

State by state analysis of whether open-meeting statutes apply to the state Legislature. (Source: Reporters Committee for Freedom of the Press 'Open Government Guide')

Alabama

All boards, bodies, and commissions, and all multimember governing bodies of departments, agencies, institutions, and instrumentalities of the legislative department of the state or its political subdivisions or municipalities are covered by the Alabama Open Meetings Act.

The former open meetings law was specifically applied to the following legislative bodies:

- a. Alabama House and Senate. Ala. Constitution of 1901, art. IV, § 57.
- b. Alabama House Committee. 165 Op. Att'y Gen. Ala. 23 (Nov. 17, 1976) ("legislative committee meetings . . . must be open . . . to the public"); 224 Op. Att'y Gen. Ala. 38 (Aug. 22, 1991).
- c. Alabama Lieutenant Governor and Ex Officio President of the Alabama Senate. Birmingham News Co. v. Folsom, CV 88-1591 G (Cir. Ct. of Montgomery County, Ala., Nov. 30, 1989) (meetings with members of Alabama Senate).
- d. Public corporation to which legislative functions are delegated. Birmingham News Co. v. Birmingham Racing Commission, CV 87-501-622 MC at 4 (Cir. Ct. of Jefferson County, Ala., Equity Div., Aug. 28, 1987) ("The Commission, having both legislative and judicial functions, falls within the scope of § 13A-14-2.").

Alaska

Meetings of legislative bodies are covered by the Open Meetings Act, with the exception of the Alaska Legislature, which is expressly excepted from coverage of the OMA. AS 44.62.310(h)(3).

- a. The state legislature. Meetings of the state legislature are public only to the extent provided for in guidelines for meetings of legislative bodies adopted by the legislature in AS 24.60.037, discussed in more detail below, and even then, only to the extent that legislators choose to follow these guidelines.

Until the 1994 revisions to the Open Meetings Act, the statute covered meetings of the state legislature. The Alaska Supreme Court had ruled, however, that courts could not enforce the OMA against the Alaska State Legislature, despite the statutory language covering the legislature, because of the "separation of powers" between the three branches of state government provided for in the Alaska Constitution. Abood v. League of Women Voters and Anchorage Daily News, 743 P.2d 333 (Alaska 1987). The Court held that two parts of the constitution require this result: The provision giving the legislature the sole authority over its own rules of procedure, and the provision giving legislators immunity from having to answer to the courts for things they say or do in the course of legislative business. The Court also declined to find that Alaskans have an implied constitutional right of access to meetings of their legislators.

A constitutional amendment would be required to change the effect of the Abood ruling and impose enforceable "open meetings" requirements on state legislators. Since Alaska does not allow citizens to amend the constitution through ballot initiatives, such an amendment would require approval of two-thirds of both houses of the legislature, or a constitutional convention. After the court's Abood ruling, a coalition of press and public interest groups tried to get a legislative open meetings amendment on the ballot. These efforts were unsuccessful. However, pressure from the public and press finally led to enactment of ethics legislation in 1992 that included a requirement that the Alaska Legislature must generally comply with the OMA. AS 24.60.037. When the OMA was subsequently revised, in 1994, the legislature resolved the awkward discrepancy between the OMA's language, indicating the legislature was subject to the act, and the reality that this provision was unenforceable, by removing references in the OMA to coverage of the state legislature.

When the state legislature removed any reference to itself from the OMA, it correspondingly changed a provision in the section of the state statutes dealing with standards of conduct for the Alaska legislature. Specifically, it changed the language stating that "legislators shall abide by AS 44.62.310-44.62.312 (Open Meetings Law)" to state that legislators shall abide "by open meetings principles." The practical effect of this is simply to make the language of the statute conform with the reality of the Abood decision. It eliminated any argument that the statute governing legislative conduct, in Title 24, literally required compliance with the provisions of the OMA, as such, potentially including but not limited to the provision voiding actions taken in violation of the OMA. It also eliminated the argument that legislators were still literally or technically violating the OMA, even though the courts had said that there was no remedy for these violations.

The ethics law provisions dealing with legislative open meetings differ from the OMA in significant respects. First, the ethics law specifically allows closed caucuses, and "private, informal meetings or conversations between legislators in which political strategy is discussed." Second, the Select Committee on Legislative Ethics is charged with developing guidelines for the application of open meetings requirements to the legislature, and any complaint against a legislator for conduct found to be in compliance with these guidelines must be dismissed. Third, enforcement is strictly up to the Select Committee on Legislative Ethics, which includes both public and legislative members, and can conduct investigations and hearings regarding allegations of improper closed meetings pursuant to procedure spelled out in AS 26.60.170. The Committee makes recommendations to the full legislature if it finds a violation, and the legislature decides on the appropriate sanction by majority vote (except expulsion, which requires two thirds vote). AS 24.60.174

Violations of the open meetings guidelines specified in AS 24.60.037 and the guidelines adopted by the ethics committee pursuant to it are no more enforceable in a court than were the provisions of the OMA itself, for the reasons (the constitutional separation of powers doctrine) explained in *Abood v. League of Women Voters*. Any requirement of openness by legislators is dependent upon self-policing by the legislature (and public pressure). Interestingly, the legislature has specified that the Ethics Committee is subject to the OMA itself, AS 44.62.310-.312, but presumably this is no more enforceable than other requirements that the legislature comply with the OMA.

Arizona

The OML generally applies to the Legislature. A.R.S. § 38-431(6). But the OML does not apply to any "political caucus"—i.e., the consideration of party policy with respect to a particular legislative issue without reaching a collective decision, promise or commitment. A.R.S. § 38-431.08(A)(1). Attorney General Opinions conflict on this issue. Compare *Ariz. Att'y Gen. Op. No. 190-013* (advisory committee appointed by Governor subject to OML) with *Ariz. Att'y Gen. Op. No. 192-007* (advisory committee appointed by Governor not subject to OML).

Conference committees of the legislature must be open to the public but need not follow the notice and minute requirements of the OML. A.R.S. § 38-431.08(A)(2).

Arkansas

The Attorney General has indicated that the General Assembly and its committees are subject to the FOIA. *Ark. Op. Att'y Gen. No. 84-091*. However, the Constitution expressly provides that "sessions of each house and of committees of the whole shall be open, unless when the business is such as ought to be kept secret." *Ark. Const. art. V, § 13*. This provision is a broad exception to the FOIA, but applies only to both houses and to "committees of the whole" and thus apparently does not reach other legislative committees. See *Ark. Op. Att'y Gen. No. 84-091*. All meetings of the Legislative Council, a committee created by statute, "shall be open to the public, except in those instances in which the Council feels it is necessary to go into executive session." *Ark. Code Ann. § 10-3-305(a)*.

Other legislative bodies, such as a city council and county quorum court, are clearly subject to the open meeting requirement. E.g., *Laman v. McCord*, 245 Ark. 401, 432 S.W.2d 753 (1968) (city council).

California

State Legislature: Neither the Bagley-Keene Act nor the Brown Act apply to bodies of the State Legislature. However, separate open meeting laws for both houses of the California State Legislature can be found at Government Code Sections 9027-9031. The law requires that meetings of either house of the Legislature or any of their committees be open and public. *Cal. Gov't Code § 9027*. Whenever a meeting is required to be open, notice must be given in accordance with the Joint Rules of the Assembly and the Senate. *Cal. Gov't Code § 9028*. Closed sessions are permissible for the same reasons as set forth in the Bagley-Keene and Brown Acts, and also may be held for party caucuses and to consider matters affecting the safety and security of members of the Legislature and their employees. *Cal. Gov't Code §§ 9029, 9029.5*.

Colorado

Colorado Constitution Article V, § 14 provides that the sessions of both houses of the legislature and their committees "shall be open, unless when the business is such as ought to be kept secret."

- a. The Sunshine Law applies not only to the General Assembly, but also to meetings of any board, committee, or other policy-making or rule-making body of the General Assembly. Colo. Rev. Stat. § 24-6-402(1)(d).
- b. This includes legislative caucus meetings at which public business is discussed. *Cole v. State*, 673 P.2d 345 (Colo. 1983).
- c. Unless the legislature has expressly designated business which "ought to be kept secret" pursuant to § 14 of Article V of the state Constitution, it is presumed that all legislative and committee meetings are subject to the Open Meetings Act. *Cole v. State*, supra.
- d. However, the Sunshine Law was not intended to interfere with the abilities of legislative bodies to perform their duties in a reasonable manner, and thus strict compliance with all requirements, such as giving notice of which matters will be considered at a particular meeting, may not be required. *Benson v. McCormick*, 195 Colo. 381, 578 P.2d 651 (1978).

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).

Delaware

The General Assembly is not subject to the Act nor are any of the caucuses thereof, or any committee, subcommittee, ad-hoc committee, special committee or temporary committee thereof. 29 Del. C. § 10002 (c); *News-Journal Co. v. Boulden*, 1978 WL 22024 (Del. Ch. May 24, 1978). However, other legislative bodies are subject to the Act, including the Wilmington City Council. *News-Journal Co. v. McLaughlin*, 377 A.2d 358 (Del. Ch. 1977).

Florida

In 1982 a lawsuit was filed in circuit court on behalf of 16 Florida newspapers against the House Speaker and the Senate President seeking a declaratory judgment as to whether the public may be excluded from legislative committee meetings. Petitioners claimed that private legislative meetings violate the federal and state constitutions, and state laws (including section 286.011), and the Legislature's own rules. The order on the defendants' motion to dismiss stated that the plaintiffs were entitled to a ruling under Chapter 86 as to the allegations of the complaint relating to the First Amendment of the United States Constitution, the corresponding provisions of the Florida Constitution, and Fla. Stat § 11.142.; however, the remaining provisions of law cited by the plaintiff, including section 286.011, were not applicable under the circumstances alleged in the complaint. See *Miami Herald Publ'g Co. v. Moffitt*, Case No. 82-84 (2d Cir. Leon Co., filed February 28, 1983).

The case was ultimately decided in *Moffitt v. Willis*, 459 So. 2d 1018 (Fla. 1984). In *Moffitt*, the Supreme Court granted the Legislative leaders' petition to dismiss the civil action pending in the lower court on the basis that the circuit court lacked jurisdiction over the subject matter under the constitutional doctrine of separation of powers. The court held that the circuit court does not have jurisdiction to determine and declare the meaning and the application of the rules and procedures of the Senate and House of Representatives, which, the court noted, was a purely legislative prerogative. Thus, the Supreme Court did not address the merits of the case, and did not directly reach the question of the applicability of section 286.011 to the Legislature.

However, in 1993, the Legislature amended the State Constitution expanding public records and meeting law to the Legislature and stating that "meetings of the legislature shall be open and noticed as provided in Article III, Section 4(e), except with respect to meetings exempted pursuant to this section or specifically closed by this Constitution." Art. I, sec. 24(b), Fla. Const. (1993).

Georgia

The Act applies to all state and local "agencies" including all departments, agencies, boards, bureaus, commissions and authorities. O.C.G.A. § 50-14-1(a)(1). The Act also applies to any other entity serving a governmental purpose. See, e.g., *Jersawitz v. Fortson*, 213 Ga. App. 796, 446 S.E.2d 206 (1994) (Olympic Task Force Selection Committee subject to Act). The Act has been held not to apply to the Georgia General Assembly or its committees. See *Coggin v. Davey*, 233 Ga. 407, 211 S.E.2d 708 (1975). The Georgia Constitution, however, provides that legislative sessions shall be open to the public, although either house may create exceptions. Ga. Const., Art. 3, § 5, 11. Both the Senate and the House

have adopted rules providing for "executive sessions" that are not open to the public. Senate Rule 219; House Rule 8.

Hawaii

The rules and procedures of the State Senate and House of Representatives supersede the Sunshine Law and govern meetings among legislators. Haw. Rev. Stat. § 92-10. Among other things, notice, agenda, and minutes of the Legislature are not subject to the Sunshine Laws. Id.

Idaho

The legislative branches are not expressly included in the definition of "public agency" found at Idaho Code § 67-2341(4) (1998). However, the law specifically provides that all "standing, special or select committees" meetings of either house "shall be open to the public at all times." Idaho Code § 67-2346. This statutory provision is in direct conflict with internal rules of the respective bodies of the legislature that allow such meetings to be closed in the discretion of the committee members. In practice, such meetings (with the exception of political party caucus meetings) are nearly always open. In 2004, the Idaho Press Club brought a constitutional challenge to the legislature's use of closed committee meetings, relying on Article III, § 12 of the Idaho Constitution. In *Idaho Press Club, Inc. v. State Legislature of the State of Idaho*, 142 Idaho 640, 132 P.3d 397 (2006), the Idaho Supreme Court held that the legislature's use of closed committee meetings did not violate the Idaho Constitution.

Illinois

The Act specifically covers legislative bodies. See 5 ILCS 120/1.02. However, the Illinois General Assembly and its committees are not covered by the Act, but are subject to the state constitutional requirement of open meetings. See Ill. Const. art. IV, § 5(c) (providing that sessions of each house of Legislature, as well as committees, joint committees and legislative commissions, are open to the public; sessions and committee meetings of a house may be closed if two-thirds of members elected to that house "determine that the public interest so requires," and meetings of joint committees and legislative commissions may be closed if two-thirds of members elected to each house "determine that the public interest so requires," presumably by vote); see also Ill. Const. art. IV, § 7 (a) and (b) (requiring "reasonable public notice of meetings, including a statement of subjects to be considered" by committees of each house, joint committees and legislative commissions, as well as the keeping of a journal of house proceedings and a transcript of debates, with the journal published and the transcript open to the public).

Indiana

Unless covered by a specific exemption, all meetings 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). Also, although the Open Door Law's definition of a "public agency" applies to all entities that exercise "a portion of the . . . legislative power of the state," the statute explicitly exempts the General Assembly from its public notice of meetings requirements. Ind. Code § 5-14-1.5-5(g).

Iowa

The Iowa legislature is a *constitutional* creation, not a statutory creation. Iowa Const. Art. IV. The statute covers only governing bodies created by statute or executive order, and those bodies specifically enumerated in § 21.2.

Kansas

Covered by KOMA. K.S.A. 75-4318(a). K.S.A. 75-4319(b)(8). KOMA applies to legislative conference committee meetings. Op. Atty. Gen. 93-113 (1993).

Kentucky

"Every state or local legislative board, commission and committee" is covered. KRS 61.805(2). The General Assembly is a public agency for purposes of the Open Meetings Act. See 93-OMD-63 and 94-OMD-23. "Committees of the General Assembly, however, other than standing committees," are exempt from the OMA. KRS 61.810(1)(i).

Louisiana

Covered. La. Rev. Stat. Ann. § 42:4.2(A)(2). The state legislature itself is governed by somewhat different provisions. La. Rev. Stat. Ann. § 42:18, 42:21.

Maine

The Legislature of Maine and its committees and subcommittees are covered. 1 M.R.S.A. § 402(2)(A).

Maryland

Legislative bodies are subject to the Act unless they are performing executive, judicial, or quasi-judicial functions. §§ 10-502(h), 10-503(a).

Massachusetts

The governing board or body of any authority established by the Legislature to serve a public purpose in the commonwealth (or any part of the commonwealth) must comply with the Open Meeting Law. In all other respects, however, the law does not apply to the state Legislature (formally called the "general court"), nor does it apply to the Legislature's committees and recess commissions. G.L. c. 30A, § 18 (definition of "public body").

Michigan

The OMA covers state and local legislative bodies. A joint legislative committee is a "public body" within the meaning of the OMA. 1977-78 Op. Att'y Gen. 451 (1978). Further, any state or local body that is empowered by resolution to exercise governmental or proprietary authority is a public body under the OMA. See *Jackson v. Eastern Michigan University Foundation*, 215 Mich. App. 240, 246-47, 544 N.W.2d 737 (1996) (University foundation which was empowered to manage university's endowment was a public body); *Jude v. Heselschwerdt*, 228 Mich. App. 667, 578 N.W. 2d 704 (1998) (board of review appointed to review county drain commissioner's apportionment of benefits subject to OMA); *Morrison v. City of East Lansing*, 255 Mich. App. 505, 660 N.W.2d 395 (2003) (committee appointed by city council to be in charge of development of community center is public body subject to OMA) .

Minnesota

The state legislature does not fall within the provisions of the Open Meeting Law. Legislative bodies of any political subdivision are subject to the provision of the Open Meeting Law. § 13D.01, subd. 1(b). In 1990 the legislature passed a law, separate from the Open Meeting Law, requiring that all legislative meetings be open to the public. The law applies to House and Senate floor sessions, and to meetings of committees, subcommittees, conference committees and legislative commissions. For purposes of this law, a meeting occurs when a quorum is present and action is taken regarding a matter within the jurisdiction of the group. Each house of the legislature must adopt rules to implement these requirements. Remedies provided under these rules are the exclusive means of enforcing this law (Minn.Stat. § 3.055).

Mississippi

Standing, interim, or special committees of the legislature are covered, but not subcommittees or legislative conference committees. § 25-41-3(a); Op. Att'y Gen. Oct. 17, 1989 to Rep. Jim Simpson (legislature may not by its own rules negate the applicability of the Act to legislative meetings).

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).

Montana

Article V, § 10(3) of the Montana Constitution declares: "The sessions of the legislature and the committee of the whole, all committee meetings, and all hearings shall be open to the public." Indeed, there is no "privacy exception" to this rather broad constitutional provision. Arguably, then, legislative deliberative bodies may not, in any circumstance, close their meetings.

Nebraska

The Nebraska Legislature and its committees are not expressly subject to Public Meetings Law, although one writer has opined to the contrary. See Note, Nebraska Unicameral Rule 3, Section 15: To Whom Must the Door Be Open? 64 Neb. L. Rev. 282 (1985). Neb. Const. Art. III, § 11, provides “the doors of the Legislature and of Committees of the Whole, shall be open, unless when the business shall be such as ought to be kept secret.” Rule 3, § 15, Rules of Nebraska Unicameral Legislature (2005), provides that executive sessions of legislative committees may be closed to general public, but open to “members of the news media.”

Nevada

The law exempts the Legislature. Article 4, section 15 of the Nevada Constitution appears to require “the doors of each House shall be kept open during its session. . .” However, in 1987 the Assembly Commerce Committee closed hearings in order to review confidential oil company documents. The Nevada Supreme Court held the action did not violate Nevada's Constitution. *Sarkes Tarzian Inc. v. Legislature of the State of Nevada*, 104 Nev. 672, 765 P.2d 1142 (1988).

New Hampshire

The Statute applies to the Legislature. RSA 91-A:1-a,VI. However, its definition of “meeting” excludes “[a] caucus consisting of elected members of a public body of the same political party who were elected on a partisan basis at a state general election or elected on a partisan basis by a town or city which has adopted a partisan ballot system pursuant to RSA 669:12 or RSA 44:2.”

New Jersey

The State Legislature and all county and local legislative bodies are subject to all provisions of the Sunshine Law. N.J.S.A. 10:4-8a.

New Mexico

The Legislature exempted itself from significant portions of the critical work of certain legislative committees, including conference committees, any matters pertaining to personnel matters, matters “adjudicatory in nature” or any bill, resolution or other legislative matter not yet presented to either House of the Legislature. § 10-15-2(A) and (B). The New Mexico Press Association and the New Mexico Foundation for Open Government attempts to close the loophole have failed in the face of the legislative refrain that open government is good for everyone except the Legislature.

New York

State and local legislative bodies, including their committees and subcommittees, are covered by the OML. See, e.g., *Britt v. County of Niagara*, 82 A.D.2d 65, 440 N.Y.S.2d 790 (4th Dep't 1981) (county legislature); *Orange Co. Publications v. Council of Newburgh*, 60 A.D.2d 409, 401 N.Y.S.2d 84 (2d Dep't 1978), *aff'd*, 45 N.Y.2d 947, 383 N.E.2d 1157, 411 N.Y.S.2d 564 (1978) (city council); *Orange County Publications v. County of Orange*, No. 5686/78 (Sup. Ct., Orange County, Oct. 26, 1983) (county legislative subcommittee). However, the OML does not extend to “deliberations of political committees, conferences, and caucuses.” N.Y. Pub. Off. Law § 108(2)(a) (McKinney 1988). This is defined to mean “a private meeting of members of the senate or assembly of the state of New York, or of the legislative body of a county, city, town or village, who are members or adherents of the same political party, without regard to (i) the subject matter under discussion, including discussions of public business, (ii) the majority or minority status of such political committees, conferences and caucuses or (iii) whether such political committees, conferences and caucuses invite staff or guests to participate in their deliberations.” N.Y. Pub. Off. Law § 108(2)(b)

North Carolina

A slightly modified version of the Open Meetings Law applies to the North Carolina General Assembly generally, including its committees, subcommittees and commissions. The variation from the standard provisions is that the General Assembly has different notice provisions. G.S. § 143-318.14A. The Legislative Ethics Committee, conference committees, and a caucus by members of the General Assembly are not subject to the Open Meetings Law. However, no member of the General Assembly shall

participate in a caucus which is called for the purpose of evading or subverting this Article. G.S. § 143-318.18.

North Dakota

Covered by the law. The January filing date for regularly scheduled meetings does not apply to meetings of the legislative assembly or any committee of the legislative assembly. N.D.C.C. § 44-04-20(3).

Ohio

The state legislature is not subject to the statute. Ohio Rev. Code § 111.15(A)(2). The state legislature is, however, subject to a state constitutional provision requiring that the “proceedings of both Houses shall be public, except in cases which, in the opinion of two-thirds of those present, require secrecy.” Ohio Const. Art. II, § 13. Also, a separate statute requires prearranged discussions of public business of state legislative committees to be open to the public. The statute does not open the meetings of legislative caucuses, which are all members of either house of the general assembly who are members of the same political party. Ohio Rev. Code § 101.15. The statute applies to legislative bodies of local governments, specifically “any legislative authority . . . of any county, township, municipal corporation, school district, or other political subdivision or local public institution,” and any committee or subcommittee of any local legislative authority. Ohio Rev. Code § 121.22(B)(1)(a),(b).

Oklahoma

The state legislature is exempt from the definition of public body for purposes of the act. 25 Okla. Stat. 2001 § 304.1. Open meetings of the legislature are conducted in accordance with rules adopted by each house thereof. 25 Okla. Stat. 2001 § 309. County and local legislative and governing bodies are covered by the act. 25 Okla. Stat. 2001 § 304.1.

Oregon

All local legislative bodies are covered by the Public Meetings Law. The law’s applicability to activities of the state Legislative Body is not clear. Or. Const. Art IV, § 14 requires the Legislature’s deliberations to be “open.” The Attorney General has stated that this requirement does not apply to caucuses or closed sessions where permitted under common law or relating to proceedings concerning political party organizational activities.

Pennsylvania

The statute also specifically covers the following meetings of the General Assembly: meetings of committees where bills are considered; all hearings where testimony is taken; and all sessions of the Senate and House of Representatives. Caucuses and ethics committee meetings are excluded. 65 Pa. Cons. Stat. § 712.

Rhode Island

Covered. However, excluded from coverage is any political party, organization or unit thereof. R.I. Gen. Laws § 42-46-2 (c).

South Carolina

The legislature is subject to the act and specific provisions apply for meetings of committees and subcommittees. S.C. Code Ann. § 30-4-80(b). The General Assembly may enter into executive session as authorized by the state constitution and the rules of either house. S.C. Code Ann. § 30-3-70(e).

South Dakota

S.D.C.L. § 1-25-1, arguably, is directed toward the executive branch. It does not specifically cover the state legislature or its committees. (S.D. Const. art. III, § 15, requires open legislative sessions, unless “business is such as ought to be kept secret.” A proposal to eliminate the secrecy clause and to extend the requirement of openness to legislative committee and commission meetings has twice been rejected.)

Tennessee

Covered by the Act. *Dorrier v. Dark*, 537 S.W.2d 888, 892 (Tenn. 1976). However, a single legislator's presence does not convert an otherwise private meeting of an interest group in a public facility into a public meeting under the Act. Op. Att'y. Gen. No. 02-131(Dec. 12, 2002).

Texas

Section 551.003 specifically provides that "the legislature is exercising its powers to adopt rules to prohibit secret meetings of the legislature, committees of the legislature, and other bodies associated with the legislature, except as specifically permitted in the constitution." In *In re The Texas Senate*, 36 S.W.3d 119, 120 (Tex. 2000), the Texas Supreme Court stated that the Act "clearly covers the Committee of the Whole Senate." Furthermore, a governmental body under the Act includes a committee within the executive or legislative branch of a state government that is directed by one or more elected or appointed members. Op. Tex. Att'y Gen. No. LO 97-058 (1997). A legislative body can violate the Act when it "deliberates through a series of closed meetings of members of less than a quorum." Op. Tex. Att'y Gen. No. DM-95 (1992). See also *Hitt v. Mabry*, 687 S.W.2d 791, 796 (Tex. App.-San Antonio 1985, no writ) (the court upheld an injunction restraining the San Antonio Independent School District board of trustees from arriving at a decision affecting the District by way of private, informal telephone polls or conferences of the board members.)

Utah

All entities of the legislative branch are subject to the Open Meetings Act, except political parties, groups, or caucuses, or rules or sifting committees, or those legislative bodies consisting of less than two persons. Utah Code Ann. § 52-4-2(3) (2004).

Vermont

The legislature is governed by the act in drafting its own rules, as it is allowed to do under Chapter II of the Vermont Constitution. 1 V.S.A. § 313(c).

Virginia

The Act includes "any legislative body" in its definition of public bodies. Va. Code Ann. § 2.2-3701.

Washington

The OPMA does not apply to the state legislature. RCW 42.30.020(1)(a). However, it is an open question as to whether the Act applies to caucuses and committees of the legislature. Thus far, the issue has been avoided because the legislative caucuses and committees have adopted open meeting rules that are as broad or more broad than OPMA.

West Virginia

The Act applies to all legislative bodies, such as the State Legislature or a city council. A 1993 amendment to the statute provides that "a governing body of the Legislature is any standing, select or special committee, except the commission on special investigations, as determined by the rules of the respective houses of the legislature."

Wisconsin

"This subchapter shall apply to all meetings of the Senate and Assembly and the committees, subcommittees, and other subunits thereof, except. . ." scheduling, other meetings exempted by legislative rule and caucuses. Wis. Stat. § 19.87.

Wyoming

The definition of agency includes all legislative bodies except the state legislature. Wyo. Stat. § 16-4-402 (a)(ii) (1977, Rev. 1995) This exclusion does not extend to committees composed of legislators and nonlegislators. Wyo. Att'y Gen. Op. 7317 (1973).