

HOUSE BILL NO. HB0165

Open meetings laws.

Sponsored by: Representative(s) Simpson, Illoway, Martin  
and Osborn and Senator(s) Case and Ross

A BILL

for

1 AN ACT relating to open meetings; providing for a  
2 definition; providing for a penalty; making conforming  
3 amendments; and providing for an effective date.

4

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

6

7 **Section 1.** W.S. 16-4-408 is created to read:

8

9 **16-4-408. Penalty.**

10

11 (a) Any member or members of an agency who knowingly  
12 and willfully takes an action in violation of or conspires  
13 to take an action in violation of this act, and any member  
14 of the governing body of an agency who attends or remains  
15 at a meeting knowing that the governing body is in  
16 violation of this act shall be guilty of a misdemeanor

1 punishable upon conviction by a fine of not more than seven  
2 hundred fifty dollars (\$750.00).

3

4 (b) A violation set forth in subsection (a) of this  
5 section constitutes sufficient cause for removal of a  
6 member of an agency from his office or position.

7

8 (c) If any action is prohibited both by this act and  
9 any provision of title 6, the provisions of this act shall  
10 not apply and the provisions of title 6 shall apply.

11

12 **Section 2.** W.S. 9-7-104(d), 9-12-103(h), 15-1-105,  
13 16-4-402(a)(iv), 16-10-107(c), 18-15-109(b),  
14 21-3-110(a)(xvi)(C), 21-16-703(d), 37-5-208(d)(iii) and  
15 37-5-408(d)(iii) are amended to read:

16

17 **9-7-104. Community development authority; creation;**  
18 **composition; compensation; termination; meetings; surety**  
19 **bonds; personal liability; fiscal control.**

20

21 (d) The board shall determine the date, time, place  
22 and method of notice for all regular meetings of the board.  
23 A majority of the voting directors of the authority  
24 constitutes a quorum for the transaction of any business or

1 the exercise of any power or function of the authority. All  
2 matters shall be decided by a majority vote of the voting  
3 members of the board. Minutes of board meetings shall be  
4 kept, maintained and open to members of the public. Notice  
5 of meetings shall be given to the public prior to the  
6 meetings and meetings shall be open to the public in  
7 accordance with W.S. 16-4-401 through ~~16-4-407~~16-4-408. In  
8 emergency circumstances, as unanimously determined by the  
9 board members, the board may take action by conference  
10 telephone or similar communications equipment whereby all  
11 persons participating in the meeting can hear each other at  
12 the same time. The conversation shall be recorded,  
13 immediately transcribed as minutes of the board, and notice  
14 given of their availability for public review. The finding  
15 by the board that an emergency exists shall be binding and  
16 conclusive unless clearly erroneous.

17

18 **9-12-103. Wyoming business council; creation;**  
19 **composition; compensation; termination; meetings; surety**  
20 **bonds; fiscal control.**

21

22 (h) Except as specifically provided in this act, the  
23 provisions of W.S. 16-4-201 through 16-4-205 and 16-4-401  
24 through ~~16-4-407~~16-4-408 shall apply to the council.

1

2           **15-1-105. Governing bodies; meetings; quorum;**  
3 **executive sessions.**

4

5 Public meetings of the governing body shall be held in  
6 accordance with W.S. 16-4-401 through ~~16-4-407~~ 16-4-408.  
7 Special meetings may also be called by a majority of the  
8 qualified members of the governing body. A majority of all  
9 the qualified members of the governing body constitutes a  
10 quorum for the transaction of business, but any number may  
11 adjourn a meeting to compel the attendance of and punish  
12 absent members. If the nature of the business so requires,  
13 the governing body by a vote of two-thirds (2/3) of the  
14 members present, may go into executive session and exclude  
15 the public therefrom.

16

17           **16-4-402. Definitions.**

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19           (a) As used in this act:

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21                   (iv) "This act" means W.S. 16-4-401 through  
22 ~~16-4-407~~ 16-4-408.

23

24           **16-10-107. Surface water drainage utility board.**

1

2 (c) All meetings, records and accounts of the surface  
3 water drainage utility board shall be managed and conducted  
4 in accordance with the Public Records Act, W.S. 16-4-201  
5 through 16-4-205, the Uniform Municipal Fiscal Procedures  
6 Act, W.S. 16-4-101 through 16-4-124, and the Public  
7 Meetings Act, W.S. 16-4-401 through ~~16-4-407~~ 16-4-408. The  
8 salaries, if any, of the members of the surface water  
9 drainage utility board shall be fixed by the board of  
10 county commissioners and by the city or town council, as  
11 applicable.

12

13 **18-15-109. Selection of officers of board of**  
14 **trustees; quorum; trustees not to be interested in**  
15 **contracts, work done or property purchased by district.**

16

17 (b) The board of trustees may hold regular, special  
18 or recessed meetings as the board determines. All meetings  
19 shall be in accordance with W.S. 16-4-401 through ~~16-4-407~~  
20 16-4-408.

21

22 **21-3-110. Duties of boards of trustees.**

23

1 (a) The board of trustees in each school district  
2 shall:

3

4 (xvi) (C) All meetings of the board are subject  
5 to W.S. 16-4-401 through ~~16-4-407~~ 16-4-408.

6

7 **21-16-703. Wyoming higher education assistance**  
8 **authority; creation; termination; board of directors;**  
9 **composition; compensation; meetings; surety bonds; personal**  
10 **liability; fiscal control.**

11

12 (d) The board shall determine the date, time, place  
13 and method of notice for all regular meetings of the board.

14 A majority of the directors constitutes a quorum for the  
15 transaction of any business or the exercise of any power or  
16 function of the authority. All matters shall be decided by  
17 a majority vote of the voting members of the board.

18 Minutes of board meetings shall be kept, maintained and  
19 open to members of the public. Public notice of meetings

20 shall be given prior to the meetings and meetings shall be

21 open to the public in accordance with W.S. 16-4-401 through

22 ~~16-4-407~~ 16-4-408. In emergency circumstances, if so

23 determined by two-thirds (2/3) of its members, the board

24 may take action by conference telephone or similar

1 electronic communications equipment whereby all persons  
2 participating in the meeting can hear each other at the  
3 same time. Such action shall be recorded, immediately  
4 transcribed as minutes of the board and notice given of  
5 their availability for public review. The finding by the  
6 board that an emergency exists shall be binding and  
7 conclusive unless clearly erroneous.

8

9 **37-5-208. Powers; duties; limitations.**

10

11 (d) The authority is subject to the requirements of:

12

13 (iii) W.S. 16-4-401 through ~~16-4-407~~16-4-408.

14

15 **37-5-408. Powers; duties; limitations.**

16

17 (d) The authority is subject to the requirements of:

18

19 (iii) W.S. 16-4-401 through ~~16-4-407~~16-4-408.

20

21 **Section 3.** This act is effective July 1, 2005.

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23

(END)