

HOUSE BILL NO. HB0151

Open records act-limitation on copy and production fees.

Sponsored by: Representative(s) Brady, Guggenmos, Hoeft, Webb and Webber and Senator(s) Pearson

A BILL

for

1 AN ACT relating to public records; defining terms; amending
2 the duties of the ombudsman; imposing limits on copy and
3 production costs for responding to requests for inspection
4 and production of public records; increasing penalties;
5 authorizing attorneys' fees; making conforming amendments;
6 specifying applicability; and providing for effective
7 dates.

8

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

10

11 **Section 1.** W.S. 16-4-201(a) by creating a new
12 paragraph (xv), (c)(i), (iii), (iv) and by creating new
13 paragraphs (vi) through (viii), 16-4-202(d)(i),
14 16-4-203(f)(i)(intro), 16-4-204(a), (d), (e) and by

1 creating new subsections (f) and (g) and 16-4-205 are
2 amended to read:

3

4 **16-4-201. Definitions; short title; designation of**
5 **ombudsman; duties of ombudsman.**

6

7 (a) As used in this act:

8

9 (xv) "Public records request" means a single
10 inquiry for one (1) or more public records that are
11 reasonably related in subject matter and scope.

12

13 (c) The governor shall designate an ombudsman for
14 purposes of this act. The ombudsman shall:

15

16 (i) Receive and investigate complaints as
17 provided under this act;

18

19 (iii) Keep confidential all records submitted by
20 a governmental entity for the purpose of in-camera review;

21

22 (iv) Provide uniform interpretation and training
23 on the ombudsman's role, and recommendations and duties

1 under this act to governmental entities and the general
2 public;

3

4 (vi) Conduct in-camera review of any public
5 record to which access has been denied to determine whether
6 the denial is consistent with law;

7

8 (vii) Issue orders directing a governmental
9 entity to comply with the Wyoming Public Records Act.
10 Orders issued under this paragraph may direct the release
11 of records, provide for the waiver or refund of fees or
12 direct any other action necessary to ensure compliance with
13 the act;

14

15 (viii) Take reasonable action to support the
16 ombudsman's conduct in any legal proceeding.

17

18 **16-4-202. Right of inspection; rules and regulations;**
19 **unavailability; training.**

20

21 (d) If a public record exists primarily or solely in
22 an electronic format, the custodian of the record shall so

1 inform the requester. Electronic record inspection and
2 copying shall be subject to the following:

3

4 (i) The reasonable costs of producing a copy of
5 the public record shall be borne by the party making the
6 request. Subject to W.S. 16-4-204(f), the costs may
7 include the cost of producing a copy of the public record
8 and the cost of constructing the record, including the cost
9 of programming and computer services;

10

11 **16-4-203. Right of inspection; grounds for denial;**
12 **access of news media; order permitting or restricting**
13 **disclosure; attorneys' fees available; exceptions.**

14

15 (f) Any person aggrieved by the failure of a
16 governmental entity to release records on the specified
17 date mutually agreed upon pursuant to W.S. 16-4-202(c)(iv)
18 or by the failure of a governmental entity to comply with
19 an order of the ombudsman pursuant to W.S. 16-4-201(c)(vii)
20 or 16-4-202(c)(v) may:

21

22 (i) Apply to the district court of the district
23 wherein the record is found for an order to direct the

1 custodian of the record to show cause why he should not
2 permit the inspection of the record and to compel
3 production of the record if applicable. An order issued by
4 the district court under this paragraph may waive any fees
5 charged by the state governmental entity and shall award
6 attorneys' fees and court costs to the prevailing
7 applicant;

8

9 **16-4-204. Right of inspection; copies, printouts or**
10 **photographs; fees.**

11

12 (a) In all cases in which a person has the right to
13 inspect and copy any public records he may request that he
14 be furnished copies, printouts or photographs for a
15 reasonable fee ~~to be set by the official custodian~~ subject
16 to subsection (f) of this section. Where fees for certified
17 copies or other copies, printouts or photographs of the
18 record are specifically prescribed by law, the specific
19 fees shall apply. Nothing in this section shall be
20 construed as authorizing a fee to be charged as a condition
21 of making a public record available for inspection.

22

1 (d) Subject to subsections (f) and (g) of this
2 section, all state agencies may adopt rules and regulations
3 pursuant to the Wyoming Administrative Procedure Act
4 establishing reasonable fees and charges that may be
5 assessed for the costs and services set forth in this
6 section.

7

8 (e) Subject to subsections (f) and (g) of this
9 section, the department of administration and information
10 shall adopt uniform rules for the use of state agencies
11 establishing procedures, fees, costs and charges for
12 inspection, copies and production of public records under
13 W.S. 16-4-202(d)(i), 16-4-203(h)(i) and 16-4-204.

14

15 (f) Fees for copies of public records shall not
16 exceed the following amounts:

17

18 (i) For electronic records provided by
19 electronic means, including email or a publicly accessible
20 download link: zero dollars (\$0.00);

21

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10 (iv) For records provided by mail: other fees
11 applicable under this section plus the actual cost of
12 postage and shipping materials, not to exceed the rates
13 charged by the United States Postal Service for a
14 comparable shipment;

15

19

20 (g) No fee shall be charged for the time and labor
21 costs associated with locating, reviewing, redacting or
22 otherwise preparing a public record for inspection or
23 release. This prohibition does not apply to fees for

1 programming and computer services necessary to construct
2 electronic records as authorized under W.S. 16-4-202(d)(i).

3

4 **16-4-205. Penalties; remedies.**

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6 (a) Any person who knowingly or intentionally
7 violates the provisions of this act is liable for a penalty
8 ~~not to exceed seven hundred fifty dollars (\$750.00) of two~~
9 thousand dollars (\$2,000.00). The penalty may be recovered
10 in a civil action and damages may be assessed by the court.

11

12 (b) Any person who has grounds to believe that a
13 governmental entity or political subdivision is in
14 violation of this act shall have the right to file a
15 petition for a writ of mandamus pursuant to W.S. 1-30-101
16 through 1-30-118 to require the governmental entity to
17 comply with this act and shall be awarded the fees and
18 costs available under W.S. 1-30-112.

19

20 (c) A governmental entity that fails to comply with a
21 final court order issued under this act shall be subject to
22 a civil penalty of two hundred fifty dollars (\$250.00) for
23 each business day of noncompliance, to be assessed by the

1 court. The daily penalty shall begin to accrue on the first
2 business day following the deadline for compliance
3 specified in the court order.

4

5 (d) In any action under this act where the court
6 finds that a governmental entity acted in bad faith in
7 denying access to public records or in failing to comply
8 with this act, the court may impose additional punitive
9 damages of not more than seven thousand five hundred
10 dollars (\$7,500.00). For purposes of this subsection, "bad
11 faith" includes but is not limited to:

12

13 (i) Knowingly denying access to records that are
14 clearly public;

15

16 (ii) Intentionally imposing excessive or
17 unlawful fees to discourage requests;

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19 (iii) Deliberately delaying the production of
20 records without lawful justification;

21

22 (iv) Destroying or concealing public records to
23 prevent disclosure.

1

2 (e) All damages recovered under this section shall be
3 paid to the person who brought the action.

4

5 **Section 2.** This act shall apply to public record
6 requests made on and after July 1, 2026.

7

8 **Section 3.** All agency rules authorized or required
9 under this act shall be promulgated or repromulgated to
10 comply with this act not later than July 1, 2026.

11

12 **Section 4.** This act shall apply to any governmental
13 entity as defined in W.S. 16-4-201(a)(xiii), including any
14 state agency, political subdivision, or other entity
15 subject to the Wyoming Public Records Act.

16

1 Section 5.

2

5

6 (b) Sections 3 and 5 of this act are effective
7 immediately upon completion of all acts necessary for a
8 bill to become law as provided by Article 4, Section 8 of
9 the Wyoming Constitution.

10

11

(END)