

# COMMITTEE CHAIRMAN'S HANDBOOK

## INTRODUCTION

The Committee Chairman's Handbook is prepared by the Legislative Service Office under the direction of the Management Council.

Suggestions for changes or improvements to this Handbook should be addressed to the director of the Legislative Service Office.

# COMMITTEE CHAIRMAN'S HANDBOOK

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# COMMITTEE CHAIRMAN'S HANDBOOK

## CHAPTER I

### COMMITTEE ORGANIZATION AND GENERAL OPERATING GUIDELINES

#### 1. SESSION STANDING COMMITTEES.

##### (a) Designation of Chairman.

Standing committee chairmen are selected by the majority leadership in each house subject to confirmation by the majority party caucus.

##### (b) Committee Membership.

Committee members are appointed by the presiding officer of each house with the advice and consent of the Rules Committee. (Senate rule 7-1, House rule 4-1) Membership is apportioned to reflect as nearly as possible the percentage of majority and minority members elected to each house. (Senate rule 7-2, House rule 4-2) Recommendations of the minority party caucus are generally taken into consideration in the appointment of minority party members to serve on the various standing committees. During the interim the presiding officer of each house may appoint members to fill vacancies provided the appointment is made with the advice of the respective majority or minority leader, dependent upon the party in which the vacancy has occurred. (Senate rule 7-5, House rule 4-5)

##### (c) Other Committee Officers.

Although not required by rule, most committee chairmen designate another member of the committee (often the ranking member of the majority party) to serve as acting chairman in the absence of the chairman.

#### 2. INTERIM COMMITTEES.

##### (a) Formation as Joint Interim Committee.

When the legislature is not in session, the respective standing committees of the House and Senate combine to function as "joint interim" committees. W.S. 28-8-104(b).

(b) Organizational Meeting.

Joint interim committees generally meet for the first time near the date for adjournment of each session to organize, elect officers, adopt committee rules and discuss possible interim study topics. Select committees and legislative task forces generally do not meet at this time, rather their study topics are normally set by their enabling legislation. (see Chapters II and V of this Handbook relating to interim committee studies.) Standard interim committee rules found in the appendix to the Senate and House Rules apply unless modified by the committee at the first meeting following the general session. Joint rule 17-1.

(c) Election of Officers.

At the first meeting of the interim committee, the committee elects a chairman and vice-chairman or cochairman. The same practice applies to select committees and legislative task forces unless the enabling legislation specifies otherwise (e.g., the chairman shall be appointed by the president and speaker). The office of secretary for a committee is archaic and unnecessary. It is preferable for the chairman or cochairman to approve the summary of proceedings. These officers serve for the remainder of the biennium.

Although not required, it is the common practice of many committees for the chairmanship to rotate between the House and Senate every two years.

Committees which elect cochairmen are urged to designate one of the two cochairs to handle administrative matters, e.g., signing vouchers, serving as the point of contact for staff in arranging meetings, etc.

3. GENERAL OPERATING GUIDELINES.

- (a) Committee operations are subject to numerous guidelines ranging from specific statutory directives to informal "customs".

A list referencing the major sources of committee operating guidelines and providing a brief synopsis of significant information contained in each is attached as Appendix 1.

- (b) Provided with this handbook are two video CDs prepared by the National Conference of State Legislatures (NCSL) providing general guidelines and practical hints for committee chairmen.

# COMMITTEE CHAIRMAN'S HANDBOOK

## CHAPTER II

### INTERIM COMMITTEES - BUDGET/FINANCE

#### 1. INTERIM COMMITTEE BUDGETS.

##### (a) Management Council Procedures.

The Management Council is responsible for approving interim committee studies and allocating funds available for interim work among the various joint interim committees. W.S. 28-8-104(b)

Traditionally near the end of each session, the Council requests the joint interim committees to submit suggested study topics and estimated meeting days needed for interim work. The LSO staff designated to work with the Committee will assist in preparing this submission. The LSO will develop budget information for the Management Council based upon authorized meeting days. At a meeting during the final days of the session, the Council approves topics and budgets for each Committee so that interim work can begin. The Council may adjust the approved topics and budgets during the course of the interim.

##### (b) Planning the Interim Committee Study Request.

It is the responsibility of the interim committee chairman to prepare and submit a proposed committee meeting schedule to the Management Council. The Council will evaluate the proposed schedule based upon: (1) the Council's assessment of the relative importance of the interim work proposed for the committee; (2) whether the request is reasonable in light of the complexity of the committee's proposed studies; and (3) availability of funds taking into consideration the anticipated workload and budget needs of all the other joint interim and other authorized committees. It is therefore important that the chairman clearly communicate to the Council the importance and complexity of the committee's proposed studies. The chairman should also prioritize the committee's proposed studies in the event funds are insufficient to allow the Council to approve all of the studies. (See Chapter V of this Handbook relating to planning committee studies. See also the Sample Interim Study Proposal format, Appendix 3.)

The chairman should consider: the number and location of proposed committee meetings and public hearings and whether the committee's work can be more efficiently completed through a series of one day or two day meetings or the possible use of subcommittees. The chairman should note in the

study request any special budget needs resulting from extraordinary meeting arrangements or from other unusual circumstances such as the purchase of computer programming services.

2. COMMITTEE FINANCE GUIDELINES.

(a) Authorized Expenditures.

Management Council Policy governing interim committees provides:

"Funds allocated to a joint interim committee shall be used entirely for committee expenses such as travel, salary and per diem for members, expenses for public hearings or such other expenses as the committee may request and the Management Council may authorize."

The most frequently asked questions relating to this policy involve the interim committee chairman's authority to approve expenditure of budgeted funds for a committee member to attend an in-state meeting, seminar or program other than a regular interim committee meeting.

In exercising his discretion, the chairman should ensure: (1) that the proposed expenditure is directly related to and will facilitate the committee's assigned work; and (2) that there will remain sufficient funds in the budget after the expenditure to allow the committee to complete its studies.

Questions concerning the appropriateness of any unusual expenditure should be discussed in advance with the director of the Legislative Service Office or the chairman of the Management Council.

(b) Monitoring the Committee's Budget; Budget Shortfalls.

The Legislative Service Office fiscal officer maintains a separate budget account for each interim committee. An updated budget status report is available for the interim committee chairman at any time from the LSO fiscal officer. It is the chairman's responsibility to plan the committee's activities to stay within the allocated budget.

An interim committee may not expend funds in excess of its budget without the advance approval of the Management Council. Since the Council generally meets only once every 3 or 4 months, the chairman must monitor his committee's budget closely and submit requests for additional funding well in advance of the actual need. Chairmen are cautioned that approval of additional funding requests is not automatically given by the Council and much depends upon the emergency nature of the request, the availability of funds in the legislative budget and the anticipated needs of the other interim committees. Management Council policy allows an

interim Committee to exceed the budget by not more than \$1500, where the excess results from the costs of the last meeting of the interim for the committee.

(c) Prohibition Against Accepting Funds from Other Sources.

Management Council Policy governing interim committees provides in part:

"A joint interim committee may not apply for, receive or accept any grant, donation or gift of money for funding approved studies and work projects other than appropriations to the LSO or other appropriations specifically for that purpose."

(d) Limiting Reimbursement to Committee Members for Special Activities.

To conserve committee funds, committee chairmen occasionally limit the reimbursement which will be authorized for committee members participating in a particular activity, e.g., the chairman may authorize mileage and per diem, but not salary, for committee members participating in a tour. Please note, however:

- (i) The activity must be something other than a regular committee meeting, attendance at which entitles committee members to full payment of salary, mileage and per diem; and
- (ii) Committee members must be provided clear advance notice that they will not receive full reimbursement for attending the activity.

# COMMITTEE CHAIRMAN'S HANDBOOK

## CHAPTER III

### CONDUCT OF COMMITTEE MEETINGS

#### 1. COMMITTEE RULES.

Standard rules for the conduct of committee business are attached as Appendix 2. Joint Rule 17-1 provides that these shall be the standard rules for the conduct of committee business unless a joint interim committee adopts alternative rules at its first regularly scheduled meeting following adjournment of the general session.

#### 2. DECORUM/PROTOCOL IN MEETINGS.

While many of the formal rules of procedure and debate are somewhat relaxed in committee meetings in order to permit free discussion, some formality is required to ensure proper decorum and efficient operation. (See generally, Mason's Chapters 12, 13 and 58.) On occasion it may prove worthwhile to advise the audience of the committee's standard rules of procedure and decorum at the beginning of the meeting before inviting public testimony.

- (a) Addressing the Chairman. All debate and questions should be addressed to the chairman.
- (b) Proper Protocol. Proper protocol should be observed in recognizing individuals who may wish to address the committee, e.g., priority of recognition should be given to federal elected officials, state elected officials, members of the judiciary, legislative leaders, other legislators who are not committee members, etc.
- (c) Maintaining Order. The chairman is primarily responsible for maintaining order at the committee meeting. Order can normally be maintained by calling for the attention of those present or by ruling inappropriate discussion out of order.

In the unlikely event of a disruptive person ignoring the directions of the chairman, it might become necessary to temporarily recess the meeting and ask for security personnel to be contacted.

Extreme cases of disorderly conduct at a committee meeting may be subject to criminal prosecution. See W.S. 28-1-110.

#### 3. CHAIRMAN'S ROLE AT COMMITTEE MEETINGS.

Mason's Section 611 lists the following as the general duties of the committee chairman:

- (a) To call the committee together to properly perform its functions.
- (b) To preside over meetings of the committee and to put all questions.
- (c) To maintain order and decide all questions of order subject to appeal.
- (d) To supervise and direct the clerical staff and other employees of the committee.
- (e) To prepare, or supervise the preparation of reports....
- (f) To have custody of all papers referred to the committee....

In addition to facilitating discussion, it is extremely important that the committee chairman exercise his authority to keep the committee *on track and on time*. A chairman attempting to run a "tight" (efficient, productive) meeting may run the risk of appearing to limit discussion, but the greater danger may lie in allowing the meeting to be so unstructured that the committee's time is wasted in nonproductive or speculative discussion while significant issues are left unaddressed.

"A committee chairman must learn to wield a gavel much like a conductor uses a baton. A timely schedule, a manageable agenda and a sense of order and rhythm are the hallmarks of a successful meeting. Without these, a chairman will be faced with confusion and delay... A chairman needs to utilize committee time well and productively, so that the public and other interested parties have an opportunity for input and gain an impression of dignity and order." A Chairman's Guide to Effective Committee Management (NCSL 1981).

#### 4. EXECUTIVE SESSIONS.

- (a) Exempt from Public Meetings Law. The state legislature (and thereby its committees) are specifically exempt from the open meeting requirements of the Public Meetings Law, see W.S. 16-4-402(a)(ii).
- (b) Executive Sessions of Joint Interim Committees. Management Council Policy #10 governing interim committees provides, in part:

"Meetings of ... joint interim committees will be open and public; provided the chairman of the meeting may call an executive session and exclude therefrom all persons except those whose presence is requested by the chairman."

(c) Executive Sessions of Standing Committees.

Senate Rule 7-3:

"... All standing committee meetings shall be considered open meetings except when declared to be an executive meeting by the standing committee chairman."

House Rule 4-3:

"... All committee meetings will be open to the public unless declared an executive session by the chairman."

5. AUTHORITY TO SUBPOENA WITNESSES.

Legislative committees are authorized to issue subpoenas under W.S. 28-1-109 (see also Management Council Policy #11 relating to joint interim committees).

The LSO has developed, and will provide to any committee chairman upon request, detailed procedures relating to issuance of committee subpoenas.

6. AMERICANS WITH DISABILITIES ACT.

The U.S. Congress enacted the Americans with Disabilities Act (ADA) in 1991 to ensure the full opportunity for persons with disabilities to participate in all programs and services available to the general public. Relevant provisions of the ADA became effective July 1, 1992.

Unlike Section 504 of the Rehabilitation Act of 1973, the ADA does not limit requirements for accommodating persons with disabilities only to programs which receive federal funding. The five Titles of the ADA affect both the private and public sectors, regardless of federal participation. Of particular importance to the Wyoming Legislature are Title I, which requires that persons with disabilities not be discriminated against in employment, and Title II, which requires accessibility of programs and services in the public sector. The gravamen of the ADA is that reasonable accommodation shall be made for persons with disabilities.

For committee chairmen, Title II of the ADA is to be considered when setting meetings for their interim or standing committees. The Management Council has approved the following policies to ensure compliance with the spirit and intent of the ADA:

- (a) Interim committee meeting sites will be scheduled by the Legislative Service Office (LSO) staff to ensure that the sites are readily accessible to persons with mobility impairments.
- (b) All meeting notices for interim committee meetings will contain a statement asking persons with disabilities who need special accommodation to contact the LSO.
- (c) If persons with hearing impairments request accommodation by the use of an interpreter, the LSO will attempt to arrange for an interpreter to be present at the meeting.
- (d) During the course of a legislative session, should a standing committee chairman, a member of the legislature or any session staff receive a request from a member of the public for the accommodation of a hearing impaired person through the use of an interpreter, that person should contact: (1) the Staff Supervisor for the house of the legislator involved; or (2) the LSO, who will make reasonable efforts to arrange for an interpreter. Legislative proceedings will not be delayed because of the request.
- (e) If a visually impaired person requests accommodation regarding bill drafts or other legislative information or publication through audio means, the LSO will arrange to make the material requested available on audio tape and will charge no more than charges levied for the same printed materials.

# COMMITTEE CHAIRMAN'S HANDBOOK

## CHAPTER IV

### STANDING COMMITTEE OPERATIONS

#### 1. PLANNING AND PRIORITIZING COMMITTEE WORKLOAD.

The primary duty of standing committees is to receive, consider and report on bills referred by the full body of the House or Senate.

In consultation with the leadership, it is the committee chairman's responsibility to plan the committee's work to ensure that significant bills assigned to the committee are given adequate consideration.

- (a) The Need to Prioritize. Due to constitutional limitations on how long the legislature may remain in session, committees often find there is insufficient time to give full consideration to all bills assigned. Time constraints also result in most committees being unable to follow a strict "first in - first considered" policy if adequate time is to be reserved for the most important pieces of legislation. It is therefore important for the chairman to continuously assess and prioritize the committee's workload to ensure that the majority of the committee's time and effort is concentrated on the most significant issues. Chairmen should be especially cautious of the tendency early in the session to devote an inordinate amount of time to "working" and reporting out relatively insignificant bills merely because they received an early assignment to the committee.

"Nonessential items can consume a disproportionate amount of valuable committee time unless techniques are used to ensure that priority matters are taken up in a timely manner and noncontroversial matters are handled expeditiously. If chairmen do not utilize the early days of the session effectively, committee work is compressed into shorter and shorter time periods. Important but complex bills may be lost in the build up and imperfect or unnecessary bills can potentially move to the floor, contributing to end-of-session logjams... Primary responsibility for avoiding these problems rests with the chairman." A Chairman's Guide to Effective Committee Management (NCSL 1981).

- (b) Status Boards.

To help keep track of the "big picture," a number of committees employ status boards in the committee rooms to provide a graphic display of all bills included in

the committee's current workload. Tentative dates for hearing and "working" bills are revised as additional bills are assigned to the committee and as priorities are adjusted.

(c) Scheduling.

As noted in A Chairman's Guide to Effective Committee Management (NCSL, 1981), the NCSL Legislative Management Committee has drawn up a list of suggestions for chairmen on scheduling. These include the following tips:

- (i) Schedule several noncontroversial housekeeping bills together at the start to get the meeting moving, and then schedule a few controversial bills or bills requiring more time;
- (ii) Schedule similar subject-matter bills together. (The grouping of similar bills together may eliminate duplicative testimony, allow for streamlined briefings and facilitate the preparation of amendments.)
- (iii) Schedule controversial bills together and schedule noncontroversial bills together.

In scheduling the committee's work it is, of course, important for the chairman to keep in mind important dates on the legislature's calendar, especially final dates for committee action on bills.

2. COMMITTEE'S ROLE IN "SCREENING" LEGISLATION.

Given the constitutional limits on length of sessions, it is an inescapable fact that there is insufficient time for all introduced bills to progress to third reading and be given final consideration by the full House or Senate. In fact, history reflects that on average, only 30% of introduced bills become law. For the current system to continue functioning, some bills must necessarily "die" somewhere along the way while more significant pieces of legislation are advanced.

Despite this need, however, there has been a noticeable trend in recent years for standing committees to report bills out of committee so that "the whole body can decide" whether the bill should advance. Whether this trend results from a well-intentioned desire that bills be given a "fair hearing" or simply an unwillingness to make hard political decisions, the result is that more and more bills are being advanced in the system thereby creating a bottleneck on general file and requiring the full body of the House and Senate to spend valuable time "weeding out" legislation in committee of the whole.

Each committee chairman should ensure that his standing committee fulfills its primary "screening" role in the legislative process, which may mean that some bills "die" in committee or are reported out with a clear "do not pass" recommendation.

### 3. COMMITTEE ACTION ON ASSIGNED BILLS.

Chairmen should refer to the Wyoming Manual of Legislative Procedures for a general overview of procedures for standing committee action on bills.

- (a) Bill Security. A committee, or even the full body of the House or Senate, can act upon a bill only when it has the bill in its possession. A bill assigned to a committee and subsequently reported out (or recalled from the committee) must be physically delivered to the chief clerk before it is subject to further action. Keeping track of the physical location of the original bill and its bill jacket is therefore of such significance that committee chairmen are asked to receipt for the bill when it is delivered to them and to provide strict security for the bill in the committee room.
- (b) Scheduling Committee Meetings. The majority floor leader in the House and Senate will provide the committee chairmen with a general schedule for the daily convening and adjourning of the House and Senate which will identify blocks of time available for committee meetings and a "usual" meeting schedule for each of the standing committees.

In determining which, and how many bills, are to be considered at any particular committee meeting the chairman will need to consider:

- (i) The relative priority of the bill. The chairman should constantly review the committee's workload to ensure that bills having the highest priority are given early and thorough consideration by the committee;
- (ii) Degree of complexity and controversy. The committee may need to devote all of the time available at one or more of its meetings to the exclusive consideration of a single complicated bill while in other cases numerous simple or "related" bills can be scheduled for consideration at a single meeting. The chairman should also take into account the degree of controversy surrounding the bill and the anticipated number of witnesses;
- (iii) In scheduling bills for consideration, the chairman should try to accommodate persons who have to travel long distances to testify;
- (iv) In the case of public hearings on highly controversial bills, the chairman should consider whether to arrange in advance for a larger meeting room and

whether there might be a need for additional security. In these instances, the LSO should be contacted for assistance.

- (c) Notice of Meetings. Notice of standing committee meetings are prepared by the committee secretary under the direction of the chairman and are published daily in the House and Senate Calendars, posted in conspicuous locations in the vicinity of the House and Senate chambers and posted on the legislative website. Notices should be posted as soon as possible after hearings are scheduled. Notices must be posted by 3:00 p.m. on the day preceding the day of the meeting (see Senate Rule 10-3b and House Rule 9-2b.) (There are exceptions to these rules for continued consideration of a bill, re-referred bills and bills at the beginning of the session.) Meeting schedules are also announced by the committee chairmen each afternoon before adjournment of the House and Senate.
- (d) Appearance of Bill Sponsor at Meeting. It is the normal practice for the committee secretary to provide special written notice to each bill sponsor whose bill will be up for consideration at a committee meeting. If a sponsor cannot attend the scheduled meeting, he is responsible for arranging for another legislator to explain the bill or notifying the standing committee chairman to request a postponement of the hearing on his bill.
- (e) Presentation of Testimony. The normal practice is for the sponsor to speak first and present a summary of each provision in his bill. The sponsor may ask the constituent or lobbyist who suggested the legislation to provide additional information and to answer questions. If a written statement is presented, sufficient copies should be provided so that each committee member and the committee secretary receives a copy. Following presentation by the sponsor and his witnesses, the chairman will normally allow time for others wishing to provide testimony and for committee questions. Often, the committee will not begin "working" the bill (discussing amendments) or vote on a final recommendation until a subsequent meeting.

A brochure is available in the LSO which provides general information to members of the public explaining how to make a presentation to a legislative committee.

- (f) "Working" the Bill. "Working" a bill assigned to committee involves the committee's consideration of the substantive policy provisions of the bill as well as a careful review of its practical and technical aspects. Before going to the effort of "working" a bill, some committees take a straw poll to determine whether the committee is interested in passing the bill out of committee. LSO staff is available for consultation when a committee is "working" a difficult bill.

Committees should not depend upon committee of the whole action to "clean up" bills which have not been thoroughly reviewed and worked on by the standing committee.

- (g) Substitute Bills. In the event the standing committee has proposed a great number of complex amendments to a bill, the chairman may wish to discuss with the House or Senate attorney the possibility of preparing a substitute bill which incorporates the committee's amendments. Only LSO can prepare substitute bills in draft or final form for consideration. There is a way by which a standing committee can review a "draft" substitute bill before making a final decision. This "draft" is not official and not automatically available to the public. Considering the use of a substitute bill should be discussed with LSO staff in the respective attorney's offices. This alternative should be used sparingly due to: (1) the amount of staff time required; and (2) the difficulty interested individuals might encounter in trying to determine the exact changes proposed by the standing committee when the amendments have already been merged into the language of the substitute bill.
- (h) Motion to Re-refer. A motion to re-refer a bill to another committee is appropriate when:
  - (i) The first committee determines the bill involves a subject more appropriately within the general jurisdiction of another committee; or
  - (ii) The bill contains an appropriation or requires an appropriation or change in funds and is subject to re-referral to the appropriations committee under Senate Rule 9-4 or House Rule 8-5.
- (i) Preparation of Standing Committee Report. See the "Standing Committee Report Checklist" in the Wyoming Manual of Legislative Procedures.

The standing committee report is prepared by the committee secretary under the direction of the chairman. The report is generally prepared from the secretary's notes of the committee's discussion and is seldom presented to the committee for review before a final vote is taken on the bill. The report will state the committee's action and vote on the bill, attached to the report will be a "marked-up" bill from which the House and Senate attorneys will prepare the technical language of any proposed committee amendments. It is therefore important that the chairman carefully review the report and marked up bill to ensure that it accurately reflects the committee's action. Following return of the report, the House or Senate Attorney may make additional technical corrections to the standing committee amendment before it is distributed to and voted upon by the full body. The chairman should consult with the House and Senate attorneys and carefully review such corrections to ensure that they do not alter the committee's intent.

4. STANDING COMMITTEE MINUTES.

For a number of years it was the custom for committee secretaries to prepare minutes of all standing committee meetings. These minutes ranged in detail from a bare recitation of the committee's action on a bill (duplicating information contained in the standing committee report) to near verbatim transcripts of the testimony and discussion at committee meetings. Regardless of style, however, no provision existed for preservation of these minutes as permanent records of the legislature and they were typically discarded at the end of each legislative session.

Following the 1992 session, the Management Council reviewed various alternatives relating to preparation and retention of standing committee minutes and determined that any formal requirement for keeping such minutes should be eliminated.

Whether the secretary for a standing committee will be required to keep minutes relating to some or all bills assigned to the committee, and the format for those minutes if required, is now a matter solely for the discretion of the committee chairman. See Joint Rule 16-1 regarding official standing committee records.

5. STANDING COMMITTEE REPORT.

The Management Council has approved the following procedures for preparation of standing committee reports:

- (A) In all cases where there is a committee amendment, the report form will simply state "See Attachment A";
- (B) The secretary will mark up by hand (cut and paste if necessary) a copy of the bill to read as the committee wanted it in accordance with their amendments. Additions to and deletions from the bill will be made so as to be clear to the attorneys;
- (C) The secretary then submits the report form and the marked up bill to the chairman for review and signature;
- (D) The chairman signs the report and submits it to the front desk along with the marked up bill;
- (E) The chief clerk sends the report and the marked up bill to the attorneys who prepare the "Schedule A" amendment in proper form and return it to the front desk where it is read in;
- (F) The marked up copy remains in the attorney's office; the Attachment A prepared by the attorneys is the official version of the amendment placed in the jacket.

# COMMITTEE CHAIRMAN'S HANDBOOK

## CHAPTER V

### INTERIM COMMITTEE OPERATIONS

#### 1. DEVELOPING INTERIM STUDY PROPOSALS.

##### (a) Importance of Interim Work.

It is obvious that much of the important work of a part time citizen legislature must of necessity be accomplished through its interim committees. Ideally, these committees will take on the truly tough issues facing the state and through the course of intensive interim work, develop appropriate legislative responses. Faced with limited time and budget, however, the interim committee process cannot operate effectively unless the committees identify, prioritize and select the most significant topics for interim study.

When notified by the Management Council about its meeting to consider interim studies (see Chapter II, Section 1), the committee chairmen schedule an organizational meeting at which interim topics are identified. Unfortunately, an "interim study planning meeting" held by an interim committee at the end of the legislative session sometimes follows this scenario:

The interim committee meets for less than an hour during the last days of the session to plan interim studies. This is a time when everyone is tired and ready to go home and the last thing anyone wants to do is think about interim work. Because the Management Council is pressing for a preliminary list of study topics, the committee gives serious consideration to any issue that any individual member happens to bring up. The proposed "studies list" developed at this meeting, then, typically involves: (1) issues only one member of the committee is truly concerned with; (2) proposals to continue previous committee studies that never got off the ground; (3) proposals to rehash legislation that failed during the current session. In many cases, no "study" is needed, rather, this is simply a means to get committee sponsorship of an individual legislator's bill to enhance the chances for passage; (4) proposals to study broad "catch all" subjects; or (5) proposals to "monitor" some current or threatened federal program or activity which the legislature is likely powerless to affect in any event.

##### (b) Identifying Study Topics/Issues Forecasting.

Identifying significant topics for interim study is one of the most important tasks facing the interim committee chairman and vice-chairman. The following suggestions might prove helpful:

- (i) Begin developing a list of potential study topics as early as possible and encourage the committee to continuously review and update the list throughout the biennium. A brief time allotted for "committee planning" would be appropriate on the agenda for each interim meeting.
- (ii) Monitor innovations and "hot issues" in other states.

It is true that there exist some issues worthy of study which are truly unique to Wyoming. Likewise there are some issues which are deemed critical by states in other regions but which are of little interest in our state. It is important to note, however, the great number of current issues and problems which Wyoming shares in common with other states, e.g., economic development, health care, worker's compensation issues, etc. While there is a definite danger in rushing to consider every new innovation experimented with in other states, there is likewise a danger in ignoring trends and issues in other states until a crisis situation forces a consideration of those issues here in Wyoming.

Numerous materials are available through LSO staff to committee chairmen interested in monitoring issues being addressed in other states including NCSL and CSG periodic publications.

- (iii) Select study topics within the logical jurisdiction of the committee. The issue involved here is not turf battles with other committees but rather a logical division of labor with each committee studying topics within its own area of expertise.
- (iv) Select topics which are big enough or complicated enough to warrant committee "study." Committees should avoid studies which constitute nothing more than a minimal review of previously considered legislation or consideration of a series of minor bills which could be handled as well by individual sponsors. On a related note, committees should be especially wary of requests late in the year from individual legislators (seeking added impetus for their personal bills) to take over sponsorship of bills which have not been the subject of committee study.
- (v) If the committee has not already developed a list of potential study topics prior to the beginning of the session, the subject of interim work should be brought up at one of the committee's first meetings - and periodically thereafter - to encourage the committee members to begin discussing possibilities well in advance of the last days of the session.

- (vi) Other sources for identifying potential interim study topics include: recent decisions of the state supreme court affecting a subject area of concern to the committee; recommendations of state agencies; LSO staff recommendations.
- (vii) Prioritize study requests presented to the Management Council. More often than not, interim committees request authorization to study more issues than the Council believes can be handled given the limited time and budget available. It is important, therefore, that the committee chairmen clearly identify and fully explain the committee's top study priorities.

In order to explain the committee's proposals and to answer questions, the chairman should make every effort to attend the Council meeting held prior to the close of the session at which preliminary decisions are made concerning interim studies.

2. FORMAT FOR STUDY PROPOSAL SUBMITTED TO MANAGEMENT COUNCIL.

See sample format in Appendix 3.

3. INTERIM COMMITTEE BUDGET.

See Chapter II of this Handbook.

4. SCHEDULING INTERIM WORK.

- (a) Getting Started. Most committees are understandably reluctant to commence interim committee work immediately following the conclusion of a grueling legislative session. It is expected, however, that committees will begin their work early enough in the spring to ensure sufficient time for completion. Committee chairman should be ready to discuss a rough meeting schedule at the Management Council meeting setting committee studies. The Council will attempt to balance the meetings of all Committee in order to provide legislators a reasonable and balanced workload throughout the interim. Committee chairmen should meet with their respective LSO committee staff shortly after the adjournment of the session to more specifically schedule the committee's meetings for the entire interim in accordance with the general schedule discussed with Management Council. LSO staff will schedule the meeting times adopted by the chairman in a common calendar to increase the coordination of scheduling between committees. Meeting dates will be reserved on a first-come, first-serve basis. Even if the committee does not schedule an early meeting, the chairman is responsible for providing sufficient guidance to

committee staff to allow them to begin preliminary research on assigned study topics.

- (b) Determining the Number of Meetings. The chairman must decide whether the committee's work can best be handled by a series of one day or two day meetings. To conserve committee funds, consideration might be given to:
  - (i) The appointment of subcommittees to study or prepare draft legislation on specific issues and to report back recommendations to the full committee;
  - (ii) Scheduling a "long" one day meeting rather than continuing the meeting over to a second day if there is insufficient work to keep the committee busy past noon on the second day.
- (c) Scheduling for Early Completion. The chairman should be prepared to work with Management Council at the end of the session meeting to develop a tentative schedule for committee meetings as well as target dates for completing various segments of the committee's work assignment.

Interim committees should attempt to schedule meetings so that the target date for completing interim work is November 1, but not later than November 15th. This is necessary:

- (i) To enable the LSO staff to devote adequate time to drafting individual bill requests prior to the legislative session; and
  - (ii) To avoid last minute action on bills which have not been fully "worked" by the committee. Meetings held late in the year often result in committee staff being delegated the task of drafting or revising committee bills with inadequate direction.
- (d) Determining Where to Hold Meetings. Committees may not want to hold all of their meetings in Cheyenne for various legitimate reasons, e.g., travel distances involved for some committee members; possible savings to the committee's budget resulting from holding meetings in a more centralized location; opportunity for citizens living in other parts of the state to participate in the legislative process, etc. These factors might be especially persuasive in the case of a committee meeting scheduled for the very purpose of soliciting widespread public input. On the other hand, the chairman must weigh the overall costs of holding certain types of meetings away from the capitol, e.g., requiring numerous state agency officials to travel to a location outside Cheyenne to brief the committee on various state programs might result in minor savings to the committee budget but might be very expensive to the state as a whole.

Chairmen may wish to consider using the state compressed video system where the meeting agenda makes its use reasonable.

5. EXCEEDING AUTHORIZED STUDIES.

Committee chairmen occasionally face the question of how far the committee may go in working on an issue which has not been specifically approved as an interim study by the Management Council.

The two factors limiting the exercise of the chairman's discretion in this regard involve potential impacts upon the committee's budget and upon LSO staff resources. By statute, the Management Council is charged with establishing priorities for the use of staff time and for the commitment of funds for committee studies. W.S. 28-8-104(b). The Council makes its allocation of these limited resources among the various interim committees based upon the relative workload of each committee as determined at the time interim studies are initially approved. Chairmen should be cautious of subsequently taking on unapproved studies which significantly impact this allocation by requiring additional staff time (and thereby possibly preventing the staff from devoting sufficient time to the work of other interim committees) or committee budget (which may result in the committee running short of funds to complete its other assigned studies.)

On the other hand, a chairman is probably safe in allowing the committee to preliminarily review issues which are not strictly related to the committee's assigned interim work but which will not require significant staff time. The committee should determine if it can handle the issue briefly in conjunction with a committee meeting scheduled for work on approved studies. Similarly, citizens or state agency representatives sometimes ask for permission to address a committee on a topic that is not one that is approved for interim study. Nevertheless, it makes good sense to at least hear these concerns and determine if additional interim work is necessary.

If the committee determines that it should address issues beyond those authorized the committee chairman should contact the Management Council and ask that the additional topic be added to the approved list, specifying whether it can be addressed with or without an additional budget request. The LSO will arrange to poll the Council members by phone or by letter, so waiting for a Council meeting might not be necessary.

6. EFFECTIVE USE OF STAFF.

- (a) With respect to committee staffing, the LSO does perform "ministerial" type services (arranging meetings, preparing summaries of proceedings, putting legislation drafted by lobbyists or others into proper form, etc.) as well as more "professional" services including intensive research and policy analysis. The staff

also possesses a good deal of knowledge about state government structure, finance, operations and programs which can be of significant value in assisting committees in their policy determinations. In their role as staff, however, LSO personnel must walk a fine line in offering assistance so as to avoid even the appearance of attempting to "lead" or unduly influence the committee. Consequently, it is the responsibility of the chairman to determine the extent to which he wishes to request and make use of available LSO staff assistance.

Chairmen should avoid the practice of assigning tasks to staff without appropriate direction, for example: Interim committees on occasion ask staff to draft or redraft provisions in a committee bill to "fix" a problem brought to the committee's attention without clear direction as to the committee's intent. Staff can be requested to meet with interested parties and to draft and present alternatives to a committee but staff should not be asked to, in effect, "negotiate" between two or more opposing groups and "work out a compromise" to bring back to the committee. Staff properly may be asked to inform the committee of alternative policy choices and to present information regarding those decisions, but staff should not be asked to make policy decisions that should be handled by the committee itself.

- (b) It is not uncommon for some committees to rely heavily upon lobbyists, state agency personnel or others to provide information or recommendations for the committee's consideration. While there is no reason to believe that information provided by these sources is inaccurate, chairmen should keep in mind that many individuals offering "help" to the committee have a definite bias or "agenda" as to the final result they wish the committee to reach.

## 7. INTERIM COMMITTEE SUMMARY OF PROCEEDINGS.

- (a) General Guidelines. Summaries of proceedings from joint interim committee meetings prepared by the Legislative Service Office are in the nature of a brief recap of committee action and proceedings and are not meant to be a verbatim transcript of meetings. Reasons for this policy include:
  - (i) Limited staff resources make preparation of a verbatim transcript impractical;
  - (ii) Summaries in a recap format are often more useful to legislators and the public. For example, a single issue may be addressed several times during the course of a two-day meeting before the committee takes final action. Arranging summaries of proceedings by topic rather than chronologically will allow the reader to locate all discussion and action on a particular issue under a single topic heading, rather than requiring a reading of the full set of minutes to find each isolated reference to the issue;

- (iii) It is more important to summarize clearly the information provided to the committee than to record the precise dialogue between committee members and presenters which elicited the information.
- (b) Public Hearings. As in the case of the summary of proceedings, the basic policy is to provide a summary of testimony and not a full chronological transcript:
- (i) Information provided by each individual speaker is combined and summarized under a single entry even if the person spoke several times during the course of the public hearing;
  - (ii) It is common practice to reference attached written statements in lieu of summarizing testimony. The chairman should announce at the beginning of the public hearing that any individual who addresses the committee but has not prepared a written statement should furnish a written summary of his testimony to the LSO within 7 days following the hearing for inclusion in the record.
- (c) Subcommittee Meetings. The primary purpose of the report of a subcommittee meeting is to provide a brief recap which documents subcommittee proceedings and recommendations to the full committee:
- (i) Unless deemed particularly important, the report need not provide a detailed record of testimony received by the subcommittee nor specifics of subcommittee deliberations;
  - (ii) The report may take the form of a summary of proceedings or may simply be designated as a "report" or "memorandum" of subcommittee action addressed to the full committee;
  - (iii) Rather than preparing individual sets of summaries of proceedings for each subcommittee meeting, it is sometimes preferable to summarize in a single report to the full committee all the activities of a subcommittee which meets several times during the course of the year;
  - (iv) A limited purpose subcommittee (e.g., a "drafting" subcommittee assigned to review a specific issue and prepare a bill draft for consideration by the full committee) normally provides an oral rather than a written report of its activities and recommendations to the full committee.
- (d) Approval of Committee Summary of Proceedings. Committee summaries of proceedings are valuable as legislative history only to the extent that it is established that they accurately reflect the committee's action and consensus. Since interim

committee summaries of proceedings are prepared in the form of a recap rather than as a verbatim transcript, it is especially important that at each meeting the committee vote to approve (or if need be correct) the summaries of proceedings of the previous meeting as constituting an accurate record.

Under current policy, the summary of proceedings is first mailed to the chairman or cochairmen for review. If LSO receives no response within 10 days after mailing, the summary of proceedings is released to the public, including being made available on the legislative Web site. LSO will make corrections as directed by the chairman/cochairmen or, upon timely notice, withhold distribution until corrections can be made. All summaries of proceedings appear with the heading "Draft Only - Approval Pending" until the Committee votes to approve them.

(e) Recording Votes on Bill Introductions.

It is essential that committee votes on disposition of bills are recorded.

8. PROCEDURE IN ABSENCE OF A QUORUM.

A typical one-day meeting of an interim committee in Cheyenne or Casper costs around \$6,500 if the entire committee attends. In light of this expense, it is very important that the committee chairman remain in close contact with the committee staff to determine whether a quorum of the committee will attend to transact business or whether the meeting should be postponed or canceled.

If, for reasons beyond control (e.g., sudden adverse weather), an insufficient number of committee members show up to establish a quorum:

- (a) The chairman should discuss with staff the possibility of establishing a quorum through use of a speaker phone.
- (b) The chairman may designate those members in attendance as a working subcommittee and proceed to take testimony or work draft bills and report recommendations to the full committee.
- (c) If there is no possibility that the full committee can meet again later to take final action on proposed legislation (e.g., if there is insufficient time before the session to hold another meeting or insufficient budget) then the committee may use post card ballots to obtain the vote of absent members. Chairmen are cautioned to use this approach only as an emergency last resort since committee members will be asked to vote on draft legislation that likely has not been fully discussed or worked by the committee.

APPENDIX 1  
COMMITTEE OPERATING GUIDELINES

The following list references the major sources of committee operating guidelines and provides a brief synopsis of significant information contained in each:

- (a) Statutory Provisions.
  - (i) Legislative committees exempt from public meeting law. W.S. 16-4-402(a)(ii).
  - (ii) Issuance of Subpoenas. W.S. 28-1-109.
  - (iii) Power to control disturbances at committee meetings. W.S. 28-1-110 and 28-1-111.
  - (iv) Formation of interim committees; request for LSO staff services. W.S. 28-8-104.
  - (v) Role of standing committees and interim committees in the administrative rule review process. W.S. 28-9-103 through 28-9-105.
  
- (b) Management Council Policies.
  - (i) Assignment of Interim studies.
  - (ii) Organization and general operations of joint interim committees.
  - (iii) Interim committee budget, finance and travel regulations.
  - (iv) Conducting executive sessions of joint interim committee meetings.
  
- (c) House and Senate Rules.
  - (i) Designation of standing committees in Senate and House. SR 7-1, HR 4-1.
  - (ii) Number and apportionment of members on standing committees. SR 7-2, HR 4-2.
  - (iii) Standing committees' duty to report on bills; meetings to be open unless declared to be executive session by chairman. SR 7-3, HR 4-3.
  - (iv) Majority vote required to overrule standing committee chairman. HR 4-3.

- (v) Recalling bills from standing committee. SR 7-4, HR 4-4.
  - (vi) Filling vacancies on standing committees. SR 7-5, HR 4-5.
  - (vii) Re-referral of bills containing an appropriation or which requires an appropriation or change in funds to the appropriations committee. SR 9-4, HR 8-5.
  - (viii) Referral of bills to standing committees and re-referrals; posting meeting notices. SR 10-2, HR 9-2.
  - (ix) Delivery of bills to committee chairman after first reading. SR 10-3.
  - (x) Standing committee chairman's role in presenting committee report in committee of the whole. SR 11-3, HR 10-3.
  - (xi) Joint interim committee authority to sponsor bills. Joint Rule 9-2.
  - (xii) Standing committee report to be presented within two working days after committee vote of "do pass" on a bill. Joint Rule 13-1.
- (d) Wyoming Manual of Legislative Procedures.
- (i) Description of standing committee action on referred bills. Part 1, section 7.
  - (ii) Standing committee report checklist. Appendix A
  - (iii) Detailed procedures for standing committee chairman in presenting committee report during committee of the whole. Appendix B
- (e) Mason's Manual of Legislative Procedure.
- (i) Committee officers. Sec. 608.
  - (ii) General duties of committee chairmen. Sec. 611.
  - (iii) Quorum requirements for committees. Sec. 613.
  - (iv) Delegation of powers to committees. Sec. 615.
  - (v) Procedure in committees. Sec. 632.
  - (vi) Committee reports. Sec. 663 et seq.

APPENDIX 2  
SAMPLE INTERIM COMMITTEE RULES

I. OFFICERS.

A. Chairman. The chairman shall:

1. Call the committee together at the times and places necessary to enable the committee to properly perform its duties.
2. Preside over meetings of the committee and put all questions.
3. Maintain order and decide all questions of order subject to appeal to the committee present.
4. Prepare, or supervise the preparation of, reports of the committee and submit the reports to the legislature.
5. Authorize and approve or disapprove all committee expenditures and sign all vouchers for committee expenses to be presented to the Management Council.

B. Vice Chairman. The vice chairman shall:

Perform all duties of the chairman in the absence of the chairman.

II. MEETINGS.

A. Call.

The chairman, the vice chairman in the absence or incapacity of the chairman, or a majority of the members of the joint interim committee, may call a meeting of the committee by sending by regular mail to each member of the committee written notice fifteen (15) days prior to the meeting. Written notice may be waived by unanimous consent of the entire committee. Attendance at any meeting constitutes waiver of written notice. Notwithstanding any other provision of this subsection, less than a quorum of the joint interim committee may meet and transact business provided the absent members are subsequently polled and asked to vote by written ballot on any action taken and further provided the action taken at the meeting is thereby approved by a majority of the members of the full committee.

B. Time and Place.

The time and place of meeting of the joint interim committee shall be designated by the chairman or by the vice chairman or members calling the meeting.

C. Agenda.

Notice of meetings of the joint interim committee shall contain an agenda of business to be considered, or state the purpose of the meeting. Reasonable efforts shall be made to give prior notice of all subjects to be acted upon.

D. Quorum.

The quorum necessary for the joint interim committee to transact business shall be a majority of the members. A majority of the quorum may act on any matter.

E. Summary of Proceedings.

The summary of proceedings from any meeting of the joint interim committee shall be approved and signed by the secretary before distribution to and approval by the members of the full committee.

### III. ORDER OF BUSINESS.

#### A. Standard Order of Business.

1. Roll call.
2. Reading and approval of the summary of proceedings.
3. Motion to reconsider.
4. Unfinished business.
5. Subcommittee reports.
6. New business.
7. Adjournment.

#### B. Motion to Reconsider.

A motion to reconsider or to rescind actions of the committee, unless made at the same meeting at which the action was taken, may only be made upon fifteen (15) days prior written notice to each member of the committee, stating what action is to be reconsidered or rescinded.

### IV. SUBCOMMITTEES.

#### A. Composition.

1. Membership on subcommittees shall be distributed among House and Senate members to ensure nearly proportional representation. Further, membership on each subcommittee shall be apportioned to reflect as nearly as possible the same percentage of the majority and minority political parties as on the joint interim committee.
2. Subcommittees shall have a number of members as designated by the full committee, but no subcommittee shall have less than three (3) appointed members.

#### B. Quorum.

A quorum of a subcommittee with an even number of members shall be one-half (1/2) of the members, who may act on any question. A quorum of a subcommittee with an odd number of members shall be a simple majority of the membership, who may act on any question.

#### C. Duties.

Subcommittees shall perform the duties assigned to them and shall report on all matters referred to them. Actions of a subcommittee shall be reported in the form of proposals or recommendations to the full committee only, and shall have no force or binding effect except by action of the full committee.

#### D. Rules.

1. Rules relating to the full interim committee shall be followed by subcommittees, except with regard to a quorum.
2. Subcommittees shall not call public hearings without the prior approval of the interim committee or the interim committee chairman.

E. Meetings.

1. The chairman of a subcommittee shall schedule meetings only with the prior approval of the interim committee chairman.
2. The chairman of a subcommittee shall authorize and approve or disapprove all subcommittee expenditures and sign all vouchers for subcommittee expenses.
3. A member of the joint interim committee may attend a meeting of any subcommittee of the joint interim committee whether or not he is a member of the subcommittee, but the person shall not have a vote in any action of the subcommittee. The chairman of the joint interim committee may authorize payment of expenses to the person.

V. ATTENDANCE AT OTHER MEETINGS.

The chairman of the joint interim committee may attend or designate a member of the joint interim committee to attend meetings of interest or concern to committee activities.

VI. PROCEDURAL GUIDELINES.

Mason's Manual of Legislative Procedure shall govern procedural matters for the joint interim committee and its subcommittees not covered elsewhere in these rules.

APPENDIX 3  
SAMPLE: INTERIM STUDY PROPOSAL

(Date)

**To:** Members, Management Council

**From:** Committee: \_\_\_\_\_  
Chairman: \_\_\_\_\_

**Subject:** Proposed Interim Studies

The Joint Committee requests authorization for the following studies, listed in order of priority:

1. First priority study:
  - (a) Topic:
  - (b) Background/Discussion concerning problem to be addressed:
  - (c) Anticipated committee activity: (e.g., number of meeting days devoted to this topic; whether legislation will be developed; need for extraordinary staff assistance, etc.)
2. Second priority study:
  - (a) Topic:
  - (b) Background/Discussion concerning problem to be addressed:
  - (c) Anticipated committee activity:
3. Third priority study:
  - (a) Topic:
  - (b) Background/Discussion concerning problem to be addressed:
  - (c) Anticipated committee activity: