

ENROLLED ACT NO. 63, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2012 BUDGET SESSION

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

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

Section 1. W.S. 16-4-402(a)(i), (iii), by creating a new paragraph (iv) and by renumbering (iv) as (v), 16-4-403(c)(ii) and by creating a new subsection (d), 16-4-404(a), (b), (d) and (e), 16-4-405(c) and 16-4-408(a) are amended to read:

16-4-402. Definitions.

(a) As used in this act:

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

(iii) "Meeting" means an assembly of at least a quorum of the governing body of an agency which has been called by proper authority of the agency for the expressed purpose of discussion, deliberation, presentation of information or taking action regarding public business;

(iv) "Assembly" means communicating in person, by means of telephone or electronic communication, or in any

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other manner such that all participating members are able to communicate with each other contemporaneously;

~~(iv)~~(v) "This act" means W.S. 16-4-401 through 16-4-408.

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

(c) Minutes of a meeting:

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

(d) No meeting shall be conducted by electronic means or any other form of communication that does not permit the public to hear, read or otherwise discern meeting discussion contemporaneously. Communications outside a meeting, including, but not limited to, sequential communications among members of an agency, shall not be used to circumvent the purpose of this act.

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

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

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

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

(d) The governing body of an agency may hold an emergency meeting on matters of serious immediate concern to take temporary action without notice. Reasonable effort shall be made to offer public notice. All action taken at an emergency meeting is of a temporary nature and in order to become permanent shall be reconsidered and acted upon at an open public meeting within forty-eight (48) hours, excluding weekends and holidays, unless the event constituting the emergency continues to exist after forty-eight (48) hours. In such case the governing body may reconsider and act upon the temporary action at the next regularly scheduled meeting of the agency, but in no event later than thirty (30) days from the date of the emergency action.

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

16-4-405. Executive sessions.

(c) Unless a different procedure or vote is otherwise specified by law, an executive session may be held only

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pursuant to a motion that is duly seconded and carried by majority vote of the members of the governing body in attendance when the motion is made. A motion to hold an executive session which specifies any of the reasons set forth in paragraphs (a)(i) through (xi) of this section shall be sufficient notice of the issue to be considered in an executive session.

16-4-408. Penalty.

(a) Any member or members of an agency who knowingly ~~and willfully takes an action in violation of or conspires to take an action in violation of this act shall be guilty of a misdemeanor~~ or intentionally violate the provisions of this act shall be liable for a civil penalty not to exceed seven hundred fifty dollars (\$750.00) except as provided in this subsection. Any member of the governing body of an agency who attends or remains at a meeting ~~where an action is taken~~ knowing ~~that the action~~ the meeting is in violation of this act shall be ~~guilty of a misdemeanor~~ liable under this subsection unless minutes were taken during the meeting and the parts thereof recording the member's objections are made public or at the next regular public meeting the member objects to the meeting where the violation occurred and asks that the objection be recorded in the minutes. ~~—Either misdemeanor violation under this subsection is punishable upon conviction by a fine of not more than seven hundred fifty dollars (\$750.00).~~

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk