



## WYOMING LEGISLATIVE SERVICE OFFICE

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# RESEARCH MEMORANDUM

## ESTIMATED COST VARIABILITY BETWEEN A “SIMPLE” AND “COMPLEX” BILL

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by

Danielle Creech, Associate Research Analyst

Clarissa Nord, Associate Research Analyst

### INTRODUCTION:

Each bill enacted by the Wyoming Legislature is unique in its own regard. The purpose of this research memorandum is to provide an estimated cost to propose, draft, and enact both a simple bill and complex bill for the Wyoming Legislature. Most costs associated with the Wyoming Legislature are fixed, meaning the costs do not fluctuate with the complexity of a bill, or in most cases, even the number of bills enacted by the Legislature. As such, this research memorandum focuses primarily on the variability in staff and legislator time required to enact simple or complex bills. To calculate the costs in this memorandum, LSO staff select five sample bills with varying complexity: one simple bill, one medium bill, one complex bill, and two significantly complex bills. While these bills are representative of other bills with similar complexity, they do not and cannot capture actual costs due to the nuance involved in the legislative process and the level of fixed costs associated with the legislative process. For example, staff may spend significantly more time on complex bills requested early in the interim, whereas bills of the same complexity requested closer to the legislative session necessarily receive less time. While this memorandum depicts the level of variability in staff time between simple and complex bills, and the estimated costs associated with that variability; the estimation should not be considered indicative of the actual cost to enact a bill. Accordingly, the average estimated cost to enact a simple bill, under a set of assumptions, can range anywhere from \$6,872 to \$13,021. Additionally, the average estimated cost to enact a complex bill, under the same assumptions, can range from \$13,703 to \$14,350.

### BACKGROUND:

To complete this analysis, LSO staff gathered data internally, with the variables for the cost estimate including time spent by LSO staff, the average LSO staff salary, and a calculated cost of

interim meetings as well as time spent on the bill during the general and budget sessions. A detailed explanation of each variable is provided below. In a number of cases, the average cost per bill could exponentially increase depending on whether a bill requires:

- Legislators to consider it at one or more interim committee meetings;
- A working group to study the bill;
- Research prior to the bill drafting process;
- Multiple drafts or revisions before introducing the bill;
- A fiscal note; and
- Several rounds of amendments.

Depending on the circumstances surrounding the bill, it is crucial to note that this list is not comprehensive and some bills require numerous meetings over the course of the interim period, or a general or budget session. For example, two bills that typically require frequent meetings during a budget or general session include the Budget Bill and Supplemental Budget Bill. Other examples are the Legislative Redistricting Bill that the Legislature considers once every ten years and the K-12 recalibration bill which occurs once every five years. Both of these bills require the assistance of at least one full-time LSO staff member and multiple meetings. These more costly bills are important to consider as the costs provided above offer an approximate estimate of the cost to enact an “average” simple bill and “average” complex bill.

Moreover, the following factors **were not** incorporated into the cost estimates for a simple and complex bill:

- Executive branch costs;\*
- LSO employer paid benefits; and
- General administrative support costs.\*

Keeping these assumptions and factors in mind, this research memorandum ultimately establishes a simplified method of estimating the cost of a simple and complex bill, and the average cost of all bills enacted during a general session and budget session.

#### **METHODOLOGY:**

LSO Staff selected a sample of bills which exemplify either a simple or complex typical bill. These bills were selected to accurately depict the differing levels of complexity, contentiousness of subject matter, and LSO staff time. To maintain confidentiality, sample bills within this report have been deidentified. These bills were analyzed to determine an estimated amount of time and resources utilized within each division of the LSO, which was aggregated for each bill and

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\* Executive branch costs can include state agency time to conduct, compile and supply needed research, review, monitor, testify, or provide fiscal analysis.

\* General administrative support costs can include information technology, copying supplies and equipment, utilities, or facilities.

multiplied by an average LSO staff salary. LSO staff time estimates include time spent in pre-drafting processes such as research, evaluation, and interim committee meetings, and the drafting process including attorney time spent drafting, reviewing, and processing bills. Finally, session costs were calculated based on a budget session to include the cost of legislator and session staff compensation associated with passing a bill. **Table 1** below provides a breakdown of the legislative process for the purposes of the first analysis.

#### OVERVIEW OF LEGISLATIVE PROCESS/COST ANALYSIS:

The following sections detail each step in the legislative process and provide the estimated time range LSO staff spent on each step for the selected sample bills.

**Table 1: Wyoming Legislative Process.**

Pre-Drafting	Drafting	Session (Bill Introduction and Finalization)
Research/Evaluation and Budget/Fiscal Projects	Legal research	Fiscal notes
Interim committee meetings	Bill drafting	Introduction
	Bill review/edits	General/budget session
	Bill Processing	

The costs of each step were considered in this analysis for enacting a simple and a complex bill. These costs were calculated by requesting LSO staff to recall and report approximately how much time they spent on the various processes to help legislators enact the selected sample bills from the budget session. **Table 2** below provides a breakdown of LSO staff time spent on each of the selected sample bills.

**Table 2. LSO Staff Time**

LSO Division	Sample Bills				
	Simple Bill	Medium Bill	Complex Bill	Significantly Complex Bill	Significantly Complex Bill
<i>Research Division Hours</i>	-	1.5	65	-	-
<i>Legal Division Hours</i>	11	17	20.5	50	65
<i>Budget/Fiscal Division Hours</i>	-	2	0.5	50	5
<i>Bill Processing Hours</i>	4.5	5	4.5	6.5	5.5
<b>Total LSO Staff Hours</b>	<b>15.5</b>	<b>25.5</b>	<b>90.5</b>	<b>106.5</b>	<b>75.5</b>

#### RESEARCH AND EVALUATION STAFF TIME:

Prior to the bill drafting process, individual legislators or committees may submit a research request to the LSO Research and Evaluation Division to receive quantitative and qualitative

research and policy analyses. The types of research a legislator may request include comparisons with other states, programmatic and budget analyses, and identification of trends in Wyoming state and local government. The time associated with research products varies greatly, from a few hours to several weeks, and in some instances, research and evaluation projects can span months. Therefore, costs of research and evaluation were estimated through staff self-reporting on the selected sample bills, as well as utilizing an internal research database which includes information about the research process. For the sample bills, the data collected for Research and Evaluation Division staff includes the time spent researching and writing, as well as presenting research projects during committee meetings. LSO staff reported spending a range of 1.5 to 65 hours on research, writing, and presenting to the committee.

#### **LEGAL STAFF TIME:**

##### ***Legal Research***

Once a legislator or committee decides to initiate the bill drafting process through the LSO Legal Services Division, a piece of legislation may require staff attorneys to assist legislators or committees in assessing the practical and technical feasibility of the bill topic, and staff attorneys may further advise as to whether the proposed bill interferes with the Constitution, and State and Federal laws. In general, a committee may request staff attorneys to draft a bill, or an individual legislator may request a bill draft depending on their district's or constituents' needs. Staff attorneys may encourage legislators and committees to consider constitutional restrictions, as well as potential solutions or alternatives for the legislator's or committee's consideration. Staff attorneys spent anywhere from a half hour to four hours on legal research for the sample bills. In many instances, the amount of legal research will far exceed the time reported in the sample bills, especially if the bill draft requests touches on unique or complex legal issues or raises constitutional questions.

##### ***Bill Drafting:***

After providing direction to legislators or committees with regard to the feasibility or constitutionality of the proposed legislation, staff attorneys then draft the bill. The amount of time spent drafting a bill depends largely on the complexity of the bill, as well as the workload of the legal staff at the time of the request, and the intricacies of the particular Wyoming Statute the bill either repeals or amends. Staff attorneys reported spending anywhere from 2 to 17 hours on drafting the selected sample bills.

The review process for a bill draft typically goes through several stages including a peer review from another staff attorney, the division administrator, and LSO director. Depending on the complexity of the bill, the review process may be simple or fairly arduous. When the review process is completed, the legislator or committee reviews the bill draft and prepares for the introduction of the bill to either chamber. Staff attorneys spent from 3 to 16 hours during the bill review and editing processes for the selected bills.

In addition to researching, drafting, reviewing, and editing a bill draft, staff attorneys often present the bill during committee meetings if a committee requested the bill. The average time spent by staff attorneys for committee time ranges from zero hours for individual legislator bills to 3.5 hours for a simple bill and 20 hours for highly complex bills.

***Revisions/Amendments:***

Subsequent to the initial bill drafting phase, committees or legislators may request revisions and amendments for the bill draft. Depending on the various factors stated above such as the differing levels of complexity, or contentious topics or issues for bills, staff attorneys may prepare several amendments and revisions. This process can occur prior to the finalization of the bill for introduction to either house or after the bill is introduced during the session. Altogether, staff attorneys spent anywhere from 1.5 to 35 hours revising or amending a single bill.

**BUDGET AND FISCAL STAFF TIME:**

LSO Budget and Fiscal Division staff prepare fiscal notes for proposed legislation. Wyoming Statute § 28-8-105(d) requires LSO to provide a fiscal note for each bill that has fiscal impact, which can include “fiscal and personnel impact and revenue generated or required by the legislation.” As part of the fiscal note process for bill drafts, staff contact State agencies affected by the legislation for input and subsequently analyze how the bill will change State government.\*

Legislators may additionally ask Budget and Fiscal Division staff to research various topics that pertain to any financial aspect of a bill draft. According to Budget and Fiscal Division staff self-reporting, staff spent a range of one to ten hours researching and writing memoranda for committees. Similar to Research and Evaluation Division staff and Legal Division staff attorneys, Budget and Fiscal Division staff may present their research to committee members if the bill goes through the committee process. Budget and Fiscal staff reported spending from 5 to 20 hours in the committee process for the selected sample bills.

**ADMINISTRATIVE STAFF TIME:**

Once a bill has been finalized by the staff attorneys, it goes to Bill Processing within the LSO Legal Services Division. This is the stage where the bill is finalized and proofed through a series of steps. The bill is formally filed in the bill processing system, printed, read aloud, proofed by several staff members, checked against statute and other relevant authorities, and sent to the necessary parties for continued edits. If none, the bill processor then sends the bill to the Budget and Fiscal Division for a fiscal note. Once bill processing finalizes a bill, the bill is sent to the sponsor for approval. Once approved, the bill processor numbers the bill, does one final proof, puts the bill into the bill jacket, prints the bill, and sends it to the chamber of origin. If there are

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\* Depending on the bill, state agencies can spend numerous hours determining the impact the legislation may have on their administrative processes, as well as any personnel changes they may have to make when and if the bill is enacted. State agencies typically have to prepare a presentation and report for the Legislature during budget hearings held by the Joint Appropriations Committee.

amendments while it is debated in the chamber of origin, the process begins again. If there are no amendments, the bill goes to the second chamber. The process repeats if there are amendments. If there are none, it is proofed by four staff members and printed for signatures. This process can take anywhere from 4.5 hours to 6.5 hours for each bill.<sup>1</sup>

#### **OTHER COSTS:**

LSO staff time is not the only factor to consider when calculating the estimated cost to enact the selected sample bills. For bills sponsored by a committee, legislator compensation costs for interim committee meetings must be included. Additionally, all bills must be considered during the legislative session in order to become enacted. Thus, legislator and session staff compensation were also added to LSO staff time for each of the selected sample bills.

#### ***Interim committee meetings:\****

This analysis completed a cost estimate of interim committee meetings by determining average legislator pay, per diem, and in-state travel costs across all fourteen standing committees. For legislator compensation, the range varies, thus the average legislator salary was taken into consideration along with legislator per diem rates and prep costs. Specifically, legislators are paid \$150 each day for an interim committee meeting. Legislators who must travel to attend an interim committee meeting are also paid round-trip mileage; this analysis considered the average round-trip mileage costs<sup>2</sup>. Moreover, legislators receive \$109 per diem each day of an interim committee meeting. For the purposes of this analysis, the average cost of a one-day meeting (\$8,000) was multiplied by the number of days the committee met and then divided by the total number of bills the committee sponsored during that interim. This amount was added to all sample bills that were sponsored by a committee.

#### ***Session:***

Legislators are paid a \$150 salary and a \$109 per diem for each day they are in Cheyenne for the legislative session. Furthermore, this estimate included the total salary costs for session staff, which includes chief clerks, administrative assistants, terminal operators, committee secretaries, watchmen, and pages. These staff assist during each legislative session and are not employed throughout the duration of the year.

In order to calculate the average cost of each enrolled bill to go through the legislative session, LSO staff added the total costs for legislator and session staff compensation and divided by the total number of enacted bills during that session. Thus, the basic average cost of each bill which went through the most recent general session was \$8,810, and \$6,282 for the most recent budget

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<sup>1</sup> Selected bills were chosen based on complexity of subject matter rather than length. Longer bills can take considerably more time to process.

\* Individual legislator bills typically do not go through the interim committee process.

<sup>2</sup> Mileage costs were calculated based on the \$0.87/mile rate, which has since been changed to \$0.85/mile.

session. This amount was added to all sample bills, as they were all enacted during the budget session.

**CONCLUSION:**

When calculating the cost to enact a simple bill, it is crucial to recognize how the complexity of the bill or a “simple bill” may or may not reflect the amount of time spent in committee meetings and the general or budget session. A simple bill could be straightforward to draft but may affect citizens and state agencies in ways where state legislators need to debate how the bill could impact the state as a whole and if there may be unintended outcomes of the bill. Consequently, the average time spent by LSO staff does not necessary reflect all time spent for legislators or session staff. **Table 3** below provides a breakdown of cost estimates for a range of sample bills.

**Table 3. Sample Bill Cost Estimates**

<b>Sample Bills</b>	<b>LSO Staff Costs</b>	<b>Interim Costs</b>	<b>Session Costs</b>	<b>Total</b>
<i>Simple Bill</i>	\$589	-	\$6,282	<b>\$6,872</b>
<i>Medium Bill</i>	\$969	\$5,770	\$6,282	<b>\$13,021</b>
<i>Complex Bill</i>	\$3,440	\$4,628	\$6,282	<b>\$14,350</b>
<i>Significantly Complex Bill</i>	\$2,603	\$3,492	\$6,282	<b>\$12,377</b>
<i>Significantly Complex Bill</i>	\$2,793	\$4,628	\$6,282	<b>\$13,703</b>

To assess the cost to enact a complex bill, it is important to consider that the bill may go through a number of processes prior to the bill draft and introduction. Depending on the complexity and availability of information, the research can vary in length. Moreover, the legal process, as described above, can vary according to the topic at hand or the legislator’s or committee’s request. The fiscal note process may also be complicated depending on potential revenues or expenditures that may occur due to the proposed legislation.

If you have any further questions regarding the information provided in this report, or the data and methodology used by LSO Research and Evaluation staff, please do not hesitate to contact LSO at 777-7881.