

HOUSE BILL NO. HB0120

Public meetings.

Sponsored by: Representative(s) Edmonds, Blake, Buchanan,
Gingery, Patton and Teeters and Senator(s)
Dockstader and Martin

A BILL

for

1 AN ACT relating to public meetings; providing notice
2 requirements for special meetings; providing for audio
3 recording of executive sessions; providing for proceedings
4 to review executive sessions; providing for notice of
5 executive sessions; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 16-4-404(b) and 16-4-405(b), (c) and
10 by creating new subsections (d) and (e) are amended to
11 read:

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13 **16-4-404. Types of meetings; notice; recess.**

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15 (b) Special meetings may be called by the presiding
16 officer of a governing body by giving notice of the meeting

1 at least twelve (12) hours before the meeting to each
2 member of the governing body and to each newspaper of
3 general circulation, radio or television station requesting
4 the notice. The notice shall specify the time and place of
5 the special meeting and the business to be transacted. No
6 other business shall be considered at a special meeting.

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8 **16-4-405. Executive sessions.**

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10 (b) Except as provided in subsections (d) and (e) of
11 this section, minutes and audio recordings shall be
12 maintained of any executive session. Except for those
13 parts of minutes and audio recordings of an executive
14 session reflecting a members' objection to the executive
15 session as being in violation of this act, minutes,
16 recordings and proceedings of executive sessions shall be
17 confidential and produced only in response to a valid court
18 order. A person may seek access to the minutes or
19 recording of an executive session by filing a petition with
20 the district court wherein the record is found for an order
21 directing the custodian of the record to show cause why he
22 should not permit inspection of the minutes or recording.
23 If a court finds, after an in-camera review of the minutes
24 or recording of the executive session, that the governing

1 body engaged in substantial discussion of any matters not
2 enumerated in this section, or that the body took action as
3 defined in W.S. 16-4-402(a), the portion of the minutes or
4 recording that reflects the substantial discussion or
5 action taken shall be open for public inspection and
6 copying.

7
8 (c) Unless a different procedure or vote is otherwise
9 specified by law, an executive session may be held only
10 pursuant to a motion that is duly seconded and carried by
11 majority vote of the members of the governing body in
12 attendance when the motion is made, and only after the
13 presiding officer of the governing body announces the topic
14 to be considered with as much specificity as can be
15 provided without compromising the reason for the executive
16 session. Any announcement under this subsection need not
17 specify the topic of litigation if the executive session is
18 convened for purposes of paragraph (a)(iii) of this
19 section.

20
21 (d) In-camera review under this section shall not
22 limit, waive or abrogate the scope or nature of the
23 attorney-client privilege.

24

1 (e) Audio recording shall not be required under this
2 section of communications protected under W.S. 1-12-101.
3 The electronic recording of the executive session shall
4 reflect that no further record or electronic recording was
5 kept of the discussion based on the opinion of the attorney
6 representing the governing body that the discussion
7 constituted a privileged communication.

8

9 **Section 2.** This act is effective July 1, 2011.

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(END)