

# SUMMARY *of* PROCEEDINGS



## MANAGEMENT COUNCIL

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### **COUNCIL MEETING INFORMATION**

February 5, 2010  
Room 302 Wyoming State Capitol  
Cheyenne, Wyoming

### **COUNCIL MEMBERS PRESENT**

Senator John Hines, Chairman  
Representative Colin Simpson, Vice Chairman  
Senator Jim Anderson  
Senator John Hastert  
Senator Curt Meier  
Senator Tony Ross  
Senator Kathryn Sessions  
Representative Ed Buchanan  
Representative W. Patrick Goggles  
Representative Mary Throne

### **COUNCIL MEMBERS NOT PRESENT**

Representative Pete Jorgensen  
Representative Tom Lubnau  
Representative Frank Philp

### **LEGISLATIVE SERVICE OFFICE STAFF**

Dan J. Pauli, Director  
Mark Quiner, Assistant Director  
Dave Gruver, Assistant Director  
Wendy Madsen, Legislative Information Officer

### **OTHERS PRESENT AT MEETING**

Please refer to Appendix 1 to review the Council Sign-in Sheet  
for a list of other individuals who attended the meeting.

*The Committee Meeting Summary of Proceedings (meeting minutes) is prepared by the Legislative Service Office (LSO) and is the official record of the proceedings of a legislative committee meeting. This document does not represent a transcript of the meeting; it is a digest of the meeting and provides a record of official actions taken by the Council. All meeting materials and handouts provided to the Council by the Legislative Service Office, public officials, lobbyists, and the public are on file at the Legislative Service Office and are part of the official record of the meeting. An index of these materials is provided at the end of this document and these materials are on file at the Legislative Service Office. For more information or to review meeting materials, please contact the Legislative Service Office at (307) 777-7881 or by e-mail at lso@state.wy.us. The Summary of Proceedings for each legislative committee meeting can be found on the Wyoming Legislature's website at <http://legisweb.state.wy.us>.*

## **EXECUTIVE SUMMARY**

The Council met to fill vacancies on the Council and to review various session matters including the legislative budget bill, the archaic laws bill, a bill modifying procedures for Senate approval of gubernatorial appointments, and the revisor's bill.

## **CALL TO ORDER**

Chairman Hines called the meeting to order at 1:30 p.m.. The following sections summarize the Council proceedings by topic. Please refer to Appendix 2 to review the Council Meeting Agenda.

## **APPROVAL OF MINUTES**

Minutes from the August 10, 2009 Council meeting were approved without any changes.

## **COUNCIL MEMBERSHIP ISSUES:**

### ***Selection of Council member to fill vacancy***

Chairman Hines stated that the first order of business would be the selection of a member to replace former Representative Erin Mercer. Pursuant to statute, the selection will be made by joint action of the remaining House and Senate Republican members currently serving on Council. Representative Simpson advised that Representative Lockhart and Representative Lubnau have both expressed interest in this position. Following brief discussion Representative Lubnau was selected to fill the vacancy by written ballot.

### ***Elect Council Committee Secretary***

Chairman Hines announced that the Council would need to select a secretary to replace former Representative Sandra Meyer who has now been appointed to serve in the Senate. Senator Ross nominated Representative Throne. Representative Throne was elected unanimously.

## **ADMINISTRATIVE RULES**

Mr. Pauli explained that there were no rules requiring Council action at this meeting. Mr. Pauli noted that the annual report on administrative rules prepared by the LSO legal staff had been distributed with the meeting packet. This report describes the Governor's response to Council recommendations during 2009 and no further action by Council is required unless there are questions. Senator Sessions asked that staff let her know if the special education rules have already been approved. Responding to a question from Representative Simpson, staff attorney Lynda Cook advised that the rules of the Board of Physical Therapy raising fees had been withdrawn.

### ***Rules approved by postcard ballot***

Appendix 3 lists the Council's action on rules taken by mail ballot since the last meeting at which rules were considered.

## **SCHOOL FINANCE/RECALIBRATION**

Dave Nelson, LSO school finance manager, explained initial planning efforts underway for the school finance recalibration study to be completed during the coming interim. Funding for the study will be provided by an appropriation to the LSO as well as by reversions of funding currently in the budget of the school finance litigation office. Senator Sessions expressed concern over using a select committee to conduct the study rather than allowing the work to be done by the Joint Education Committee, perhaps with added membership. Representative Throne stated that in the past a lot of progressive ideas have not found their way into our state's education program. In her opinion, the focus should be on innovations that result in a first-class education for our children rather than focusing so much on the money side. She also expressed concern that the make-up of the proposed select committee is slim on minority party representation.

### **SAGE GROUSE RESOLUTION**

Senator Anderson explained that one of the recommendations of last year's Wind Energy Task Force was to support the Governor in his proposal to provide an effective method for preserving sage grouse populations and avoiding the need to list the species as threatened or endangered. He further noted that enacting a resolution supporting the Governor's Executive Order 2008-2 through the normal bill process likely could not be done in time to be of any assistance. He has therefore asked that an informal resolution be drafted to be circulated for signatures in the House and Senate. Although this does not require Council approval he wanted to bring this matter to the Council's attention.

### **ARCHAIC LAWS BILL**

LSO staff attorney Jerry Laska explained that this is a continuation of a process that started before last session to deal with obsolete or archaic provisions. Mr. Laska explained each category of changes contained in the obsolete laws bill draft (10LSO-0125.C1) and answered questions from Council members.

Representative Buchanan asked that staff investigate further the repeal of W.S. 7-13-408 on page 3 of the bill. Representative Simpson moved to sponsor the bill as a Senate File. The motion carried with a roll call vote of 10 ayes and three absent (Jorgensen, Lubnau and Philp). Assignment of additional archaic laws for review during the coming interim will be brought up at the Council's next meeting when interim committee topics are discussed.

### **REVISOR'S BILL**

Mr. Laska presented the revisor's bill (10LSO-0124.C1) for the 2010 Budget Session, which is sponsored each year by the Management Council to correct inadvertent errors in the statutes from previous legislative sessions. He explained that the bill generally deals with cleanup of internal citations and correction of typos, grammar, and formatting errors. The bill does not make substantive changes to the law.

Senator Ross moved to sponsor the bill as a House Bill. The motion carried with a roll call vote of 10 ayes and three absent (Jorgensen, Lubnau and Philp).

### **SENATE CONFIRMATION OF GOVERNOR'S APPOINTMENTS**

Mr. Pauli explained bill draft 10LSO-0310.C1 the purpose of which is to clarify that following the Governor's submission of nominees, the Senate will have five "legislative working days" to confirm or reject appointments to boards and commissions. Senator Meier moved to sponsor the bill as a Senate File. The motion carried with a roll call vote of 10 ayes and three absent (Jorgensen, Lubnau and Philp).

### **FY11-12 LEGISLATIVE BUDGET BILL**

Mr. Pauli presented the legislative appropriation bill, 10LSO-0214.W1. He explained that the staff develops the bill based on experience from previous years and that the bill is as close to zero-based budgeting as possible. Mr. Pauli explained each section of the bill and particularly noted the following:

- Even though there is no cost to the state for publishing the statutes under the current contract with LexisNexis, an appropriation has been included in the event a similar extension cannot be negotiated in which case the contract will have to go out for bid.
- The appropriation for General Administration support includes funding for two major items: \$112,000 for new switches and wiring for the computer network in the capitol building; and \$92,000 to make the switch from GroupWise to Microsoft Exchange.
- The bill includes \$250,000 recommended by Technology Committee to continue with the master plan to update the legislature's technology systems including redesign of the legislative website.
- The appropriations requested by the Select Facilities Committee are smaller than in past years. The only big ticket item is for purchase of committee room tables.

- The appropriation for interim committee work has increased substantially due to modifications to legislative pay, such as payment for travel day and preparation day salaries for committee meetings.
- The bill includes an appropriation of \$285,000 to fund hardware, software, staff support and committee meetings required for legislative redistricting following the 2010 census.

Responding to questions, Mr. Pauli explained differences between the proposed appropriation and the appropriation for the last biennium. Discounting unique appropriations, the total operating appropriation in section 1 of this year's bill is approximately \$200,000 less than the previous biennium.

Regarding technology initiatives, Senator Anderson noted that allowing public comment and archiving information on the website was helpful to the Wind Energy Task Force last year, and he hoped those features would be made available to other committees in the future..

Senator Meier noted that the Technology committee had looked at the possibility of using the constituent service allowance for designing individual web sites. He anticipates the Select Committee will develop a proposal for consideration at a future Council meeting.

Responding to questions from Representative Simpson, Technology Manager Jamie Schaub explained that the staff has been in contact with the CIO regarding efforts to redesign the website.

Following discussion, Representative Simpson moved to sponsor the legislative appropriation bill as a Senate File. The motion carried with a roll call vote of 10 ayes and three absent (Jorgensen, Lubnau and Philp).

### **MISCELLANEOUS DISCUSSION ITEMS [FROM MEMBERS]**

Chairman Hines reminded the members that financial reports are due by January 31.

Senator Ross noted that the Management Audit report relating to crime victims compensation will be released next week and that there may be some issues that need to be referred for interim study.

A letter from Representative Patton was distributed regarding joint committee meetings. Council took no action at this time.

### **PERSONNEL ISSUES**

The Council resolved itself into executive session to consider personnel issues. Following the executive session, the Council approved the recommendations of the Management Council compensation subcommittee relating to compensation adjustments.

### **MEETING ADJOURNMENT**

There being no further business, Chairman Hines adjourned the meeting at 4:30 p.m.

Respectfully submitted,

Representative Throne, Secretary

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# Council Meeting Materials Index

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<b>Appendix</b>	<b>Appendix Topic</b>	<b>Appendix Description</b>	<b>Appendix Provider</b>
1	Council Sign-In Sheet	Lists meeting attendees	Legislative Service Office
2	Council Meeting Agenda	Provides an outline of the topics the Council planned to address at meeting	Legislative Service Office
3	Administrative Rules	Council action on rules	Legislative Service Office