



WYOMING LEGISLATIVE SERVICE OFFICE

Research Memorandum

STATUTORY HISTORY OF MANAGEMENT COUNCIL DUTIES & AUTHORITIES

December 2020

by

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QUESTION: How have the Management Council's authorities and duties changed since 1971?

SHORT ANSWER: The Wyoming Legislature created Management Council in 1971.¹ The creation of Management Council coincided with the creation of the Wyoming Legislative Service Agency, which later became the Legislative Service Office.² Most authorities and duties of Management Council have remained the same since its creation in 1971. Over the years, the majority of changes made to the statutes have amended requirements for notifications and reports, approvals of legislative contracts and administrative rules, and management of the legislative spaces in the Capitol Complex.

DISCUSSION: There are several statutes which govern the duties of the Wyoming Legislature's Management Council. The statutes can be generally classified into two types of statutes: 1) those that direct the internal operations of the Wyoming Legislature and its staff, predominately found in Titles 28 of the Wyoming Statutes; and 2) those that direct the executive branch to report to Management Council on various issues, or require Management Council to appoint ex-officio members to joint executive branch commissions. Overall, the duties and authorities of Management Council have remained closely aligned with the original statutory provisions enacted in 1971. These original 1971 statutory provisions established the membership of Management Council and provided the Council with the power to promulgate rules for internal management of what is now the LSO, and appoint a director and legislative auditor. The 1971 laws also established Council approval of interim studies, supervision of the legislative auditor, gave authority for the Council to determine compensation of members of the legislature, and provided the Council may approve governmental agency assistance to the Legislative Service Agency.³

Prior to creation of Management Council in 1971, there existed the Wyoming Legislative Council which dated back to 1961.⁴ The Wyoming Legislative Council's primary responsibilities were to,

¹ 1971 Wyo. Session Laws Ch. 113, Senate Enrolled Act 0035, Original S.F. No. 78, 1971, Codified as W.S. § 28-8-102.

² 1973 Wyo. Session Laws Ch 83, § 1

³ 1971 Wyo. Session Laws Ch. 113 also established supervision of the legislative auditor, a position that was later repealed.

⁴ 1961 Wyo. Session Laws Ch. 205, Senate Enrolled Act 0091, Original S.F. No. 116, 1961.

“collect information concerning the government and general welfare of the State, examine the effects of previously enacted statutes and recommend amendments thereto, deal with important issues of public policy and questions of State-wide interest, and to prepare a legislative program in the form of bills, resolutions, reports or otherwise to be presented at the next regular or special session of the legislature.”⁵ The Wyoming Legislative Council also maintained a legislative reference library and provided factual and impartial information in compliance with the written and signed request of any member of the legislature. The Wyoming Legislative Council’s predecessor was the Legislative Research Committee which was established in 1959.⁶ This committee studied subjects as directed by the Legislature, and had authority to conduct impartial, factual studies for the information of the Legislature and to make written recommendations which reflected the majority and minority opinions of the committee members.

Title 28 of the Wyoming Statutes generally outlines Management Council’s duties, responsibilities, and composition.⁷ The primary role of Management Council is to oversee the Legislative Service Office (LSO), interim committee activities, and manage the day-to-day operations of the Wyoming Legislature when the Legislature is not in session.⁸ As part of that role, Management Council manages committee requests, staff resources, and the budget of the legislative branch by approving interim committee activities and the budget of the LSO.⁹ Over the years, the workload of Management Council has grown due to the increase in interim committee activities and subsequent demands upon the LSO.¹⁰ Management Council has adopted numerous policies governing the work of the LSO, interim committees, and day-to-day operations of the LSO.¹¹ Historically, Management Council has also adopted the session calendar, as well as the Wyoming Manual of Legislative Procedure (in conjunction with the Rules Committees of the House and Senate) and Management Council Handbook.¹²

Outside of Title 28, several statutes pertain to Management Council’s role in administrative management of the legislative branch and the LSO. Generally, where statutes provide an explicit administrative requirement for the executive branch, a similar statute gives authority to Management Council for the legislative branch.¹³ Examples include: determining information technology procedures affecting the administration of the Legislature; approving the purchase of supplies and services; and giving prior approval for the reimbursement of actual travel related expenses in excess of the statutory amounts. Another large category of statutes relating to Management Council outside of Title 28 encompass reports required to be submitted to Management Council. These include reports on statutorily allowed budget revisions by the

⁵ 1971 Wyo. Session Laws Ch. 113, Senate Enrolled Act 0035, Original S.F. No. 78, 1971, Codified as W.S. § 28-8-102.

⁶ 1959 Wyo. Session Laws Ch. 186, Original SF156

⁷ The Management Council was statutorily created in Title 28 in 1971.

⁸ When in session, the management of the two houses resides with the presiding officers of the houses and their respective membership. Art. 3, Sec. 12 of the Wyoming Constitution.

⁹ W.S. §§ 28-8-101 through 105.

¹⁰ See attached *LSO Drafts and Interim Committee Staffing Statistics*.

¹¹ See attached Management Council Policies and Handbook; see also Wyoming Statute §28-8-102.

¹² The Senate and House then adopt the Wyoming Manual of Legislative Procedure through their Rules. See SR 1-1, HR 1-1 and JR 10-1.

¹³ See W.S. §§ 9-2-1002, 9-2-1026, 9-2-2905, 9-3-102, 9-3-103, 27-5-101.

executive branch;¹⁴ the Employee Group Insurance Plan;¹⁵ and administrative rules disapproved by the Governor.¹⁶ Three statutes require the Management Council to appoint members to commissions: one ex-officio nonvoting member to the investment funds committee; three members to the Employee Compensation Commission; and one legislative member to serve ex-officio on the Enhanced Oil Recovery Commission.¹⁷ Finally, an outlier, Management Council has authority to permit an applicant to enter into a feasibility study with the Director of the Department of Environmental Quality for either a monitored retrievable storage facility or an independent spent fuel storage installation.¹⁸

Outside of the codified statutory requirements, the Legislature often gives Management Council duties in specific pieces of legislation which require the Management Council to perform additional tasks on behalf of the Legislature. A prime example is 2019 Senate Enrolled Act 0077 which delegates several duties to Management Council regarding management of legislative spaces in the Capitol Complex.

The following table provides session laws between 1971 and 2019 which added or removed Management Council duties or authorities. A list of all statutory authority or duties of the Management Council can be found in **Appendix A**.

Table 1. Changes to Management Council Duties and Authorities, 1971-2019

Year	Statute Amended	Change to Council Duties/Authorities
1971 Ch. 113 §§ 1-11 ¹⁹	Created 28-8-101 through 112	Created Management Council and Legislative Service Agency; established membership of Council; allowed Council to promulgate rules for internal management of agency; provided that the Council shall appoint a director of the agency and a legislative auditor; established Council approval of interim studies; required Council to supervise the legislative auditor; determined compensation of members of the legislature; gave authority to Council to approve governmental agency assistance, documents, or information;
1973 Chapter 83 § 1	Amended sections 28-71 through 28-76 and 28-80 of the statutes	Amended statute to create Legislative Service Office; gave Council authority to direct LSO; gave Management Council the right to appoint a select committee to carry out duties of a joint interim committee when said committee is not performing its assigned study; gave Council the authority to fill any vacancy or enlarge any committee to facilitate any assigned interim studies; provided the Council may negotiate with, accept bids from, and

¹⁴ W.S. §§ 9-2-1013 and 9-2-1014.2.

¹⁵ W.S. § 9-3-205.

¹⁶ W.S. § 16-3-103.

¹⁷ W.S. § 9-4-720; W.S. § 9-2-1019; and W.S. § 30-8-101.

¹⁸ W.S. § 35-11-1506.

¹⁹ Repeals 1957 W.S. 28-2, 28-4, 28-7.1, 28-7.2, 28-7.3, 28-70.10 through 28-70.24; 1959 Wyo. Session laws Ch. 169 §§ 1, 4, 5; 1965 Wyo. Session Laws Ch. 169 § 1; 1967 Wyo. Session laws Ch. 204 § 1; 1957 W.S. §§ 8-1 through 8-6; 1959 Wyo. Session Laws Ch. 2 §§ 1, 2, 3; 1959 Wyo. Session Laws Ch. 104 § 1; 1965 Wyo. Session Laws Ch. 179 §§ 1, 2, 3; 1957 W.S. 9-360 through 9-370, §§9-349, 9-357, 9-358.

		award contracts to publishers responsible for revising, compiling, editing etc. session laws, journals, or digests.
1981 Ch. 71 § 1	Amended W.S. 8-2-101(a) and (b), 28-8-105(c) and 28-8-106.	Authorized Management Council to contract with the publisher for sale and distribution of statutes; providing that distribution of free sets of statutes may be governed by contract or as directed by Management Council
1983 Ch. 182 § 1	Amended W.S. 28-5-101(e).	Language amended to indicate legislative salary and activity are subject to approval by Management Council.
1984 Ch. 69 § 2	Amended W.S. 28-8-107, 28-8-108, 28-8-111(a), 28-10-101(a)(ii) by creating a new paragraph (iii) and renumbering (iii) as (iv); amended by renumbering (iv) as (v), 28-10-102(a) and (b) introductory paragraph and (vii) and 28-10-103(a), (c), (d) and (e).	Removed the legislative audit function from oversight by Management Council and created a new Management Audit Committee to direct LSO in conducting audits of state agencies, subject to Management Council budget priorities
1985 Ch. 102 § 1	Created W.S. 28-8-114.	Authorized Management Council to prosecute an action for declaratory judgment to protect legislative interests; allowed the legislature by resolution to direct the Council to prosecute an action. The Council may also commence an action upon its own motion.
1988 Ch. 66 §§ 1, 2	Amended W.S. 28-9-101(a)(iii) and (iv), 28-9-103(b), 28-9-104(a), 28-9-106(a) and (c) and 28-9-108.	Required the LSO to submit a rule report to the Council at certain regular meetings; required the Council to submit recommendations to the governor within five days after the meeting.
1991 Ch. 246 § 1	Amended W.S. 28-8-102(a).	Increased membership on the council by adding the speaker pro tempore of the house and vice president of the senate; provided for selection of the chairmen and additional members at large.
1993 Ch. 121 § 1	Created W.S. 28-1-115	Established that state agency priorities outlined in agency plans must be developed in consultation with a legislative joint interim committee as may be designated by Management Council.
1994 Ch. 57 § 1	Amended W.S. 9-2-1016(a) and (b), 9-2-1026 and 16-6-112(a)(intro).	Provided that purchases of supplies and services for the legislature shall be approved by Management Council or its designee.
1995 Ch. 212 § 1	Amended W.S. 35-11-1501 through 35-11-1507.	Established that the governor and Management Council must give permission to an applicant for either a monitored retrievable storage facility or an independent spent fuel storage installation may enter into a preliminary but nonbinding feasibility agreement and study with the director which shall be submitted and reviewed by the director, the governor and Management Council.
1998 Ch. 53 § 1	Amended W.S. 28-1-115(e).	Removed authority of Management Council to designate which state agency programs were within the purview of the standing committees.

1999 Ch. 103 § 1	Amended W.S. 28-1-115(a)(ii)(B) and 28-1-116(a)(intro) and (b).	Removed requirement that state agency priorities shall be developed with a legislative joint interim committee when designated by Management Council.
2008 Ch. 44 §§ 1, 2 ²⁰	§1: Amended W.S. 9-2-2401(f)	Removed requirement for the judicial planning commission to submit a report for reorganization to the governor and Management Council.
2008 Ch. 68 §§ 1, 2	§ 1: Amended W.S. 28-5-101(b) and (e). § 2: Amended W.S. 28-5-101(e)(v).	Established that actual expenses may be paid in lieu of per diem amounts if authorized by Management Council policy.
2011 Ch. 129 §§ 202 ²¹ , 203, 204 ²²	§ 203: Amended W.S. 28-1-102(b), 28-1-104, 28-1-113(a) and (c), 28-8-102(d) and 28-11-101(b)(i).	Removed 'secretary' from membership of Management Council; Provided that the organizational structure of LSO shall be determined by Management Council subject to the ultimate control of the entire membership of the legislature.
2015 Ch. 39 §§ 1, 2 ²³	Amended W.S. 30-8-101(a), (b)(intro), (i), (ii), (d)(i), (iii), (iv), (f)(i) and (ii).	Provided that one legislative member shall be appointed by Management Council to the enhanced oil recovery commission.
2018 Ch. 99 §§ 1,2	Amended W.S. 28-1-115(a)(ii)(intro), (A), (D)(V), by creating a new subdivision (VI), (f) and by renumbering (f) as (g). W.S. 28-1-115(e) is repealed	Provided that plans required under W.S. 28-1-115(a)(ii) shall be reviewed by Management Audit Committee if required by Management Council.
2019 Ch. 168 § 1	Amended W.S. 28-8-107(e)(intro).	Provided that auditing standards are adopted by the Management Audit Committee and approved by Management Council.
2019 Ch. 197 § 1	Amended W.S. 9-5-101(b) by creating new subsections (d) and (e), 9-5-102(a), 9-5-106(d)(i) and created new subsections (e) through (g); amended W.S. 28-8-112.	Required the state building commission to notify Management Council of any proposed adoption or modifications to the master plan for the capitol complex no less than 60 days prior to taking action to adopt or modify the plan. Established that within the capitol complex the state building commission and Management Council shall enter into an MOU and other agreements to provide visitor and civic education along

²⁰ 2008 Wyo Session Law Ch. 44 § 2 repealed W.S. 1-42-207, 9-2-122(d), 9-2-1603(b), 9-2-1607, 9-2-2705, 9-2-2707, 10-3-201(h), 10-3-204(a), 12-2-301(e), 16-4-104(j), 16-6-902(f), 23-1-304(p) as created by 2007 Wyoming Session Laws, Chapter 168, Section 3, 30-7-101(e), 30-8-101(e), 34.1-9-527, 37-7-311, 39-14-105(d), 39-14-202(a)(ix), 2003 Wyoming Session Laws, Chapter 112, Section 3, 2004 Wyoming Session Laws, Chapter 27, Section 2 and 2006 Wyoming Session Laws, Chapter 14, Section 2.

²¹ Repealed W.S. 24-8-106, 28-5-101(a), 33-4-105(c), 33-19-104(a)(i), 33-29-125(a)(iii), 33-40-106(b)(iv), 33-41-111(b) and 33-41-112(b).

²² Repealed W.S. 28-1-114

²³ Repealed W.S. 30-8-101(b)(iii), (iv) and (f)(iii).

		with other services to the public, as well as maintenance and preservation of the complex, management of meeting rooms and common spaces, coordination of programs for exhibits, artwork, art collections, statuary and furnishings.
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APPENDIX A:

Management Council (MC) Statutes and Requirements	
Statute	Requirement
8-2-101(a) and (b)	Assigned MC authority to distribute statutes Amended 1977 ch. 39 Sec. 1; W.S. 1957 8-15 which establishes a Wyoming digest committee;
9-2-1002(c)	Speaks to A&I and reaffirms that MC responsible for "procedures affecting the administration of the legislature"
9-2-1013(b)	Requires LSO to report to MC and JAC of Gov actions with moving around budget dollars under 9-2-1005(b)
9-2-1014.2(b)(i) and (ii)	Requires Gov to notify JAC, MC, CREG of any budget reductions. Also requires MC to forward Gov proposals to the legislature and assign committees
9-2-1019(e)	Creates state employee compensation commission. Has 6 members w/ 3 being appointed by MC.
9-2-1019(h)(iv)	Allows commission to recommend legislation to be submitted to MC
9-2-1026	Requires MC to approve all purchases of supplies and services for the legislature
9-2-2905(b)	Allows legislature to use ETS but affirms that MC determines information technology procedures affecting the administration of the legislature
9-3-102(d)(i)	Statute allows for state employee travel expenses and permits actual expenses in excess of covered expenses if specific approval given by MC
9-3-103(a)(i)	Statute allows state employees to receive reimbursement for all actual and necessary transportation expenses. In cases of common carrier transportation, actual expenses in excess of the economy fare are permitted w/ prior approval of MC
9-3-205(d)	Requires MC to designate committee that receives report from DOI re methods of claims administration for state employees' and officials' group insurance program
9-4-604(e)	Requires a full disclosure of a contract's terms, including fees to be paid, be submitted to the MC before SLIB enters into contract to retain financial advisor services to sell revenue bonds to an underwriter
9-4-720(a), (b) and (f)(i)	Statute creates the investment funds committee, with MC appointing (or removing) an ex officio nonvoting member, except voting allowed when establishing or approving investment benchmarks
9-5-101(d)	Statute creates state building commission. Allows the commission to consult with MC during the development, creation or modification of the capitol complex master plan. Also requires the commission to notify MC of any proposed adoption of or modifications to the master plan
9-5-102 (a)	Requires the SBC to notify MC before exercising its authority to obtain building sites for additional office space and state uses if the property at issue is or would be within the boundaries of the capitol complex and inconsistent with the master plan for the capitol complex
9-5-106(d)(i)	States that no rule promulgated by the SBC under W.S. 9-5-101 through 9-5-108 applies to facilities occupied by the legislature or the members thereof unless MC has specifically agreed
9-5-106(e)	

9-5-106(f)	<p>Prohibits the SBC from approving any architectural or structural alteration to the capitol building or grounds without providing notice to MC, except for emergency maintenance as specified.</p> <p>Requires SBC and MC to enter into MOU for management of areas of the capitol building and grounds and the extension from the capitol building to and under the Herschler building.</p>
9-5-112(a)	Requires the state construction department to proceed with level III design and construction for state capitol renovation in accordance w/ prior presentations to MC
9-12-104(a)(iv)	Specifies that rules adopted by the WBC must be submitted to MC as required under W.S. 28-9-101 through 28-9-108
16-3-103(d)	Requires the Gov to report his disapproval of any rule or portion thereof to MC
21-15-108(e)	Requires the school facilities commission to submit to MC a full disclosure of the terms of any contract, including fees to be paid, before any contract is entered to retain financial advisor services or to sell revenue bonds to an underwriter
27-5-101(c)(ii)	Permits overtime compensation for employees of the legislative branch pursuant to rules of MC
28-1-107(a)(ii)	Defines council to mean MC
28-1-108	Allows any legislator or designated staff member to administer oaths on matters being investigated by legislature, including MC
28-1-109	Allows MC to issue a subpoena upon request of a majority of the members of the body; disallows person from refusing to testify before MC when it would disgrace or make them infamous
28-1-110	Person who ignores MC subpoena or disrupts meeting guilty of misdemeanor
28-1-111	Requires the presiding officer of MC to apply to the court to enforce a refused subpoena
28-1-112	Allows presiding officer of MC to certify refusal to obey a subpoena to prosecutor
28-1-115(f)(i)	As required by the governor or by the legislature by law, statute tasks every state agency to develop a multi-year plan to accomplish and further the goals and objectives defined in W.S. 28-1-116(a). Requires the management audit committee to review the plan if required by MC
28-1-116(b)	Requires Gov to define state goals/objectives and permit Gov to submit draft goals to MC for comment
28-5-101(e)(ii), (iii) and (v)	Defines interim compensation for MC and other committees for committee work, preparation and allows for full daily statutory per diem or actual expenses in lieu of per diem if authorized by MC policy or approved by MC or interim committee chairman if another type of activity
28-8-101	Creates LSO and tasks MC with determining organizational structure
28-8-102	Defines MC with provisions for membership; vacancies; meetings; rules and regulations; quorum; officers.
28-8-103	Provides that MC appoints LSO director and determines LSO salaries and expenses
28-8-104	Allows interim committees to request LSO to perform studies/services upon MC approval; Allows MC to appoint a select committee when an interim committee is not performing its assigned study or when a special study is desired; Allows MC to fill interim committee vacancies or enlarge interim committee for assigned studies; Allows MC (and other committees) to sponsor and introduce legislation during a legislative session
28-8-105	Allows MC limit the number of bills that any legislator or person may have drafted or prefiled; requires LSO to compile such laws of the Wyoming as are

	designated by MC; Allows MC to negotiate w/ publishers for all the statute books, session laws, etc.
28-8-106	Requires LSO to purchase copies of statutes, supplements or session laws as directed by MC; Provides for auditing standards to be approved by MC
28-8-107	Requires LSO to conduct audits as specified subject to MC budget priorities
28-8-108	LSO staff subject to termination for release confidential info or of info not authorized for release by MC
28-8-109	Requires LSO to submit activities report to each legislative member not later than January 15th of each year, or as directed by MC or as requested by the legislature.
28-8-110	Allows legislative members to receive statutory mileage, salary and per diem for each day actually spent in legislative-directed or MC approved activities
28-8-111	Requires state government entities and local government entities to provide assistance, documents and information to LSO upon request of the director w/ MC approval
28-8-112	Defines spaces within state capitol that are for legislative purposes (including MC business)
28-8-114	Permits MC, during the interim, to commence and prosecute an action for declaratory judgment; Permits the legislature to direct MC to prosecute an action and allows MC to commence an action upon its own motion; Allows MC to direct LSO legal staff to commence and prosecute the action or employ private counsel for such purposes
28-8-116	Provides that otherwise confidential/privileged communications aren't protected if conveyed through recording or broadcast of a public MC meeting
28-9-101	Defines council to mean MC
28-9-102	Defines MC's powers and duties
28-9-104	Defines LSO's obligations for rule review reports for MC and how review can be requested
28-9-105	Allows MC to review an LSO rule review report to the committee that sponsored or handled the authority that created the rule
28-9-106	Provides for MC approval/recommendations based on rule review reports
28-9-107	Allows MC to introduce legislation to prohibit enforcement of rule
28-11-601	Statute creates select committee on tribal relations and assigns areas of inquiry include other issues on Reservation as approved by MC
30-8-101(a)	Creates the enhanced oil recovery commission and requires that one member be appointed by MC
35-11-1506(c)	Allows an applicant for a monitored retrievable storage facility or an independent spent fuel storage installation to enter into a preliminary nonbinding feasibility agreement and study with the DEQ and requires it be submitted to and reviewed by the director, governor and MC