

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Public records.

Sponsored by: Joint Corporations, Elections & Political  
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to public records; requiring the release of  
2 public records within a specified time; requiring the  
3 designation of a public records custodian of each agency,  
4 institution and political subdivision of the state; requiring  
5 notice to public records applicants; providing remedies for  
6 violations of the public records act; and providing for an  
7 effective date.

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

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11 **Section 1.** W.S. 16-4-202(b), (c) and by creating a new  
12 subsection (e) and 16-4-205 are amended to read:



1 custody or control of the records and (2) the “custodian or authorized person having  
 2 personal custody and control” of the records. If the subsection is meant to apply to these  
 3 two different persons, then with the addition of the new language is the person who  
 4 receives the request, who does not have personal custody and control of the records,  
 5 required to notify the “custodian or authorized person having actual custody and control  
 6 of the records” and then that person is required within 7 days to notify the applicant of  
 7 the “unavailability” of the records and within 10 days to make those records available? If  
 8 the subsection is meant to apply to only one person, how can the person who receives the  
 9 request, who does not have personal custody and control of the records, make those  
 10 records available within 10 days, only 3 days after the last day from which the person is  
 11 required to notify the applicant that the public records are “unavailable”?

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 14 (c) If the public records requested are in the custody  
 15 and control of the person to whom application is made but are  
 16 in active use or in storage, and therefore not available at  
 17 the time an applicant asks to examine them, the custodian or  
 18 authorized person having personal custody and control of the  
 19 public records shall notify the applicant of this situation  
 20 within seven (7) business days from the date of acknowledged  
 21 receipt of the request, unless good cause exists preventing  
 22 a response within such time period. In the event the applicant  
 23 is not satisfied that good cause exists, the applicant may  
 24 petition the district court for a determination as to whether  
 25 the custodian has demonstrated good cause existed. If a public  
 26 record is readily available, it shall be re:

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