

# WYOMING LEGISLATIVE GUIDE



An advocate's guide to the legislative process  
at the state and federal level

Second Edition



# TABLE OF CONTENTS

<b>Wyoming Legislative Process</b>	<b>3</b>
Citizen Legislature	3
Wyoming's Equality Heritage	3
Members of the House And Senate	4
House Of Representatives	4
Senate	4
How A Bill Becomes Law In Wyoming	4
Bill Drafting	4
Legislative Sessions	5
Steps In The Legislative Process	5
<b>Federal Legislative Process</b>	<b>6</b>
Legislative Branch Of Federal Government	6
How A Bill Becomes Law At The Federal Level	6
Bill Drafting	6
Steps In The Legislative Process	7
Final Steps	7
<b>Lobbying</b>	<b>8</b>
What Is Lobbying?	8
Federal And State Funds And Lobbying	9
So Can A Non-Profit Lobby?	9
Is Voter Education Lobbying?	10
<b>Effective Communication Is Your Best Tool</b>	<b>10</b>
Most Effective	10
Email Format	11
Letters	11
Phone Calls	11
Least Effective	12
<b>Constituent Relationships</b>	<b>12</b>



# WYOMING LEGISLATIVE PROCESS

## CITIZEN LEGISLATURE

Wyoming remains one of the few states having a true part-time legislature. This means that most legislators have full time employment in addition to serving in the legislature. This “citizen legislature” is only paid for their actual time in the legislature. As of 2010 members of the Wyoming legislature are paid \$150.00 for each day they are in session or in committee meetings. However it is important to note that in some instances this salary is not in addition to their full time salary. Employers have the ability to deduct this pay from the legislators regular wages. And in some cases legislators are required to use vacation days to attend the session. Legislators receive \$109 per diem, set by the legislature.

While this part-time citizen legislature may keep Wyoming legislators in closer touch with their constituents, it also means that they do not enjoy the same accommodations provided to full-time legislators in more populated states. For example, legislators in Wyoming do not have individual staff. As noted below, staff services for Wyoming legislators are provided by a small permanent central staff agency, the Legislative Services Offices (the LSO) and by temporary session staff. Office accommodations are similarly austere. Except for a few of the officers of the House and Senate, members of the legislature are not provided offices in the Capitol nor do they maintain full-time offices in their districts. While in session, the office of a typical Wyoming legislator consists of the legislator’s desk on the floor of the House and Senate and one or two file cabinet drawers in a committee meeting room. Except for the relatively short periods of time they meet each year in Cheyenne for the annual legislative session, Wyoming legislators can be contacted at home or at their places of business.

## WYOMING’S EQUALITY HERITAGE

Wyoming is known as the “Equality State” because of the rights women have traditionally enjoyed here. Wyoming women were the first in the nation to vote, serve on juries and hold public office.

In 1869, Wyoming’s territorial legislature became the first government in the world to grant “female suffrage” by enacting a bill granting Wyoming women the right to vote. The act was signed into law on December 10 of that year by Governor A. J. Campbell.

Less than three months after the signing of that act, on February 17, 1870, the “Mother of Women Suffrage in Wyoming” – Esther Hobart Morris of South Pass City – became the first woman ever to be appointed a justice of the peace. Laramie was also the site for the first equal suffrage vote cast in the nation by a woman – Mrs. Louisa Swain on September 6, 1870.

In 1894, Estelle Reel (Mrs. Cort F. Meyer) became one of the first women in the United States elected to a state office, that of Wyoming State Superintendent of Public Instruction.<sup>1</sup>

In 1924, Mrs. Nellie Taylor Ross was the first elected woman governor to take office in the United States. She took office on January 5, 1925, 20 days before “Ma” Ferguson of Texas (elected on the same day) took office. Mrs. Ross went on to become the first woman to be appointed Director of the United States Mint – a position she held for 20 years, from 1933 to 1953. In 1991, women held three of the state’s five top elective positions. Currently, only two of the five top elected positions are held by women, and for the 2015 session only twelve women hold seats in the Wyoming Legislature – one in the Senate and eleven in the House.

---

1 [www.wyoming.gov/history.aspx](http://www.wyoming.gov/history.aspx)



# MEMBERS OF THE HOUSE AND SENATE

## House of Representatives

Located in the East Wing of the Capitol, the House of Representatives is made up of 60 members elected from single member districts for two year terms. The principal offices of the House include:

**Speaker of the House:** Appoints committees; assigns bills to standing committees; presides during session; determines whether to appoint conference committees and designates membership; handles administrative functions of the House.

**Speaker Pro-tem:** Performs duties of the Speaker in the Speakers absence.

**Majority Floor Leader:** Offers formal motions necessary for the conduct of legislative business; in consultation with the Speaker, directs activities on the floor and regulates daily scheduling including order of bills considered in Committee of the Whole.

**Minority Floor Leader:** Directs activities of the minority party on the floor and serves as spokesman for the minority party.

**Majority and Minority Whip:** Assists the floor leader; ensures that party members are present on the floor to speak or vote on important measures.

**Majority and Minority Caucus Chairman:** Directs party caucus meetings.

## Senate

Located in the West Wing of the Capitol, the Senate is made up of 30 members elected from single member districts for four year terms. The principal officers of the Senate include:

**President of the Senate:** Appoints committees; assigns bills to standing committees; presides during session; determines whether to appoint conference committees and designates membership; handles administrative functions of the Senate.

**Vice President:** Performs duties of the Speaker in the Speakers absence

**Majority Floor Leader:** Offers formal motions necessary for the conduct of legislative business; in consultation with the Speaker, directs activities on the floor and regulates daily scheduling including order of bills considered in Committee of the Whole.

**Minority Floor Leader:** Directs activities of the minority party on the floor and serves as spokesman for the minority party

**Majority and Minority Whip:** Assists the floor leader; ensures that party members are present on the floor to speak or vote on important measures

**Majority and Minority Caucus Chairman:** Directs party caucus meetings.

# HOW A BILL BECOMES LAW IN WYOMING

## Bill Drafting

**Committee Bills** – When the legislature is not in session, the respective standing committees of the House and Senate combine to function as “joint interim” committees which are assigned to study major problems facing the state. The study points are determined by each committee prior to the end of the legislative session with input and comments from citizens and interest groups. Many of the bills introduced in the legislative session result from the work of joint interim committees. Special or select legislative committees may also

be established to perform interim work, including studies, audits of state agencies, and the drafting of bills. Bills that originate in a committee become Committee Bills and are presented first for consideration.

**Individual Legislator Sponsored Bills** – Citizens, interest groups, coalitions and others can also suggest ideas for legislation. The citizen would approach his or her local state Representative or Senator, explain the issue and then ask that legislator to sponsor a bill that addresses the issue. The legislator will then ask LSO to draft a bill to remedy the issue. While the bill topic may have come from the constituent, the sponsor of the bill is always the Legislator who asks LSO to draft the bill.

## LEGISLATIVE SESSIONS

In odd numbered years the legislative session is a general session and lasts 40 days. Budget sessions occur during even numbered years and last 20 days.

## STEPS IN THE LEGISLATIVE PROCESS

The rather complicated process a bill follows to become a law can be summarized as consisting of four principal stages: Committee Action; Floor Action; Conference Committee Action; and Action by the Governor.

**Committee Action:** Following introduction and first reading, a bill is assigned to a standing committee of the House or Senate for discussion and consideration. There are 12 standing committees in each house: Judiciary, Appropriations, Revenue, Education, Agricultural, Travel/Recreation, Corporations/Elections, Transportation/Military Affairs, Minerals, Labor/Health, Journal and Rules/Procedures.

The committee will hold public hearings on the bill and then “mark-up” the bill or get it ready for floor debate. Part of this mark-up could be a “do not pass” the bill out of committee. The committee will report back its favorable or unfavorable recommendation on the bill to the full House or Senate and the bill is placed on “General File” awaiting floor action. General file could also be considered the first reading of the bill.

**Floor Action:** A bill receiving a favorable report by a standing committee is then ready for “floor action” by the entire body of the House or Senate. This means the bill will be subject to debate and amendment on the floor of the House or Senate by all the members during Committee of the Whole, sometimes considered first reading, and then again on second and third readings. Unlike Congress, bills in the Wyoming Legislature cannot be amended unless the amendment is germane (related to and part of the bill title and enacting clause). A final recorded vote on the bill is taken following third reading.<sup>2</sup>

**Conference Committee Action:** To become law, a bill must be passed in identical form by both houses of the Legislature. Upon passage by the first house, the bill is sent to the second house where it is again subject to committee and floor action and possible amendment in the second house as described above. If the bill passes the second house without amendment, it is immediately sent on the Governor for approval or veto. If the bill is amended by the second house, however, additional steps are necessary to complete Legislative action on the bill. If the bill is amended by the second house then the first house can either accept the changes made by the second house or approve the bill in that form or it can refuse to accept the changes made in the second house. At this point leadership will appoint a conference committee to resolve differences in the bill which is composed of three members from each body appointed by the Speaker and President respectively. The committee will work to resolve differences in the bill that are acceptable to both houses. If a compromise bill cannot be reached the bill will die.

---

2 <http://legisweb.state.wy.us/LSOWeb/glossary.aspx>

**Action by the Governor:** Before any bill passed by the Legislature becomes law it must be presented to the Governor. If he approves the bill, he signs it. If he disapproves (vetoes) the bill, he returns it to the house of origin with his objections.

The House and Senate may override the Governor's veto by a vote of two-thirds of the members elected to each body.

If any bill sent to the Governor during the session is not signed by him and is not return within three days (Sundays excepted) it becomes law without his signature. If the Legislature adjourns before the three days have passed, the bill becomes law unless the Governor, within fifteen (15) days after the Legislature adjourns, files his objections to the bill with the Secretary of State.

# FEDERAL LEGISLATIVE PROCESS

## LEGISLATIVE BRANCH OF FEDERAL GOVERNMENT

The U.S. Congress makes up the legislative branch. The legislative branch is responsible for writing, passing, and changing federal laws which affect the entire country. Congress consists of the Senate which has 100 members – 2 from each state. The House of Representatives has 435 members and these seats are determined by the population of the state. Wyoming only has one Representative in Congress due to our low population while California, for example, which has a large population, has 36 Representatives.

U.S. Senators serve six-year terms, and their elections are staggered so that one-third of the Senate is up for election every two years. Representatives serve 2-year terms and elections for the entire House are held every two years.

## HOW A BILL BECOMES LAW AT THE FEDERAL LEVEL

The bill process at the federal level is basically the same as the state level. Congress, however, has passed numerous rules, procedures and technicalities that make the bill process at this level much more complicated and less efficient. A Bill can take months and months to be heard and then still not pass requiring the process to begin again in the next session. The bill process is still based on the four steps of Committee Action, Chamber Floor Debate and Vote, Conference Committees and Action by the President.

### Bill Drafting

Suggestions for legislation can come from anyone, i.e. lawmakers, interest groups, constituents. However legislation can only be officially introduced by a Member of Congress. The Member who introduces the bill is known as the chief sponsor of the bill.



## Steps in the Legislative Process

The rather complicated process a bill follows to become a law can be summarized as consisting of four principal stages: Committee Action; Floor Action; Conference Committee Action; and Action by the President.

**Committee Assignment:** Once a bill is drafted it will be introduced, assigned a number and referred to a specific committee. There are 21 standing committees in the House and 18 in the Senate. Every committee has a specialized jurisdiction; however, these jurisdictions can often overlap each other. Therefore, when a bill is assigned to a committee it can often be assigned to more than one committee at a time.

After a committee receives a bill it may assign that bill to the appropriate sub-committee. The sub-committees main purpose is to start holding hearings to see if the bill has enough merit, or feasibility, to be heard by the entire committee. In Congress, each Committee has sub-committees.

Once the sub-committee has completed its work the bill will return to the full committee for mark-up. Mark-up prepares the bill for its full House or Senate debate and vote.

**Chamber Floor Debate and Vote:** Once a bill is reported from committee, it moves to the floor of the respective chamber, House or Senate. At this time rules and restrictions are placed on the bill limiting the time of debate, including what types and how many amendments may be added to the bill. In the U.S. Congress a bill is only debated once in each House. In the Senate a simple majority vote of 51 out of a 100 passes the bill. In the House of Representatives it takes a vote of 218 out of 435 to pass a bill.

**Other Chamber Process:** Once a bill has passed through one chamber it must also be passed by the other chamber. The other chamber can either use the passed bill or they can offer their own bill known as a companion bill. Either way the bill now goes through the same process as it did in the other chamber. The new chamber must pass a bill identical to the other chamber's bill in order to move to the President's desk for his signature or veto. If there are any differences between the two bills the bills go to a Joint Conference Committee.

**Joint Conference Committee Action:** The Joint Committee is used when the House and the Senate pass similar but non-identical bills. The conference committee is composed of members from each chamber. Once the conference committee produces a final bill, known as a "conference report", the bill is sent back to both chambers to be voted on again. Once the bill leaves the conference committee to be voted on by each chamber it cannot be amended or changed. If both chambers approve the conference bill, the bill is sent to the President.

**Action by the President:** Once an identical bill has passed both the House and Senate the bill is sent to the President. The President can sign the bill, not sign the bill or veto the bill. If he approves the bill, he signs it and it becomes law. If he does not sign or veto the bill within ten days the bill still becomes law. If he vetoes the bill the bill fails to become law unless both the House and Senate are able to override the veto with a 2/3 majority vote (290 votes in the House and 57 votes in the Senate).

## Final Steps

Once the bill is passed and signed into law it becomes part of the federal statutes and/or budget. The federal agency or department that is affected by the legislation will begin the process of implementing the new law either through rule making, policy or some other means of implementation. As an example when the Violence Against Women's Act was passed in 2005 it became part of the federal statutes and part of that act gave authority to the Department of justice to implement the Act. The Department of Justice then began the process of implementing the new VAWA which included everything from determining new potential grantees, to changing the application forms to reflect the new terms and conditions of VAWA to creating policies to address new grant conditions to determining the roll out dates for grants.

# LOBBYING

## WHAT IS LOBBYING?

Lobbying, for purposes of non-profit organizations, has been defined by the IRS as “Any attempt to influence any legislation through communication with any member or employee of a legislative body or with any government official or employee who may participate in the formulation of the legislation and any attempt to influence any legislation through an attempt to affect the opinions of the general public or any segment thereof.”

Based on this IRS definition there are two types of lobbying that can be conducted by non-profits – **Direct Lobbying** and **Grassroots Lobbying**.

**Direct Lobbying** – occurs when a non-profit organization (including its members) contacts a policymaker on behalf of specific legislation. You are doing direct lobbying in your communications only if you refer to specific legislation and reflect a view (for, against) based on its current merits.

To be considered direct lobbying, a communication must:

1. Refer to specific legislation; and
2. Reflect a view on the legislation

Examples of direct lobbying include:

1. Meeting with legislators or their staff to discuss specific legislation
2. Drafting or negotiating the terms of a bill
3. Discussing potential contents of legislation with legislators or staff
4. Meeting with officials of the executive branch to influence testimony on a legislative proposal
5. Urging a Presidential or gubernatorial veto

**Grassroots Lobbying** – occurs when a non-profit organization contacts the general public and urges people to contact policymakers in support of legislation. You are doing grassroots lobbying if, in communication with the general public, you refer to specific legislation, reflect a view of its merits and then encourage the general public to contact legislators.

To be considered grassroots lobbying a communication must:

1. Be directed at the general public
2. Refer to specific legislation;  
Reflect a view on the legislation; and  
Encourage the recipient to take action with respect to such legislation – that is, it includes a “call to action”

Examples of grassroots lobbying include:

1. An action alert or a call to action urging recipient to contact their legislator about a pending bill.
2. Attend a coalition meeting to help plan a grassroots lobbying campaign or communication addressing a specific bill.

A *call to action* communication includes any one or more of the following:

1. The communication states that the recipient should contact (1) a member or employee of a legislative body, or (2) any other government official or employee who may participate in the formulation of legislation, if the principal purpose of the contact is lobbying (direct call to action).
2. The communication states the address, telephone number or similar information of a legislator or an employee of a legislative body.
3. The communication provides a petition, tear-off postcard or similar material for the recipient to communicate with any such individual (direct call to action).
4. The communication specifically identifies one or more legislators who will vote on the legislation as: (1) opposing the organization's view with respect to the legislation, (2) being undecided with respect to the legislation, (3) being the recipient's representative in the legislature, or (4) being a member of the legislative committee or subcommittee that will consider the legislation. However, merely naming the main sponsors of the legislation for purposes of identifying the legislation does not constitute encouraging the recipient to take action (indirect call to action).

Exceptions to the Lobbying Definition: What is **not** considered lobbying by the IRS?

- Nonpartisan analysis study or research
- Advocacy materials that were not produced originally to encourage grassroots lobbying
- Discussing issues in a broad sense without referring to specific legislation
- It is also legal and acceptable to inform political candidates of your organization's position.

## FEDERAL AND STATE FUNDS AND LOBBYING

In 2002, Congress passed an amendment to the 1974 Lobbying Act that further restricted lobbying practices of organizations receiving federal funds. The new regulation states that no federal funding shall be used to lobby any level of government. The new rule prohibits the use of federal funds when directly or indirectly lobbying federal agencies, state legislatures, state agencies and local government. The original rule only applied to Congress.

There are exceptions to this amendment that allow for federal funding to be used when influencing policymaking. One of the exceptions is if an activity is expressly authorized in the purpose section of VAWA, a grantee can continue to use funds without violating the new amendment. When it is unclear whether an activity is expressly authorized or not, an organization receiving federal funds should check with the Office of Violence Against Women. Fines for violating the anti-lobbying provisions range from \$10,000.00 to \$1,000,000.00 per each individual occurrence of lobbying activity.

Many programs funded, in part, by federal grants assume that based on this amendment that they cannot lobby since they receive federal and state funds –but that is not true. If your federal grant states that you can't lobby it means you can't lobby with those specific federal funds. Unrestricted funds would have to be used to lobby federal or state policymakers. Office equipment purchased with federal or state funds could not be used to contact legislators if the contact was lobbying for specific legislation.

## SO CAN A NON-PROFIT LOBBY?

Absolutely! It is not only legal it is encouraged by the US Constitution, Congress and the IRS. The IRS created rules and caps on spending for lobbying so that 501 C3 organizations can lobby within the constraints of federal lobbying acts.

## IS VOTER EDUCATION LOBBYING?

A non-profit can carry out voter education during a political campaign as long as the voter education is strictly non-partisan.

Examples of non-partisan voter education include:

- Announce the dates of elections and voter registration deadlines.
- Include lessons about voting in an adult or youth education class.
- Help your clients find their polls or get information on early voting.

*The following section was drafted with input from the following Wyoming Legislators: Senator Tony Ross, Senator Cale Case, Senator John Hastert and Senator Chris Rothfuss. We want to publicly thank these Wyoming Senators for their thoughtful and helpful contributions to this guidebook.*

## EFFECTIVE COMMUNICATION IS YOUR BEST TOOL

### MOST EFFECTIVE

According to legislators the most effective means of communication regarding a bill, an idea for a bill or an issue with a proposed bill, either in session or out of session is a 1) personal letter 2) email or 3) phone call.

The Wyoming Legislature website has the email, phone number and mailing address information for every state senator and representative.

**Some general guidelines:** Legislators want to hear from their constituents. Most of the time legislators vote a particular way because they haven't received supportive or unsupportive correspondence, calls, emails etc. to help them determine which way they should vote based on input from constituents. If you have a position, **and the Coalition has not taken a position on the legislation**, you should call, email or send a letter and you should encourage your board members, advocates and volunteers to do the same. Hearing from the program, its board members and others regarding a particular bill lets the legislator know that the bill is important in his/her district and that it is an important enough to you as a constituent to contact your legislator.

## EMAIL FORMAT

**Subject Line:** Topic or bill number. Where you are from: i.e., constituent or from \_\_\_\_\_ County. Legislators commented that while they will respond to most emails it helps them to put the subject in perspective if they know whether they are hearing from a constituent, a Wyoming citizen from out of their district or someone out of state.

One email to each legislator – **no mass emails**. Make it personal and relevant. Mass emails are ineffective and not appreciated.

**Body of email:** Explain succinctly, in a couple of sentences, why you are contacting the legislator, what your concern/issue is and what you would like him/her to do about it. Personal stories to illustrate your point are effective, as is a quick explanation of how this particular issue affects you or those you serve.

If the issue is a statewide issue such a fuel tax, sexual offender registry, increase in taxes etc., than legislators especially appreciate hearing from citizens across the state. If it is a county/district specific issue like where to locate a school, then statewide input is not as important as input from the affected county or district.

If you are emailing during the session try not to attach additional documents to the email. If it is during the interim (time between sessions) additional documents may be OK as they will have more time to read and gather information.

Always include your contact information: Name, address and contact information. Some legislators prefer to call you back to talk about the issue while others will email you. Make sure you include contact information for both.

## LETTERS

Personal letters should be one page at the most. The letter needs to be addressed to only one legislator and in the very first paragraph let him/her know you are a constituent or a citizen of Wyoming and your name and address. Again personal stories are always good.

**During the Session** – Letters can be sent to the designated legislator: In care of the Wyoming House or Senate, State Capitol, Cheyenne WY 82002.

**During the interim** – The legislature website provides addresses for each legislator for correspondence out of session.

## PHONE CALLS

**During the interim** – Legislators expect to receive phone calls from constituents year round. The same format applies: name, where you are from and what your issue or concern is.

**During the Session** –

**Hotline:** There is a hotline number that you can call and leave a message for your Senator or Representative asking that he/she vote yes or no on a specific House Bill (HB) or Senate File (SF). These messages are usually distributed as soon as they are received. Legislators look at these when a vote is coming up to see what citizens' positions are. The hotline number is (307) 777-VOTE. It is operational on days the Legislature is in session from 7:30 a.m. to 5:30 pm. Or until the legislature adjourns – whichever is later.



**Message:** To contact a legislator directly during the session or to convey a detailed message to a legislator, call the House or Senate Receptionist. Leave your phone number so they can call you back if they have questions. The Senate Receptionist number is (307) 777-7711 and the House is (307) 777-7852.

In all methods of communication keep these points in mind:

- Be brief
- Be concise
- Express your appreciation for their time and service
- Be reasonable and accommodating and
- Be friendly
- And most importantly always thank your legislator for his time and vote.

Thank you emails or letters are very much appreciated. Legislators get grumbled at and get calls when people are upset or angry. They rarely get thank you notes or emails for their hard work and service to the citizens of our state so please take the time to follow up with a thank you note.

## LEAST EFFECTIVE

Mass emails in which the same exact email is sent to every legislator are by far the least effective means of communicating. Mass postcards or letter writing campaigns that go to all legislators are also not effective in getting a message across. If you can't take the time to make it individualized, relevant and personal, then it probably won't be given much credence.

# CONSTITUENT RELATIONSHIPS

Keep up with how your legislators vote. Express your reaction to the votes on issues in which you are interested.

- Invite your legislator to speak at a local event/meeting.
- Invite your legislator to visit your office.
- Invite your legislator to lunch and be prepared to discuss your issues.
- Host a "Meet and Greet" which is a non-fundraising reception.

The goal is to develop a working relationship with your legislators so they will begin to consider you an informational resource and seek your opinion on matters that affect your program and those you serve.



