

SENATE FILE NO. SF0027

Public meetings.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to public meetings; amending definitions;
2 clarifying provisions relating to minutes and notice;
3 amending provisions relating to meetings, special meetings,
4 emergency meetings, executive sessions and penalties; and
5 providing for an effective date.

6

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

8

9 **Section 1.** W.S. 16-4-402(a)(i) and (iii),
10 16-4-403(c)(ii), 16-4-404(a), (b), (d) and (e), 16-4-405(c)
11 and 16-4-408(a) are amended to read:

12

13 **16-4-402. Definitions.**

14

15 (a) As used in this act:

16

1 (i) "Action" means the transaction of official
2 business of an agency including a collective decision, ~~of a~~
3 ~~governing body,~~ a collective commitment or promise ~~by a~~
4 ~~governing body~~ to make a positive or negative decision, or
5 an actual vote ~~by a governing body~~ upon a motion, proposal,
6 resolution, regulation, rule, order or ordinance at a
7 meeting;

8
9 (iii) "Meeting" means an assembly of at least a
10 quorum of the governing body of an agency which has been
11 called by proper authority of the agency for the expressed
12 purpose of discussion, deliberation, presentation of
13 information or taking action regarding public business. "An
14 assembly" includes communicating in person, by means of
15 telephone or electronic communication, or in any other
16 manner such that all participating members are able to
17 communicate with each other contemporaneously. No meeting
18 shall be conducted by electronic means or any other form of
19 communication that does not permit the public to hear, read
20 or otherwise discern meeting discussion contemporaneously.
21 Communications outside a meeting, including, but not
22 limited to, sequential communications among members of an
23 agency, shall not be used to circumvent the purpose of this
24 act;

1

2 **16-4-403. Meetings to be open; participation by**
3 **public; minutes.**

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5 (c) Minutes of a meeting:

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7 (ii) Are not required to be recorded or
8 published for day-to-day administrative activities of an
9 agency or its officers or employees.

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11 **16-4-404. Types of meetings; notice; recess.**

12

13 (a) In the absence of a statutory requirement, the
14 governing body of an agency shall provide by ordinance,
15 resolution, bylaws or rule for holding regular meetings
16 unless the agency's normal business does not require
17 regular meetings in which case the agency shall provide
18 notice of its next meeting to any person who requests
19 notice. A request for notice may be made for ~~all~~-future
20 meetings of an agency. The request shall be in writing and
21 submitted annually to the agency.

22

23 (b) Special meetings may be called by the presiding
24 officer of a governing body by giving verbal, electronic or

1 written notice of the meeting to each member of the
2 governing body and to each newspaper of general
3 circulation, radio or television station requesting the
4 notice. The notice shall specify the time and place of the
5 special meeting and the business to be transacted and shall
6 be issued at least eight (8) hours prior to the
7 commencement of the meeting. No other business shall be
8 considered at a special meeting. Proof of delivery of
9 verbal notice to the newspaper of general circulation,
10 radio or television station may be made by affidavit of the
11 clerk or other employee or officer of the agency charged or
12 responsible for distribution of the notice of the meeting.

13

14 (d) The governing body of an agency may hold an
15 emergency meeting on matters of serious immediate concern
16 to take temporary action without notice. Reasonable effort
17 shall be made to offer public notice. All action taken at
18 an emergency meeting is of a temporary nature and in order
19 to become permanent shall be reconsidered and acted upon at
20 an open public meeting within forty-eight (48) hours,
21 excluding weekends and holidays, unless the event
22 constituting the emergency continues to exist after forty-
23 eight (48) hours. In such case the governing body may
24 reconsider and act upon the temporary action at the next

1 regularly scheduled meeting of the agency, but in no event
2 later than thirty (30) days from the date of the emergency
3 action.

4
5 (e) Day-to-day administrative activities of an
6 agency, its officers and its employees shall not be subject
7 to the notice requirements of this section.

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9 **16-4-405. Executive sessions.**

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11 (c) Unless a different procedure or vote is otherwise
12 specified by law, an executive session may be held only
13 pursuant to a motion that is duly seconded and carried by
14 majority vote of the members of the governing body in
15 attendance when the motion is made. A motion to hold an
16 executive session which specifies any of the reasons set
17 forth in paragraphs (a)(i) through (xi) of this section
18 shall be sufficient notice of the issue to be considered in
19 an executive session.

20
21 **16-4-408. Penalty.**

22
23 (a) Any member or members of an agency who knowingly
24 ~~and willfully takes an action in violation of or~~

1 intentionally violate or ~~eonspires~~conspire to ~~take an~~
2 ~~action in violation of~~violate this act shall be guilty of
3 a misdemeanor. Any member of the governing body of an
4 agency who attends or remains at a meeting ~~where an action~~
5 ~~is taken~~ knowing ~~that the action~~the meeting is in
6 violation of this act shall be guilty of a misdemeanor
7 unless minutes were taken during the meeting and the parts
8 thereof recording the member's objections are made public
9 or at the next regular public meeting the member objects to
10 the meeting where the violation occurred and asks that the
11 objection be recorded in the minutes. Either misdemeanor
12 violation under this subsection is punishable upon
13 conviction by a fine of not more than seven hundred fifty
14 dollars (\$750.00).

15

16 **Section 2.** This act is effective July 1, 2012.

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(END)