

LEGISLATIVE
HANDBOOK



PREPARED BY:
MANAGEMENT COUNCIL
LEGISLATIVE SERVICE OFFICE

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LEGISLATIVE HANDBOOK

INTRODUCTION

A. SCOPE AND PURPOSE.

The **Legislative Handbook** is prepared by the Legislative Service Office under the direction of the Management Council.

It is intended to serve as a quick reference to answer a myriad of practical questions about the day to day operations of the Wyoming legislature.

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

B. RELATED PUBLICATIONS.

Appendix 1 to this Handbook provides a directory of a number of related publications relating to the operation of state government generally and to various aspects of the legislative process in particular and includes a brief synopsis of the type of information contained in each.

LEGISLATIVE HANDBOOK

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THE LEGISLATIVE SERVICE OFFICE

1. HISTORY AND OVERVIEW OF THE LSO.

The Legislative Service Office (LSO) was created by Act of the Forty-First Legislature, Chapter 113, Session Laws of Wyoming 1971. It commenced operations on March 1, 1971. Policies, rules and regulations governing the general operations of the Office and its relationship to legislative committees and individual legislators are made by the Management Council. The Council is composed of 13 members consisting of the Senate and House leadership, plus 2 at large members from the Senate and 2 from the House selected by party caucus, and 1 additional at large member.

The LSO Director is employed by and subject to the direction of the Management Council. Other employees of the office are employed by and serve at-will at the pleasure of the Director. The staff is selected and services are performed on a nonpartisan basis. The most recent office organizational chart is provided at Appendix 2.

Legislators in Wyoming do not have individual staff. Rather, staff services are provided by the LSO acting as a central, non-partisan staff agency. Staff of the LSO help members of the Legislature identify and articulate issues, develop information related to those issues, help identify possible solutions and provide information about the pros and cons of those solutions.

The LSO provides research and bill drafting services, contracts for printing and publication of the statutes, and accounts for all expenditures and property of the Legislature. In addition, members of the staff prepare administrative rule reviews, conduct oversight evaluations of executive agency programs, conduct fiscal studies and budget analyses, coordinate legislative activities related to school finance, maintain the Legislature's technology systems, conduct general research for the legislature and provide public information services.

2. MISSION STATEMENT.

The LSO staff is dedicated to providing the Wyoming Legislature, its members and committees, with the highest quality legislative support services in a professional, nonpartisan manner and to carry out legislative policy and assist the legislature in functioning as a co-equal branch of government.

3. LEGISLATIVE SERVICE OFFICE STRUCTURE.

The following is a brief overview of the LSO staff structure and functions:

Legal Services Division

This division provides bill and amendment drafting for committees and individual legislators. Members of this division serve as the staff of the Legislature's joint interim and select committees. Staff is responsible for providing legal research services to committees and individual legislators. The division also performs reviews of agency rules and regulations as required by law under the administrative rule review process.

Budget and Fiscal Section

This section staffs the Joint Appropriations Committee (JAC). The section also provides support to other committees and individual legislators on budget matters and state expenditures. The staff develops information on revenues and prepares fiscal notes for proposed legislation. The section manager also serves as co-chairman of the state's Consensus Revenue Estimating Group (CREG).

Program Evaluation Section

Staff from the Program Evaluation Section conduct evaluations of the effectiveness and efficiency of state government programs. This section's work is conducted under the direction of the Management Audit Committee (MAC). Topics are selected by the committee, although all legislators can suggest potential program evaluation topics for the committee's consideration.

School Finance Section

In November of 1995, the Wyoming Supreme Court declared the entire Wyoming K-12 school finance system unconstitutional. In response to the Supreme Court ruling, LSO created a School Finance Office to coordinate legislative activities related to K-12 school finance reform and for school capital construction. This section serves as staff to the various committees charged with K-12 education responsibilities, in addition to staffing the Education Committee. Staff coordinates K-12 legislative activities between the Legislature, the State Department of Education, local school districts, and education consultants.

Information Technology Section

LSO information technology personnel provide computer support for the LSO staff, the session staff, and the Legislature. Computer support includes hardware and software purchase and maintenance, training and application development. Technology staff provides support for the staff computers and the laptop computers provided to each legislator. The section is responsible for the operation and maintenance of the Legislature's bill drafting and tracking system and for maintaining and distributing the Wyoming Statutes on diskette to the public. Technology staff also maintain a legislative intranet and a website on the Internet, which allows the public access to a variety of legislative information, including the text of bills, committee and roll call votes during the session, and interim legislative committee activities.

Research and Information Services

In 2003, the Legislature created additional research capacity within the LSO by authorizing a general research function. These staff provide policy analysis on a wide variety of subject matters and respond to general research and information requests from committees and individual legislators. In addition, the Legislature employs a legislative information officer, who coordinates legislator training, media relations, legislative information management, and civic education activities that promote understanding of and participation in the legislative process.

Administrative Services

The LSO administrative staff perform a wide variety of administrative and clerical support services, including ordering supplies, maintaining records, receptionist services, photocopying, sales of publications, typing, and filing and mailing services for the legislative branch. During the Session and shortly before and after the Session, several Session only staff assist with photocopying and other support services.

The fiscal officer handles all fiscal matters for the Legislature including payroll for legislators, LSO staff and House and Session staff, travel vouchers, payments for goods and services purchased and maintenance of records of fiscal accounts

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CHAPTER II

CLERICAL/ADMINISTRATIVE SUPPORT SERVICES

1. CLERICAL ASSISTANCE / TYPING.

(a) Services Available During the Session:

Clerical assistance during the session is available through the Staff Supervisor's Office in the Senate and House. Requests for typing of correspondence to constituents or other documents related to legislative activities should be submitted to the Staff Supervisor's office or to one of the secretaries assigned to the Standing Committee(s) of which the legislator is a member. Material to be typed may be handwritten or dictated using recording instruments available from the Staff Supervisor's office.

(b) Services Available During the Interim:

At the discretion of the Director, the LSO staff is available to legislators for clerical duties on a limited basis, e.g., photocopying, assistance in filling out forms or survey questionnaires related to legislative activities. The staff is not available to type correspondence for individual legislators.

2. DISTRIBUTION OF BILLS.

(a) Distribution to Legislators.

For bills printed before the session convenes, legislators may select one of the following options:

- (i) Request the LSO to mail the full text of all bills;
- (ii) Request copies of the bill "title sheets" only (containing the bill number, catch title, sponsor name and the bill title which provides a brief synopsis of the bill). If this option is selected, the full set of bills will be available for the legislator upon his arrival in Cheyenne.

Bills printed after the session convenes are distributed by the Senate and House Staff Supervisors.

(b) Distribution to Individuals at Request of Legislator.

At the specific request of a legislator, the LSO will mail a copy of a bill to any individual.

(c) Public Distribution of Bills.

The LSO mails copies of all bills to all county clerks and county libraries for public use.

Members of the public may obtain copies of bills from the LSO by mail or (during the session) from the LSO in the Capitol building, subject to a modest copying fee plus postage.

A paid subscription service is available through the LSO for individuals wishing to receive automatic mailings of bills, bill title sheets, enrolled acts, etc.

Electronic access to bills is available to the public via the Wyoming Legislature's Web Site:
<http://legisweb.state.wy.us>

3. FAX.

A FAX machine is located in the Legislative Service Office for legislative business. The number for this machine is (307) 777-5466. Following are the FAX Policies adopted by the Management Council:

- (a) As an alternative to mail service, LSO will FAX documents of reasonable length to a legislator upon his request. "Reasonableness" depends upon the circumstances.
- (b) As an alternative to mail service, LSO will FAX documents of reasonable length to one other individual upon request of a legislator.
- (c) The LSO FAX is for official government business only and cannot be used by the private sector to send documents.
- (d) Whenever possible, LSO will FAX requested documents on the same day the requests are received.
- (e) LSO will FAX documents to the public upon request in lieu of mailing for 50 cents per printed page, a minimum of \$2.00 per document. An invoice will be included in the FAX transmission. (Note: LSO does not fax copies of proposed Bills, i.e., bill drafts, to the public.)

4. ACCESS CARDS; KEYS.

During the Session, photo ID access "swipe" cards are provided by the LSO which allow legislators 24/7 access to the Capitol. Committee room keys are available through the House and Senate Staff Supervisors' Offices.

5. LEGISLATIVE DIRECTORY.

Qwest and the Wyoming Trucking Association jointly issue a legislative directory. The directory is available through the Staff Supervisors' offices and the Legislative Service Office.

The directory lists: the home and business addresses and telephone numbers for all legislators and includes a photo and a brief biographical sketch; telephone numbers for all House and Senate offices and committee rooms; make up of all House and Senate standing committees; and the position and title of each member of the session staff.

6. LOBBYIST REGISTRATION.

Pursuant to W.S. 28-7-101, lobbyists are required to register with the Secretary of State by filing a statement listing their name and business address and the name and business address of each company or interest they represent.

A list of registered lobbyists is available to all legislators from the Secretary of State's Office.

7. MAIL AND POSTAGE.

- (a) During the Session:

Session mail may be addressed to:

[Legislator's Name]
House of Representatives (or State Senate)
State Capitol Building
Cheyenne, Wy 82002

Mail is picked up and delivered several times a day during legislative sessions through the Staff Supervisor's office in each house. Postage is provided for outgoing mail which is legislative in nature. Postage stamps for personal mail may be purchased from the LSO.

(b) During the Interim:

Individual first-class and priority mail (not mass mailings) is forwarded to legislators during the interim. The LSO does not provide postage for legislators' correspondence during the interim, however, this is an expense that may be charged to the constituent service allowance.

8. SESSION PARKING.

Reserved parking is provided for one car per legislator in the reserved legislator parking area (Herschler building underground parking lot - West side.) The legislative parking sticker must be displayed for parking in this area. Other parking in the Capitol Complex is available on a first-come, first-served basis.

9. PHOTOCOPYING SERVICES.

(a) During the Session:

There are photocopying machines located in each Staff Supervisor's Office for copying legislative materials during sessions. Guidelines for use are developed in each house.

Materials given to the Staff Supervisor's office by a legislator to be photocopied for distribution to other members of the House or Senate, e.g., written material in support of a bill, must be signed by the legislator requesting distribution.

(b) During the Interim:

During the interim, limited photocopying service is available in the Legislative Service Office.

10. PHOTOS.

The Legislative Service Office arranges for a photographer for the legislative composite photo. Legislators are provided an opportunity to purchase individual copies of the composite from the photographer.

11. SEATING ASSIGNMENTS.

Prior to each General Session, the leadership of the Senate and House determine the seating arrangement on the floor of the Senate and House.

12. SUPPLIES AND MATERIALS.

The following items are distributed to each legislator by the Legislative Service Office and are available, unless otherwise specified, at the beginning of the General Session after the legislator is first elected:

- (a) Desk plate and name tag - Each legislator is requested to complete a form indicating how he wishes his name to read. The form is supplied in an initial mailing as soon as possible after the election.
- (b) Parking stickers - One sticker for the legislative parking area is issued to each legislator for a two-year biennium. The stickers are a static cling material which can be transferred from one vehicle to another. The stickers must be displayed for parking in the reserved legislator parking area (Herschler building underground parking).

The city of Cheyenne provides each legislator a parking permit which allows parking in metered spaces on public streets in the vicinity of the capitol building.

- (c) Session Supplies - Supplies necessary during the legislative session, e.g., notepads, pens, pencils, etc., are issued by the Senate and House Staff Supervisors.
- (d) Stationery and business cards

Each legislator will be provided with a complimentary set of personalized, full-color stationery (250 sheets and envelopes), folded correspondence cards (250 generic cards and personalized envelopes), and business cards (250) during the General Session. Legislators may choose to order 500 business cards at a time, rather than 250. Legislators will be provided an opportunity to order three (3) additional complimentary sets of full-color stationery and business cards during the biennium. Due to additional responsibilities, members of leadership can order unlimited complimentary sets of personalized full-color stationery and business cards during the biennium.

If legislators need additional stationery, folded correspondence cards, or business cards in addition to the complimentary sets available to order each biennium, legislators can order additional sets of personalized full-color stationery, correspondence cards, and business cards between sessions at their own expense and will be billed directly by the printer. Alternatively, if members run out of personalized stationery during the year, LSO will furnish generic full-color stationery (not personalized with legislator's name) in unlimited quantities.

Due to the expense of personalized stationery, legislators are encouraged to use it only for formal communications (e.g., correspondence to constituents.) Correspondence to LSO (e.g., bill drafting requests) need not be sent on personalized stationery.

- (e) Wyoming Statutes and Mason's Manual of Legislative Procedure - Issued to each legislator at the beginning of the first General Session after the legislator is elected. During his term, each legislator receives a yearly statutory supplement update along with a copy of the Wyoming Session Laws and the Digest of the Senate and House Journals (usually mailed out in June.) Wyoming statutes on CD-ROM are also provided to be installed on the legislator's laptop computer.

13. TELEPHONE SERVICES.

- (a) Bill Status - Constituents may use an in-state toll-free telephone number to receive limited bill status information. The number is 1-800-342-9570 (out-of-state number: 307-777-6185).
- (b) Credit Cards - The Legislative Service Office issues a telephone credit card to each legislator. Telephone credit cards are to be used for official legislative business only. Legislators are authorized use of the state telephone credit card for a total of not more than \$2,000 for the entire term of a numbered Legislature, i.e. the two calendar years during which each legislature is seated.

To protect against billing errors, use of credit cards for non-legislative business (usually by mistake) and unauthorized use by third parties, the LSO does perform a cursory review of credit card billings.

While the LSO does not check every call on each monthly billing, a brief review is made of the billing scanning for unusual circumstances such as: (a) length of calls 45 minutes or over, (b) frequently called numbers other than the 777 state exchanges or legislators' home or business numbers, and (c) unusual locations such as foreign country exchanges or vacation sites.

On a rare occasion, you may receive a list of calls charged to your legislative credit card with a request to double check and verify whether the calls were made and whether they were business or personal. If you did not make the call, the charge will be removed from the billing. If the number is not recognized, the name of the called location can be obtained from Telecommunications. If the call was personal, reimbursement will be requested.

If you should inadvertently use your legislative credit card for personal reasons, jot down the number and date and drop it in the mail or call the LSO. When the billing arrives, you will be notified of the amount. Since billings are public information, a notation is made on the billing that the personal call was reimbursed to the General Fund.

- (c) Voice Mail - For the convenience of legislators, each LSO staff member is assigned a "voice mail box" (answering machine number) to receive recorded messages when the staff member is away from his desk. The messages are secure and the system is intended to avoid the frustration of playing "telephone tag." To access voice mail, call the main LSO number, 777-7881.
- (d) Voter Hotline - Constituents are encouraged to use the voter hotline during the legislative session to leave a message for their legislator expressing their opinion on pending bills. The number is 1-866-996-8683 (1-866-996-VOTE).
- (e) TDD - Citizens with hearing impairments are encouraged to phone the Wyoming Relay Service (Ph. 1-800-877-9965 for TDD or Text Telephones) for assistance in reaching the Voter Hotline and the other services listed above.
- (f) Phone Booths - Private booths located near the House and Senate chambers are available to legislators to make or receive telephone calls while the House and Senate are in session. Telephones in these booths may be used to make long distance calls related to legislative business.

14. INFORMATION TECHNOLOGY SERVICES AVAILABLE TO LEGISLATORS THROUGH THE INFORMATION TECHNOLOGY SECTION.

LSO Information Technology (IT) staff are responsible for providing computer support for LSO staff, session staff and legislators and for maintaining the legislative web site.

(a) Computer Support

Computer support provided by the IT staff includes: purchase of laptops and other equipment and software, maintenance of equipment, maintenance of a bill drafting and tracking system, maintenance of the roll call voting system, training for legislators and staff and development of new systems.

The major systems maintained by the IT staff include the bill drafting\tracking system and the roll call vote system.

The bill drafting\tracking system allows the staff attorneys to draft bills, amendments, joint conference committee reports and bill summaries. The system is used by the Budget\Fiscal section to prepare fiscal notes and is used to assign bill numbers to the bills. The system is used by the session staff to track the progress of the bills as they work their way through the process. The system generates a variety of reports for the public including the bill status report (purple sheet) the daily calendars, digest records and bill title reports.

The roll call voting system allows the chief clerks to take roll call votes electronically and transfers the votes automatically to the bill tracking system.

(b) Legislative Web Site

The legislative web site (<http://legisweb.state.wy.us>) is maintained by the IT staff. Legislative information available on the web site includes; Wyoming State Statutes, House and Senate committee lists, information about each legislator, information relating to current and previous sessions, and information concerning interim legislative activities such as topics assigned for committee study, meeting schedules and minutes of meetings.

The legislative intranet site allows legislators access to items associated with the legislative process including; bills, amendments, fiscal notes, statutes, votes, committee meeting notices, and committee meeting minutes. The site also offers each individual legislator the ability to organize activities related to the legislative process and allows the legislator the ability to customize the website to fit personal preferences, to easily track bills of interest, to access public and private calendars of events, to receive notification of significant events, to attach personal notes to each individual bill, and to communicate with other legislators electronically.

(c) E-Mail Accounts and Internet Service

The Management Council has authorized legislators reimbursement of not more than \$18 per month for Internet access fees from any provider of the legislator's choice. Legislators are also entitled to reimbursement for one set-up fee per calendar year, not to exceed actual cost or \$18, whichever is less.

Legislator e-mail addresses are linked to the web site so the public can send messages to the legislators by accessing the web site. Legislators who already have an E-mail address should notify the LSO of that address so the proper link can be established on the web site. Legislators who need information about locating an E-mail provider may contact the LSO.

(d) Statutes on CDROM

Each year when the statutes are updated, the LSO puts them on CDROM and distributes them to each legislator. Each legislator's laptop computer has software installed on it that allows them to easily search the statutes.

15. SESSION CALENDAR OF SOCIAL EVENTS.

The Legislative Service Office maintains an unofficial calendar of social events during legislative sessions solely as a courtesy to legislators and members of the public. The social events listed on this calendar are not official activities of the Wyoming Legislature.

Maintaining the calendar allows organizations to avoid conflicts with other events when they make their plans. It also provides legislators a source of consolidated information. No organization is required to contact LSO to schedule an event on the social events calendar.

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CHAPTER III

COMPENSATION/TRAVEL EXPENSES

A. FINANCE & TRAVEL GUIDELINES.

1. PARTICIPATION IN STATE PAYROLL SYSTEM-REQUIRED FORMS.

- (a) Before a legislator may be placed on the state payroll system, the following forms must be completed and filed in the Legislative Service Office: Form I-9, as required by the Immigration Reform and Control Act of 1986; Tax Form W-4; copy of social security card to be attached; and Legislator's Information Sheet.
- (b) Automatic Deposits for Payroll: Legislators can have their payroll and travel reimbursement checks automatically deposited into their selected bank account. Utilizing this service will provide a fast and secure payment for salary and travel reimbursements. A voided check, or a copy of a voided check, must be provided to the LSO Fiscal Officer to be set up for direct deposit. Deposit slips are not accepted.

2. LEGISLATIVE COMPENSATION.

- (a) Effective with the 2005 Session, Legislators receive the following compensation as set by Chapter 5, Title 28, Wyoming Statutes:

SALARY \$150.00 per day. [The Speaker of the House and President of the Senate receive \$153.00 per day.]

PER DIEM \$85.00 per day.

MILEAGE \$0.35 per mile.

- (b) Legislators are not eligible for state retirement, vacation, sick leave, longevity, health or life insurance benefits.

3. SESSION COMPENSATION POLICIES.

Legislators receive salary and per diem for each calendar day, beginning the first day, through the last day of the session, whether or not the legislature is convened on the weekends. Per diem is also paid for one day travel to the session and one day travel home from the session. Salary will be paid at the end of each month on payroll. Per diem and round trip mileage will be paid mid-month by warrant.

EXCEPTION: Legislators who are permanent residents of Cheyenne will receive per diem with salary on payroll at the end of each month. They will receive no mileage or travel day per diem payments.

4. INTERIM COMPENSATION POLICIES.

The following policies pertain to compensation for authorized committee meetings and official legislative business:

- (a) Salary is paid for the day of the meeting only, as approved by the committee chairman.
- (b) Per diem is paid for necessary travel days to and from meetings as well as the day of the meeting, as approved by the committee chairman.
- (c) Mileage is computed from point to point by the nearest practicable route per the Wyoming official highway map. Only one round-trip mileage is paid per meeting.
- (d) Legislators shall be reimbursed for the cost of commercial or private transportation, such as charter or private aircraft or rental vehicles, to the extent the cost does not unreasonably exceed the regular mileage allowance plus reasonable per diem.
- (e) Special Policy for "Hometown" or "Short" Meetings. Special compensation policies apply to certain interim meetings as listed below. They were established by the Management Council as a reasonable way to deal with compressed video meetings of short duration and meetings in a Legislator's "hometown."

Because all Legislators are entitled under law to full salary and per diem for attending interim committee meetings regardless of the location or length of the meeting, any Legislator may choose to "opt out" of the following policy by contacting the LSO Fiscal Officer.

The policy is as follows:

- (i) Hometown Meetings. For attending a meeting in his "hometown" (i.e., the location where the legislator is **not** entitled to mileage under current procedures) a legislator will be paid 1/4 day per diem (i.e., \$21.25) regardless of the length of the meeting.
- (ii) Short Meetings. The following policies apply to meetings of less than three (3) hours, whether the meeting is in person, by compressed video or by telephone conference call:
 - (A) For meetings in the Legislator's "hometown" as defined in paragraph (i) above, the Legislator will be paid:
 - 1/2 day salary (\$75.00)
 - 1/4 day per diem (\$21.25)
 - (B) For meetings where the Legislator is entitled to mileage for 60 miles or less one-way (120 miles or less round trip) the Legislator will be paid:
 - 1/2 day salary (\$75.00)
 - 1/2 day per diem (\$42.50)
 - (C) For meetings where the Legislator is entitled to mileage for **more** than 60 miles one-way (120 miles **or more** round trip) the Legislator will be paid the full statutory rates, i.e.,:
 - One day salary (\$150.00)
 - One day per diem (\$85.00)
- (f) Waiving Reimbursement. Any Legislator may elect to waive all or any portion of salary, per diem or mileage for any meeting upon request to the LSO Fiscal Officer.
- (g) Waiver of Per Diem for Expenses Paid by State. When expenses for meals or lodging which would otherwise be paid from a legislator's statutory per diem allowance are paid directly by the State (e.g., meals and lodging which are included as part of a registration fee paid by the Legislative Service

Office or other state agency) the legislator may elect to waive an amount equal in value from the per diem allowance to which he would otherwise be entitled by signing and filing a disclaimer with the Legislative Service Office. In determining the value of meals, reference shall be made to values established by the State Auditor's Office accounting policies." (Source Notes: MC Minutes 10/24/05)

5. OUT-OF-STATE TRAVEL POLICIES.

Salary is not authorized for out-of-state travel.

Reimbursement for out-of-state travel expenses are subject to the following terms and conditions:

- (a) Reimbursement is authorized for approved travel as follows:
 - (i) Meetings of National Organizations. Subject to subsection 5.(b)(vii) below, legislators may, without prior approval, attend two (2) meetings of a national or regional organization in which the Legislature participates, during the interim between each session. Travel in excess of the two (2) meetings must, however, be specifically approved in advance by the presiding officer of the legislator's house (Council minutes 04/30/2003). "National or regional organizations in which the Legislature participates" includes the National Conference of State Legislatures (NCSL), the Council of State Governments (CSG) {this includes the Western Legislative Conference}, the Education Commission of the States and the Energy Council (travel to Energy Council meetings is limited to members appointed to the Energy Council).
 - (ii) Other Travel Requires Presiding Officer Approval. All other out-of-state travel must be specifically approved by the presiding officer of the house of which the legislator requesting out-of-state travel expenses is a member.
 - (iii) Travel Outside the Continental U.S. Notwithstanding paragraphs (i) and (ii) of this subsection, approval by the entire Management Council is required to attend any meeting held outside the Continental United States, i.e. the lower 48 states and the District of Columbia.
- (b) Travel expenses for out-of-state travel shall be reimbursed for the actual amount of the costs incurred subject to the following:
 - (i) Registration fees may be paid directly by the Legislative Service Office or the legislator may elect to pay registration fees directly and be reimbursed. Payment of registration fees shall be limited to the lowest amount offered for advance registration at the meeting.
 - (ii) Reimbursable costs are limited to transportation costs, lodging and meals which are not provided as part of the registration fee for the meeting. Reimbursement for meals shall be limited to the lesser of actual costs or \$60 per day. No reimbursement shall be made for the cost of alcoholic beverages.
 - (iii) Legislators shall be reimbursed for the cost of commercial or private transportation such as charter or private aircraft or rental vehicles to the extent the cost does not unreasonably exceed the regular mileage allowance plus reasonable per diem.
 - (iv) Legislators shall be reimbursed the lesser of the actual cost of public transportation, e.g. commercial airfare, or the cost of transportation had reservations been made at least 14 calendar days before the date of departure.

- (v) Mileage shall not be paid to the extent a state aircraft or vehicle is used for transportation.
- (vi) A legislator may elect to waive any portion of travel expenses to which he is otherwise entitled. Mileage shall be computed from point to point by the nearest practicable route.
- (vii) The Management Council may limit travel or expenditures for travel to stay within the approved budget.

6. PAYROLL, TAXES, AND VOUCHER PROCESSING.

- (a) Legislative Sessions - There are special procedures regarding payments to legislators during legislative sessions which depend upon convening and adjournment dates. Legislators are advised of those separately in advance of each session.
- (b) Interim - During the interim between sessions, legislators are paid for in-state travel to committee meetings and other authorized legislative activities, as described in this chapter. Legislators submit vouchers to be paid for this travel.

All items which are taxable under federal law are paid on the payroll check at the end of the month.

- (i) Taxable items are generally as follows:
 - (A) Salary;
 - (B) Per diem for a one day meeting or where the meeting is in the legislator's hometown.
- (ii) Non-taxable items are generally:
 - (A) Per diem for more than a one day meeting and where the meeting is outside the legislator's hometown;
 - (B) Mileage.
- (c) Given that out-of-state travel is usually costly, vouchers for out of state travel are processed as soon as possible after their receipt. Checks are usually issued within 10 days.

7. CONSTITUENT SERVICE ALLOWANCE.

W.S. 28-5-106 authorizes each legislator to receive an allowance of not more than \$750 per calendar quarter to defray expenses incurred by the member in providing service to and on behalf of their constituents. Authorized expenditures are set out in Management Council Policy.

To receive the allowance, claim forms must be submitted to the LSO not later than the last day of the month following the calendar quarter. House Rule 30-1 requires House members to submit an itemized listing of the expenditures for which reimbursement is requested. The Senate does not require an itemized listing. Each quarter the LSO Fiscal Officer sends members a reminder note and a blank form with directions for submitting a claim for the constituent service allowance.

Please remember the following while filling out the Constituent Service Allowance form:

- (a) Only in-state travel, communication services and postage are authorized.
- (b) Constituent Service activities can include meeting with local governments, constituents, state officials, or engaging in any in-state activity requiring travel reasonably related to constituent services.
- (c) Registration fees for in-state meetings are reimbursable.

- (d) Payment for in-state travel for mileage and per diem shall be paid under the same policies as for any other legislative meeting.
- (e) No amount claimed shall be reimbursement for time spent by the legislator in providing the constituent service.
- (f) Communications services includes installation of phone service for legislative use, phone charges for fax, cell phone service charges, etc.
- (g) Communications equipment, e.g. phone sets, computers, fax machines, copiers etc., is not eligible for reimbursement.
- (h) Reimbursable amount is not to exceed \$750.00 per calendar quarter.

B. FREQUENTLY ASKED QUESTIONS CONCERNING TRAVEL EXPENSE VOUCHERS.

WILL I BE ALLOWED AN EXTRA TRAVEL DAY TO RETURN HOME ON THE DAY FOLLOWING A COMMITTEE MEETING?

A rule of reason is applied based generally upon the time the meeting adjourns and the distance and conditions under which the legislator has to travel.

If a meeting in Cheyenne adjourns at 4:30 p.m., a legislator living in Laramie or Wheatland clearly would not be expected to request an additional travel day, whereas a legislator living in Cody would. The answer is not, however, always so clear, e.g., a meeting ends at 4:30 p.m., the legislator has a 2.5 hour drive home, it has been snowing all day and the roads are expected to be icy. In this situation an additional travel day might be warranted.

In all questionable circumstances, the final determination will be left to the discretion of the committee chairman. **Please make a note** of the special circumstances on the voucher to alert the LSO Fiscal Officer.

IF I ATTEND A COMMITTEE MEETING AND INCLUDE A PERSONAL OR BUSINESS TRIP EITHER BEFORE OR AFTER THE MEETING, HOW DO I INDICATE THAT ON MY TRAVEL EXPENSE VOUCHER?

State the date(s) of the personal or business trip, as well as your departure and arrival dates at residence city on the reimbursement schedule.

IF I TRAVEL TO A MEETING WITH ANOTHER LEGISLATOR IN HIS CAR, AM I STILL ENTITLED TO MILEAGE?

Yes. When two or more legislators travel together in the same automobile, each legislator is entitled to receive mileage when traveling to an approved legislative activity. However, you may wish to consider waiving mileage by notation on the travel voucher.

WHAT IF I COMPLETE MY TRAVEL VOUCHER AND STATE THAT I PLAN TO GO HOME THE DAY OF THE MEETING AND AM STOPPED HALF-WAY BY ROADS CLOSED TO SNOW, OR BY SOME OTHER NATURAL HAZARD?

When you return home, call the LSO Fiscal Officer or leave a message that you did not return as planned and the reason. Your voucher will be altered accordingly.

HOW DO I INDICATE THAT I WISH TO DECLINE PER DIEM WHEN THE MEETING OCCURRED IN MY HOME CITY OR WITHIN ONE DAY'S TRAVEL?

Simply write the statement on the reimbursement schedule. If you are declining per diem, write "NO PER DIEM REQUESTED"; if declining salary, write "NO SALARY REQUESTED"; if declining mileage, write "NO MILEAGE REQUESTED"; if declining both per diem and mileage, write "NO TRAVEL REQUESTED". Note: you can also decline portions of reimbursement, e.g., "1/2 day salary only requested."

WHAT IF I AM OVER OR UNDER PAID ON SOME PORTION OF A TRIP?

Call the LSO Fiscal Officer concerning the error so it may be corrected. Unless the overpayment is extreme, cash the check. Adjustments may be made on the next meeting you attend, or on another voucher.

IF I ATTEND A COMMITTEE MEETING FOR THE GOVERNOR OR ANOTHER BRANCH OF GOVERNMENT AND THEY REIMBURSE ME, MUST I ALERT LSO THAT I TOOK THE TRIP?

It is a good idea to alert the LSO Fiscal Officer who can coordinate with the agency to ensure that you are not reimbursed by two state agencies for the same day. Also, it is more economical to the state if taxable items, i.e. salary and federally taxable mileage, are placed on the Legislatures' special payroll.

HOW SOON WILL I RECEIVE COMPENSATION FOR ATTENDING THE MEETING?

Normally within five (5) working days for items which are not subject to federal tax. However, salary and taxable per diem are reimbursed on the payroll only on the last day of each month.

C. FREQUENTLY ASKED QUESTIONS CONCERNING OUT-OF-STATE MEETINGS.

WHAT TYPE OF RECEIPTS MUST I RETAIN TO ATTACH TO THE TRAVEL VOUCHER FOR AN OUT-OF-STATE MEETING?

The original motel/hotel bill and air receipt are required. Receipts are also required for meals and any incidental expenses including parking fees, taxies, shuttles, etc., over \$15.00.

I LOST THE HOTEL BILL, HOW DO I GET REIMBURSED?

You must contact the hotel and request a copy. The only other alternative is to request per diem in lieu of actual expenses if the hotel room is low enough that you could cover the room and meals on the \$85/day per diem.

IF I TAKE A GUEST, HOW IS REIMBURSEMENT HANDLED?

Note on the hotel bill the additional cost for the room and the tax which applies. If there is a special group rate for single or double, please note that as well.

Reimbursement is not allowed for: Meals for spouse or any other guests; liquor; in-room movies; transportation for personal entertainment; and meals included in the registration fee. Do not include costs of meals or other expenditures paid for another legislator, this is disallowed by the Auditor's Office.

I PLAN TO SHARE A ROOM WITH ANOTHER LEGISLATOR. HOW DO WE PREPARE OUR TRAVEL EXPENSE VOUCHER?

The LSO Fiscal Officer has discussed this with a number of hotels and received this advice: When you check in at the hotel, request a separate billing, this is usually called an "A" billing. Each legislator will receive their own bill for half the cost of the room. Each legislator will have their own hotel bill to pay and submit with the voucher.

THERE ARE BIG SAVINGS IF I STAY OVER A SATURDAY NIGHT, BUT MY MEETING IS OVER BEFORE THAT. MAY I STAY OVER TO GET THE LOWER AIRFARE?

Yes. The guideline is "Whatever is the lesser ..". Savings in airfare have been up to \$500 in some cases, which more than compensates for the cost of the room and meals to stay over another day. If the hotel room is \$160 and the airfare savings \$145, the answer would be no, because it would cost more to stay over.

MAY I MAKE MY OWN MEETING REGISTRATION? HOW?

While LSO is willing to do this for you, you may, of course, complete your own registration form. Do not pay the registration fee for yourself, just mark "bill the state" in the "voucher/purchase order" box, and enclose your check for any guests.

It is imperative that you notify the LSO Fiscal Officer that you have made your own registration so she can add your name to the registration voucher eliminating the billing cost. In some cases the Fiscal Officer also needs this information in order to pay the registration fee before the cut-off or discount date.

WILL LSO MAKE MY AIR AND HOTEL RESERVATIONS?

No. LSO has no credit card to guarantee your hotel reservation and cannot make travel arrangements.

WILL LSO REIMBURSE MY AIR FARE IN ADVANCE OF THE TRIP?

Yes. You must provide a copy of the itinerary and proof that you have paid for the ticket. Note: most travel agencies will bill the LSO directly for airline tickets.

MAY I STAY OVER TO INCLUDE A PERSONAL TRIP AFTER THE MEETING?

Yes. However, as with in-state meetings, state the dates of the personal trip on the reimbursement schedule. The personal days will be listed as such on the voucher and no reimbursement will be made for that portion of the trip.

MAY I FLY TO ANOTHER CITY ON MY RETURN TRIP?

Yes. However, ask your travel agent to give you a note of the amount due only for the official legislative trip if you pay the entire fare. If the fare is billed to LSO, the amount due for official business and the amount due for the personal trip must be clearly noted.

WHAT IF I HAVE TO CANCEL A FLIGHT AT THE LAST MINUTE?

If the cancellation is due to a personal reason, you cannot be reimbursed. However, if you are ill and unable to fly or there is a tragedy in your family, reimbursement may be possible.

LEGISLATIVE HANDBOOK

CHAPTER IV

BILL/AMENDMENT DRAFTING

1. REQUESTING A BILL DRAFT.

- (a) Contact the LSO. The Legislative Service Office is available to every legislator to assist with bill drafting. Whether you have only a question about legislation, a general idea for legislation or the precise language you want in a bill, the first step is to contact the LSO. You will be put in contact with a member of the Legal Services staff who can assist you by developing information or by providing you with a bill draft.
- (b) Referral to Appropriate Staff Member. Although each member of the Legal Services Division prepares bills on all topics, your bill drafting request may be referred to a staff member who has substantial background in that particular area. This is especially likely near the beginning of a session when time is critical.
- (c) Staff Assistance in Developing Ideas. Feel free to "bounce ideas" off the staff members since your discussions with them are confidential. The staff member can provide helpful advice about the practical and technical feasibility of legislation and can also advise about laws already on the books which may be in conflict. When an initial bill draft is returned to the sponsor, the drafter may include a note explaining potential constitutional or technical problems with the draft and also suggesting possible solutions or alternatives for the sponsor's consideration.

The staff is dedicated to drafting legislation that accomplishes the goal of the sponsor and is also concise, understandable, free of ambiguity and constitutional.

- (d) Time Constraints. You are encouraged to contact LSO about drafting bills as early as possible prior to the session in order that you and the staff will have sufficient time to refine your ideas into coherent legislation. Experience shows that bills drafted and introduced late in the process are more likely to "die in committee" or on General File. Furthermore, it is obviously much more difficult if not impossible to properly prepare a complex piece of legislation if the request is received close to the bill introduction deadline.

In cases where time is extremely limited, you may be asked to consider alternatives such as delaying action on the idea until the interim or referring the issue for interim committee study.

2. FINDING SAMPLE OR MODEL LEGISLATION.

- (a) The LSO has copies of all bills introduced in the Wyoming Legislature since 1973. If you have an idea for a bill which you believe was previously considered by the Wyoming Legislature, the LSO can provide you a copy of that bill and prepare a new one modeled upon it. Bills introduced since 2001 are available on the Legislative Website.
- (b) The staff can also provide you with copies of uniform and model acts as well as legislation from other states. As you are aware, many draft bills are based on similar laws in other states.
- (c) During the interim between legislative sessions, joint interim committees often develop legislation resulting from their assigned studies. A list of interim committee studies is available from the LSO and on the Legislative website. If you are considering legislation in an area under study by an interim

committee, you should contact the LSO to determine what legislation, if any, the committee might be considering. A summary of committee sponsored legislation is posted on the Legislative website prior to the beginning of each session.

3. BILL DRAFTING PRIORITIES.

- (a) General Rule: To the extent possible, the LSO processes legislators' bill drafting requests in the order in which they are received.
- (b) Exceptions:
 - (i) Committee bills are given priority over individual legislator requests;
 - (ii) Action on a bill draft is sometimes delayed while the draftsman is waiting for additional information from the sponsor, agency, NCSL, etc.
 - (iii) To make the most efficient use of staff time, an attempt is made to keep a steady flow of bills going into the computer bill processing system. This may mean that the LSO bill drafters occasionally interrupt their work on longer, more complicated drafting requests to quickly process and "feed" into the system a number of "simple" bills, e.g., bills to re-introduce measures filed in a previous legislative session.
 - (iv) Within reason, the staff will attempt to honor a legislator's occasional special request for a "rush" priority for a bill draft, e.g., a legislator may need to have a bill draft prepared quickly for use at a public speaking engagement. It is expected that such requests will be made sparingly since a request for priority by one legislator necessarily means that another legislator's prior request for a bill draft will be delayed.

4. CONFIDENTIALITY OF BILL DRAFTS.

- (a) Except as provided in subsection (c) below, the LSO treats bill drafting requests as confidential and the contents of proposed legislation will not be divulged to anyone without the specific consent of the sponsor or until a sponsor approval form for the bill is signed and returned.
- (b) Due to this rule of confidentiality, legislators may occasionally experience one of the following types of administrative delays:
 - (i) *Scenario 1:* A legislator requests a bill draft which impacts a state agency. LSO staff calls the agency for information and advises that an unnamed legislator is working on a bill draft. The agency wants to know the legislator's name in order to make direct contact. LSO staff declines disclosure at that time but agrees to contact the legislator to request permission to disclose the legislator's name. LSO staff calls the legislator, then advises the agency.
 - (ii) *Scenario 2:* A legislator requests a bill draft and then advises a constituent or other interested party to contact the LSO for a copy. The interested party calls the LSO and is advised of the confidentiality rules and that the staff cannot even confirm whether a bill draft request has been submitted to LSO by that particular legislator. The interested party then must call the legislator and request that the legislator call the LSO directly and authorize release of the draft. To avoid this delay, call LSO directly when you wish to authorize release of a bill draft to a member of the public.

- (c) Disclosure of draft request to subsequent requesting legislator. It is extremely common for more than one legislator to request a bill draft on the same topic. Furthermore, in most cases legislators requesting the same draft are willing to cosponsor a bill rather than proceeding with separate identical bills. To facilitate this process, the Management Council has approved the following procedure which constitutes an implied waiver of confidentiality:

If you contact LSO and request a bill draft, your name will be disclosed to a subsequent legislator requesting the same bill draft UNLESS you specifically request that your name not be disclosed. Note that this exception to the normal rule of confidentiality applies only to subsequent legislators requesting a similar bill and disclosure will not be made to the general public.

5. SPONSOR APPROVAL OF BILL DRAFTS / COSPONSORS.

Following is a summary of the sponsor/cosponsor procedure approved by the Management Council:

- (a) Standard Sponsor Approval Procedures:
- (i) As soon as a bill draft is in final form and the fiscal note, if any, is complete, LSO sends the prime sponsor a "green sheet" approval form which the prime sponsor holds until he has received the postcard approval forms from his cosponsors.
 - (ii) Subject to the limitation in subsection (b) below, LSO sends postcard approval forms to each potential cosponsor designated by the prime sponsor. The postcards are postage paid and pre-addressed to the prime sponsor.
 - (iii) Cosponsors mail their postcard approval forms directly to the prime sponsor. If a cosponsor has suggested changes for the bill, he contacts the prime sponsor who then decides whether to direct LSO to make the changes.
 - (iv) After collecting the cosponsor postcard approval forms (note: the prime sponsor can wait as long as he desires) the prime sponsor sends them, together with the "green sheet" approval form, to the LSO.
 - (v) When the "green sheet" approving the draft without changes plus any cosponsor approval forms, are received at LSO, the bill is immediately pre-filed and assigned a bill number. If the sponsor requests substantive changes to the bill draft the approval process begins again.
- (b) Limit on number of cosponsors. In accordance with Management Council policy, LSO will not send out more than 15 cosponsor approval forms unless the prime sponsor obtains approval for a greater number from the leader of the prime sponsor's party in the house of which the prime sponsor is a member (i.e., the Speaker or President in the case of the majority party; otherwise the minority floor leader.)
- (c) Adding late cosponsors. Cosponsor names will appear on the introduced version of a bill only if a postcard approval form for that cosponsor accompanied the prime sponsor's "green sheet" sent to LSO. No cosponsor name can be added on the *initial printed bill* after the "green sheet" is received by LSO so it is important that the prime sponsor hold the "green sheet" until he has collected all the cosponsor approvals he wishes.

Note: Cosponsors may be added by signing the bill jacket before introduction, in which case their names will appear as a cosponsor in the Journal and on subsequent engrossed copies of the bill, but will not be printed on the original introduced bill.

- (d) "Held" bill drafts. At a point in time immediately preceding each legislative session, LSO ceases the normal practice of mailing out sponsor/cosponsor forms and instead "holds" all remaining bill drafts for processing under the following special sponsor approval procedures:
 - (i) When the sponsor arrives in Cheyenne for the session, the LSO provides him a combined sponsor/cosponsor approval form. The sponsor is then responsible for obtaining the signatures of cosponsors on the form;
 - (ii) No time limit exists on returning the form, however, the bill will not be processed further until the form is submitted. Once the form is submitted by the sponsor, the bill is immediately numbered and no additional cosponsors may be added (see limited exception under 5(c) above);
 - (iii) If the prime sponsor decides to make a substantive change in the bill after beginning to collect cosponsor signatures, another cosponsor signature form will be prepared for the sponsor to use in obtaining signatures for the revised bill draft.

6. FISCAL NOTES FOR BILL DRAFTS.

- (a) W.S. 28-8-105(d) requires the LSO to provide a fiscal note for each bill having a fiscal impact, indicating "fiscal and personnel impact and revenue generated or required by the legislation."

This provision has been interpreted to require an analysis of the fiscal impact of the bill *on state government only*.
- (b) In preparing fiscal notes, the LSO Budget and Fiscal section routinely submits a copy of the draft bill to state agencies affected by the legislation for input. Agencies are afforded a limited time from the date of request to develop information. The bill sponsor's name is not released to the agency unless specifically authorized by the sponsor.
- (c) If a bill is determined to have fiscal impact, sponsor/cosponsor approval forms are not sent out until the fiscal note is complete.
- (d) LSO does not begin preparing fiscal notes until November of each year. In the case of bills drafted before that date, a working draft of the bill is sent to the sponsor with a notation that the fiscal impact analysis is pending. Subsequently, after the fiscal note is completed, a final copy of the bill is mailed to the sponsor together with the appropriate sponsor approval form.

7. PREFILING AND ASSIGNMENT OF BILL NUMBERS.

Getting a bill assigned a bill number requires finalization of the fiscal note and receipt by the LSO of all sponsor/cosponsor approval forms. Bills receive numbers in the order in which approval forms are received, except that bill numbers are "reserved" for general appropriations bills.

A bill which is assigned a number and "pre-filed" before the commencement of a Session is distributed to legislators, county clerks and public libraries and is posted on the Legislative website. A hard copy is available to the public upon request and payment of copying fees.

Bills may be prefiled only by an incumbent legislator, a legislator-elect, or a legislative committee.

8. LIMIT ON NUMBER OF BILLS FOR INTRODUCTION.

Senate Rules currently limit the number of bills which an individual Senator may introduce to 3 bills in a Budget Session and 7 bills in any other session. (Bills which solely repeal laws are not subject to this limitation.) LSO will draft *any number of bill drafts* requested by a Senator. However, LSO will keep a record of those drafts the Senator approves for introduction as **prime** sponsor in the order they are received. Once a Senator has approved the maximum number of bills allowed for jacketing, the Senator will be so advised. No further approval of bills for introduction will be processed unless the Senator withdraws a bill previously approved and submitted for sponsorship. However, when the Session convenes, a Senator can move for suspension of the rules to introduce bill drafts in excess of the maximum authorized. Additional bill drafts will not be jacketed and assigned a bill number until a motion to suspend the rules is adopted and the draft is approved for introduction. (See Senate Rules for additional details.)

The House of Representative limits the number of bills a member may introduce in a Budget Session to 5, however, there is no limitation on the number of bills which a member of the House may offer for introduction in a General Session. The rules implementing this limitation in the House are the same as described above for Senate Files.

9. BILL INTRODUCTION DEADLINE.

Senate Rules 9-2 and 24-2(a) and House Rules 8-2 and 28-2(a) establish deadlines for the last date on which bills may be introduced each session. The rules state that the bill must be "drafted and signed" prior to the cut-off date and time. This does not mean that you have merely made a drafting request to the LSO by the deadline. Rather, it means you have made a request to LSO in sufficient time so that LSO actually has completed the draft and you have approved the draft prior to the deadline. Drafts which meet this deadline will be processed for introduction.

10. AMENDMENT PROCEDURES.

(a) Requesting an amendment.

- (i) During the Session, amendments are prepared by members of the LSO Legal Services division working in the House and Senate Attorneys' offices located adjacent to the House and Senate chambers. These are the same staff members you work with year round in interim committee studies and in drafting bills prior to the Session;
- (ii) There is no particular formality in submitting amendment requests. Your request may be communicated orally or in writing to one of the staff, however, sufficient instructions should be given to enable the staff member to clearly understand what you want to accomplish. As in the case of bill drafting, you may feel free to "bounce ideas" off the staff and rely upon them to help develop your idea into an appropriately worded amendment;
- (iii) It is extremely helpful to the staff for sponsors to request assistance on a lengthy or complicated amendment early in the day or on the day prior to the floor debate. This allows time to ensure the amendment is in proper form and legally correct.

(b) Amendment drafting priorities. To the extent possible, amendments to the same bill are drafted in the order submitted to the House and Senate attorneys. However, since more than one staff member may be drafting amendments to the same bill and each staff member is generally working on a backlog of amendments to a number of different bills, it is impossible to guarantee strict priority in the numbering of amendments.

(c) Confidentiality of amendments.

- (i) General rule – implied waiver of confidentiality. Unless confidentiality is specifically requested, the LSO staff will assume you have waived confidentiality regarding your requests for amendments during the Session, at least as to other legislators. This general rule results from several practical considerations:
 - (A) In light of limited staff size and the quick response time often necessary to prepare amendments, is it often impossible to locate the first legislator who requests an amendment to get his permission to disclose its contents - or his identity - to a second legislator who has asked for a substantially similar draft. It is likewise impractical to prepare and distribute duplicate amendments.
 - (B) To properly draft a subsequent amendment it is often necessary to delete or amend an amendment which precedes it in the event the prior amendment passes. In many cases it would be impossible to draft or explain the second amendment to the second legislator without discussing the first amendment.
- (ii) Exceptions:
 - (A) The text of an amendment which has been prepared as a "proposed amendment" will generally be treated as confidential, however, to avoid preparing duplicate amendments, a subsequent legislator asking for a substantially similar amendment will be advised of the name of the first legislator who is working on a similar proposal;
 - (B) If specifically requested, the staff will treat a numbered amendment as confidential in which case all copies of the amendment will be held until the legislator authorizes floor distribution.
- (iii) Distribution of amendments.
 - (A) House Procedure: Unless otherwise specifically requested by the sponsor, amendments which have been assigned a number are sent for reproduction and distribution on the floor and are made available to the public immediately upon completion of the previous reading of the bill, i.e., 3rd reading amendments are distributed after 2nd reading on the bill is finished.
 - (B) Senate Procedure: Although the Senate attorneys, if asked, will disclose the text of a numbered amendment to another Senator, a numbered amendment is not distributed to the Senate body or released to the public until the scheduled date of the particular reading of the bill for which the amendment has been prepared.
- (d) Sponsor approval of amendments. Due to time constraints and the difficulty of locating sponsors during the session, amendments (other than those prepared as "proposed") are sent immediately for distribution *without first being returned to the sponsor for approval* unless specifically requested by the sponsor or unless the staff member has a question for the sponsor.
- (e) Amendment cosponsors. Although most amendments are individually sponsored, legislators occasionally request that cosponsors be listed on an amendment. It is presumed that the prime sponsor has obtained the consent of the cosponsors and their names are listed on the amendment without an attempt being made by the staff to independently confirm their approval.

While there is no formal limit in the House Rules on the number of cosponsors to be listed on an amendment, the custom of the House of Representatives is to limit the total number of sponsors on an

amendment to four. The custom of the Senate has been to limit the number of sponsors on an amendment to five.

11. RESOLUTIONS.

Resolutions may be promulgated or adopted by the Wyoming Legislature through either a formal or informal process.

(a) Formal Resolutions.

Formal Joint Resolutions are processed in the same manner as House Bills and Senate Files and require the affirmative vote of both bodies.

Formal Resolutions generally fall into three categories: (1) Petitions or requests to Congress to take or refrain from taking proposed action; (2) Ratification of amendments to the U.S. Constitution or Resolutions calling for a convention to propose amendments to the U.S. Constitution; and (3) Resolutions proposing amendments to the Wyoming Constitution to be submitted to the vote of the electors (2/3rd vote of each house required).

(b) Informal Resolutions/Memorials.

While a number of other states spend considerable time processing, discussing and voting on "ceremonial" or "laudatory" Joint Memorials and Resolutions, or Resolutions expressing the Legislature's position on an issue but which call for no specific governmental action, the Wyoming Legislature has chosen to save valuable legislative time by handling such matters through an informal process, for example:

- (i) Upon the death of a former legislator, a Joint Memorial recognizing the Legislator's service to the State and expressing the Legislature's sympathy to the family is automatically prepared by the LSO and signed by the President of the Senate and Speaker of the House.
- (ii) Resolutions such as those expressing congratulations to, or otherwise recognizing the accomplishments of individuals are prepared in a format which allows for the signature of assenting members of the House and Senate but are not introduced or processed as formal bills or resolutions.

NOTE: Informal resolutions are limited to those which do not involve issues of public policy. A resolution which makes recommendations about official government action to government officials, officers or entities does not qualify for this "informal" resolution process. Any dispute concerning whether a resolution qualifies for the informal process will be submitted to the majority and minority floor leader of the legislator's house for resolution.

LEGISLATIVE HANDBOOK

CHAPTER V

MISCELLANEOUS SESSION PROCEDURES & OPERATIONS

1. RULES AND MANUALS GOVERNING GENERAL OPERATING PROCEDURES.

The day to day operations of the House and Senate are conducted in accordance with the following in the priority specified (see House and Senate Joint Rule 10):

- Rules of the Senate and House of Representatives
- Wyoming Manual of Legislative Procedures
- Mason's Manual of Legislative Procedure

Please consult those authorities regarding:

- Rules of parliamentary procedure
- Election and duties of House & Senate officers
- Rules of decorum in the House & Senate
- Formation and duties of standing committees
- Introduction and assignment of bills to committee
- Committee of the Whole, second and third reading procedures
- Motions and regulation of floor debate
- Special procedural rules, e.g., call of the House

2. LEGISLATIVE ETHICS AND CONFLICT OF INTEREST.

While there currently exists no single code of ethical standards for legislators, the following provisions provide general guidance and identify certain prohibited acts:

- (a) Wyoming Constitution Article 3, Section 12, provides that each house has the power to punish its members for "disorderly behavior" and to protect its members against "offers of bribes or private solicitation."
- (b) Wyoming Constitution Article 3, Section 42, prohibits a legislator from offering or promising to vote for or against a measure, or otherwise exert his influence, in exchange for another legislator's vote or promise of influence on any other measure.

- (c) Wyoming Constitution Article 3, Section 46, provides:

"A member who has a personal or private interest in any measure or bill proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon."

- (d) W.S. 6-5-102 makes it a felony for any public servant (including a legislator) to solicit or accept a pecuniary benefit or privilege in exchange for his vote or action.

Note: "pecuniary benefit" is defined to **exclude** property valued under \$20; authorized political campaign contributions; and certain food, drink and entertainment expenses.

- (e) Senate Rule 23-1 requires members to disclose and abstain from voting on bills in which they have a personal or private interest. A member who is uncertain whether he has a conflict may request a ruling from the Senate rules committee.

- (f) Senate Rule 14-7 provides that a conflict of interest declared by a member of the Senate shall be entered in the Journal.

- (g) House Rule 17-3(a) requires members to disclose and abstain from voting on bills in which they have a personal or private interest. House Rule 17-3(e) provides procedures.

- (h) House Rule 17-3(d) defines "personal or private interest" to mean a direct financial gain or loss but excluding any gain or loss to a member that is also incurred by a substantial class of persons.

- (i) In 1998, the Wyoming Legislature passed the Ethics and Disclosure Act, W.S. 9-13-101 through 9-13-109. The Act essentially prohibits the receipt of any gift which resulted from the holding of office. W.S. 9-13-103(a) states: "No public official...shall use his office or position for his private benefit." The statute goes on to define "private benefit" as the receipt of a gift "which resulted from his holding that office". "Gift" is defined in W.S. 9-13-102(a)(vi) as "anything of value to the extent that consideration of equal or greater value is not received". "Anything of value" is defined by W.S. 9-13-102(a)(i) to include almost anything which is "pecuniary or compensatory in value to a person." In 1999, the Legislature amended the Act by providing exceptions to the definition of "gift". W.S. 9-13-102(a)(vi). "Gift" now excludes any item less than \$250 in value, any food or beverage, and any travel while attending in a legislator's official capacity.

For more detailed information regarding the Ethics and Disclosure Act, see the pamphlet drafted by LSO on this subject.

3. LOBBYISTS.

During the brief Wyoming legislative sessions, legislators may expect to be contacted by numerous individuals desiring to influence their opinions and, ultimately, their votes. These contacts may range from informal calls and letters from individual constituents back home to varying methods and degrees of solicitation by paid professional lobbyists.

Lobbyists are important to the legislative process both in providing information and in communicating to legislators the opinions of the individuals or groups represented by the lobbyist. Over the years, many Wyoming legislators have been fortunate in developing good working relationships with a number of lobbyists whom they trust and look to for reliable information and assistance.

While the Wyoming Criminal Code provides serious penalties to discourage unlawful lobbying activities, W.S. 6-5-102, it is ultimately the responsibility of each individual legislator to ensure that he does not encourage or allow himself to become subject to improper influence.

W.S. 28-7-101 requires that individuals who receive expense reimbursement or compensation for lobbying on behalf of others must register with the Secretary of State. Lobbyist activity reports must be filed in accordance with W.S. 28-7-201 if reportable expenses exceed \$500.00.

Lobbying within the House or Senate Chamber is prohibited by the rules of the House and Senate.

The Wyoming Capitol Club is an organization of registered, professional lobbyists who lobby before the Wyoming Legislature. The Capitol Club sponsors a message center located in the capitol complex to allow legislators, lobbyists and others to leave messages for individuals other than legislators during the Session. The Wyoming Capitol Club also publishes a directory of member lobbyists and provides its members with limited access to photocopy and fax services. (Source: The Wyoming Capitol Club Membership Directory – 2007.)

4. PRESS.

Representatives of the press, radio and television have limited access to the floor of either chamber. Space for their use is provided in each chamber.

Interviews with legislators are normally conducted in the House or Senate lobby areas, in the main hallways of the second floor of the capitol or in the news room shared by the media on the third floor.

Due to noise concerns, it is inappropriate to conduct interviews in the area behind the glass partition at the rear of either chamber.

5. MONITORING PROGRESS OF BILLS.

(a) Telephone bill status. A toll-free bill status information service (in-state calls only) is available each weekday during the session. This is a limited service which allows the caller to determine the current status of a bill but not information concerning the contents of the bill. The number is 1-800-342-9570.

(b) Computer bill status.

Computer access to bill status reports, Committee meeting notices and legislative calendars is available via the Legislature's Web Site: <http://legisweb.state.wy.us>

(c) Meeting notices. Standing committees generally provide advance notice of meetings at which bills will be discussed. Meeting notices are posted in the designated areas in the capitol and are published in the House and Senate Calendar. These notices are generally posted in the Capitol by 3:00 p.m. (and on the Legislative Web Site by 3:30 p.m.) on the legislative day preceding the day of the meeting.

(d) Calendars. Following the close of business each legislative day, both the House and Senate prepare a Calendar listing: bills scheduled for second and third reading on the following day; bills reported out of committee and on general file; and committee meeting notices. Copies of the Calendar are available each morning.

(e) LSO Bill Status Report (purple sheet). LSO prepares a daily status report listing the last action taken on each bill and whether the bill is scheduled for further action on the day of the report. The purple sheet is available in hard copy in the Capitol and is also posted on the Legislature's Web Site.

6. PRESENTATION OF BILL TO STANDING COMMITTEE.

Following introduction, bills are assigned to a standing committee for hearing, debate, possible amendment and recommendation back to the full House or Senate.

- (a) Notice of Meeting. Notice of the standing committee meeting at which a bill is to be considered will be published in the House or Senate Calendar and posted in the designated area in the state capitol. It is also the normal practice for the committee secretary to provide special written notice of the meeting to the bill sponsor.
- (b) Appearance at Meeting. The bill sponsor or his representative should be present promptly at the time the bill is scheduled to be heard. If the sponsor cannot appear, he should notify the standing committee chairman as soon as possible and request a postponement of the hearing.
- (c) 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 the sponsor brings several witnesses, he should ensure that their testimony is not repetitive. 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 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 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.

7. COLLEGE AND HIGH SCHOOL INTERNS; LEGISLATOR AIDES; GUESTS; AND LEGISLATIVE PAGES

A variety of individuals assist members of the Wyoming Legislature during legislative sessions. Descriptions of the various programs that are sponsored by the Wyoming Legislature are described below. The college and high school intern program, the legislator aide program, and the legislator guest program are governed by Management Council Policy which provide more detail about these programs.

Students who are enrolled at an institution of higher education and are receiving academic credit for their work at the Legislature are designated as **college interns**. University of Wyoming students participating through the Political Science Department are assigned to standing committees, while other UW students and students from community colleges work for individual legislators. Legislators may sponsor high school students to participate as **high school interns**. Individuals who register to assist legislators during the session, who are at least 19 years old, are designated as **legislator aides**. Individuals who are not providing research or other assistance to legislators, but are visiting members for a time-limited basis, may be badged as **legislator guests**. **Legislative pages** deliver messages to legislators on the floor and report to the House and Senate Session Staff. More information about how to participate in these programs is outlined below.

Assignment of College Interns to Committees

Upper-division University of Wyoming students participating through the University of Wyoming Political Science Department serve as interns for the standing committees during the session. The University of Wyoming Political Science Department offers academic credit for the internship and interns are selected by the University through a competitive application process conducted during the Fall Semester. Once the University has selected the interns, LSO's Intern Coordinator is responsible for assigning the students to

the different committees, based on their interests and availability. If you are aware of University students who may be interested in participating in the Committee Internship Program, they should contact the UW Political Science Department.

Assignment of College Interns to Individual Legislators

Other UW students and community college students work for individual legislators during the legislative session. Many legislators know college students who might be willing to serve as interns. If you are aware of community college students who would like to serve as interns for individual legislators, contact them and tell them to work through their institutions' political science departments directly. Many community colleges offer academic credit to students who serve as interns. These students are selected to participate in the intern program by the community colleges. Once the community colleges have selected their interns, the LSO Intern Coordinator assigns them to legislators who have requested that an intern be assigned to them.

The intern coordinator will assign available interns proportionally by the house and political party of the total number of legislators who request interns. There are generally far more requests for interns than there are interns available, so legislators share an intern with one or more other legislators. If you do not register for an intern, you may request intern services by contacting the Intern Coordinator for assistance on a project-by-project basis, based on intern availability.

High School Interns

Legislators may sponsor local high school students to serve as a high school intern during the legislative session. Only high school students of junior or senior standing who are at least 16 years old will be allowed to participate in the high school intern program. Relatives of legislators participating in the high school internship program will not be assigned to that legislator. Participating high school students are required to serve for a minimum of two (2) weeks during the session. Participating students must obtain permission to participate in the program from their school principal and from their parents or legal guardians. The sponsoring school must provide an academic component for the student to participate in the program.

Legislator Aides

Individuals who are providing research and other assistance to legislators, who are not enrolled in an academic institution participating through the Wyoming Legislative Internship Program, will be badged as Legislator Aides. Legislator aides must be at least 19 years old. The sponsoring legislator is solely responsible for supervision of their legislative aide. The LSO, Intern Coordinator, House and Senate staff are not responsible for supervising legislative aides.

Legislator Guests

Individuals who are not providing research or other assistance to legislators, but are visiting members for a time-limited basis, may be badged as legislator guests. These individuals may include adults, as well as children who are relatives of legislators. The purpose of the legislator guest badge is to provide very limited access to the chambers and the break rooms. The badge is provided as a convenience to members who may not be available, while on the floor, to escort guests to restricted areas. However, this badge does not provide unrestricted access to the chamber hallways and the House and Senate break rooms. The sponsoring legislator is solely responsible for supervision of their legislative guests. The LSO, Intern Coordinator, House and Senate staff are not responsible for supervising legislative guests.

Legislative Pages

While legislative interns are under the supervision of LSO's Intern Coordinator, and aides and guests are under the supervision of individual legislators, legislative pages report to the House Session Staff Supervisor and the Senate Session Staff Supervisor. The Chief Clerks of each chamber are responsible for

selecting the legislative pages. In the past, many pages have been high school students, often recommended by the Speaker and the President. Pages are paid for their services during the session, whereas interns receive academic credit, and aides are volunteers. Pages work on the floor of the House and the Senate and are responsible for the receipt and delivery of messages, documents, and other items to and from the members. Individuals who are interested in serving as pages should contact the House or Senate Staff Supervisors no later than August to indicate their desire to serve. LSO can put interested applicants in touch with the staff supervisors.

8. HOUSE CLERICAL ASSISTANTS.

The House of Representatives authorizes the use of part time clerical assistants subject to the following guidelines approved by the Management Council:

- (a) Clerical Assistants (CAs) are part of the House's session staff and are assigned on the basis of one CA to each four (4) legislators who desire assistance.
- (b) CAs work from 7:00 a.m. to 10:00 a.m. and are authorized to provide the following services:
 - (i) Filing bills in binders or other bill filing system.
 - (ii) Placing amendments in a file in the order in which they will be considered during the day.
 - (iii) Opening mail and placing it in a folder.
 - (iv) Obtaining office supplies.
 - (v) Delivering or receiving messages or documents to or from legislative staff or other legislators (except CAs are not permitted on the floor when the House is in session). This would include obtaining photocopies, typing services, etc.
- (c) CAs will **not** perform the following tasks:
 - (i) Typing.
 - (ii) Substantive tasks that would usually be performed by LSO Staff (e.g., research) or interns (e.g., calling constituents, etc.)
- (d) CAs are assigned to legislators upon request in advance of the Session. Assignments will be made so that each CA serves four legislators whose desks on the floor are physically close together.
- (e) A CA Supervisor and the CAs are hired by the House Staff Supervisor.

9. CONTACTING LEGISLATORS DURING SESSION.

- (a) During the legislative session, constituents are encouraged to use the Voter Hotline (Phone 1-866-996-VOTE) to call and recommend a vote for or against a particular piece of legislation. While it is not possible to speak directly with a legislator on the Voter Hotline, the recommendations are quickly delivered to legislators.
- (b) Personal telephone messages may be left by calling the House or Senate receptionist.
- (c) Individuals in the capitol wishing to speak to a legislator while the House or Senate is in session can present a written message to the receptionist or doorman in the House or Senate lobby. The message will be delivered on the floor by a Page and the legislator can determine whether he can leave the floor to meet in the lobby with the individual.

10. VISITORS TO HOUSE OR SENATE.

Seating for visitors is provided in the galleries above the floor of the House and Senate. Visitors wishing to contact a legislator may present a written message to the receptionist or doorman in the lobby of the House or

Senate to be delivered to the legislator. While the House or Senate is in session, a legislator may introduce visitors in the gallery by requesting privilege of the floor.

11. SESSION STAFF.

In addition to the Legislature's full time LSO employees, the House and Senate employ temporary staff (including chief clerks, staff supervisors, terminal operators, committee secretaries, watchmen, pages, etc.) to assist during each legislative session. Session staff operate under the general direction and control of the chief clerk and staff supervisor in the House and Senate. A detailed position description for each member of the session staff is provided in the Session Staff Manual.

The LSO and the House and Senate staffs, though technically separate, work as a team to support the Legislature.

12. COURTESY FUND.

Shortly after the beginning of each session, legislators and members of the staff of the House and Senate are assessed a nominal amount for the Courtesy Fund. The Fund is used to offset the cost of refreshments in the House and Senate coffee rooms and to pay for flowers, cards etc., sent in cases of illness or bereavement.

13. HOUSE AND SENATE COFFEE ROOMS.

Please observe the following guidelines relating to operation of the House and Senate Coffee Rooms:

- (a) Due to limited space, use of each Coffee Room is restricted to Legislators, legislative staff, and the family and personal guests of legislators. The Coffee Room is not open to lobbyists, members of the press or the general public.
- (b) Refreshments in the Coffee Room are available to legislators and staff, including student interns and legislative aides, only if they have contributed to the Courtesy Fund. All others are expected to pay the posted amount for refreshments under the honor system.
- (c) Please do not leave children unattended in the Coffee Room.

14. COMMITTEE MEETINGS - COMPLIANCE WITH ADA.

The Management Council has approved the following policy to ensure compliance with the spirit and intent of the Americans with Disabilities Act (ADA):

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.

LEGISLATIVE HANDBOOK

CHAPTER VI

INTERIM ACTIVITIES & OPERATIONS

A. INTERIM COMMITTEES.

1. FORMATION AND FUNCTION.

- (a) 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) 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. A prioritized list of study requests is prepared by the interim committee chairman for submission to the Management Council.
- (c) Study assignments and budgets for interim committees are subject to review and approval by the Management Council.

Limited funds available for interim committee studies are allocated among the various committees by the Management Council based upon the workload approved for each committee.

- (d) Regulations relating to compensation and travel expense reimbursement for legislators attending interim committee meetings are discussed in Chapter III of this Handbook.

2. INTERIM STUDIES.

- (a) Topics. Topics for interim study may result from specific legislation, suggestions by individual members of the committee or assignment by the Management Council.

Interim studies generally focus on "major" problems or proposals which require significant research, discussion and opportunity for public comment. In addition, interim committees traditionally sponsor technical or other "clean up" legislation relating to government programs within their particular areas of concern.

- (b) Committee Reports/Bills. Joint interim committees generally report back to the full legislature via proposed legislation. Due to the extensive effort put into such legislation by the committees, joint interim committee bills are generally afforded priority in scheduling during the legislative session.
- (c) Subcommittees. On occasion, subcommittees may also be appointed to study or prepare draft legislation on specific issues and to report back to the full committee.

3. ASSIGNMENT OF COMMITTEE STAFF.

Staff support for each joint interim committee is provided by the LSO. Generally, one member of the legal services division is assigned as the primary committee staff for each interim committee. Due to the limited size of the LSO, this means that each member of the legal services division serves as staff to 2 full committees in addition to staffing all subcommittees appointed by each full committee.

The LSO budget and fiscal section provides staff support to the Joint Appropriations Committee and other committees needing fiscal analysis such as the Revenue and the Education Committees. LSO program evaluators serve as staff to the Management Audit Committee.

4. INTERIM COMMITTEE MEETINGS.

- (a) Full interim committees typically meet 3 times each year between legislative sessions to work on assigned studies.
- (b) Notice of each interim committee meeting is mailed out 15 days in advance. To assist legislators in planning their schedules, the LSO sends out a list each month of legislative meetings scheduled for the following months. The Legislature's Web Site also includes a schedule of meetings. Press releases regarding meetings are sent to media in advance of the meetings.
- (c) Management Council typically requests that Interim committees attempt to schedule meetings so that the bulk of interim work is completed by November 1st each year. This is necessary to enable the LSO staff to devote adequate time to drafting individual bill requests prior to the legislative session.
- (d) A typical one-day meeting of an interim committee in Cheyenne or Casper costs approximately \$6,500 if the **entire** committee attends. In light of this expense, it is very important to know whether a quorum of the committee will attend to transact business or whether the meeting should be postponed or canceled. To help the committee Chairman make this important determination:
 - (i) As soon as you receive notice of an interim committee meeting, please complete and return your postcard response form indicating whether you will attend;
 - (ii) If you indicate you will attend and subsequent circumstances prevent you from attending, please contact the LSO immediately.

5. COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT.

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.

B. CONSTITUENT SERVICES.

- 1. Expense Allowance. As noted in Chapter III of this handbook, Legislators are authorized a quarterly allowance to defray the expenses incurred by the legislator in providing constituent services.
- 2. LSO Staff Support. While it is difficult to state a simple rule as to the extent to which LSO can assist individual legislators in responding to constituent questions, the following examples may be helpful:
 - (a) First, the LSO staff is always available to answer your factual and statutory questions, e.g., How much was spent for a certain project? Do we have a statute covering this area?

- (b) Second, the LSO staff can help you identify the particular agency or even the individual state officer or employee who has responsibility for a certain function. This can save you the time - and the legislative budget the expense - of several long distance calls to Cheyenne.
- (c) Third, LSO **cannot** serve as an advocate for your constituent in a matter involving a state agency, e.g., LSO cannot assist with a problem regarding a constituent's worker's compensation claim.

In summary, if your request is similar to the first two examples, LSO will be able to assist you. If it is more like the third example, no assistance will be available. Do not hesitate to contact the director or assistant director if you have any questions concerning this policy.

C. SPECIAL INTERIM EVENTS.

1. SCHOOL FOR NEW LEGISLATORS.

Prior to the convening of the first legislative session after each general election, new legislators are invited to attend a "school" offering training in various aspects of legislative procedure.

Classes are presented by veteran legislators of both parties and in the past have included topics such as: rules governing floor debate (including a mock legislative session); committee rules and procedures; bill processing; conflict of interest; lobbyists and news media relations; and budget and fiscal overview. New legislators are generally authorized per diem, but not salary, for attending the legislative school.

2. BUDGET BRIEFING.

Although not a formal annual event, members of the Joint Appropriations Committee or the Committee's staff have occasionally in the past provided a budget briefing for other legislators prior to commencement of the session. Advance notice of such training opportunities will be provided by the LSO.

LEGISLATIVE HANDBOOK

CHAPTER VII

BUDGET / FISCAL INFORMATION

Appropriating public funds for the operation of state government is perhaps the single most important task facing Wyoming Legislators. This chapter provides a brief introduction to the state budget process including an explanation of the operations of the Consensus Revenue Estimating Group (CREG) and the Legislature's Joint Appropriations Committee (JAC).

This chapter also outlines the various responsibilities of the LSO budget/fiscal staff and lists a number of publications prepared by the LSO to assist legislators in understanding and managing the state's budget.

1. BUDGET PROCESS - EXECUTIVE BRANCH.

(a) Budget Period.

The State of Wyoming operates on a biennial budget for all executive and judicial branch agencies, including the University, the community colleges, and for state funding for K-12 education. That is, budgets are built for two fiscal years of operations. The fiscal year begins on July 1 and ends on the following June 30. Budget requests are prepared by agency fiscal personnel in conjunction with the Budget Division of the Department of Administration and Information. The Budget Division is the central budget office for all state government and is often referred to as the "Governor's budget office".

(b) Standard and Exception Budget Requests.

The biennial budget process begins during the summer months prior to a budget session of the Legislature. The Budget Division prepares a "standard" budget request for each agency and submits the standard budget to the agency in July. The standard budget is roughly equivalent to what the agency had received for the prior biennium with adjustments made for legislatively or executive approved transfers of funds into or out of an agency's budget.

The agency then may develop an "exception" budget request. An exception request asks for increased funding necessary to maintain current levels of service, to transfer funds and positions from one program within an agency to another, or for increased funding for expanding services to a new group of recipients or for expanding a new service to existing recipients. Not all agencies submit exception requests, the only required request is the standard. This request is for the upcoming two fiscal years or biennium which will begin on July 1 following the budget session.

(c) Governor's Budget Recommendations.

The entire budget request from each agency is presented to the Budget Division in September or October. The Budget Division then assembles all of the agency requests into a total package for the Governor's review.

The Consensus Revenue Estimating Group (CREG) (CREG is explained in detail elsewhere in this chapter) meets in October and develops revenue forecasts for the upcoming biennium and the Governor compares the budget request to the forecasted revenue and works with the Budget Division to prepare his budget recommendations to the Legislature. These recommendations must be provided to the Legislature by December 1 of each year.

The budget requests for the Legislative and Judicial branches of state government are not submitted for the Governor's review and recommendation. The judicial request goes directly to the JAC for review and recommendation, and the legislative budget is prepared by Management Council and presented directly to the legislature for consideration.

(d) Supplemental Budget Requests.

In the event an agency believes it needs additional funding once the Legislature has approved a biennial budget, it prepares a supplemental budget request in the summer months prior to a general session of the Legislature. The process and time table is the same as that of a biennial budget request. The only difference is there are no standard or exception requests in a supplemental budget request, only a request for funds in addition to what was approved in the budget session.

In the event an agency needs funds in addition to the biennial and supplemental appropriations to make it through a biennium, an "effective immediate" budget request is made. These requests come during budget session, but "effective immediate" appropriations are made in order for an agency to finish the current biennium, not for the upcoming biennium.

2. BUDGET PROCESS - JOINT APPROPRIATIONS COMMITTEE.

(a) Staff Analysis.

Once the Governor's budget recommendations are received, LSO budget/fiscal staff begin to analyze the request and compile "detailed reports" which help the JAC review agency requests; and "summary reports" of the total request and forecasted revenues to give the Committee an idea of the "big picture."

(b) JAC Budget Hearings.

The Committee begins agency biennial budget hearings in December or early January prior to the budget session. The JAC meets periodically in blocks of 1 or 2 weeks until the budget session starts. During a general session, agency supplemental budget hearings are typically held during the session at JAC meetings, but the Committee may meet in December to hear agency requests also.

The usual format for agency budget hearings are a lead-off presentation by the agency or department head on overall agency achievements, goals and requirements followed by a more detailed explanation of the agency's budget request. During this time the Committee asks questions but takes no formal action. It is simply an information exchange.

Once hearings for all agencies are completed, the Committee begins to "work" budgets. During this time the Committee works through each agency's budget, program by program, with individual Committee members making specific recommendations to either approve, deny or adjust an agency's funding request. The Committee discusses and votes on each recommendation. Whether there are recommended changes or not, the Committee votes on each program or sub-program budget request for each agency.

The entire budget hearing/budget working process takes 4 or 5 weeks and is completed at least one week before the budget session begins.

(c) Preparation of Budget Bills.

Once the Committee has completed its work on the budgets, the LSO budget/fiscal staff prepares two identical (mirror) general appropriations or budget bills for introduction. One bill is a Senate file, the

other a House bill. Each bill consists of the JAC's recommendations as approved by vote of the Committee.

The cochairmen assign different portions of each bill to different Committee members for explanation of the Committee's action on the floor of each house. While there are two identical "mirror" bills started, only one bill which encompasses the action from both houses is dealt with by conference committee and is passed into law. (Procedures for processing the mirror budget bills during the session are set out in Joint Rule 14.)

3. JOINT APPROPRIATIONS COMMITTEE - INTERIM WORK.

The interim work of the Committee generally can be split into two categories or types of study.

First, the Committee focuses on issues which affect agency expenditures or agency's ability to control expenditures. Such issues as federal and court-ordered mandates are topics which are typically targeted for interim monitoring and study by the Committee. Specific topics such as deferred maintenance, employee compensation, self-insurance and U.W. block grant funding are examples of this type of issue. These topics have become increasingly important in recent years and the Committee has focused its attention on these topics in the past several interims. In addition to these more major issues, the Committee also responds to agency or constituent requests regarding budget problems of much smaller scope as they arise during the interim.

The second type of work can be described as studying ways to improve "the process". This type of work was initiated several years ago as the Committee felt a strong need to make the entire budget process less cumbersome and more easily understood by everyone who was not a direct party to the process. The Committee began to work with staff to develop improved educational and informational tools which they could use to explain to fellow legislators and constituents the budget process and the fiscal outlook for the state. With Committee direction, staff has developed a number of systems which provide both detailed information on a by-program or by-agency basis, and more easily understood "big picture" reports. The Committee works with LSO budget/fiscal staff and the Budget Division on an on-going basis to improve the format and content of all of the budget documents and reports provided to the Committee and other legislators to improve the ability to analyze agency requests and inform others of the state's fiscal picture.

4. LSO BUDGET/FISCAL STAFF RESPONSIBILITIES.

In addition to staffing the JAC, the LSO budget/fiscal staff have other committee responsibilities, as well as responsibilities to individual legislators:

(a) Revenue Projections-Revenue Committee.

Budget/fiscal staff also provide services to the Joint Revenue Committee as requested. Most of the interim work done for the Revenue Committee deals with providing revenue projections for different types of revenue enhancement options, the effects of changing distribution formulas for existing revenue streams, and determining the State's overall revenue needs. Session work involves updating revenue projections and distributions as proposed legislation requires.

(b) Fiscal Information for Individual Legislators.

Budget/fiscal staff are also responsible for responding to requests from individual legislators for fiscal information. Legislator requests for any facts, figures, or explanation of state agency budgets, state revenue collections and projections, state government salary and personnel information, state revenue distributions, fund balances, appropriations, state to state comparisons of taxes, revenues,

appropriations etc., and any other "number crunching" requests are handled by the LSO budget/fiscal staff.

Computer resources of the LSO enable staff to provide numerous types of tables, charts, graphs and overhead projection material. If staff doesn't have the numbers immediately available, they will research the subject and respond with a return call or written memo.

5. CONSENSUS REVENUE ESTIMATING GROUP (CREG).

The Consensus Revenue Estimating Group (CREG) is responsible for formulating projections of the main sources of income to the major accounts in the State. CREG was created by mutual informal agreement between the executive and legislative branches in 1983 as a result of the need for reliable and consistent revenue estimates which could be used by the executive branch and the Legislature in the budgeting process.

Prior to the formation of CREG both branches of government produced and used their own revenue estimates. As would be expected in such a process, disparity between estimates arose, and discussions which should have been focused on appropriate governmental spending levels were instead often focused on the accuracy and reliability of the revenue estimates themselves. Among the purposes for the formation of CREG was the elimination of those revenue arguments.

(a) CREG Membership.

CREG is composed of members from various professional fields and governmental organizations. Its members include the LSO's Budget/Fiscal Manager and the Economic Analysis Division Administrator from the Department of Administration and Information, who serve as the Co-Chairmen of CREG. The body of the group is made up of the Director of the Wyoming Oil and Gas Commission, the Director of the Wyoming Geological Survey, a University of Wyoming Economics Professor, and representatives from the State Auditor's Office, Department of Revenue, Department of Education, and the State Treasurer's Office. This composition results in representation from the legislative and executive branches, as well as the academic and professional realms.

The members of CREG project the various streams of revenue to the General Fund, revenues from mineral severance tax and federal mineral royalties, the revenues received by the Common School Land Income Account, and the total state assessed valuation.

(b) Development of CREG Estimates.

The process of developing estimates begins in August when the members of the minerals subgroup of CREG begin preparing estimates of mineral valuations. This subgroup is composed of the Director of the Wyoming Oil and Gas Commission, the Director of the Wyoming Geological Survey, the Supervisor of the Mineral Tax Valuation Division of the Department of Revenue, and the CREG co-chairmen. In late September the minerals subgroup meets and finalizes the estimates of mineral valuation. The entire CREG group meets in early October to review the minerals subgroup's valuation estimates, and to forecast the balance of the revenue categories.

After the projections are completed, the LSO and the Economic Analysis Division compile the information into the annual CREG report. The CREG forecast is then used by the Governor and the Legislature as the official revenue estimates for preparing and adopting state agency budgets.

(c) Revised CREG Projections.

If necessary, the October CREG forecasts are revised in January, the only other regularly scheduled meeting of the group. After the January meeting an official CREG report is issued which contains revised projections if revisions were made. This is done to take advantage of the most current actual data (and thereby make the near-term forecast as accurate as possible) before the information is used in the legislative session.

Unusual circumstances sometimes require CREG to hold a special meeting to revise its estimates, as was the case during the Persian Gulf war in 1990-1991 when oil prices skyrocketed causing increased mineral revenues to be generated. In cases such as these, a special report is issued outlining the content of the meeting and any revisions that were made to the forecast.

(d) Contents of CREG Reports.

The CREG Report contains the following information:

- (i) Projections for major revenue sources to the General Fund are detailed including sales and use taxes, pooled interest and Permanent Wyoming Mineral Trust Fund interest and severance taxes. Other revenue sources projected include charges for sales and services, franchise taxes, licenses and permits, and other smaller more varied sources of revenue to the General Fund;
- (ii) The severance tax forecast details projected production, price and expected severance tax receipts for each major mineral including oil, natural gas, coal, and trona. In addition, the report shows expected distribution of severance taxes to each fund or account that receives the taxes;
- (iii) The federal mineral royalty forecast also details projected production, price and expected royalties for oil, natural gas and coal and details the expected distribution of royalties to each fund or account that receives the royalties;
- (iv) The last section of the report projects income derived from investment of the Common School Permanent Land Fund and projects total state assessed valuation based on mineral price and projection estimates and estimates of assessed valuation for all other types of property based on historical trends.

6. LSO BUDGET/FISCAL REPORTS.

(a) Fiscal Profile.

The Fiscal Profile ("Goldenrod Report") is published periodically by the LSO budget/fiscal section. The report presents a fiscal summary for selected expendable funds and accounts including the General Fund, Budget Reserve Account, School Foundation Program, School Capital Construction Account, Water Development Accounts, and any other relevant accounts.

The profiles are updated several times during the session as appropriations and transfers are made, and are updated at other times of the year as expected revenues and expenditures change.

(b) B-11 Report.

The B-11 report is provided by the LSO budget/fiscal section to the Joint Appropriations Committee which details transfers of funds and personnel made between agencies and within agencies between programs during the year.

Each biennium, appropriations are made at the program level to operate the various agencies. Because of unforeseen events, it is sometimes necessary for the Governor to shift some of these appropriations around within the executive branch agencies. The Legislature grants the Governor a certain flexibility each year to transfer these funds but requires that these transfers be reported annually to the Legislature. The transfers are made within the executive branch by utilizing a form called a B-11. Copies of these forms are given to LSO by the Governor's budget office as the transfers are approved. The budget/fiscal section loads the information into a computer system and then generates various B-11 summary reports.

(c) Quarterly Revenue Update.

In addition to the semi-annual CREG revenue forecast report, a revenue monitoring report is prepared in April and July. This report provides an update on the current year-to-date actual revenue receipts compared to the expected level of revenue for the current fiscal year. This comparison is made for general fund revenues, federal mineral royalties and school land income distributions. This is not a revision to the CREG report, but rather a "where do we stand right now" update.

In addition to the revenue comparisons, included in these quarterly updates is information on any other revenue issues or developments that have occurred since the last report. Again, this information is not a revision to the forecast, it is merely an attempt to keep legislators apprised of the current situation and hopefully prevents "surprises" when the legislature convenes.

LEGISLATIVE HANDBOOK

CHAPTER VIII

PROGRAM EVALUATION

The Program Evaluation staff of the LSO conduct in-depth research about the effectiveness and efficiency of state government programs. The Legislature's Management Audit Committee (MAC) selects program evaluation topics and provides direction to the program evaluation staff. Program evaluation reports provide information about programs that utilize public funds. Although Program Evaluation Section staff are not available to conduct general research for individual legislators, the reports themselves are an important resource for legislators. Evaluation reports provide a great deal of background information and research about a variety of state government programs and issues to help inform legislative decision-making. The sections below address many common questions about the program evaluation process.

What is a Program Evaluation?

The goal of program evaluation is to provide the Legislature with useful, objective, and timely information about the extent to which desired program results are being achieved. Program evaluation is a response to legislators' demands for thorough analyses of program performance and serves the Legislature by providing legislative oversight of programs. Program evaluations are designed to improve government operations and services. What makes program evaluation unique compared to other types of research is that it allows an independent, in-depth look at an issue or program to identify problems, the causes of those problems, and potential solutions to those problems.

Evaluation reports are based on objective research that take into account a wide range of data and points of view. Staff research culminates in written evaluation reports about the effectiveness and efficiency of programs authorized by the Legislature. When conducting an evaluation, staff systematically review the selected program to determine: whether the program is achieving intended results, as authorized by the Legislature; whether the program is implemented and funds are spent according to legislative intent; whether there is duplication or overlap of administration or services; whether there are more efficient and cost-effective ways of reaching program goals; and whether the Legislature should consider certain issues when making policy and budget decisions about the program.

How Are Topics Selected?

Suggestions for evaluation topics come from a variety of sources, including Management Audit Committee members, other legislative committees, individual legislators, and LSO staff. However, the Committee makes the final determination as to which programs staff will evaluate. When selecting evaluations, the Committee looks for topics that are important and timely, over which the state has some control, where there is evidence of program deficiencies and potential for improvement.

How Do You Ensure That Evaluations Are Objective?

Program Evaluation staff follow statutory guidelines when they conduct research, analyze data, and write reports. The research, analysis, and writing are done independently, without Committee involvement, and under statutory provisions for confidentiality. Although the Committee assigns topics and may identify the scope of evaluations, members do not direct or shape the course the evaluation takes. Once the Management Audit Committee assigns a topic to the LSO, program evaluation staff conduct the research, analysis, and report writing without Committee input.

Staff follow governmental auditing standards in conducting their work, which require that they obtain sufficient, competent, and relevant evidence as a basis for findings and conclusions. Because the staff are generalists, they

necessarily begin evaluation work without convictions about possible problems or solutions in any program, which is one of the key ways they maintain neutrality. To further neutralize the possibility of individual biases among staff and to bring balance to the process, they conduct evaluations in teams. Finally, the reports themselves ensure balance by including a written response from the agency.

Why Keep Some Information Confidential?

Statutes give Program Evaluation staff unrestricted access to staff, sensitive documents and other information maintained by state agencies. Statutes also require that Program Evaluation staff keep all information confidential until a report is formally released. The report includes aggregate information that does not identify individuals or the specifics of sensitive information. The draft report remains confidential until the Management Audit Committee has met with the affected agency to discuss its contents. Once the Committee is satisfied the report is fair and accurate, it votes to release the report, which then becomes a public document. Even after a report is released, the information used to prepare the report is still confidential by law.

This assurance of confidentiality is important, because agency officials can feel comfortable discussing sensitive program issues knowing that Program Evaluation staff are legally required to keep that information confidential. The statutory requirements for confidentiality also allow Program Evaluation staff access to a broad range of sensitive documents that may otherwise be difficult to obtain.

Do the Reports Include Recommendations?

Program Evaluation staff research usually looks at the results of programs, so it is primarily a retrospective, rather than prospective endeavor. However, because program evaluations focus on problem solving, staff also provide prospective options for change. Program Evaluation reports may make recommendations both to the Legislature and to the executive branch. Rather than recommending a single course of action, staff often outline a series of options to administratively and legislatively correct problems. This is particularly true when policy questions are involved. Neither Committee members nor LSO staff have authority to compel compliance with the recommendations. Agencies often choose to implement recommendations voluntarily or the Committee may choose to sponsor legislation related to the report's findings and recommendations.

How Can These Reports Help Legislators?

There is a growing clamor for governmental accountability: taxpayers, legislators, and other public officials want to know whether government is properly handling its funds and is complying with the law. Equally important, legislators and the public want assurance that government programs are achieving the purposes for which they were authorized, and are operating economically and efficiently. The maroon-covered program evaluation reports are a source of concentrated information about selected programs. These reports contain analytical material of a sort that is not provided by other sources. The reports include: historical background, budget information, an assessment of problem areas, and recommendations for change. A list of evaluations that have been completed on different topics are listed on the Wyoming Legislature's website under the Program Evaluation link.

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CHAPTER IX

GENERAL RESEARCH REQUESTS

LSO Research staff provide a variety of research and information services to the Legislature. These staff are responsible for conducting general research and policy analysis for legislators and responding to information requests from legislators.

1. REQUESTING RESEARCH.

- (a) Types of Research. LSO Research staff can provide a variety of quantitative and qualitative research such as quick reference, comparisons with other states, limited programmatic and budget analyses, policy analysis, and identification of trends in Wyoming and in state government. Research staff do not provide legal advice, draft bills, or prepare program evaluations. Research staff do provide non-partisan, independent analysis, consistent with the services and reputation of other LSO activities. As staff to the Legislature, LSO Research staff cannot accept requests directly from constituents, nor will we conduct research on one member for another member, e.g., voting records.
- (b) Making a Research Request. Much like bill draft requests, committees or individual members may make research requests to the LSO research staff by phone, e-mail, fax, or in person. LSO Research staff can also assist members in framing their request. Staff internally distribute requests to accommodate differing workloads and to build issue-specific expertise. Consequently, although members may make requests of any LSO Research staff member (or even other LSO staff), it is possible that the request will be internally re-assigned.
- (c) Limits on Requests That Monopolize Staff Time. LSO Research staff will remain as flexible as possible to address every reasonable request. However, Management Council reserves the right to work with members in order to narrow overly broad or limit numerous requests that could monopolize staff resources. To the extent possible, all members should have an opportunity to benefit from this resource.
- (d) Time Constraints. The timing, both in terms of the requester's time constraints and staff time constraints are important. First, please be sure to tell LSO Research staff about any time expectations or constraints when submitting a request, even in the event there is no rush. LSO Research staff will work to insure all reasonable requests are addressed in priority (discussed in more detail later) and in as timely a manner as possible.

2. LSO GENERAL RESEARCH PROCESS.

- (a) Prioritization of Research. Legislator requests will be handled in a similar manner to the current system for bill draft requests. Committee and individual requests are prioritized on a first-come, first-served basis. Work that broadly benefits the Legislature takes precedence over individual requests. As a result, assignments directed by Management Council are given top priority. Committee requests are next, followed by requests made by individual members. Officially, up to 25 percent of research staff time will be devoted to individual requests. However, in recent years, almost 75 percent of requests have been generated by individual members rather than committees.
- (b) Types of Products. LSO Research staff prepare fact sheets (tables, graphs, and figures), research memoranda (relatively short analysis framed in a question/answer format), issue briefs, and

research reports (somewhat more lengthy reports including policy alternatives and practical or administrative considerations). The more specific the request, not only identifying what information is of interest, but how that information might best be conveyed for use, will help staff ensure they are providing members with the most useful information.

- (c) Research Methodology Compared to Program Evaluation Process. LSO Research staff may work closely with executive branch staff and other external entities in developing information and even language for LSO research products. However, LSO Research staff do not operate under the statutes governing LSO's program evaluation process. As a result, executive branch agencies will likely *not* have had the opportunity to review and comment on the research products prepared by LSO Research staff, unless the requesting legislator directs otherwise.
- (d) Other Resources Available. Legislative research can also be obtained through national organizations in which Wyoming participates, including the National Conference of State Legislatures (NCSL) and the Council of State Governments (CSG). These organizations can provide expert research and testimony on a variety of issues. Legislators may wish to contact LSO's Legislative Information staff to identify other appropriate external research outlets to address a particular inquiry. LSO Research staff can make a request of other organizations on behalf of a legislator or help a legislator frame their question. Alternatively, legislators may elect not to include Research staff in the process whatsoever.

3. DISCLOSURE OF LSO RESEARCH STAFF PRODUCTS.

- (a) Confidentiality of LSO Research. The requester's identity, the specific nature of the request, and the product prepared by LSO research staff will remain confidential, unless the requester authorizes LSO to make the information available to other members of the Legislature or the public. A release form will accompany all final research products prepared for individual members. In addition, each spring, LSO follows-up on all research for which a disclosure form has not been received, providing legislators an additional opportunity to disclose their requested research products. The research release form ("blue sheet") will offer you several choices for sharing the research product with your legislative colleagues and the public:
 - (i) First, you may elect to release the completed product (with or without your identity) to other members through the Legislature's document management system.
 - (ii) Second, you may elect to share the completed research product to the public on the Legislature's Web site.
 - (iii) Third, you may elect to direct LSO staff to keep the completed research confidential.

While the disclosure decision lies with the requesting member, a consideration of how the product may help inform other members, if shared, is important. If the research product is allowed to be shared with other members, it will be available electronically to all members through LSO's document database. This policy only relates to how LSO handles your research request. Legislators are free to personally distribute and share any LSO Research with whomever they choose to on an informal basis, whether or not the research is formally released through the outlined disclosure process.

- (b) Related Research Requests. In the event multiple members make similar requests in a similar time frame, rather than proceeding with duplicative research, LSO Research staff will ask whether the member's identity and request may be disclosed to another member, similar to the bill drafting policy. LSO Research staff will then work with the appropriate members to identify if the

requests may be combined. In the event a member makes a request subsequent to previously prepared, but not disclosed, research, LSO Research staff reserve the option to use resources and information previously developed for one legislator to assist in developing an appropriate response for a similar request received at a later date.

LEGISLATIVE HANDBOOK

CHAPTER X

LEGISLATIVE INFORMATION SERVICES

LSO Information staff are tasked with the management and dissemination of information resources to legislators, legislative staff, the media, and the public. These staff coordinate legislator education and outreach, media education and outreach, and civic education and outreach to promote understanding of the legislative process.

1. LSO INFORMATION SERVICES.

- (a) Information Management. LSO Information staff manage the storage and distribution of legislative information to legislators, legislative staff, the media, and the public. LSO staff have been developing and refining an electronic document management system, and the goal of this effort is to maintain a record of all information resources located within LSO in a single, comprehensive, searchable database. Legislators can access this system on their computers to find internal and external research resources produced, received, and maintained by LSO in electronic and hardcopy form.
- (b) Legislator Education and Outreach. LSO Information staff are responsible for coordinating training for new and experienced legislators, including orientation sessions for new legislators and optional training sessions for all legislators on a variety of topics. Information staff also develop information resources for legislators about services available from staff, about the legislative process, and government programs.
- (c) Media Relations. The LSO provides basic media services for the Legislature to increase media coverage of legislative activities and events. LSO Information staff provide media services related to institutional promotion and participation in the legislative process. Although the Information staff serve as a liaison to the media, LSO does not act as a spokesperson for the Wyoming Legislature. However, LSO Information staff can help members of the media arrange interviews with legislators and help legislators contact the media. LSO coordinates logistical facility needs with the media, the LSO, legislative leadership, and House and Senate staff. LSO provides training to legislators and staff regarding media relations issues and provides training to members of the media about the legislative process. LSO does not develop and distribute news releases for individual legislators; however, LSO Information staff can provide limited assistance, depending on workload, with research, crafting language, and providing advice for distribution.
- (d) Civic Education and Outreach. An emerging trend in state legislatures is to increase public understanding of representative democracy and to develop communication strategies to inform the public about the legislative process. LSO can develop and distribute information and educational materials about the legislative institution to the public. Legislators may contact LSO Information staff when resources are needed for presentations to constituents about the legislative process.
- (e) Internship Program Management. LSO manages a legislative internship program for high school, community college and university students. LSO employs a part-time Intern Coordinator during the legislative session and the Legislative Information Officer serves as the contact for internship program during the interim and when the Intern Coordinator is not available.

LEGISLATIVE HANDBOOK

CHAPTER XI

ADMINISTRATIVE RULES

1. AGENCY RULEMAKING AUTHORITY.

(a) Delegation of Rulemaking Authority to Agencies.

Delegation of rulemaking authority to executive branch agencies is often necessary for a number of reasons, for example:

- (i) The field of law is too complex to be regulated entirely by statute;
- (ii) Greater expertise of the regulating agency;
- (iii) The area of law is one which must be constantly updated, e.g., OSHA regulations.

(b) Legislature Provides Guidelines – Agencies Address Details.

It is common practice today for legislatures to enact laws establishing program standards and guidelines but to delegate to agencies the authority to "fill in the details" in putting the program into effect.

(c) Legislature Retains Oversight.

To guard against state agencies overstepping their legitimate bounds of authority and engaging in rulemaking which is arbitrary, unlawful or contrary to legislative intent, the Wyoming legislature established procedures to ensure that agency rulemaking is subject to public review and also created the administrative rule review process as a mechanism for legislative oversight.

2. LEGISLATIVE RULE REVIEW PROCESS.

(a) LSO Rule Review Report.

Wyoming statutes require state agencies to submit proposed administrative rules to the LSO. The legal services division staff reviews the rules and prepares a report for consideration by the Management Council. The scope of the review by the LSO staff and the Management Council is limited by statute to determining whether the rule:

- (i) Is within the intent and scope of the legislative enactment delegating the authority to adopt the rule;
- (ii) Has been adopted in accordance with all applicable statutory requirements; and
- (iii) Meets all constitutional and statutory requirements, restrictions and standards.

(b) Management Council Action on Rules.

The Management Council does not have authority to prevent an administrative rule from being filed and going into effect. If the Council objects to a rule, its initial alternative is to submit a recommendation to the Governor requesting that he direct the agency to rescind or amend the rule. Many problems are identified and corrected at this point.

If the Council is not satisfied with the Governor's response to its recommendation, it may:

- (i) Sponsor a regular bill to amend or clarify the authorizing statute or to directly prohibit the controversial provision adopted by the agency;
 - (ii) Sponsor legislation in the form of a "Legislative Order" to prohibit the implementation or enforcement of the rule. A legislative order is treated and processed like any other bill.
- (c) Additional information.

For additional detailed information concerning the administrative rule review process please refer to the Management Council Handbook on Administrative Rules prepared by the LSO.

3. NOTICE TO LEGISLATORS CONCERNING PENDING RULES.

- (a) The periodic **LSO Update** contains a list of pending administrative rules which have not received final agency action. The list also contains the name and telephone number of the agency contact person to whom comments and questions may be addressed.
- (b) In the case of new rules promulgated in response to recently enacted legislation, the LSO provides notice of the intended rulemaking to the primary sponsor of the bill and to the members of the standing committee which acted on the bill. Legislators may submit comments regarding the proposed rules directly to the agency or to the Management Council.

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CHAPTER XII

MISCELLANEOUS MATTERS

1. MEMBERSHIP IN NATIONAL ORGANIZATIONS.

The Wyoming Legislature has historically participated in the following organizations:

(Note: Appointments of legislators to serve on committees of the following organizations are made by the President of the Senate and the Speaker of the House of Representatives.)

- (a) Council of State Governments (CSG). The CSG is an association of elected and appointed officials from every branch of state government. Like the NCSL, the CSG acts as an information clearinghouse for the states. The Council promotes the exchange of information and ideas on a regional and national basis. Services available to Wyoming legislators include 50-state survey research and an interstate loan library.
- (b) Education Commission of the States (ECS). The ECS provides a national forum for the exchange of education information and experience among governors, state legislators, state and local school board members and business leaders. Similar to other national organizations, the ECS serves as an information clearinghouse and provides research and informational services to member states.
- (c) Energy Council. The Energy Council is a public policy organization representing the energy producing states. The purpose of the Council is to:

...promote national policy that encourages efficient development of domestic resources while limiting federal intervention in the exploration, production, and transportation of natural resources. As the lobbying arm of the producing states' legislatures, the Council influences federal energy policy by testifying before Congressional committees and federal agencies. To influence federal legislation or rulemaking, the Council coordinates grassroots lobbying campaigns and develops coalitions among other associations of elected officials and with trade associations."

(Excerpt from materials prepared by the Executive Director of the Council.)

- (d) National Conference of State Legislatures (NCSL). The NCSL provides research, information and technical assistance to legislators and legislative staff; conducts seminars and on-site staff visits to assist states in solving policy problems; represents states' interests before Congress and federal agencies; and provides training opportunities for both legislators and staff.

2. LEGAL OPINIONS ON PENDING LEGISLATION.

During the legislative session, the Attorney General and the LSO are occasionally asked by a legislator for an opinion or "ruling" as to the constitutionality of some provision in a bill or the legality of a proposed amendment (especially an amendment to tack one bill onto another.)

- (a) The following principles should be kept in mind regarding legal opinions on pending legislation:

- (i) Legal opinions may differ. Furthermore, neither the Attorney General nor the LSO can issue a conclusive "ruling" on the legal issue involved.

The ultimate decision as to constitutionality lies with the courts and the Legislature is free to accept or reject the advisory opinion of the LSO or the Attorney General.

- (ii) Even if a question as to constitutionality exists, the Legislature may still determine that a court challenge is unlikely as a practical matter or that the benefits of the proposed legislation are worth the risk of possible challenge.

- (b) LSO advisory opinions will generally take one of the following alternative forms:

- (i) Due to time limitations, the LSO staff is unable to adequately research the issue raised or to develop a reasoned legal opinion;
- (ii) The LSO staff finds no significant constitutional issue;
- (iii) The LSO staff believes that there is some issue as to the constitutionality of the questioned provision upon which legal opinions could differ and that there exists a risk of challenge on constitutional grounds; or
- (iv) It is the opinion of the LSO staff that, if challenged, there is a substantial likelihood that a court would find the questioned provision unconstitutional.

LEGISLATIVE HANDBOOK

APPENDIX 1

RELATED PUBLICATIONS

There exist a number of other publications which contain important information for legislators relating to the operation of state government generally and to various aspects of the legislative process specifically. The following is a directory of a selected number of these related publications. A brief synopsis of the type of information included in each publication is also provided.

Annual (Agency) Report.

The annual agency report contains a separate section on each agency in the executive branch of state government and includes such information as: organizational chart; description of agency divisions and programs; funding and expenditures of each agency; agency objectives, accomplishments, problem areas and recommended improvements. Published annually by the Department of Administration and Information.

Annual (Financial) Report.

The Comprehensive Annual Financial Report for the state of Wyoming is prepared and distributed by the State Auditor. The Report contains:

- Financial statements of revenues, expenditures and changes in fund balances for all state government funds.
- Statistical section including fiscal, social and demographic information about Wyoming, e.g., historical comparison of receipts and expenditures for various state funds; schedule of state, U.W. and community college employees; census results; and employment figures.

Book of the States.

Published biennially by the Council of State Governments, the Book of the States contains comparative state data relating to such matters as:

- State constitutional provisions.
 - Organization, operation, activities and statistics (e.g., comparative compensation information) relating to the three branches of government in each state.
 - Summaries of state finance and budget matters.
 - A variety of statistics and information about the states including: demographics; historical data; elected officials; state symbols, etc.
- A copy of the Book of the States is on file in the LSO for use by legislators.

Citizen's Guide to the Wyoming Legislature.

Provides general information to the public concerning the structure of the legislature and how bills become law, and includes answers to a myriad of commonly asked questions relating to the legislative process

Committee Chairman's Handbook

This handbook is published by LSO with the approval of Management Council and provides a variety of information for committee chairmen.

Committee Records.

Interim committee records from 1971 to the present are maintained in the LSO. Typically the records consist of meeting minutes, handouts, memoranda, correspondence and staff reports relating to interim committee studies and interim committee sponsored bills.

Historically, minutes of standing committee meetings have not been maintained. However, handout materials presented to standing committees are now retained in the LSO.

Consensus Revenue Estimating Group (CREG Report).

See, Wyoming State Government Revenue Forecast (below).

Ethics Brochure for Legislators

Provides information to legislators on the Ethics and Disclosure Act and answers some common ethical questions regarding the receipt of gifts, travel and meals, etc.

House and Senate Rules.

At the first session following the general election, each new legislature adopts rules of procedure governing how the business of each house is conducted. Normally each new legislature adopts the rules of the preceding legislature, with relatively few changes. The rules provide for such matters as the order of business, motions, points of order, referral and reporting of bills by committees, procedures for committee of the whole, 2nd and 3rd reading and rules of decorum for the House and Senate.

Journal (Digest) - Daily Journal.

Both the House and Senate maintain an official day-to-day record of legislative business known as the "Daily Journal." The daily journal is used to record every significant action which occurs on the floor of the House and Senate during the session.

Following the close of each session, a Journal (formerly called the "Digest") of the House and Senate is published and furnished to each legislator. The Journal Digest contains:

- Record of opening and closing day proceedings.
- Transcript of the Governor's opening message and remarks at the close of the session.
- For each bill considered by the legislature:
 - Bill Title and Sponsor name.
 - Record of all Roll Call votes.
 - Text of all Amendments.
 - Summary of all action taken on the Bill.

Legislative History of Wyoming.

This publication provides a brief recap of the various sources of Wyoming legislative history available to the researcher. Prepared by the Legislative Service Office.

Legislative Service Office Annual Report.

Prepared annually in December, the Report contains:

- Summary of interim committee studies and activities.
- Recap of Bill statistics.
- Summary of certain legislative expenditures.

Legislative Service Office Budget/Fiscal Reports.

The Legislative Service Office prepares a number of publications providing budget/fiscal information to assist legislators in understanding and managing the state's budget. The following publications are described in more detail in Chapter VII of this Handbook:

- Budget Books.
- Fiscal Profiles ("Goldenrod Reports").
- B-11 Report.

Legislator's Guide to Wyoming School Finance.

Prepared by the LSO, this publication serves as a basic primer in school finance. The Guide provides an overview of the state Foundation Program, school capital construction grants and loans, and other revenue sources available to support the state's school system.

Management Audit (Program Evaluation) Reports.

Prepared by the LSO Program Evaluation Section under the direction of the Management Audit Committee, management audit reports provide detailed information, historical background, policy analysis and suggestions for improvements relating to the operation of selected state government agencies and programs. Copies of Management Audit Reports are on file in the LSO.

Management Council Travel Regulations.

This manual contains policies adopted by the Management Council relating to Travel Regulations for legislators and legislative staff.

Mason's Manual of Legislative Procedure.

Questions of parliamentary procedure which are not specifically covered by the House and Senate rules or the Wyoming Manual of Legislative Procedures are governed by Mason's Manual of Legislative Procedure.

Matters covered by Mason's include:

- Parliamentary law.
- Rules of Debate.
- Rules Governing Motions.
- Quorum and Vote Requirements.
- Power and Procedures of Legislative Committees.
- Relations between the Houses.
- Calling and Adjournment of Sessions.

Session Laws.

Each bill adopted by both houses and signed or allowed to become law by the Governor is assigned a numerical "chapter number." Following the session, the enacted chapters are compiled and published as the Session Laws of Wyoming. The Session Laws are unique in that they are published in a "Strike and Underscore" format which allows the reader to quickly identify language which is being stricken from or added to existing law. Session Laws are usually mailed to legislators in June of each year.

Testifying Before a Legislative Committee

This pamphlet published by LSO with the approval of the Management Council provides information for the public relating to testifying before a legislative committee.

Wyoming Data Handbook.

This handbook contains demographic, economic and physical data concerning Wyoming. Typical entries include:

- Population and demography: employment and income figures.

- Business and industry: gross state product; consumer price index; employment rates; ag and industry production.
- Government: revenues and expenditures; government employment; election results.
- Resources information: land ownership; water resources; wildlife harvests.
- County statistics: population; employment; county finance; sales tax collections.
Published biennially by the Department of Administration and Information.

Wyoming Manual of Legislative Procedures.

The manual, which is second in priority of authority to adopted House and Senate rules, contains:

- A Summary of each step in the legislative process which a bill goes through to become law, from introduction through conference committee action.
- Motions during floor debate: purpose, priority and vote required.
- "Order of business" for regular legislative days.
- Committee of the whole debate procedures.
- Report checklists for standing committees and joint conference committees.
- Special rules relating to: Call of the Senate or House; Suspension of rules; motion to reconsider; appeals from decision of the Chair; personal privilege; consent list for bills.
- Glossary: Legislative terms.

Wyoming Official Directory.

Compiled and published annually by the Secretary of State, the Official Directory contains:

- Directory of elected officials in all three branches of state government.
- Name, address and term of members appointed to government boards, commissions and councils.
- Brief description of the purpose or function of each government agency and board.
- List of County officials.

Wyoming State Government Revenue Forecast (CREG).

The Consensus Revenue Estimating Group (CREG) meets annually in October to develop state revenue projections. The Group generally meets again in January preceding the legislative session to review and update projections made in October. The annual report published by CREG contains revenue forecasts for each of the following 5 fiscal years relating to income to the general fund, severance taxes, federal mineral royalties and common school land income revenues. For additional information relating to CREG revenue projections, see Chapter VII of this Handbook.

Wyoming Statutes (Annotated).

The official publication of Wyoming's laws is the multi-volume set entitled "Wyoming Statutes Annotated." A full set of the Wyoming Statutes is issued to each legislator after his election and is supplemented thereafter during his term in office. The statutes contain citations to interpretive judicial decisions and other relevant publications.