

## **JOINT RULES**

### **JOINT RULES OF THE HOUSE AND SENATE**

#### **1. DEFINITIONS**

- 1-1 Whenever the word "bill" is used in these rules, it shall be understood to include Senate Files, House Bills, Senate and House Joint Memorials and Resolutions unless otherwise specified. Also, the Wyoming Manual of Legislative Procedures, Revised, will be referred to as the "Manual".
- 1-2 As used in these Joint Rules, "budget bill", "mirror budget bill" or "general appropriations bill or bills" refers to the "general appropriations bill" specified in Joint Rule 14-1(a) which contains appropriations for the ordinary expenses of the three branches of state government and may include other appropriations allowed by Article 3, Section 34 of the Wyoming Constitution.

#### **2. CONFERENCE COMMITTEE**

##### **APPOINTMENT; LIMITATIONS**

- 2-1 (a) In every case of amendment to a bill agreed upon in one house and dissented from in the other, the latter house shall appoint a committee of three (3) to confer on the matter and request the other house to appoint a like committee. Appointments shall be made by the President of the Senate and Speaker of the House pursuant to Sections 769 and 770 of "Mason's Manual of Legislative Procedure" generally, and to Paragraph 5 of Section 769, specifically.
- (b) A first joint conference committee is not a free committee, however, in addition to recommending that the houses adopt or delete amendments previously adopted by either house, a first committee may propose additional amendments to:
- (i) Correct technical errors in a previously adopted amendment;
  - (ii) Make minor language changes in a previously adopted amendment provided the modified amendment is substantially the same as the original amendment; or

- (iii) Propose an alternative which reflects a compromise position on an issue on which the two houses have adopted inconsistent positions, provided the compromise lies between the positions taken by the two houses.
- (c) If the first conference committee report is not adopted, each committee appointed thereafter shall be a free conference committee as defined in Section 773 of "Mason's Manual of Legislative Procedure". [Ref: Mason's §§ 766 to 775]
- (d) Chapter 71, Section 766, Paragraphs 6 and 7 of "Mason's Manual of Legislative Procedure" shall not apply.

#### CONFERENCE PROCEDURES; MEETING NOTICES

- 2-2
- (a) Such conference committees shall meet at a convenient hour to be agreed upon by their respective chairmen and shall confer upon the differences between the two houses. As soon as possible, the respective houses shall move for the adoption of the Joint Conference Committee report. Adoption of the report must be by vote of a majority of the elected members of each house unless a greater majority is required to pass a measure such as is the case with constitutional resolutions.
  - (b) No Conference Committee shall meet to consider any bill referred to it unless notice of the date, time and place of the meeting and the bill to be considered has been announced in open session on the floor of the House and Senate no later than adjournment on the day the meeting is to be held. This section does not apply to:
    - (i) Continued consideration of a bill by a Conference Committee after the Committee has begun consideration at a meeting for which notice was provided in compliance with this section so long as the date, time and place of the continuation of the meeting is announced by the chairman;
    - (ii) Conference Committee meetings held on the day scheduled by the officers of the House and Senate to be the last day of the session.
  - (c) When practical, after the Conference Chairman has set a date, time and place for a conference committee meeting,

the Chairman shall report to the Chief Clerk from the house of the bill's origin. The Chief Clerk shall request the Legislative Service Office to post notice of the meeting on the Legislative website. Failure to comply with this subsection shall not invalidate or constitute cause for objection to the report of the conference committee.

#### REPORT OF CONFERENCE COMMITTEE

- 2-3 (a) Report of a conference committee shall be made with two original copies. A majority of the conferees from each house are to sign both copies in the proper places with the chairman from each house signing the top line of their sections. The chairman from the house of the bill's origin shall deliver the two (2) signed copies to his Chief Clerk for processing and approval as to form. The house of origin shall consider the report first. [Ref: Mason's § 771]
- (b) An objection that a first conference committee has not confined itself to the scope of its authority to propose amendments pursuant to Joint Rule 2-1(b), or that a conference committee failed to provide notice of a meeting as required by Joint Rule 2-2(b), shall be made from the floor prior to the vote on the report, and if not made at that time is not in order at a later time.

#### RECEDING FROM NON-CONCURRENCE

- 2-4 (a) If the house of the bill's origin adopts a conference committee report that adopts all of the amendments of the second house and makes no other amendment to the bill, the house of origin shall be deemed to have receded from its non-concurrence and to have concurred in the amendments of the second house. The action of the house of origin in adopting the conference committee report constitutes final passage of the bill with the amendments of the second house.
- (b) Notwithstanding Senate Rules 10-8, 12-10, 12-11 or 14-4 and House Rules 10-10, 12-11 or 14-4, and any other rule to the contrary, if the second house fails to appoint a first or subsequent conference committee or if a majority of the conferees appointed by the second house fail to sign a conference committee report described in

subsection (a) of this rule, the house of the bill's origin may at any time while the bill is in its possession consider a motion to recede from its non-concurrence. Only the motion to recede from non-concurrence shall be in order. The action of the house of origin in adopting a motion to recede from non-concurrence constitutes final passage of the bill with the amendments of the second house.

- (c) Upon adoption of a conference committee report described in subsection (a) of this rule or the adoption of a motion to recede from non-concurrence under subsection (b) of this rule, the bill shall thereupon be sent for enrollment. A message that the house of origin has receded from its non-concurrence shall be sent to the second house.

### 3. MESSAGES

#### MESSAGES, BY WHOM

- 3-1 Messages shall be sent by persons each house determines to be proper. [Ref: Mason's §§ 761, 763]

#### MESSAGES ON ACTION TAKEN

- 3-2 Notice of action of either house to the other shall be in writing and over the signature of the chief clerk of the house from which the notice is sent and addressed to the presiding officer of the other house. [Ref: Mason's § 761]

#### MESSAGES ON REJECTED BILLS

- 3-3 When a bill, which has passed in one house, is rejected by the other, a message shall be immediately given to the house in which the bill had passed and the bill transmitted with the message. [Ref: Mason's §§ 761, 769]

#### MESSAGES OF FINAL ACTION ON A BILL

- 3-4 When a bill has been finally acted upon by either house, the chief clerk thereof shall, by message, inform the other house of such final action and of any unengrossed amendments thereto. The message, upon receipt, shall be entered upon its journal. Messages shall identify the bill covered thereby by referring to the number and giving a short title, setting

forth in a general way the subject thereof. [Ref: Mason's § 761]

#### MESSAGES, RECEIPT OF

- 3-5 A receipt shall be taken from the person to whom messages and bills are delivered when same are conveyed from house to house or from one area of responsibility to another. [Ref: Mason's § 763]

#### 4. ENGROSSING AND ENROLLING

##### ENGROSSING

- 4-1 When a bill has passed the house of origin with amendments, it shall first be delivered to the Legislative Service Office to be engrossed with all adopted amendments before the bill is forwarded to the second house for action. A bill delivered to and in the possession of the Legislative Service Office for engrossing shall not be recalled for further action by the first house without the consent of the second house.

##### ENROLLING

- 4-2 Every bill which has passed both houses shall be delivered by the house which last took action on the bill to the Legislative Service Office which shall promptly prepare the enrolled act to include all adopted amendments in proper form and deliver the act to the chief clerk of the house of origin. A bill received by the Legislative Service Office under this rule shall not be recalled by the second house without the consent of the house of origin. The chief clerk shall endorse on the back of the last sheet of each enrolled act a certificate specifying the house of origin. [Ref: Mason's §§ 702, 738]

##### ENROLLED ACT SIGNING

- 4-3 When enrolled acts are presented to the presiding officer for signing, they shall be the first order of business after the current order and be signed immediately after their titles have been publicly read and the fact of signing shall be entered in the journal. [Ref: Mason's §§ 738, 739]

##### PRESENTMENT TO GOVERNOR

- 4-4 When both presiding officers have signed an enrolled act, the messenger shall present the act to the governor for approval

and exchange the act for a signed receipt which gives the day and hour of presentation to the governor. [Ref: Mason's §§ 740]

5. RE-INTRODUCTION OF REJECTED BILLS

- 5-1 When a bill has been passed in one house and rejected by the other, it shall not be brought in again during the same session, without a notice of three (3) days and approval by a majority of the house in which it is to be renewed. However, the same bill shall not be presented more than twice in either house.

6. BOTH HOUSES RECEIVE ALL BILLS

- 6-1 The Legislative Service Office shall distribute a sufficient quantity of bills to both houses for the use of members and staff.

7. JOURNAL ENTRIES

- 7-1 Journal entries shall show:

- (a) Each successive step relative to every bill, shown by number and title only, from introduction into the house up to and including all proposed amendments and action on them. Substitute bills when offered as amendments shall be referenced in the journal by title only;
- (b) The full bill title shall be shown in the journal at time of bill introduction and when the bill is next shown in the journal after the title has been amended. All other reference to the bill shall be shown by number and catch line title only;
- (c) Messages from the governor and the other house.

[Ref: Mason's §§ 694 to 703]

- 7-2 At the conclusion of each legislative work day the chief clerk of each house shall have prepared a journal of actions as required by the Constitution, statutory laws and these rules.

8. STATUS SHEETS AND CALENDAR

- 8-1 The Legislative Service Office shall distribute, each evening, lists showing all action on bills during that day

and showing on the next day's calendar the position of each bill in the possession of the appropriate house.

9. JOINT SPONSORSHIP OF BILLS

- 9-1 Bills may be cosponsored-sponsored by members of both houses. [Ref: Mason's § 618]
- 9-2 Any standing committee of the Senate and corresponding committee of the House may, by vote of the majority in each house, act together as a joint committee for the preparation and introduction of bills or for the consideration of bills assigned to the committees.

10. PROCEDURAL AUTHORITY

- 10-1 The "Wyoming Manual of Legislative Procedures" shall govern procedural matters for the Legislature not shown elsewhere in these rules and not inconsistent with those found in the Wyoming Constitution. Changes to this manual shall be made only with the consent of the rules committees of the Senate and House. [Ref: Mason's § 2]
- 10-2 All relations between the houses which are not covered by these rules, the Wyoming Statutes and Constitution or the above Manual shall be governed by Mason's "Manual of Legislative Procedure". [Ref: Mason's §§ 30 to 32]

11. ADOPTION OF RULES

- 11-1 Adoption of separate Senate and House rules shall be accomplished independently by the affirmative vote of the majority of those elected to each body. The joint rules governing relations between the houses shall be adopted by a similar majority as the bodies vote separately on the same question. [Ref: Mason's §§ 10 to 12]

TEMPORARY RULES

- 11-2 As early as possible, each house of each new legislature shall adopt by a majority of those elected, the rules of the previous legislature as the temporary rules of the new legislature.

### PERMANENT RULES

11-3 By the close of business on the 5th day of each new legislature, the separate rules committees shall submit their recommendation of permanent rules for consideration and adoption in each house by a majority of those elected. A joint meeting of Senate and House rules committees shall make recommendations on the joint rules for each new legislature before adoption of permanent rules. These permanent rules shall govern all sessions of a legislature unless changes are properly adopted.

### SUSPENSION OR CHANGE OF RULES

11-4 No joint rule shall be changed, suspended or rescinded except by a vote of at least two-thirds of the elected members of the House and Senate. [Ref: Mason's §§ 279 to 286, 407]

### AMENDMENTS

11-5 All amendments, failed or adopted, shall be retained in the bill jacket after action has been taken on the proposed amendments, to be preserved in the Secretary of State's office as a permanent record.

## 12. ADMINISTRATIVE RULE ORDERS

12-1 On or before the final day for bill introduction each house shall schedule Committee of the Whole action on administrative rule reports and proposed legislative orders disapproving specified administrative rules, together with expressions of legislative intent, received from the Legislative Management Council as required by W.S. 28-9-107. Members of the Management Council in each house shall present the recommendations contained in the reports. The proposed orders are subject to debate, amendment, three readings and roll call votes in each house and conference committees in the same manner as bills except that it shall be referred directly to the Committee of the Whole and that there shall be no requirement for a two-thirds affirmative vote for introduction during the Budget Session. Recommendations receiving the approval of each house shall be denoted Legislative Orders, signed by the Speaker of the House and President of the Senate, entered in the Journal and presented to the Governor as prescribed by Article 3, Section 41, Wyoming Constitution.



13. STANDING COMMITTEE REPORTS

- 13-1 When a standing committee has adopted a recommendation of Do Pass on a bill or resolution, the committee report shall be presented to the Presiding Officer for placement on General File within two (2) working days of the standing committee vote unless given leave otherwise by the Presiding Officer.

14. GENERAL APPROPRIATIONS BILL

- 14-1 (a) An identical bill titled the general appropriations bill shall be introduced in both the Senate and the House as identical or "mirror" bills. Only one (1) of the introduced mirror bills shall be enacted into law. This rule applies to the supplemental general appropriations bill introduced during a General session in the same manner as the general appropriations bill introduced during a Budget session.
- (b) (i) During committee of the whole, second reading or third reading of a mirror budget bill, each section of the bill or portion of a section, including any amendments to that section or portion of a section, shall be considered only once during that reading even though that reading may be extended beyond one day. For the purpose of this subsection, a section of the bill means a separately numbered section dealing with an agency's budget or a complete, separate numbered section, such as a "Section 200". A portion of a section means a separately listed line item within that section. The sequence in which the sections of the budget bills are considered shall be the same for both houses;
- (ii) Following introduction in the first house, the mirror budget bill shall be referred to the committee of the whole;
- (iii) Notwithstanding Senate Rule 7-8 and House Rule 7-9, third reading of a mirror budget bill in the first house shall be conducted on the second legislative working day following the day second reading is completed.
- (c) An amendment may refer to or affect a section or portion of a section of the bill previously considered on the same reading when it is necessary for conformance or

when it is essential to the intent of the amendment to the section under consideration. Any amendment which deals with a section that was previously considered on the same reading is not divisible as to that previously considered section.

- (d) Notwithstanding House Rule 7-11 or Joint Rule 4-1, upon passage by the house of origin, a mirror budget bill shall be delivered directly to the second house for action without engrossing, but shall be accompanied by amendments adopted by the first house. A bill so delivered to, and in the possession of, the second house shall not be recalled for further action by the first house without the consent of the second house.
- (e)
  - (i) When a mirror budget bill has passed the house of origin, the bill shall be referred to the standing appropriations committee of the second house. The standing committee shall identify amendments from the house of origin which are identical to amendments adopted by the second house with respect to its own mirror budget bill. The standing committee shall submit a list of those amendments so identified to the second house. No action shall be taken regarding this list;
  - (ii) As to all other amendments from the house of origin, the committee shall provide a list of them in the committee's report, but shall not recommend adoption or rejection and shall not propose any modifications to those amendments. It shall be out of order for the standing appropriations committee to propose any other amendment to the mirror budget bill.
- (f)
  - (i) Notwithstanding Senate Rules 7-1 and 6-1, House Rules 7-1 and 6-1, and any other rule to the contrary, the mirror budget bill passed by the house of origin shall, after the standing appropriations committee of the second house has reported the bill back to the second house, be placed and considered by the second house on third reading. Each amendment on the list specified in paragraph (e)(ii) of this rule in the standing committee report from the house of origin shall be explained on the floor by a member of the

appropriations committee designated by the chairman;

- (ii) Consideration on third reading in the second house of the mirror budget bill passing the house of origin shall be limited to an explanation of, or, at the direction of the presiding officer, a non-binding ("straw poll") vote regarding each of the amendments adopted by the house of origin which are not identical to amendments adopted by the second house on its own mirror budget bill. Any other amendment shall be out of order. If a "straw poll" vote is taken, Senate Rule 8-1(a) and House Rule 8-1 do not apply to debate on amendments to the mirror budget bill being considered on third reading in the second house to the extent those rules limit members to speaking no more than twice on the same issue. Third reading may be extended beyond one (1) day to consecutive days to permit explanation of, or "straw poll votes" on amendments. Non-binding ("straw poll") votes shall be taken by roll call only at the direction of the presiding officer. The purpose of these "straw poll" votes are solely to provide non-binding guidance to members of the conference committee from the house in its deliberations on developing a conference committee report.
- (g) After all third reading amendments have been considered, no third reading vote will be taken, and the bill shall not be sent back to the house of origin for concurrence. Rather, both mirror budget bills will be immediately referred to the same joint conference committee appointed by the presiding officers of both houses.
- (h) Notwithstanding Senate Rule 2-9, House Rule 2-5 or Joint Rules 2-1 through 2-3, the following rules shall govern joint conference committee action on mirror budget bills:
  - (i) Both mirror budget bills shall be referred to a single joint conference committee on the budget as soon as third reading in the second house is completed;
  - (ii) The presiding officers of each house shall, in accordance with these rules and "Mason's Manual of

Legislative Procedure," appoint a conference committee of five (5) to confer on the two mirror budget bills. A majority of each conference committee shall be appointed from the prevailing side on the vote for third reading and final passage of the mirror budget bill originating in that house. During the Budget Session, the chairmanship of any joint conference committee on the mirror budget bills shall alternate between the house and Senate for each day the joint conference committee meets with the Senate having the chairmanship on the first meeting day;

- (iii) The first joint conference committee appointed is not a free committee, but each successive committee appointed thereafter shall be a free conference committee as defined in Section 773 of "Mason's Manual of Legislative Procedure";
- (iv) The joint conference committee shall consider and dispose of each adopted Senate amendment to the Senate mirror budget bill and each adopted House amendment to the House mirror budget bill. Only one (1) report shall be submitted for both mirror budget bills and only one (1) of the two (2) mirror budget bills referred to the committee shall be reported back to both houses. The mirror budget bill not reported back to both houses shall be regarded as automatically tabled;
- (v) The signed joint conference committee report shall be simultaneously referred to both houses for concurrence.
- (j) Notwithstanding Senate Rule 12-10, House Rule 12-11 or Part II (3) of the Wyoming Manual of Legislative Procedures, a motion for reconsideration of a vote on a mirror budget bill shall be in order only on the same day that the original vote was taken and only if the bill is still in the possession of that house. The vote on the motion to reconsider shall be taken no later than the last item of business on the day of the original vote. If a vote to reconsider has passed or failed on a motion under this subsection, it shall not be in order to move to rescind the vote on that motion.

- (k) In the event one house fails to pass on third reading the mirror general appropriations bill originally introduced in that house, the following shall apply:
  - (i) The mirror general appropriations bill passed in the opposite house shall be engrossed with all amendments passed by that house and shall be delivered to the second house. That bill shall thereafter be referred to as the "state general appropriations bill" and shall be deemed to be the general appropriations bill for all purposes;
  - (ii) Subsections 14-1(b) and (c) of this rule shall apply to consideration of the state general appropriations bill in the second house;
  - (iii) Notwithstanding Senate Rule 2-9, House Rule 2-5 or Joint Rules 2-1 through 2-3, the following rules shall govern joint conference committee action on the state general appropriations bill:
    - (A) The presiding officers of each house shall, in accordance with these rules and "Mason's Manual of Legislative Procedure," appoint a conference committee of five (5) to confer on the state general appropriations bill. A majority of each conference committee shall be appointed from the prevailing side on the vote for third reading and final passage of the bill. During the Budget Session, the chairmanship of any joint conference committee on the state general appropriations bill shall alternate between the house and Senate for each day the joint conference committee meets with the Senate having the chairmanship on the first meeting day;
    - (B) The first joint conference committee appointed is not a free committee, but each successive committee appointed thereafter shall be a free conference committee as defined in Section 773 of "Mason's Manual of Legislative Procedure";
    - (C) The signed joint conference committee report shall be simultaneously referred to both houses for concurrence.

(iv) Except as otherwise provided in Joint Rule 14-1(k)(2), the provisions of Joint Rule 14-1(a) through (j) shall not apply to the state general appropriations bill.

(m) Amendments to Mirror Budget Bills.

(i) It shall be out of order to propose an amendment to a mirror budget bill during committee of the whole consideration in the first house;

(ii) No amendment shall be considered on second reading of a mirror budget bill in the first house unless:

(A) The amendment has been submitted to the legislative attorneys for preparation not later than the conclusion of consideration of the mirror budget bill during committee of the whole; and

(B) The sponsor has approved the text of the amendment and authorized the amendment to be numbered and distributed not later than 10:00 a.m. on the succeeding legislative working day.

(iii) Except as provided in Joint Rule 14-1(m)(iv), no amendment shall be considered on third reading of a mirror budget bill in the first house unless:

(A) The amendment has been submitted to the legislative attorneys for preparation not later than the conclusion of second reading of the mirror budget bill; and

(B) The sponsor has approved the text of the amendment and authorized the amendment to be numbered and distributed not later than 10:00 a.m. on the succeeding legislative working day.

(iv) Only the following amendments shall be submitted to the legislative staff for preparation on the day third reading of a mirror budget bill is to begin in the first house:

- (A) Amendments to correct errors identified in the bill, correct errors in previously adopted amendments and to transfer funds necessary to support the total appropriations contained in the bill; and
  - (B) Amendments sponsored by the chairman of the standing appropriations committee or his designee.
- (v) The legislative service office shall distribute to the members and the public all approved amendments as soon as practicably possible after the amendment approval deadlines specified by Joint Rule 14-1(m)(ii)(B) and (iii)(B). A reading of the budget bill shall start not earlier than twenty-four (24) hours after the deadline to approve amendments for that reading.

#### 15. ELECTION CONTESTS

- 15-1 (a) Upon receipt of notice of election contest and supporting documents from the secretary of state pursuant to W.S. 22-17-112, the presiding officer of the Senate if the contest is for the office of state Senator, or the presiding officer of the house if the contest is for the office of state representative, shall, as soon as possible, appoint a special committee to hear the contest. A special committee in the Senate shall consist of five (5) members and a special committee in the house shall consist of nine (9) members. Committee appointments shall be apportioned as nearly as possible to reflect the percentage of the elected members of the majority and minority parties of the appropriate house. The presiding officer of the appropriate house shall also appoint a chairman of the committee.
- (b) (i) The appointed committee shall hear the election contest as expeditiously as possible;
- (ii) Each party to the proceedings may be represented by counsel and shall be afforded reasonable opportunity to be heard and to present oral argument. In accordance with W.S. 22-17-111, any party may, under procedures applicable to a civil action, take the deposition of any witness at any time after service of notice of intent to contest

pursuant to W.S. 22-17-110. For purposes of this rule, "party" means any contestant and any person who is certified as elected by the state canvassing board whose election is being contested;

- (iii) The burden of proof is on the contestant to prove at least one (1) of the grounds specified under W.S. 22-17-101(a) by a preponderance of the evidence. If the contest is based upon grounds specified under W.S. 22-17-101(a)(iv) or (v), the contestant also has the burden of proving that any irregularities shown were of such a nature that, if not for the irregularities or for any illegal votes counted for the person declared elected, that person would not have been elected;
  - (iv) In proceedings before the committee, irrelevant, immaterial or unduly repetitious evidence shall be excluded and no recommendation shall be made unless supported by the type of evidence commonly relied upon by reasonably prudent men in the conduct of their serious affairs. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. A party may conduct cross-examinations required for a full and true disclosure of the facts and a party is entitled to confront all opposing witnesses.
- (c)
- (i) All proceedings of the committee concerning election contests shall be electronically recorded. The committee shall provide all parties advance notice of each meeting, hearing or other proceeding of the committee concerning the election contest;
  - (ii) The chairman of the committee shall have the power to administer oaths and to compel the attendance of witnesses and the production of documents relevant to the contest, as authorized by W.S. 28-1-107 through 28-1-112. Any testimony made at any committee hearing or before the appropriate house which purports to establish matters of fact shall be made under oath.
- (d) Not later than the fourth legislative day following the date the committee was appointed, the committee shall report its findings and final recommendation to the appropriate house. The final recommendation of the



committee shall be to either sustain or reject the election contest.

- (e) (i) As soon as practicable but not later than the second legislative day following receipt of the committee report pursuant to subsection (d) of this rule, the appropriate house shall consider the committee findings and final recommendation. Only a motion to sustain or reject the election contest shall be in order. The motion is debatable;
  - (ii) Debate on the motion to sustain or reject the election contest shall be limited as follows:
    - (A) No member may speak more than twice on the motion; and
    - (B) No member shall occupy the floor more than five (5) minutes each time that he speaks; and
    - (C) There shall be no extensions of time under this rule.
  - (iii) Once deliberations begin on a motion to sustain or reject the election contest, the house or Senate, as applicable, shall not adjourn until the contest is decided;
  - (iv) If a quorum to transact business is present, a majority of the members of the appropriate house who are present may sustain or reject the election contest.
- (f) Following a determination under subsection (e) of this rule, the presiding officer of the house or of the Senate, as applicable, shall inform the governor and the secretary of state of the decision.
  - (g) A decision of either house under this rule is final and shall not be subject to appeal.
  - (h) If the election contest is rejected by the applicable house, the individual whose election was contested shall, for purposes of salary, per diem and mileage, be treated as if the contest had not been initiated.

16. STANDING COMMITTEE RECORDS

- 16-1 (a) Except for the following designated records, no written document in the possession of a standing committee and no minutes or other record purporting to reflect an action or recommendation of a standing committee shall be deemed to be an official record of the Wyoming Legislature:
- (i) Standing committee reports;
  - (ii) Record of votes reported pursuant to Senate Rule 5-4 and House Rule 5-4(c);
  - (iii) Rulings by the Senate Rules and Procedure committee under Senate Rule 12-2(b);
  - (iv) Reports of recommendations on confirmation of appointments required by Senate Rule 16-1(c);
  - (v) Other written records reflecting formal committee action or recommendation which are approved and signed by the committee chairman and which are reported to the full body of the House or Senate and are made a part of the journal.
- (b) Except as provided by subsection (a) of this section, all other documents and records developed by, presented to, or in the possession of, a standing committee during a Legislative session are deemed to be unofficial temporary working papers of the standing committee and shall not be preserved as an official record of the Wyoming Legislature following adjournment of the session.

17. JOINT INTERIM COMMITTEE RULES

- 17-1 (a) Subject to subsection (b) of this section, the standard rules for joint interim committees, attached as Appendix "A" to the Joint Rules of the House and Senate, shall be the rules of each joint interim committee of the Legislature.

**JR 17-1(b) as Adopted by the House:**

- (b) Subsection (a) of this section shall not apply to a joint interim committee which adopts alternative rules at its first regularly scheduled meeting following adjournment of the general session.

**JR 17-1(b) as Adopted by the Senate:**

- (b) Subsection (a) of this section shall not apply to a joint interim committee which adopts alternative rules at its first regularly scheduled meeting following adjournment of the general session. Adoption of alternative rules by a joint interim committee under this subsection shall require a majority vote of the appointed members from each house serving on the committee.

18. SPECIAL SESSIONS

- 18-1 (a) The legislature may call itself into special session if a majority of the membership elected to both houses responds in the affirmative to a written poll of the membership conducted by the Legislative Service Office at the joint direction of the presiding officers of each house.
- (b) The presiding officers of each house:
  - (i) May initiate the written poll of the membership under subsection (a) of this rule by their joint agreement; and
  - (ii) Shall initiate the written poll of the membership under subsection (a) of this rule upon the written request of not less than thirty-five percent (35%) of the membership elected to each house, signed by those members.
- (c) When a majority of the membership elected to both houses responds in the affirmative to the written poll conducted pursuant to subsection (a) of this rule, the President of the Senate and the Speaker of the House shall jointly announce the results of the poll and establish a date for the convening of the special session.
- (d) In responding to a written poll conducted pursuant to subsection (a) of this rule, or in signing a written request to the President and Speaker under paragraph (b)(ii) of this rule, a facsimile signature of a legislator may be accepted provided it is followed by a written document bearing the legislator's manual signature.

19. RELATIONS BETWEEN HOUSES

REQUEST FOR RETURN OF BILL

19-1 Upon a motion to return a bill from one house to the other for corrective action, or for the purpose of reconsideration, which is adopted by two-thirds (2/3) of the members elected to the requesting house, the presiding officer shall direct the chief clerk to send a message to the presiding officer of the house currently in possession of the bill requesting that the bill be returned for necessary action. Upon the affirmative vote of two-thirds (2/3) of the elected members of the house having possession of the bill, the bill shall be returned to the requesting house. [Mason's Sec. 762]

20. PRESIDENTIAL ELECTION CONTEST

20-1 (a) Upon receipt of a notice of an election contest pursuant to W.S. 22-17-114, the Legislative Service Office shall forward a copy of the notice to the President of the Senate, the Speaker of the House of Representatives and to each member of the Legislature.

(b) (i) The President and Speaker shall as expeditiously as possible investigate the allegations contained in the notice to determine whether there appears to be a substantial factual basis for the allegations and whether, if proven, the alleged irregularities or illegal votes complained of would likely have affected the final outcome of the contested election. In carrying out this investigation the President and Speaker may direct the Management Council or a subcommittee of the Council to meet, take evidence and testimony, and provide a recommendation to the President and Speaker on the question of calling a special session of the Legislature pursuant to Wyoming Constitution, Article 3, Section 7(a)(ii);

(ii) If, following investigation, the President and Speaker determine that it would be appropriate, they shall jointly issue a proclamation calling and establishing a date for the convening of a special session to resolve the election contest.

(c) (i) On the date set for convening a special session under this rule, the Senate and House of

Representatives shall meet in joint session in the House Chamber at which time the members will be advised of the nature of the election contest and shall be provided with any information and supporting documentation presented to the President and Speaker during the course of their preliminary investigation. The President of the Senate shall preside at the Joint Session;

- (ii) At the conclusion of the joint session, the Senate shall withdraw and the two houses shall separately deliberate on the issues presented.
- (d) (i) At the direction of the presiding officer, the House or Senate may conduct its investigation sitting as the entire body or may appoint a select committee to hear the election contest and present a recommendation. If a select committee is appointed, its membership shall be apportioned as nearly as possible to reflect the percentage of the elected members of the majority and minority parties of that house;
- (ii) The party initiating the election contest shall be provided with advance notice of each meeting, hearing or other proceeding of the House, Senate or any select committee concerning the election contest. The party may be represented by counsel and shall be afforded reasonable opportunity to be heard and to present oral argument;
- (iii) In conducting its investigation, each house shall determine whether the allegations giving rise to the election contest are supported by substantial evidence and whether any irregularities shown were of such a nature that, if not for the irregularities or for any illegal votes counted the final results of the election which is the subject of the election contest would have been different;
- (iv) In proceedings before the House or Senate, or their select committees, irrelevant, immaterial or unduly repetitious evidence shall be excluded and no recommendation shall be made unless supported by the type of evidence commonly relied upon by reasonably prudent men in the conduct of their serious affairs. Documentary evidence may be

received in the form of copies or excerpts, if the original is not readily available.

- (e) (i) All proceedings of each house and any select committee concerning election contests shall be electronically recorded;
- (ii) The Presiding officer or the chairman of the select committee shall have the power to administer oaths and to compel the attendance of witnesses and the production of documents relevant to the election contest. Any testimony made at any committee hearing or before the appropriate house which purports to establish matters of fact shall be made under oath.
- (f) (i) Upon conclusion of its investigation, each house shall separately consider a motion to sustain or reject the election contest. No other motion shall be in order. The motion is debatable;
- (ii) Debate on the motion to sustain or reject the election contest shall be limited as follows:
  - (A) No member may speak more than twice on the motion;
  - (B) No member shall occupy the floor more than five (5) minutes each time that he speaks; and
  - (C) There shall be no extensions of time under this rule.
- (iii) Once deliberations begin on a motion to sustain or reject the election contest, the House or Senate, as applicable, shall not adjourn until the election contest is decided;
- (iv) If a quorum to transact business is present, a majority of the members of the appropriate house who are present may sustain or reject the election contest.
- (g) (i) Upon conclusion of their deliberations, the House and Senate shall again meet in Joint Session in the House Chamber at which time the presiding officer of each house shall announce the results of the

final vote taken by their body on the question of sustaining or rejecting the election contest;

- (ii) An election contest shall be deemed to be sustained by the Legislature only if a motion to sustain the election contest has been adopted by both the Senate and the House of Representatives.
- (h) Following a determination under this rule, the presiding officers of the House and Senate shall jointly certify the decision of the Legislature to the governor and the secretary of state.
- (j) A determination of the election contest by the Legislature under this rule is final and conclusive and is not subject to judicial review.

## 21. FORMAT OF BILLS AND AMENDMENTS

- 21-1 (a) In the preparation of each bill amending any chapter, article, section, subsection or other portion of an existing Wyoming Statute or adding to such Statutes, the following provisions shall govern:
- (i) *LINE OUT DELETIONS*. Whenever any word or combination of words in any existing statute or any portion thereof is omitted in the drafting of a bill therefor, such omission shall be indicated by showing it in full with a line through all material to be omitted;
  - (ii) *UNDERLINE ADDITIONS*. Whenever any new word or combination of words appears in a bill therefor, whether or not substituted for any word or combination of words in any existing statute or statutes, such new words shall be so indicated by being underlined;
  - (iii) *NEWLY CREATED STATUTE*. When a new statute is being created in a bill, new language will not be underlined.
- (b) In the preparation of an amendment amending any chapter, article, section, subsection or other portion of an existing Wyoming statute or adding to such statutes, the following provisions shall govern:

(i) *AMENDMENT BY USE OF DIRECTIVE WORDS.*

- (A) Omission of words from an existing statute shall be indicated by the directive to "strike" the identified word;
- (B) Addition of words to an existing statute shall be indicated by the directive to "insert" the new word which shall be shown as underlined;
- (C) Omission of words from a newly proposed statute shall be indicated by the directive to "delete" the identified word;
- (D) Addition of words to a newly proposed statute shall be indicated by the directive to "insert" the new word which shall not be shown as underlined.

(ii) *AMENDMENTS IN CONTEXT.*

- (A) An amendment may also delete specified lines of a bill and insert new lines indicating, in the insertion, deletions and additions in the same manner as provided in Joint Rule 21-1(a);
- (B) When engrossing or enrolling an adopted amendment prepared pursuant to Joint Rule 21-1(b)(2)(A), the legislative service office shall give effect only to those words added to an existing statute that are specifically indicated by underlining and to the deletion of words from an existing statute that are specifically indicated by line out.

22. ETHICS COMPLAINTS

22-1 (a) The legislature finds that:

- (i) The ethics complaint procedure under this rule allows for receipt and investigation of complaints alleging legislative misconduct by members of the House and Senate;
- (ii) The House and Senate have authority to determine the rules of their proceedings and to punish



members for contempt or disorderly behavior in their presence and for conduct that seriously impugns the integrity and general order of the houses;

- (iii) An ethics investigation instituted for the purposes of advancing political interests, not connected with intended legislation or any matters upon which a house should act, or instituted merely to subject a member of the House or Senate to public animadversion, is not a proper legislative proceeding;
  - (iv) The right of the electors to be represented by the candidate of their choosing is essential for the preservation of all other rights and shall be recognized by the houses when considering ethics complaints;
  - (v) The ethics complaint procedure under this rule shall be reserved for substantiated allegations of legislative misconduct and in all other circumstances, the members of the House and Senate shall be ultimately responsible directly to the electorate.
- (b) Nothing in this rule shall prohibit the House and Senate from taking any action or adopting any procedure to preserve order and decorum in the houses pursuant to the authority granted in the Wyoming Constitution.
  - (c) The Speaker or President, as appropriate, shall receive written, signed complaints alleging legislative misconduct by a member of the House or Senate.
  - (d) Legislative misconduct is defined as conduct involving legislative duties that constitutes:
    - (i) A violation of Article 3 of the Wyoming Constitution;
    - (ii) A violation of the Ethics and Disclosure Act, W.S. 9-13-101, et seq;
    - (iii) A violation of any of the Wyoming Conflict of Interest Statutes;

- (iii) Violence or disorderly conduct during legislative meetings, sessions, or during the performance of legislative duties; ~~or~~
  - (iv) Bribes or offers of bribes;
  - (v) A violation of the rules of the House or Senate pertaining to ethical standards for legislators or preventing disorderly conduct; or
  - (vii) Any other conduct that constitutes a felony.
- (e) A complaint alleging legislative misconduct by a member of the House or Senate shall meet the following criteria:
- (i) The complaint shall be in writing;
  - (ii) The complaint shall:
    - (A) Be based on unique personal knowledge;
    - (B) State detailed facts;
    - (C) Specify the actions of the named member which form the basis for the complaint;
    - (D) Attach all documentation on which the complaint is based; and
    - (E) Identify how the specific alleged violation constitutes legislative misconduct.
  - (iii) The complaint shall be signed by the person alleging the legislative misconduct.
- (f) A copy of the complaint shall be provided to the member against whom the complaint is filed.
- (g) The presiding officer, after consultation with the majority and minority floor leaders, shall summarily dismiss any complaint which:
- (i) On its face appears to be frivolous or submitted for any improper purpose;

- (ii) Alleges facts that if taken as true and construed in the light most favorable to the complainant do not constitute legislative misconduct;
  - (iii) Is insufficient as to form.
- (h) Notice of summary dismissal shall be provided to the complainant.
- (j) All records, findings and proceedings including the filing of the initial complaint shall be considered confidential information, but the complaint shall be available for public inspection upon the dismissal of the complaint, a referral of the complaint for formal investigation or other final dispositive action regarding the complaint.
- (k) Except as provided in subsection (g) of this rule, whenever a complaint is received pursuant to this rule, the presiding officer shall forward the complaint to the appropriate subcommittee of Management Council to review the complaint, determine whether there is probable cause that legislative misconduct has occurred and make recommendations to the presiding officer. The subcommittee shall consist of those members of Management Council who serve in the same house as the member against whom the complaint is filed. The subcommittee's review shall be subject to the following:
  - (i) The test for determining the existence of probable cause is whether a factual situation is sufficient to warrant a reasonably prudent person, informed of legislative procedures and duties, to believe that legislative misconduct has occurred;
  - (ii) The Council subcommittee shall notify the member against whom the complaint was brought that it is reviewing the complaint. The member complained against may submit a written answer to the subcommittee. The subcommittee shall have the discretion to determine what additional evidence, if any, is presented during the course of its review;
  - (iii) Unless specifically invited, neither the complainant nor the member against whom the complaint has been filed shall have the right to

attend or present evidence at any meeting of the Council subcommittee;

- (iv) The review by the Council subcommittee shall be conducted in executive session and no record of the hearing will be kept;
  - (v) No determination of the Council subcommittee concerning probable cause is appealable by any person;
  - (vi) If the Council subcommittee determines that the complaint alleges criminal activity, the subcommittee may recommend that further proceedings under this rule be held in abeyance pending completion of any criminal investigation;
  - (vii) A finding of probable cause of legislative misconduct or any dispositive action shall require the affirmative vote of a majority of the Council members serving on the subcommittee;
  - (viii) If the Council subcommittee does not find probable cause of legislative misconduct the complaint shall be dismissed and the complainant and member will be so advised;
  - (ix) If the Council subcommittee finds probable cause of legislative misconduct but determines that the interests of justice and the house would not be furthered by a formal investigation under subsection (m) of this rule, it shall make an appropriate recommendation to the presiding officer for remedial action. In all other circumstances where it determines probable cause exists, the Council subcommittee shall refer the complaint for formal investigation in accordance with this rule.
- (m) Upon a referral for formal investigation under subsection (k)(ix) of this rule, a special committee shall be appointed to formally investigate the complaint. If the Legislature is not in session, the special committee shall be appointed by the Management Council subcommittee that conducted the review. If the Legislature is in session the special committee shall be appointed by the presiding officer of the appropriate

house. A special committee shall be subject to the following:

- (i) A special committee investigating a complaint against a senator shall consist of 5 senators and a special committee investigating a complaint against a representative shall consist of 9 members of the House of Representatives. Committee appointments shall be apportioned as nearly as possible to reflect the percentage of the elected members of the majority and minority parties of the appropriate house. The appointing authority shall designate the chairman of the committee;
- (ii) Proceedings of the special committee shall be subject to the following:
  - (A) All meetings of the committee will be open to the public;
  - (B) The member against whom the complaint is filed and the complainant shall be entitled to appear, present evidence, cross-examine witnesses and be represented by counsel;
  - (C) In proceedings before the committee, irrelevant, immaterial or unduly repetitious evidence shall be excluded and no recommendation shall be made unless supported by the type of evidence commonly relied upon by a reasonably prudent person, informed of legislative procedures and duties, in the conduct of their serious affairs;
  - (D) The chairman of the committee shall have the power to administer oaths and to compel the attendance of witnesses and the production of documents relevant to the complaint, as authorized by W.S. 28-1-107 through 28-1-112. Any testimony made at any committee hearing which purports to establish matters of fact shall be made under oath.
- (iii) The special committee may dismiss the complaint if a majority determines that the complaint is not substantiated or does not substantiate legislative misconduct without requiring further action by the

appropriate house. If not dismissed, the committee shall make recommendations to the appropriate house based upon the investigations conducted and hearings held pursuant to this rule. The committee may recommend dismissal of the complaint, reprimand, censure, expulsion or other discipline it deems appropriate. The appropriate house may dismiss the complaint, expel, censure, reprimand or otherwise discipline the member as it deems appropriate. Expulsion of a member shall require the affirmative vote of two-thirds of the members, as provided by Article III Section 12 of the Constitution. Reprimand or censure of a member shall require the affirmative vote of a majority of the elected members;

- (iv) If the legislature is not in session, the recommendation of the special committee shall be acted upon by the appropriate house during the next following special or regular session.
- (n) If the written signed complaint concerns legislative misconduct of:
  - (i) The presiding officer, then the duties of the presiding officer in this rule shall be the duties of the Senate Vice-President or the House Speaker pro tem as applicable;
  - (ii) A member of Management Council, then the presiding officer shall appoint another member to fill that member's role on the Management Council subcommittee investigating the complaint pursuant to subsection (k) of this rule.

## **APPENDIX A**

### **SAMPLE INTERIM COMMITTEE RULES**

#### **I. OFFICERS.**

##### **A. Chairman.** The chairman shall:

1. Call the committee together at the times and places necessary to enable the committee to properly perform its duties.
2. Preside over meetings of the committee and put all questions.
3. Maintain order and decide all questions of order subject to appeal to the committee present.
4. Prepare, or supervise the preparation of, reports of the committee and submit the reports to the legislature.
5. Authorize and approve or disapprove all committee expenditures and sign all vouchers for committee expenses to be presented to the Management Council.

##### **5. Vice Chairman.** The vice chairman shall:

1. Perform all duties of the chairman in the absence of the chairman.

#### **II. MEETINGS.**

##### **A. Call.**

The chairman, the vice chairman in the absence or incapacity of the chairman, or a majority of the members of the joint interim committee, may call a meeting of the committee by sending by regular mail to each member of the committee written notice fifteen (15) days prior to the meeting. Written notice may be waived by unanimous consent of the entire committee. Attendance at any meeting constitutes waiver of written notice. Notwithstanding any other provision of this subsection, less than a quorum of the joint interim committee may meet and transact business provided the absent members are subsequently polled and asked to vote by written ballot on any action taken and further provided the action taken at the meeting is thereby approved by a majority of the members of the full committee.

- B. Time and Place.  
The time and place of meeting of the joint interim committee shall be designated by the chairman or by the vice chairman or members calling the meeting.
- C. Agenda.  
Notice of meetings of the joint interim committee shall contain an agenda of business to be considered, or state the purpose of the meeting. Reasonable efforts shall be made to give prior notice of all subjects to be acted upon.

**Sample Rules II.D. as Adopted by the House:**

- D. Quorum.  
The quorum necessary for the joint interim committee to transact business shall be a majority of the members. A majority of the quorum may act on any matter.

**Sample Rules II.D. as Adopted by the Senate:**

- D. Quorum.  
The quorum necessary for the joint interim committee to transact business shall be a majority of the members from each house who are appointed to serve on the committee. Except as provided herein, a majority of the quorum may act on any matter. A majority vote of the appointed members from each house serving on the committee is required to sponsor legislation. A majority vote of the appointed members from each house serving on the joint appropriations committee or another joint interim committee considering the general appropriations bill or the state capital construction bill is required to approve amendments to those draft bills.
- E. Minutes.  
Minutes of any meeting of the joint interim committee shall be approved and signed by the secretary before distribution to and approval by the members of the full committee.



### III. ORDER OF BUSINESS.

#### A. Standard Order of Business.

1. Roll call.
2. Reading and approval of minutes.
3. Motion to reconsider.
4. Unfinished business.
5. Subcommittee reports.
6. New business.
7. Adjournment.

#### B. Motion to Reconsider.

A motion to reconsider or to rescind actions of the committee, unless made at the same meeting at which the action was taken, may only be made upon fifteen (15) days prior written notice to each member of the committee, stating what action is to be reconsidered or rescinded.

### IV. SUBCOMMITTEES.

#### A. Composition.

1. Membership on subcommittees shall be distributed among House and Senate members to ensure nearly proportional representation. Further, membership on each subcommittee shall be apportioned to reflect as nearly as possible the same percentage of the majority and minority political parties as on the joint interim committee.
2. Subcommittees shall have a number of members as designated by the full committee, but no subcommittee shall have less than three (3) appointed members.

#### B. Quorum.

A quorum of a subcommittee with an even number of members shall be one-half (1/2) of the members, who may act on any question. A quorum of a subcommittee with an odd number of members shall be a simple majority of the membership, who may act on any question.

#### C. Duties.

Subcommittees shall perform the duties assigned to them and shall report on all matters referred to them. Actions of a subcommittee shall be reported in the form of proposals or recommendations to the full committee only,

and shall have no force or binding effect except by action of the full committee.

D. Rules.

1. Rules relating to the full interim committee shall be followed by subcommittees, except with regard to a quorum.
2. Subcommittees shall not call public hearings without the prior approval of the interim committee or the interim committee chairman.

E. Meetings.

1. The chairman of a subcommittee shall schedule meetings only with the prior approval of the interim committee chairman.
2. The chairman of a subcommittee shall authorize and approve or disapprove all subcommittee expenditures and sign all vouchers for subcommittee expenses.
3. A member of the joint interim committee may attend a meeting of any subcommittee of the joint interim committee whether or not he is a member of the subcommittee, but the person shall not have a vote in any action of the subcommittee. The chairman of the joint interim committee may authorize payment of expenses to the person.

V. ATTENDANCE AT OTHER MEETINGS.

The chairman of the joint interim committee may attend or designate a member of the joint interim committee to attend meetings of interest or concern to committee activities.

VI. PROCEDURAL GUIDELINES.

Mason's Manual of Legislative Procedure shall govern procedural matters for the joint interim committee and its subcommittees not covered elsewhere in these rules.