ~~microphotographic, photographic, photostatic or other~~
22 permanent reproductive ~~device~~ process approved by the
23 director as required in subsection (c) of this section any

1 public record which the department, agency, board or
2 individual of the political subdivision records, keeps,
3 retains, or is by law, rule or regulation required to
4 record, keep or retain for a period of years or
5 permanently. The ~~microfilm, microphotograph, photograph,~~
6 ~~photostat or other~~ permanent reproduction is deemed the
7 original or official copy of the public record so
8 reproduced for all purposes. If any department, agency,
9 board or individual of any political subdivision is
10 required to record any writing or document in books or on
11 other forms, recording done directly onto ~~microfilm,~~
12 ~~microphotograph or other~~ a permanent storage medium in lieu
13 of the other required form of recordation constitutes
14 compliance with the requirement. ~~A master negative of~~
15 ~~microfilm or microphotographs~~ One (1) copy shall be made
16 and sent to the director whenever any process is used to
17 reproduce public records with the intent of disposing of
18 the original or copies of the original. ~~The master negative~~
19 ~~shall be sent to the director.~~ One (1) copy of all ~~master~~
20 ~~negatives~~ permanent reproductions shall be retained by the
21 governmental entity or officer having custody of the
22 writings or papers thus recorded or copied as the official
23 copy.

1

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

17

18 (d) If the original documents are disposed of as
19 allowed by law, ~~the set of official microfilm~~ the permanent
20 reproduction retained by the local governmental entity or
21 official shall be stored in a safe place and protected from
22 destruction. ~~The official microfilm~~ Reproductions shall be
23 available to the public for inspection in the same manner

1 as the original documents would have been, and sufficient
2 ~~microfilm and microphotographic readers or other suitable~~
3 ~~devices~~ access shall be available to the public to permit
4 inspection.

5
6 (e) The clerk of district court shall not ~~microfilm,~~
7 ~~microphotograph, photograph, photostat or otherwise~~
8 reproduce, for official record purposes, the files of any
9 action or proceeding kept in his office until two (2) years
10 have lapsed since the initial filing in the action or
11 proceeding. The clerk of district court may make certified
12 or other copies of documents in his office for individuals
13 or officials.

14
15 **Section 2.** This act is effective immediately upon
16 completion of all acts necessary for a bill to become law
17 as provided by Article 4, Section 8 of the Wyoming
18 Constitution.

19
20 (END)