

HOUSE BILL NO. HB0037

Publication requirements for legal notices.

Sponsored by: Representative(s) Gingery and Olsen and
Senator(s) Larson

A BILL

for

1 AN ACT relating to publication of legal notices by local
2 governmental entities; providing requirements for
3 publication; conforming related provisions; providing a
4 definition; and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 16-12-101 through 16-12-104 are
9 created to read:

10

11

ARTICLE 12

12

LEGAL PUBLICATION REQUIREMENTS

13

14 **16-12-101. Local government publication of notices;**
15 **proof of publication.**

16

1 (a) Unless otherwise specifically provided, whenever
2 a local government unit is required to give notice by
3 publication, the following applies:

4
5 (i) Publication shall be in a newspaper meeting
6 the qualifications of this section, except that in a county
7 where no newspaper meets these qualifications, publication
8 shall be made in a qualified newspaper in an adjacent
9 county. If there is no qualified newspaper in an adjacent
10 county, publication shall be made by posting the notice in
11 three (3) public places in the county, designated by
12 resolution of the governing body;

13
14 (ii) The newspaper shall be:

15
16 (A) Of general circulation;

17
18 (B) Published at least once a week; and

19
20 (C) Published in the county where the
21 hearing or other action will take place.

22

1 (iii) A newspaper of general circulation does
2 not include a newsletter or other document produced or
3 published by the local government unit;

4

5 (iv) In the case of a contract award, the
6 newspaper shall have been published continuously in the
7 county for the twelve (12) months preceding the awarding of
8 the contract;

9

10 (v) If a person is required by law or ordinance
11 to pay for publication, the payment shall be received
12 before the publication may be made;

13

14 (vi) The notice shall be published twice, with
15 at least six (6) days separating each publication;

16

17 (vii) The published notice shall contain:

18

19 (A) The date, time and place of the hearing
20 or other action;

21

22 (B) A brief statement of the action to be
23 taken;

24

1 (C) The address and telephone number of the
2 person who may be contacted for further information on the
3 action to be taken; and

4
5 (D) Any other information required by the
6 specific statute requiring notice by publication.

7
8 (viii) Proof of the publication or posting of
9 any notice may be made by affidavit of the owner,
10 publisher, printer or clerk of the newspaper or of the
11 person posting the notice.

12
13 (b) As used in W.S. 16-12-101 through 16-12-104
14 "local government" includes any city, town, county, joint
15 powers board, school district, community college district,
16 special district or any other local governmental entity.

17
18 **16-12-102. Supplemental notice by radio or**
19 **television.**

20
21 (a) Any local government official who is required by
22 law to publish any notice may supplement the publication by
23 a radio or television broadcast of a summary of the notice

1 or by both types of broadcast when in the official's
2 judgment the public interest will be served.

3

4 (b) The summary of the notice shall not refer by name
5 to any person who is then a candidate for political office.

6

7 (c) Announcements under this section shall be made
8 only by duly employed personnel of the station from which
9 the broadcast emanates.

10

11 (d) Announcements by local governments may be made
12 only by stations situated within the county of origin of
13 the legal notice unless no broadcast station exists in the
14 county, in which case announcements may be made by a
15 station or stations situated in any county other than the
16 county of origin of the legal notice.

17

18 **16-12-103. Period for which copy retained.**

19

20 Each radio or television station broadcasting any summary
21 of a legal notice shall retain at its office a copy or
22 transcription of the text of the summary as actually
23 broadcast for a period of six (6) months subsequent to the

1 broadcast, which copy or transcript shall be available for
2 public inspection.

3

4 **16-12-104. Proof of publication by broadcast.**

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6 Proof of publication of a summary of any notice by radio or
7 television broadcast shall be by affidavit of the manager,
8 an assistant manager or a program director of the radio or
9 television station broadcasting the summary.

10

11 **Section 2.** W.S. 15-1-110(a) and by creating a new
12 subsection (e), 15-1-116(a) and by creating a new
13 subsection (e) and 18-3-517 are amended to read:

14

15 **15-1-110. Minutes of meetings and titles of**
16 **ordinances passed to be published; exception; contents;**
17 **publication of names, salaries and wages of specified**
18 **officials and employees; "department head" defined.**

19

20 (a) The governing body of any city or town shall
21 designate a newspaper published within the city or town as
22 its legal newspaper and publish once therein the minutes of
23 all regular and special meetings of the governing body and
24 the titles of all ordinances passed. If a newspaper is not

1 published in the city or town the proceedings or ordinances
2 shall be posted for at least ten (10) days in the city or
3 town clerk's office and in such other places as the
4 governing body determines. The clerk of each city or town
5 shall within twelve (12) days after adjournment of every
6 meeting, furnish the newspaper a copy of the proceedings of
7 the meeting. Except for salaries and wages published under
8 subsection (b) of this section, the copy shall include any
9 bill presented to the governing body stating the amount of
10 the bill, the amount allowed, the purpose of the bill and
11 the claimant. Claims for part-time employees may be
12 summarized by department without listing each part-time
13 employee. The newspaper shall publish the copy of
14 proceedings within nine (9) days after receipt.

15

16 (e) Subject to subsection (a) of this section, the
17 provisions of W.S. 16-12-101 through 16-12-104 shall apply
18 to publications required by this section.

19

20 **15-1-116. Ordinances; publication required;**
21 **exception; attestation; recodification or revision.**

22

23 (a) Every ordinance before becoming effective shall
24 be published at least once in ~~a~~ the legal newspaper ~~of~~

1 ~~general circulation, which maintains a physical office at~~
2 ~~which advertisements are accepted and which is open to the~~
3 ~~public during regularly set business hours within the~~
4 ~~boundaries of~~ designated by the city or town pursuant to
5 W.S. 15-1-110(a). The newspaper shall publish the
6 ordinance within nine (9) days from the date of receipt.
7 If there is no such newspaper, the ordinance shall be
8 posted for at least ten (10) days in the city clerk's
9 office and in such other places as the governing body
10 determines. Emergency ordinances are effective upon
11 proclamation of the mayor, and as soon thereafter as is
12 practicable they shall be published and posted in the
13 manner required of other ordinances.

14

15 (e) Subject to subsection (a) of this section, the
16 provisions of W.S. 16-12-101 through 16-12-104 shall apply
17 to publications required by this section.

18

19 **18-3-517. Legal publications; designation of official**
20 **paper.**

21

22 (a) The provisions of W.S. 16-12-101 through
23 16-12-104 shall apply to the publication by a county of

1 minutes of proceedings and any legal notice, printing or
2 advertising required by law.

3

4 (b) When there is more than one (1) paper published
5 in any county the board of county commissioners shall
6 designate which one is the official paper of the county.

7

8 **Section 3.** W.S. 18-3-518 and 18-3-519 are repealed.

9

10 **Section 4.** This act is effective July 1, 2007.

11

12 (END)