

Response to “Gentlemen’s Agreement”

We do not support a special session for a myriad of reasons, and we do not support the process that you have outlined. We will talk about each below.

- 1) We leave dozens of bills unprotected from veto at the end of every session. After the 3rd to the last day of session, every passed bill beyond that point is subject to veto without our calendar allowing a veto override. In 2023, 44 bills were presented to the Governor after our time to override a veto, in 2022 that number was 59, in 2021 Budget Session it was 30, in 2020 General Session it was 103, and in the 2019 Budget Session it was 77 bills left unprotected. We even left bills in the Special Sessions of 2020 and 2021 unprotected. In the 2024 Budget Session we left 65 bills unprotected, nothing out of the ordinary. The only way to solve this issue is to become a full-time legislature, where we are in session all the time. However, we do not want to see Wyoming lose the best legislative process in the nation. Some have suggested we are abrogating our constitutional duty to protect our bills by not going into a special session. That is just incorrect. In fact, by not supporting a special session we are preserving our constitutional requirement to conduct ordinary business within 60 days over two years.
- 2) As a citizen legislature, we must prioritize the lives and commitments of our members and staff. Members have jobs, businesses, farms, ranches, medical appointments, elections, and interim work to balance. We realize we signed up for this job, and in an emergency we would all drop our lives and come to Cheyenne. However, the current circumstances do not qualify as an emergency. We can discuss and pass these bills in the next General Session.
- 3) While we appreciate the intent of the intricate process that was outlined, which included limited bills, limited debate, no amendments, introduction directly to COW, it results in no public participation. This may be efficient, but it undermines transparency and accountability of our legislative process, and we worry the process begins to look like what is happening in DC. In DC the bills are all cooked in advance, the votes are known in advance, the amendments, if any, are decided in advance and the debate is limited by ensuring the bill is filibuster proof. Do we want to turn the Wyoming legislature into DC style politics? We don’t think so, even if some are trying.
- 4) The proposed method of selecting bills for debate raises questions about fairness and transparency. Who will decide what bills will be debated? Is the list amendable? Do we really think members will stick with the limited list? We don’t believe we will find agreement on what bills should be debated, and the result will be a special session that has lots of bills filed and Pandora’s box opened. For example, do we want to open up the budget, because in the last few days we’ve heard rumblings that some do?
- 5) Further, enforcing voting obligations through signatures undermines the autonomy of elected representatives and raises constitutional concerns. Each member is duly elected and has a right to vote according to their conscience. Signing a pledge is abrogating our duties as a legislator and is completely unenforceable.
- 6) Last but not least is trust. While one bringer of the proposal has reached out after the proposal was released to discuss the concept, we do not have the trust built in these chambers to create any kind of “Gentlemen’s Agreement”. Further, there will be many members who never sign the agreement and will be free to do what they want. Will the body have the fortitude to resist? Our history shows that is unlikely, just as Senator Kinskey and Rep Tass brought a new bill to the 2020 session, after an agreement was reached to limit the bills, and parts of that bill got incorporated into another bill.

- 7) Ultimately, we are legislators, and we are going to legislate in a special session. Frankly, that is who we are, and to suggest differently is either naïve or disingenuous.

While we appreciate the intentions behind the proposal, we cannot support the outlined process, even though we voted for these bills. Veto letters have nuggets of good information and sometimes those bills could stand more public comment and work. Maybe you end up in the same place, but the public process and the debate are essential. We also do not support remote participation. Members, even seasoned members, forget they are on the big screen. We do not support a special session and remain no votes. Thank you.

Albert Sommers – Speaker of the House
Ogden Driskill – President of the Senate