Open Records
I. STATUTE -- BASIC APPLICATION
   B. Whose records are and are not subject to the act?
      2. Legislative bodies.


Alaska

Subordinate legislative bodies such as school boards and municipal assemblies are clearly covered by the public records law. Records of the Alaska Legislature itself are also public by virtue of legislative rules and statutes. It is possible that legislators would argue the laws and rules are not judicially enforceable, citing Abood v. League of Women Voters, 743 P.2d 333 (Alaska 1987). In that case, the Alaska Supreme Court held that violations by the state legislature of the Alaska Open Meetings Act were "nonjusticiable," even though the OMA and legislative rules expressly required the legislature to meet publicly in accordance with the law. This means the court simply will not entertain disputes over such violations, because of the need to respect the relationship between coordinate branches of government established by the constitution.

Would the same reasoning be applied by the courts to duck problems with legislative violations of public records laws? Possibly, though there are good arguments to the contrary. The Abood decision rests on two constitutional provisions. First, the Alaska constitution provides, in Article II, Section 12: "Rules. The houses of each legislature shall adopt uniform rules of procedure." This, the Court says, "specifically and exclusively authorizes the legislature to adopt its own rules of procedure." Further, the court found that when, where and how legislators meet and deliberate is a question of legislative rules and that only the legislature can decide whether and how the law should apply to it. This reasoning could be applied to records, as well, since the premise of the court's opinion is that "out of respect owed to a coordinate branch of state government, [the court must] defer to the wisdom of the legislature concerning violations of legislative rules which govern the internal workings of the legislature." 743 P.2d at 337. In this context, however, records and meetings present very different issues. It is less obvious that access to records involves procedural rules. Also, there is no provision in the records laws comparable to AS 44.62.312(f) in the OMA, which — as it was written at the time — would have voided legislation enacted as the result of a process involving open meetings law violations.

A different problem is posed by the other ground for the Court's decision — Article II, Section 6, of the Alaska Constitution, dealing with legislative immunity. In essence, it would prevent questioning a legislator, and many legislative aides, about alleged violations of public records laws whether in depositions or in court. This should not be such a major stumbling block in the records context, however, since there will normally be records custodians other than the legislators or their aides. It is different from the situation of a meeting of legislators, when only they know what was said, or who attended. Further discussion of the interesting constitutional issues raised by access to legislative records is beyond the scope of this outline. Reporters should assume legislative records are generally open to the public unless and until it is determined otherwise.
Alabama

All legislative bodies are presumptively subject to the Public Records Law, although the Law itself is silent on this point. One trial court has applied the Law to the following legislative officers: Clerk of the State House and Secretary of the State Senate: Remote access telephone assignment records. Birmingham News Co. v. Swift, CV 88-1390 G (Cir. Ct. of Montgomery County, Ala., Aug. 31, 1988).

Arkansas


Arizona

There is no information under this heading in this state’s outline. Because there might be relevant text in the parent point in the outline, the text for that section follows:

Open Records
I. STATUTE -- BASIC APPLICATION
   B. Whose records are and are not subject to the act?

The Arizona Public Records Law contains two operative definitions—“officer” and “public body”—for the purpose of subjecting certain documents to disclosure under the law.

“Officer” is defined as “any person elected or appointed to hold any elective or appointive office of any public body and any chief administrative officer, head, director, superintendent or chairman of any public body.” A.R.S. § 39-121.01(A)(1).

“Public bodies” are defined by statute as “the state, any county, city, town, school district, political subdivision or tax-supported district in the state, any branch, department, board, bureau, commission, council or committee of the foregoing, and any public organization or agency, supported in whole or in part by monies from the state or any political subdivision of the state, or expending monies provided by the state or any political subdivision of the state.” A.R.S. § 39-121.01(A)(2). The operative definition of a “public body” in Arizona is very broad. Indeed, any “public organization or agency” supported by or expending public funds falls within the ambit of the Act.

Exempt Agencies: No Arizona agencies are exempted in their entirety.

Every officer and every public body are obligated to preserve, maintain and care for public records pursuant to Arizona law. A.R.S. § 39-121.01(C).

California

The CPRA does not apply to the State Legislature or its committees. Cal. Gov't Code § 6252(a). Records
of the Legislature are subject to the Legislative Open Records Act. Cal. Gov't Code § 9070, et. seq. The Constitutional Sunshine Amendment does apply to the Legislature because it applies generally to "public bodies" and to the "writings of public officials," without excluding the Legislature. Cal. Const. Art. I, § 3(b)(1). The Amendment, however, specifically maintains exemptions and protections for confidentiality of records of the Legislature as provided for by "Section 7 of Article IV, state law, or legislative rules adopted in furtherance of those provisions . . . ." Cal. Const., Art. I, § 3(b)(1). Moreover, in Sutter's Place v. Superior Court, 161 Cal. App. 4th 1370, 1382, 75 Cal. Rptr. 3d 9 (2008), the court rejected the argument that the Sunshine Amendment eliminated the mental process principle asserted to protect the motives and thought processes of local legislators (not state legislators), and characterized the principle as rooted in state and federal constitution law, as well as statutory law under the CPRA’s Section 6254(k) (incorporating other prohibitions established by law), both of which the court said were expressly prereserved under the Sunshine Amendment. Nevertheless, a constitutional right of access arguably would extend to records of the Legislature not exempt or otherwise protected under existing law.

**Colorado**

The records of the General Assembly are covered by the Act.

**Connecticut**

The legislative branch is subject to FOIA. Conn. Gen. Stat. §1-200(1). See also Conn. Gen. Stat. §2-23 (copies of bills, resolutions, and records of hearings and proceedings shall be kept at state library for public inspection).

**District of Columbia**


**Delaware**

Legislative bodies are covered by the Act. However, the General Assembly, or any caucus thereof, or committee, subcommittee, ad hoc committee, special committee or temporary is specifically exempted. 29 Del. C. § 10002(c); News-Journal Co. v. Boulden, 1978 WL 22024 (Del. Ch. May 24, 1978). For example, the Wilmington City Council is covered. News-Journal Co. v. McLaughlin, 377 A.2d 358 (Del. Ch. 1977).

**Florida**

Unless the legislature promulgates a contrary legislative rule, the public records law applies to records made or received in connection with official business by legislators. See Op. Att'y Gen. Fla. 75-282 (1975) (in the absence of a House or Senate rule to the contrary, Chapter 119 applies to legislative records); Op. Att'y Gen. Fla. 72-416 (1972) (the Legislature may provide by rule for the confidentiality of a report of a special master appointed by the Senate to conduct a suspension hearing until such time as the Senate meets to debate the suspension).

In addition, various statutory exemptions apply to legislative records. See Fla. Stat. § 15.07 (1995) (exempting the journal of the executive session of the Senate from disclosure except upon order of the Senate itself or some court of competent jurisdiction); Fla. Stat. § 11.26(1)(2) (1995) (legislative employees forbidden from revealing the contents of any requests for services made by member of legislature).
Georgia

The Act applies to all governmental bodies or other entities that serve a "public function," legislative or otherwise. See Jersawitz v. Fortson., 213 Ga. App. 796, 446 S.E.2d 206 (1994) (applying related Open Meetings Act to Olympic Task Force Selection Committee) The Act specifically exempts from its disclosure requirements privileged and confidential official communications with the Office of Legislative Counsel, O.C.G.A. § 50-18-75, as well as certain records related to the provision of staff services to individual members of the General Assembly by the Legislative and Congressional Reapportionment Office, the Senate Research Office, or the House Research Office, O.C.G.A. § 50-18-72(a)(8). Moreover, the Act has been held inapplicable to the General Assembly, "since the Legislature [has] historically exercised the authority to adopt its own internal operating procedures, and [has] subsequently adopted [procedures] inconsistent with the Act." Fathers Are Parents Too v. Hunstein, 202 Ga. App. 716, 717, 415 S.E.2d 322 (1992), citing Coggin v. Davey, 233 Ga. 407, 410-11, 211 S.E.2d 708 (1975).

Hawaii

The State Legislature is subject to the UIPA, but Section 92F-13(5) provides an exception for "[i]nchoate and draft working papers of legislative committees including budget worksheets and unfiled committee reports; work product; records or transcripts of an investigating committee of the legislature which are closed by rules adopted pursuant to Section 21-4 and the personal files of members of the legislature." Legislative rules provide that committee reports (as opposed to drafts) are public records.

Iowa

Similarly to how executive branch records are treated under the law, no provision is made in the statute for exclusion of records in the custody of legislative bodies or the courts. "It is the nature and purpose of the document, not the place where it is kept, which determines its status." 79 Op. Att’y Gen. 19, 20 (Oct. 9, 1979). Des Moines Independent Community School District Public Records v. Des Moines Register & Tribune Company, 487 N.W.2d 666, 670 (Iowa 1992) ("The nature of the record is not controlled by its place in a filing system."). But see, Des Moines Register and Tribune Co. v. Dwyer, 542 N.W.2d 491, 503 (Iowa 1996) (Senate decision to keep the records in question (long distance telephone records) confidential falls within the constitutionally granted power of the Senate to determine its rules of proceedings under Iowa Const. Art. III, § 9).

Idaho

The definition of “state agency” in the Public Records Act also includes all legislative bodies. Idaho Code § 9-337(14). The records maintained by officers of all legislative bodies, except as expressly provided otherwise by law, are open to the public.

Illinois

Public bodies whose records are subject to the Act include legislative bodies. See 5 ILCS 140/2(a). It should be noted that records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents are exempt from disclosure if those records are in the nature of preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated. 5 ILCS 140/7(1)(f) (emphasis added).

Indiana

Unless covered by a specific exemption, all records of legislative bodies are subject to the Act. Ind. Code § 5-14-3-2. However, in a bizarre decision, the Indiana Supreme Court has held that separation of powers
considerations prevent the courts from enforcing the access statutes against the Indiana General Assembly. *State ex rel. Masariu v. Marion Superior Court No.1*, 621 N.E.2d 1097 (Ind. 1993).

### Kansas

Legislative bodies are subject to KORA. *Id.*

### Kentucky

The General Assembly is not exempt from the ORA. "The General Assembly did not exclude itself from the Open Records Act, but made the Act binding upon itself by defining the term public agency to include 'any body created by state or local authority in any branch of government.'" 98-ORD-92 (citing Ky. Rev. Stat. 61.870(1)(g)). "Every state or local legislative board" is a public agency under the ORA. Ky. Rev. Stat. 61.870(1)(c).

### Louisiana

Legislative bodies are covered by the statute. La. Rev. Stat. Ann. § 44.1. *See Times-Picayune v. Johnson*, 645 So. 2d 1174 (La. App. 4th Cir. 1994), *writ denied*, 651 So. 2d 260 (La. 1995) (individual legislators are "custodians" of nomination forms for legislative scholarships to private university). In *Copsey v. Baer*, 593 So. 2d 685 (La. App. 1st Cir. 1991), *writ denied*, 594 So. 2d 876 (La. 1992), however, the court held that the legislative work files related to two bills from prior sessions of the Louisiana legislature were privileged from public records disclosure under the legislative privileges and immunities clause of the Louisiana Constitution, Article III, § 8. The court found that the "demand for legislative files in this case calls for an inquiry into the motivations behind the preparation and introduction of legislative instruments into the Louisiana Legislature. . . ." *Id.* at 689.

### Massachusetts

Records of the Legislature are exempt. G.L. c. 66, § 18; *Westinghouse Broadcasting Co. v. Sergeant-At-Arms of Gen. Court of Mass.*, 375 Mass. 179, 184, 375 N.E.2d 1205 (1978) (telephone billing records of Legislature not "public records" subject to disclosure, because Legislature is not "agency, executive office, department, board, commission, bureau, division or authority of Commonwealth"). "Massachusetts, the birthplace of American democracy, is one of fewer than 20 states with virtually no requirements that legislators discuss government business in public," the *Boston Globe* noted after the Legislature passed a $30.6 billion budget that had been negotiated "almost entirely in secret, with six lawmakers meeting for 24 days of talks that were off limits to taxpayers. Debates, agendas, and even the times and locations of the meetings were held in strict confidence. No minutes were kept." N. Bierman, "Legislators’ Vital Work Veiled from Public’s Eye," *Boston Globe* (July 8, 2011). The article said "["Information blackouts are treated with an almost religious reverence"] by legislators, who declined to discuss their deliberations “out of what they term ‘a respect for the process.’” *Id.*

### Maryland

The PIA applies. The records of all units or instrumentalities of State government or of a political subdivision of the State concerning the affairs of government and the official acts of public officials and employees are subject to the PIA. See §§ 10-611(g), 10-612(a), 10-601, 10-604. The public record statute pertains whether the document was created or merely received by the instrumentality. § 10-611(g)(1)(i)

### Maine
Records of the Legislature itself are subject to the Freedom of Access Act, but legislative papers and reports, working papers, drafts, internal memoranda, and similar works in progress are not public until signed and publicly distributed in accordance with rules of the Legislature. 1 M.R.S.A. § 402(3)(C).

Michigan


Minnesota

The legislature was crafty enough to draft the Act so that it did not apply to the legislature. However, in 1993, as a result of a controversy over personal use of long distance telephone cards, the legislature passed legislation rendering certain records, including telephone records, public. § 10.46.

Missouri

Legislative bodies are subject to the Sunshine Law. Mo.Rev.Stat. § 610.010(4) (definition of "public governmental body" includes any legislative governmental entity created by the constitution, statutes, order or ordinance).

Mississippi

Legislative records are covered by the Act, but an ambiguous section retains for the legislature "the right to determine the rules of its own proceedings and to regulate public access to its records." § 25-61-17.

Montana

The Public Records Act does not specifically exempt legislative records. Further, the Montana Constitution, Article V, § 10(3), requires that "(t)he sessions of the legislature and of the committee of the whole, all committee meetings, and all hearings shall be open to the public." Although no court has addressed legislative records, this constitutional mandate for open meetings coupled with the lack of exemption on legislative branch records all lean in favor of openness.

North Carolina

Most records of legislative bodies are covered by the law, but a separate statute allows legislators to maintain the confidentiality of their requests to the legislative staff for information or drafting assistance. G.S. § 120-129. The Attorney General has opined that correspondence sent to legislators by their constituents is public.

North Dakota

All legislative bodies are covered by the open records law. However, it is worth noting the following records, regardless of form or characteristic, of or relating to the legislative counsel, the legislative management, the legislative assembly, the House of Representatives, the Senate, or a member of the legislative assembly are not subject to the law: records of a purely personal or private nature, records that are legislative council work product or legislative council-client communication, records that reveal the content of private communications between a member of the legislative assembly and any person, and
(except with respect to a governmental entity determining the proper use of telephone service) records of telephone usage that identify the parties or list the telephone numbers of the parties involved, except records distributed at open meetings. N.D.C.C. § 44-04-18.6.

**Nebraska**

The definition of public records above appears to include records of legislative bodies as well. Neb. Const. Art. III, § 11, however, provides "the Legislature shall keep a journal of its proceedings and publish them (except such parts as may require secrecy)." The Legislature has taken the position that the exemption for "Correspondence, memoranda, and records of telephone calls related to the performance of duties by a member of the Legislature" prohibits access to telephone records even by the State Auditor.

**New Hampshire**

The Statute’s definition of “public body” covers "[t]he general court [i.e., the New Hampshire House and Senate] including executive sessions of committees; and including any advisory committee established by the general court," as well as "[a]ny legislative body, governing body, board, commission, committee, agency, or authority of any county, town, municipal corporation, school district, school administrative unit, chartered public school, or other political subdivision, or any committee, subcommittee, or subordinate body thereof, or advisory committee thereto." Nevertheless, in Hughes v. Speaker of the New Hampshire House of Representatives, 152 N.H. 276 (2005), the Court held that the Statute did not apply to a House and Senate conference committee on a bill concerning school funding. "[W]e hold that the public interesting in protecting the legislature’s prerogative to set its own procedural rules and engage in free and frank debate significantly outweighs the public’s right of access to the contested negotiations." Id. at 295. The Court also held that whether the defendants had violated the Statute was "a non-justicable political question." Id. at 287. The plaintiff, a member of the House, claimed that the closed conference committee proceedings violated the Statute. See also, Union Leader v. Speaker, 119 N.H. 442 (1979)(Statute does not require disclosure of tape recording made by the House of Representatives).

**New Jersey**

A government record shall not include information received by a member of the Legislature from a constituent or information obtained by a member of the legislature concerning a constituent, including but not limited to, information in written form or contained in any e-mail or computer database, or in any telephone record whatsoever, unless it is information the constituent is required by law to transmit.

A government record shall also not include any memorandum, correspondence, notes, report or other communication prepared by or for the specific use of a member of the Legislature in the course of the member's official duties, except that this provision shall not apply to an otherwise publicly accessible report that is required by law to be submitted to the Legislature or its members.

See N.J.S.A. 47:1A-1.1

**New Mexico**

The Legislature is generally subject to the Inspection of Public Records Act. §14-2-6(E), NMSA 2011.

**Nevada**

The statute does not distinguish legislative bodies from any other governmental entity. See N.R.S. 239.005.
New York

Records of the New York State Legislature are subject to FOIL under a separate provision of that law which delineates the specific records which are subject to public inspection and copying. N.Y. Pub. Off. Law § 88 (McKinney 1988). The "State Legislature" is defined by FOIL to mean "the legislature of the State of New York, including any committee, subcommittee, joint committee, select committee, or commission thereof." N.Y. Pub. Off. Law § 86(2) (McKinney 1988). See Polokoff-Zakarin v. Boggess, 62 A.D.3d 1141, 879 N.Y.S.2d 244 (3d Dep't 2009) (holding that the State Senate must disclose Senate employee's time and attendance records as they are included in the list of records that must be disclosed under 88 (3)(b)); Weston v. Sloan, 201 A.D.2d 778, 607 N.Y.S.2d 478 (3d Dept. 1994), modified 84 N.Y.2d 462, 643 N.E.2d 1071, 619 N.Y.S.2d 255 (granting access to facts and figures memorializing the expenditure of public funds for legislative printings and mailings, but denying access to copies of newsletters and information targeted mailings). Local legislative bodies are governmental entities within the definition of "agency" and thus subject to FOIL. See generally King v. Dillon, No. 20859/84 (Sup. Ct., Nassau County, Dec. 19, 1984) (granting access to minutes of village board meeting); Malman v. Supervisor (Town of Islip), No. 7361/81 (Sup. Ct., Nassau County, Aug. 20, 1981) (granting access to resolution passed by Town Board).

Ohio

The language of the statute is broad enough to encompass all legislative bodies. The Ohio Supreme Court has not yet applied the statute to Ohio's General Assembly. The court's recognition that the constitutional doctrine of separation of powers may inhibit the statute's application could mean that separation of powers bars the statute from applying to certain internal records of state legislators. See State ex rel. Plain Dealer Publishing Co. v. City of Cleveland, 75 Ohio St.3d 31, 661 N.E.2d 187 (1996).

In the meantime, the General Assembly has immunized certain classes of its internal legislative records from the Public Records Act, specifically records that arise out of the relationship between legislative staff and a member of the General Assembly but are not filed with the clerk of the General Assembly, presented at a committee hearing or floor session (for amendments to bills or resolution or a substitute bill or resolution), or released/authorized to be released to the public by the member of the general assembly. Ohio Rev. Code § 101.30.

Oklahoma

Records of the legislature or of individual legislators are not subject to the Act except for records kept and maintained on receipt and expenditure of any public funds reflecting all financial and business transactions relating thereto. 51 O.S. § 24A.3.2. However, a copy of a written or electronic communication "created by" a third-party public body or official and sent to a legislator would be a record of the creating public body or official subject to the Oklahoma Open Records Act in its custody, control or possession. A written or electronic communication from a legislator sent to a third-party public body or official would become a "record" upon being "received by" the public body or official and thereby become subject to the Act in the custody, control or possession of the third-party public body or official. 2008 OK AG 19. Records of expenses incurred by employees of the Legislature in the performance of their official duties or authorized actions which are reimbursed by the Legislature are public records. 2008 OK AG 19.

Oregon

The records of legislative bodies other than the state legislature are subject to inspection under ORS 192.420 and the definitions of ORS 192.410(3). The state Legislative Assembly is not subject to the Public Records Law. ORS 192.410(5); see also ORS 171.405 (no requirement to keep records of acts of
legislature other than enrolled laws and joint resolutions themselves) and ORS 192.005(5)(a) and (6).

**Pennsylvania**


Legislative agencies are required to provide access to "legislative records" as set forth in the Act. Section 303.


**Rhode Island**


**South Carolina**

"Memoranda, correspondence, and working papers in the possession of individual members of the General Assembly or their immediate staffs" are exempt from disclosure, but the exemption is not to be construed to limit public access to "source documents or records, factual data or summaries of factual data, papers, minutes, or reports otherwise considered to be public information . . . and not specifically exempted by any other provisions." S.C. Code Ann. § 30-4-40(a)(1). Other than this "working papers" exception, other records of the General Assembly are subject to the same provisions as other public records.

**South Dakota**

Legislative bodies are included as a “branch” of the state. SDCL § 1-27-1.1.

**Tennessee**

The joint legislative services committee has sole authority to determine whether any member of the public may be permitted access to the legislative computer system in which confidential information is stored or processed. T.C.A. § 3-10-108(a). Direct access to such a computer may not be permitted unless protection of any confidential information is ensured. § 3-10-108(b). No information available in printed form may be obtained from the legislative computer system pursuant to the Open Records Act. § 3-10-108(c). A legislator’s e-mail is subject to the Act if it was made or received in connection with the transaction of official business. Op. Atty Gen. No. 05-099 (June 20, 2005).

**Texas**

The legislative branch of state government and any governmental body created by it is subject to the Act, which exempts certain categories of information pertinent to the legislature. Drafts or working papers

Private correspondence or communications by an elected office holder, the disclosure of which would constitute an invasion of privacy, are excepted from the Act. Tex. Gov't Code § 552.109. This exception applies only to correspondence sent out by the official, not to correspondence that is received by the official. In addition, this exemption only protects the privacy interests of the public official. See Tex. Att'y Gen. ORD-473 (1987). It does not protect the privacy interests of the person discussed in the communication or the privacy of the recipient of the communication although it may be appropriate to redact the parties’ names such as those of students and parents under related statutes. See Tex. Att'y Gen. ORD-332 (1982).

Certain records of communications between citizens and members of the legislature or the lieutenant governor may be confidential by statute. § 552.146. Exempt correspondence includes handwritten notes on a personal calendar. See Tex. Att'y Gen. ORD-145 (1976).

An itemized list of long distance calls made by legislators and charged to their contingent expense accounts is not excepted because such a list is not a "communication." See Tex. Att'y Gen. ORD-40 (1974). See also Tex. Att'y Gen. ORD-636 (1995) (cellular billing records are generally considered public information).

Section 552.111 exempts from disclosure interagency or intraagency memoranda or letters that would not be available by law to a party in litigation with the agency.

Utah

Legislative bodies subject to GRAMA include “the Office of the Legislative Auditor General, Office of the Legislative Fiscal Analyst, Office of Legislative Research and General Counsel, the Legislature, and legislative committees.” Utah Code Ann. § 63G-2-103(11)(a)(ii). GRAMA also extends to any “office, agency, board, bureau, committee, department, advisory board, or commission” of the above-named entities if the office, agency, board, etc. “is funded or established by the government to carry out the public’s business.” Id. § 63G-2-103(11)(b). GRAMA does not apply to “any political party, group, caucus, or rules or sifting committee of the Legislature.” Id. § 63G-2-103(11)(a)(ii). However, the Legislature and its staff offices are not subject to GRAMA’s fees or appeals provisions. See id. § 63G-2-703(2)(a). In addition, all letters of inquiry submitted by any judge at the request of any judicial nominating committee shall be classified as private under GRAMA. See id. § 67-1-2.

Virginia

Working papers and correspondence prepared by or for members of the General Assembly or the Division of Legislative Services are exempted from disclosure. Va. Code Ann. § 2.2-3705.7(2).

Vermont

There is no case law negating the statute’s apparently broad application to all "branch[es] or authority of the State." An early opinion of the Attorney General expressly holds that the companion public meetings law applies to legislative committees. See 1966-68 Op. Atty. Gen. 101.

Washington

The Washington State Supreme Court has not decided whether the Public Records Act applies to all records of the legislature. *Cowles Publishing Co. v. Murphy*, 96 Wn.2d 584, 637 P.2d 966 (1981). The Act does apply to administrative records of the Clerk of the State House of Representatives and of the Secretary of the Senate. RCW 42.56.100.

Wisconsin

Legislative records are not exempt.

West Virginia

Records of legislative bodies are subject to the FOIA to the same extent as records of any other public body. In *Common Cause of West Virginia v. Tomblin*, 186 W. Va. 537, 413 S.E.2d 358 (1991), the state Supreme Court invalidated the process by which the Legislature's Conferees Committee on the Budget traditionally prepared an informal but influential budget "digest" setting forth its view of the specific purposes for which general appropriations should be used. The court ruled the contents of the digest must be determined by the Conferees Committee in a public meeting, and the Committee must create and maintain for public inspection "memoranda of the negotiations, compromises and agreements or audio recordings of committee or subcommittee meetings where votes were taken or discussions had that substantiate the material which is organized and memorialized in the Budget Digest." *Id.*, Syllabus pt. 5.

Wyoming

All public records of the legislature should be subject to the Act. Wyo. Stat. § 16-4202(a) (1977, Rev. 1982).