

The information provided within this handbook is designed to provide commissioners with basic information on the commission, its role and responsibilities, to provide a basic background on the agency it exists to serve and to provide basic information regarding the legal and policy framework within which it functions.

The Department of State Parks and Cultural Resources is responsible for stewardship of Wyoming's identity, whether that identity is manifested in our love of recreation and the outdoors, our precious old west heritage, our 10,000+ years of prehistory, our colorful government history, or in harnessing the creativity of our people. We are a quality of life agency and the work we do and the services we provide help make our communities attractive places to conduct business, retain highly skilled workers and raise families who want to remain and invest in Wyoming.

Wyoming is unique in that we have a combined agency of State Parks and Cultural Resources. In most states these areas are separate entities with separate roles and responsibilities. Since reorganization of State Government in 1999 we have strived to integrate the programs into a first-class agency.

The State Parks and Cultural Resources Commission is a nine-member advisory board that was established by statute (W.S. 36-4-101 through W.S. 36-4-123). Members are appointed to five-year terms by the Governor according to Appointment Districts and must be confirmed by the Senate. The Commission meets quarterly to advise and provide informed guidance and consultation to the agency and its programs within the Cultural Resources Division, the Division of State Parks, Historic Sites and Trails, Outdoor Recreation Office and the Administrative Services Section.

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Department of State Parks and Cultural Resources:

Basic Overview

The Department of State Parks and Cultural Resources consists of approximately 161 full time, 11 permanent part-time, and 130-199 seasonal personnel. The department consists of one section and two divisions: the Division of State Parks, Historic Sites and Trails (SPHS&T), the Division of Cultural Resources and the Administrative Services Section which serves the entire agency and includes Human Resources, Accounting, Information Technology and the Public Information Office (PIO). The total operating budget and capital construction budget for the department for fiscal year 2019-2020 is \$59,068,277, of which \$31,579,206 were general funds.

The department's headquarters is located in Cheyenne, with State Historic Preservation and State/Archaeologist field offices in Laramie, Trails Program offices in Lander and State parks and historic sites located statewide. Our programs serve nearly 4,000,000 resident and non-resident citizen visits each year.

The State Parks and Cultural Resources Commission serves in an advisory capacity over all of the agency's programs.

Five primary functions of our department include:

1. Preservation and Education – Protecting and teaching Wyoming's important cultural resources
2. Construction, Maintenance and Planning – Providing high quality facilities for the public's enjoyment
3. Public Safety – Providing a safe and healthy environment for our visitors and staff
4. Customer Service and Outreach – Providing high quality access to Wyoming's cultural, natural and recreational resources, and opportunities
5. Economic Development – Supporting jobs, attracting businesses and generating revenue for the state of Wyoming and Wyoming communities

Section and Division Summaries

Administrative Services Section

The Administrative Services Section provides centralized internal and external administrative functions for each division of the Department of State Parks and Cultural Resources and the standard budget for this program has two components: the director's office and the general administrative services group. The director's office provides policy level support and leadership for the efficient and effective administration of the department's programs.

The majority of the section's resources are devoted to providing centralized general administrative services for the entire department. In addition, these functions support activities associated with the State Auditor's Office, State Treasurer's Office, Governor's Office, Attorney General's Office, Department of Enterprise Technology Services and the Department of Administration and Information. The centralization of the administrative support functions provides a standardized, consistent service to the departments seven other programs. Employees of the Administrative Services Section deal with the administrative details thus allowing the program managers the ability to focus on delivery of their services. The individual services are listed below with a brief description of each:

1. Budget/Accounting – collect revenues; disburse funds; prepare financial reports; monitor budgets,
2. Procurement/Contracts – procure goods and services according to state statutes and prepare the necessary contracts.
3. Human Resources – oversee personnel actions and compliance activities; process payroll and insurance actions.
4. Public Information Office – Administer the agency's public relations activities including press releases, PSA's, agency publications, advertising and multimedia products (video documentaries, radio programs, web podcasts, etc.).

Division of State Parks, Historic Sites and Trails (SPHS&T)

SPHS&T includes all Wyoming State Parks and Historic Sites and the State Trails Program, along with commensurate functions for grant program administration, planning, construction, and concession management. The division is responsible to provide outdoor recreation and leisure opportunities for citizens and visitors throughout the state. These opportunities exist in many forms of active recreational pursuits such as camping, hiking, boating, snowmobiling, swimming, fishing, bicycling and off-road vehicle recreation, as well as more passive activities such as sightseeing and wildlife and nature viewing. The Division is also charged with the preservation, interpretation and maintenance of the State's historic and archeological sites as well as more than 500 historical monuments and roadside markers.

The Division manages 11 state parks, 29 state historic sites/museums, one state recreation area, two state archaeological sites and one travel information center encompassing approximately 119,645 acres division wide along with programs for planning, construction, concessions, and

visitor use. Not all facilities are staffed by full-time personnel but are operated and maintained as "satellite sites" of the larger parks and historic sites. Other smaller properties ranging in size from one to twenty acres are also included within the system, but have not been developed.

The department's Special Revenue Account (SRA) and SPHS Enterprise funds (122 and E18 respectively) are included within the total budget.

A significant portion of fund 122 accounts for the fees charged for daily use and camping fees at state parks and historic sites. Of the total amount collected the agency is allowed to retain 100% of the proceeds to complete various major maintenance and interpretation projects at all of the sites as approved by the legislature

Fund E18 accounts for all of the revenues and expenditures generated from the management of the bison herds at the Bear River and Hot Springs State Parks, which include the sale of breeding stock and slaughtered animals, as well as the cost of feeding and vaccinating the herds. Fund E18 also accounts for the purchase and sale of merchandise at the resale stores at the Bear River, Curt Gowdy, Medicine Lodge, Pioneer Museum and Quebec 01 MAF sites.

Land and Water Conservation Fund program (LWCF) – The LWCF provides federal funds generated from lease revenues on off-shore drilling, to grant to communities throughout Wyoming for recreational facilities. Since the program's inception in 1965 the agency has distributed over \$39 million in federal pass through grant monies.

Wyoming State Trails Program (RTP) – The State Trails Program administers the Snowmobile Program, the Recreational Trails Program (RTP) Grant funds, the Off-Road Recreational Vehicle (ORV) Program, and works with the Wyoming State Trails Advisory Council to facilitate the management and development of other recreational trails throughout the state. With over 98% of the 8,500 miles of recreational trails in Wyoming being located on federal lands, the Trails Program does not directly manage the lands involved, but rather serves as a coordinator and facilitator for partnerships that provide trail maintenance, grooming, trail development and public information, including safety and educational documents and classes. The Snowmobile Program directly manages over 2,000 miles of snowmobile trails consisting of approximately 18 trail systems across the state.

Revenues generated for this budget include federal funds received from Federal Highway to run the Recreation Trails Program (RTP) and revenues from gas taxes and vehicle registrations. Currently, the gas taxes are distributed to the Trails Program from WYDOT annually.

Division of Cultural Resources

Administration - The Division Administrator's office is responsible for the effective and efficient operation of the six programs within the Division of Cultural Resources: the Office of the Wyoming State Archaeologist, the State Archives, the Wyoming Arts Council, the State Historic Preservation Office, the Wyoming State Museum and the Wyoming Cultural Trust Fund. The resources managed by the division are irreplaceable and are Wyoming's assets that contribute to and define the social, cultural and economic climate in Wyoming. Cultural resources are tangible items and diverse behaviors that define the character of human experience. Cultural identity is manifested in art, prehistoric and historic sites and artifacts, written records, and in the philosophies we as a people adopt to define our society and its values. When properly understood and managed, cultural resources embody an enduring legacy for present and future generations.

The Division is also served by several boards: the State Historic Records Advisory Board (SHRAB); the State Review Board on National Register Nominations; the Wyoming Arts Council Board; and the Cultural Trust Fund Board. Each program within the Division also maintains statewide networks including other museums, city and county governments, resource groups, academic institutions, and avocational societies.

Wyoming State Museum - The mission of the Wyoming State Museum is to serve as an educational, historical and cultural institution whose goal is to collect, preserve and interpret artifacts that reflect the human and natural history of Wyoming. One of only six nationally accredited museums in the state, the Wyoming State Museum administers the following programs: collections management, interpretation, education, and exhibition. The primary purpose of the Museum is to nurture both knowledge and appreciation of the historical and cultural heritage of Wyoming. To fulfill this purpose, the Museum collects, preserves, interprets and exhibits the historical and cultural materials of the state for the education of citizens and visitors alike. The staff of the Museum offers technical assistance to other Wyoming Museums, educational institutions and public and private groups.

The Wyoming State Museum staff is responsible for the conservation, inventory and preparation of the artifacts and objects for exhibit in the Museum and for loan and exhibition to the State Historic Sites and other Wyoming museums and/or local, regional and national institutions. The Museum's staff provides technical assistance, traveling educational exhibits, traveling discovery trunks, a monthly lecture series and regularly scheduled pre-school, elementary and secondary school programs as part of its customer service. The Wyoming State Museum Store provides educational items and souvenirs for purchase to visitors as part of the mission of the Museum. The commission from these purchases supports artifact conservation and programming in the Wyoming State Museum.

Office of the Wyoming State Archaeologist (OWSA) – The Office of the Wyoming State Archaeologist (OWSA) investigates archaeological discoveries, carries out archaeological surveys, publishes reports of findings, and cooperates with communities and agencies in efforts to promote and preserve the archaeological heritage of the state. The office also works to maintain and improve interagency cooperation between state and federal agencies that are involved in archaeological research and regulatory compliance. Public outreach and education

enrichment is a primary and important function of the office. Cooperative efforts exist between OWSA and numerous state and federal agencies including a formal, long-term relationship with the University of Wyoming Department of Anthropology.

OWSA also manages one of two federally recognized repositories in the state for archaeological collections containing in excess of 2 million items from more than 18,000 sites collected from federal, state, and private lands. OWSA consists of two related sections, each of which is supported by a different funding source. These two sections are: (1) Research/Collections (unit 0215), and (2) Archaeological Survey (unit 0216).

Office of the Wyoming State Archaeologist (OWSA) - Archaeological Survey – The Office of the Wyoming State Archaeologist (OWSA) investigates archaeological discoveries, carries out archaeological surveys, publishes reports of findings, and cooperates with communities and agencies in efforts to promote and preserve the archaeological heritage of the state. The office also works to maintain and improve interagency cooperation between state and federal agencies that are involved in archaeological research and regulatory compliance. Public outreach and education enrichment is a primary and important function of the office. Cooperative efforts exist between OWSA and numerous state and federal agencies including a formal, long-term relationship with the University of Wyoming Department of Anthropology.

Funding for this program is from billable hours (Internal Fund revenue source 5903-Charges for services rendered).

Wyoming Cultural Trust Fund – In 1998, the Wyoming Legislature, recognizing that Wyoming and its people possess a unique cultural heritage, created the Wyoming Cultural Trust Fund Act (Chapter 2, Article 23, Session laws of Wyoming, 1998 and reorganized in 2005). The mission of the Wyoming Cultural Trust Fund is to serve the citizens of Wyoming by supporting Wyoming's culture and heritage through grant funding of innovative projects for the enjoyment, appreciation, promotion, preservation, and protection of the state's arts, cultural and historical resources; and to support and invest in Wyoming institutions that help further this mission.

Since the legislature provided initial funding in 2005, the corpus has grown to \$15.4 million, generating approximately \$400k in interest earnings that are granted by the board every year.

The State Historic Preservation Office (SHPO) – The SHPO is funded by a grant from the U.S. Congress that is administered as a pass-through grant by the National Park Service. This grant requires the state to provide 40% matching funds and Wyoming uses a combination of general fund, file search fees (from the use of the database and geographic information system), competitive grants programs, agency data sharing and cooperative agreements, and some in-kind match.

The SHPO is required to fulfill requirements of the National Historic Preservation Act (NHPA) and must pass 10% of this federal grant fund to local governments with historic preservation commissions. The SHPO is required to keep a statewide inventory of historic resources; nominate important sites to the National Register of Historic Places (NRHP), prepare and implement a statewide historic preservation plan; advise and assist state and federal agencies in

carrying out their historic preservation responsibilities; provide education, training, and technical assistance; cooperate with local governments in developing historic preservation programs; consult with federal agencies on undertakings that may affect historic properties; and administer, advise and assist in the application of federal historic preservation federal tax credits. The SHPO actively works with local communities, historic preservation interest groups and the public to help preserve Wyoming's archaeological and historic resources.

Wyoming Arts Council – The mission of the Wyoming Arts Council is to provide leadership and invest resources to sustain, promote and cultivate the arts. The arts council is guided by a 5-year strategic plan that is approved by the National Endowment for the Arts and developed in collaboration with the Governor-appointed ten member advisory board, staff, and communities across the state. The arts council has eight full time staff positions and offers programs, grants, and services in: Folk and Traditional Arts; Health and Wellness through the Arts; Community Development and Diversity, Equity and Inclusion initiatives; Art in Public Buildings (statutory authority W.S. 9-2-901 through 9-2-911); fellowships, professional development for artists, arts advocates, and art administrators; Arts Education; Poetry Out Loud; and special events including the annual Governor's Arts Awards, and a biennial arts conference.

The arts council is supported by the State of Wyoming general fund appropriation, an annual federal partnership grant from the National Endowment for the Arts, and occasional funding from the Western States Arts Federation, along with various private donations and registration funds for its special events and projects. The National Endowment for the Arts funding requires at least a 50/50 cash match from the State of Wyoming, which comes from the general fund appropriation.

Wyoming State Archives – The mission of the Wyoming State Archives is to ensure that all citizens have ready access to the essential documentary resources reflecting Wyoming's history and governmental functions – the state's institutional memory. According to statute, all public records belong to the state and the Archives is responsible for their management, whether in physical or digital format. It secures and makes accessible state and many local records in a central archives. The staff of its Records Management Unit develop retention requirements which allow significant cost savings in office and online storage by ensuring that vital records are preserved and non-essential records can be securely destroyed once they have reached the end of their legally approved retention periods. The State Records Center offers cost-effective storage for state agencies' non-permanent paper records.

The State Archives manages a centralized digitization program for both paper and microfilm through its State Imaging Center. It also operates the Digital Archives, which offers a secure means for agencies to store their permanent and non-permanent electronic records. The system's records management component ensures that records are kept no longer than legally necessary, to limit risk and long-term digital storage costs. Access can be limited to specific staff or available online to the public, as appropriate. The latter reduces the need for special public records requests.

The State Archivist chairs the State Records Committee, which legally approves all records retention requirements, and the State Historical Records Advisory Board (SHRAB) which administers programs statewide with grant funds from the National Historical Publications and Records Commission (NHPRC). These funds are used to encourage greater access to historical records via digitization projects and to provide records training throughout the state by partnering with various local organizations.

The State Archives also maintains historical records donated by businesses, organizations, and private citizens, including historic photographs and other visual resources. These collections, as well as state records, can be discovered via the revamped website and provide a rich resource for study and research. Reference archivists answer requests for vital documents such as school transcripts and court files, as well as responding to academic inquiries and general questions from the public. Reproductions are made for the public at or below cost. To further encourage exploration and use of its collections, the State Archives maintains a presence on Facebook, Twitter, Pinterest, and Instagram, and publishes occasional blog posts on interesting collections and historical topics.

Policies

The Department of State Parks and Cultural Resources policy manual, as well as the new policies that have been established since the manual was released, can be located on the agency Intranet site at the following link: [SPCR Intranet Weblink](#)

Agency Planning Documents

Each year the department completes an annual report (Attachment A) and each biennium a strategic plan (Attachment B). The requirements for each of these documents are set by statute.

Rules and Regulations

Agency rules and regulations can be viewed at the following link:

<https://www.wyoleg.gov/StateStatutes/Rules/2019>. Search for the agency “State Parks and Cultural Resources Department”, and select the current Rule and Regulation you would like to view.

Commission and Department State Statutes

W. S. 36-4-101. Commission established; composition; appointment and terms of members; removal; representation from appointment districts; vacancies; meetings; president.

(a) There is established the Wyoming parks and cultural resources commission within the department of state parks and cultural resources which shall consist of nine (9) members, citizens of Wyoming. Not more than seventy-five percent (75%) of the members shall be from the same political party. Commission members shall be appointed by the governor, by and with the advice and consent of the state senate, and may be removed by the governor as provided in W.S. 9-1-202. Appointments made between sessions of the legislature shall be made in accordance with W.S. 28-12-101. In addition, the governor is an ex officio member of the commission.

(b) The term for commission members is five (5) years, and shall expire on March 1, providing that the terms of the members first appointed shall be staggered as follows:

- (i) Three (3) members shall be appointed for a term of two (2) years;
- (ii) Three (3) members shall be appointed for a term of four (4) years; and
- (iii) Three (3) members shall be appointed for a term of five (5) years.

(c) Each appointment district pursuant to W.S. 9-1-218 shall at all times be represented by at least one (1) commissioner who is a resident of that district.

Added for reference:

District 1 –Laramie, Goshen and Platte County

District 2 – Albany, Carbon and Sweetwater County

District 3 – Lincoln, Sublette, Teton and Uinta County
District 4 – Campbell, Johnson and Sheridan County
District 5 – Big Horn, Hot Springs, Park and Washakie County
District 6 – Crook, Niobrara, and Weston County
District 7 – Natrona, Fremont and Converse County
2 at-large members

(d) All vacancies occurring on the commission shall be filled by the governor in accordance with W.S. 28-12-101.

(e) The first meeting of the commission shall be at the call of the governor. Thereafter, the commission shall meet at least once every three (3) months. Other meetings may be held at the call of the president of the commission, the governor or a majority of the commission members.

(f) At the first meeting of the commission and thereafter at the regular September meeting of each year, the commission shall elect one (1) of its members president who shall hold his office for a term of one (1) year. If a vacancy occurs in the office of president, the commission shall elect a member of the commission to serve as president for the remainder of that term.

(g) Effective July 1, 1979, appointments and terms under this section shall be in accordance with W.S. 28-12-101 through 28-12-103.

(h) Any statute or legal or other document which refers to the Wyoming recreation commission established under subsection (a) of this section, as existing on and after April 1, 1990 and serving in an advisory capacity to the department of state parks and cultural resources, means the Wyoming parks and cultural resources commission which is the successor to the recreation commission, as existing on and after April 1, 1990.

The following statutes require the Department of State Parks and Cultural Resources, IN CONSULTATION WITH THE COMMISSION, to accomplish the specific requirements. Statutes can be viewed at this link: [Wyoming State Statutes](#)

W.S. 9-2-401 through 9-2-419 – State Archives, Museums and Historic Department

W.S. 9-2-407 (b) – Designation of State Archivist

W.S. 9-2-901 through 9-2-911 – Wyoming Arts Council

W.S. 9-2-1701 through 9-2-1708 – Reorganization of State Government

W.S. 9-2-2017 – Department of State Parks and Cultural Resources Creation

W.S. 9-2-2301 through 9-2-2308 – Wyoming Cultural Trust Fund Act

W.S. 11-10-113 through 11-10-114 – Wyoming Pioneer Memorial Museum

W.S. 16-6-801 through 16-6-805 – Works of Art in Public Buildings

W.S. 18-10-104 – Consultation with County Museums

W.S. 23-4-201 – Aquatic Invasive Species (Joint Rulemaking with Game and Fish)

W.S. 24-14-101 through 24-14-102 – State Parks Road Program

W.S. 27-14-108 – Worker’s Compensation (SPCR Volunteers)

W.S. 31-2-401 through 31-2-409 – Snowmobiles

W.S. 31-2-701 through 31-2-707 – Off-road Recreational Vehicles

W.S. 36-1-114 through 36-1-116 – Wyoming Antiquities Act
W.S. 36-4-101 through 36-4-123 – State Parks and Cultural Resources
 W.S. 36-4-106 (d) – State Archaeologist
 W.S. 36-4-121 – Enterprise Fund
W.S. 36-8-103 through 36-8-107 – State Parks and Reserves – In General
W.S. 36-8-301 through 36-8-320 – State Parks and Reserves – Hot Springs State Park
W.S. 36-8-501 through 36-8-502 – State Parks and Reserves – South Pass City Historical Site
W.S. 36-8-601 through 36-8-602 – State Parks and Reserves – Curt Gowdy State Park
W.S. 36-8-701 through 36-8-702 – State Parks and Reserves – Sinks Canyon State Park
W.S. 36-8-801 – State Parks and Reserves – Fort Fred Steele State Historical Site
W.S. 36-8-901 through 36-8-902 – State Parks and Reserves – Bear River State Park
W.S. 36-8-1001 through 36-8-1002 – State Parks and Reserves – Wyoming Territorial Prison
W.S. 36-8-1203 through 36-8-1204 – State Parks and Reserves – Designated Transfer of Lands
W.S. 36-8-1401 through 36-8-1403 – Wyoming Historic Mine Trail and Byway
W.S. 36-8-1501 – Other Designations
W.S. 39-14-801 – Severance Tax Distributions
 W.S. 39-14-801 (e)(iv) – State Parks Road Account Distribution
W.S. 39-17-111 – Gasoline Tax
 W.S. 39-17-111 (c)(ii) – Snowmobile Gas Tax Distribution
 W.S. 39-17-111 (c)(iii) – Motor Boat Gas Tax Distribution
 W.S. 39-17-111 (c)(iv) – Off Road Vehicle Gas Tax Distribution

Director and Department Authority

Agency Authority – The Recreation Commission was created in 1895, and reorganized July 1, 1999 as the Department of State Parks and Cultural Resources.

Director Authority - W.S. 9-2-1706

(a) A department director shall be appointed by the governor, with the advice and consent of the senate. His term of appointment expires at the end of the term of office of the governor during which he was appointed, unless sooner removed.

(b) A department director serves at the pleasure of the governor and may be removed by him as provided in W.S. 9-1-202. Department directors are not subject to the state compensation or personnel system as conditions of their own employment but are otherwise state employees.

(c) Department directors:

(i) Shall:

(A) Serve as administrative head of the department for which appointed;

(B) Appoint administrators of divisions within the department;

(C) Take the final agency action with respect to all matters, except as otherwise specifically provided by law;

(D) Upon initial appointment prepare a department reorganization plan for submission to the legislature at the budget or general session occurring in the calendar year following the creation of the department. The director shall hold public hearings to receive information to assist in developing the plan.

(ii) May, after implementation of the department's reorganization plan:

(A) Remove administrators at will;

(B) With the approval of the governor, transfer functions or programs within the department, or reorganize the department within the limitations established in the budget and the department reorganization act.

(d) Administrators shall be appointed by and serve at the pleasure of the department director and may be removed by him at any time without cause.

The SPCR Director oversees the Accounting, Human Resources, Information Technology and Public Information Sections, and the two divisions - 1) State Parks, Historic Sites and Trails, 2) Cultural Resources – which includes State Museum, Archives and Records, State Historic Preservation Office, Archaeology, and Arts Council. The department's headquarters is located in Cheyenne, with field offices in Laramie and at state parks and historic sites located statewide.

General Commission Information

New Commissioner Orientation

As soon after a Commissioner is appointed to the commission in March, the department will schedule a new commissioner orientation either in conjunction with the next regularly scheduled meeting, or on a separate date. At this meeting the new commissioner will be provided information on the agency, as well as completing any necessary documentation.

Secretary to the Commission

The State Parks and Cultural Resources Director's Executive Assistant will act as secretary to the commission and make all meeting arrangements, take and transcribe minutes, and complete any financial documents, such as travel reimbursement.

Commission Meetings

The Commission shall meet as provided by law and at its pleasure. Generally, Robert's Rules of Order and the following procedures shall guide proceedings:

- Actions shall require a quorum of members.
- Members may place items on meeting agendas by notifying the Director ten working days before the meeting.
- Business at special meetings is restricted to the purposes for which the meetings are called.
- When possible, yearly dates and meeting locations dates should be scheduled to allow for adequate planning. The commission will be provided key dates for the upcoming year, known deadlines, annual objectives, etc.

Proposed Commission Business – The commission expects the Department staff to review and discuss items of business before such items are placed on the agenda for a meeting.

Commission Reports – Commission members will make reports at the regularly scheduled Commission meetings on activities that have taken place in their respective districts, as well as involvement with the assigned functions of the department.

Travel Reimbursement

Members of the commission shall not receive compensation for their services, but when actually engaged in the performance of their duties, they shall be paid a per diem for each day of such actual service and be reimbursed for their travel expenses at the same rate applicable to travel expenses (meals, lodging and mileage) of other state officers. Commissioners may also be reimbursed for one-day meal expenses. Any out-of-state travel requires prior written submission and approval of form A&I-25 to the Director. Reimbursement for Commissioner travel for approved agency business outside of regular meetings will be contingent upon available budgets and will need to be approved in advance by the Director.

Working with the Media

The media is a powerful tool, when used properly, and can inform stakeholders about resources and agency activities. The media can reach constituents who cannot be reached in any other way.

A few tips:

- If you are contacted by a reporter, tell them you'll call them back. Then call the Director on his cell phone for advice.
- Never, ever talk with a reporter "off the cuff" – always postpone the interview until you are ready.
- When talking to a reporter – **NOTHING IS OFF THE RECORD!** If you do not want it repeated, do not say it. Assume that all telephone calls from reporters are being recorded.
- In a TV interview, make your point as briefly and clearly as possible.
- Do not make "cute" or off-color statements, do not use inappropriate language, and do not offer personal opinions to a reporter. Remember who you are and whom you represent.
- Never say "no comment." The reporter will assume you have something to hide. If you cannot answer a question because you have no knowledge on the subject or if it is a sensitive issue, tell the reporter why you cannot answer and refer him or her to the Director. Be helpful in retrieving information whenever possible.
- Always get your story out first. If there is an important point you want to make in an interview, emphasize it and repeat it often. Try not to let the reporter pull you off point or lead you in a direction you do not want to pursue.
- Do not show favoritism to any reporter.
- Have prior notice of any interviews, get organized, and be in charge of the situation.
- Always be 100% accurate and honest in dealing with the media.
- Certain kinds of issues should not be discussed with the media. Some examples are: sensitive law enforcement cases, real estate acquisition negotiations, personnel matters, pre-decisional information, and speculative questions such as "what if." Make sure the reporter understands why you cannot answer the question and put them in contact with someone who can.

State of Wyoming Email Policy

The State of Wyoming e-mail system is for official business only and all messages sent or received on the system are the property of the State of Wyoming and are subject to public inspection. It is your responsibility to read and understand the State of Wyoming Email Policy (Attachment C).

Summary of Agency Boards and Commission

There are six appointed advisory boards or commissions attached to the agency and several of its programs. They include:

The Department of State Parks and Cultural Resources Commission – Nine member advisory commission established by statute. Appointed by the Governor according to Appointment Districts, approved by the Senate. Meets at least quarterly. Advises the agency on all matters relating to the agency’s work and mission. [SPCR Commission website](#)

The Wyoming Arts Council Board – Ten member advisory board established by statute. Appointed by the Governor, approved by the Senate. Meets quarterly. Advises the Arts Council on the budget, approving grants to nonprofit arts organizations. [WAC Board Website](#)

State Historical Records Advisory Board (SHRAB) – Thirteen member advisory board, appointed by the Governor, consisting of government records managers and experts. Determines federal grant award funding to Wyoming government entities. Funded by the National Historic Publication and Records Commission (NHPRC). [SHRAB Website](#)

State Review Board – Advisory board of no less than nine members. Reviews applications for listings of properties on the National Register of Historic Places. Funded by the National Parks Service through the National Historic Preservation Act. [State Review Board website](#)

Trails Advisory Council – Ten member council, appointed by the Governor and consisting of representation from motorized and non-motorized trails constituencies. Determines Recreational Trails Program (RTP) grant awards to Wyoming. Funded by RTP through the Federal Highway Administration. [Trails Advisory Council website](#)

Wyoming Cultural Trust Fund Board – Six member advisory board appointed by the Governor, approved by the Senate. One member is nominated by the State Parks and Cultural Resources Commission; two members are nominated by the Wyoming Arts Council; and two members of the National Register Review Board. The sixth member is an ex-officio and is the Deputy Director, Cultural Resources. Determines grant awards through the Trust Fund to WY nonprofits, government entities. [WCTF Board website](#)

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*The following sections from the “State of Wyoming Board Handbook” published by the Governor’s Office in 2012 are provided as a guiding resource for the Commission.

Board Member Duties and Obligations^[i]

As representatives of Wyoming, board members carry out all duties which the Legislature has assigned to the board.

Service on the board is an immense responsibility to Wyoming and the people of Wyoming. Board members carry out their duties reasonably, honorably and ethically, granting no special favors to any person. Boards should strive to treat every situation in a fair and consistent manner. As a matter of fact, the law requires no less.

Board members of public agencies, like a board of directors for a corporation, are the human embodiment of the entity they represent and govern. As such, it is important to understand the roles and responsibilities you accepted when you agreed to serve on the board or commission for the State of Wyoming.

There are six basic obligations of board members:

1. Conduct business in legal and ethical ways
2. Set and/or maintain a meaningful strategic direction
3. Provide financial stewardship
4. Provide for board development and succession
5. Maintain a meaningful board structure that advances the purposes of the agency
6. Advocate for the agency

Legal and Ethical Duties and Responsibilities^[ii]

Your primary responsibility is to ensure compliance with the legal and ethical obligations of the board, including any related agency.

Regardless of the type of board or commission on which you serve, your legal obligations are determined by:

- Law - including the Wyoming Statutes, as well as law developed by the Wyoming Supreme Court.
- Rules, regulations and by-laws (if they exist)
- Executive orders
- Written policies and procedures

You need to be familiar with all of these. If you are a new board member, you should try to become as informed as possible regarding the laws that govern your board, as well as your board’s legal obligations. It’s a good idea to review the statutory and regulatory requirements as well as the written policies and procedures and executive orders on at least an annual basis.

The duty of care requires leaders to fulfill their responsibilities in good faith and with diligence, attention, vigilance, and skill.

Next is the duty of loyalty. The duty of loyalty means placing the interests of the agency before personal interests. This means you must:

- Adhere to the conflict of interest policy for your agency
- Avoid using the agency position for personal gain
- Maintain confidentiality on matters that are confidential; and
- Maintain unanimity in public

Finally, the duty of obedience entails carrying out the agency's mission while complying with laws, statutes, executive orders and any other governing documents your board has adopted. This means you should:

- Read the statutes and rules that pertain to your board and agency
- Examine all documents that govern the agency
- Be informed on regulatory and reporting requirements

Advocate for the Agency^[iii]

Since you know you are considered an ambassador of the State to the people of Wyoming, it should come as no surprise that you are expected to speak up on behalf of the agency you serve.

Individual board members should:

- Be able to clearly articulate the agency's purpose and importance to the community.
- Influence the broader political and economic environment in which the agency operates – but without participating in lobbying activities.
- Promote understanding of the agency's direction and operation to the public.
- Seek out opportunities to talk about the agency's services.
- It is common for board members to misunderstand and even fear the idea of advocacy. Once you understand what you are being asked to do – that is, to speak confidently and authoritatively about your agency's good work and positive impacts – you should be happy to do so. It is one of your responsibilities.
- When the organization has a good story to tell and puts it to writing so all board members can see it and rehearse, then the benefits of having the story told by board members who are also friends, neighbors and colleagues of the people to whom they tell the story are nearly immeasurable. Advocacy done well is the best advertising and public relations the organization can hope to have.
- The next step in advocacy is telling the story to lawmakers and others who can influence laws and funding streams that will help the organization. If board members first rehearse the “just talking to the neighbors across the fence” presentation, then it is less stressful for them to tell the story to influencers.
- Ways to help the board prepare to advocate for the agency:
- Create an “elevator speech” to tell the agency's story. Take 15 minutes at a board meeting to run through the speech.
- On a weekly or monthly basis, the director should create positive talking points regarding how the agency is doing and send them out to the board.
- Provide opportunities for the board to learn how to effectively advocate for the agency's mission on a political level.

- Have the board set up opportunities for the executive director or other staff to speak at organizations in which they are involved (e.g., Rotary).
- Provide opportunities for the board to become fluent in the mission, vision, and work of the agency so that they are able to speak at events. Review the mission, vision and work at board meetings.

Embracing and carrying out these seven broad obligations or responsibilities of all boards will help you be a more effective member of a State board, and in fact, will help you be a solid member of any type of board on which you serve.

Public Meetings^[iv]

The purpose of Wyoming's Public Meetings Law, Wyoming Statutes § 16-4-401, is to allow for the public to attend any meeting that the law requires be open to the public and to ensure transparency in the transaction of public business. The underlying concept is transparency in the governmental decision making process. There are many stories in the press that have highlighted the need for understanding the basics of this legislation. To keep yourself and your board out of the media spotlight, and to avoid fines or legal action, remember these three requirements:

1. **All meetings of the governing body of an agency are open to the public**, although there might be portions of the meeting that are lawfully closed to the public – such as, executive sessions.
2. **The public must be given advance notice of these meetings.** The law was modified in 2012 to specify how you notify the public of the meeting, and in some instances, how much notice is required. You are expected to adhere to those standards, and when the circumstances of your particular meeting may not be covered, to take appropriate action to ensure adequate notice.
3. **Minutes must be taken at all meetings**, and those minutes need to be available for the public to review.

There must be a quorum of qualified board members at each meeting. Your rules may specify how many members are required to comprise a quorum. No official actions can be taken or decisions made at your meetings without a quorum present.

Your board may participate in several different types of meetings. Each meeting's purpose will define notification requirements and next steps following decisions.

Regular meetings require standard advance notice as to time and place. These are public meetings where normal business is conducted. Minutes must be taken and made available to the public.

Special meetings may be called to address specific business only. The purpose of the meeting must be provided in the public notice.

Emergency meetings may be held with little notice. While an emergency meeting may be called with little or no notice, any action taken at an emergency meeting **must be reconsidered at a public meeting within forty-eight hours** in order for the action to become permanent. For public meetings that provide follow-up to emergency meeting, be sure proper notice of the meeting is published, allowing the public its opportunity to attend.

The only valid exception to holding public meetings is the executive session. Executive sessions may be allowable to consider such issues as hiring or firing, individual licensing issues, national security, and certain specified confidential matters. Licensing boards may convene an executive session to consider the right of a professional person to practice. Executive sessions are

appropriate when hearing complaints or charges relevant to the board, or to discuss pending litigation to which the board is a party.

If a motion is made, seconded and carried during a meeting, the board members may go into executive session. At this point, the meeting is no longer public. Minutes are still taken, but they cannot be published absent a court order. While deliberations can take place in executive session, your board's action after deliberation must be made in open session.

The ability to attend public meetings is a basic tenet and right of Wyoming citizens, so tread lightly when deciding to go into executive session. If you have any questions about the legality of holding an executive session, please contact your assigned member of the Attorney General's office.

The underlying principle of the public meetings act is that state business is conducted in public, with members of the public having free access to the transaction of that public business.

Wyoming Statutes § 16-4-403 states:

All meetings of the governing body of an agency are public meetings; open to the public at all times, except as otherwise provided. No action of a governing body of an agency shall be taken except during a public meeting following notice of the meeting in accordance with this act. Action taken at a meeting not in conformity with this act is null and void and not merely voidable.

To ensure the actions taken by your board are performed legally, remember to follow the basic rules of the Public Meetings Act.

To locate a full version of the Public Meetings Act, go to <http://legisweb.state.wy.us/> and enter 16-4-401 in the search box.

Attachment D is a revised summary of the Public Meetings Act that has been prepared by the Wyoming Office of the Attorney General.

Parliamentary Procedure^[v]

Board meetings are official governmental events, formally conducted under Robert's Rules of Order or other guidelines adopted by the board. The basic concepts of parliamentary procedure are intended to ensure a legitimate meeting, conducted in an orderly fashion. They are **designed to permit an organization to perform the duties assigned in a manner that is consistent and supportable**. Parliamentary procedures implement such basic ideas as:

- Considering only one matter at a time
- The right of the majority to rule
- The right of the minority to be heard
- The right of absent members to be protected

Rules of parliamentary procedure also seek to enable the organizations to:

- Make informed decisions and take judicious actions
- Entertain free and impartial debate
- Conduct board business within a reasonable length of time
- Conduct meetings with justice and fairness
- Exercise courtesy to and from participants at all times

Some of the rules set forth by Robert's Rules, specifically, are that **a board must have a quorum in order to conduct board business**. Quorums can be defined differently by the board. **Often a quorum is a simple majority of the board members**. That is, if four members of a six-member board are present, a quorum exists. **Agencies may, however, in their rules and regulations or bylaws, define a quorum to be something greater than a simple majority of the members**.

When agency boards seek to take action, they do so by:

- Making a motion
- Having that motion seconded
- Entertaining debate on the matter
- Voting

The board chair or president will manage the procedural course of events and can suggest proper language for a motion. The chair should remain impartial in order to give all sides equal opportunity to advance their ideas. The impartiality required of the presiding officer precludes exercising the rights to make motions or speak in debate while presiding, and also requires refraining from voting except a) when the vote is by ballot, or b) whenever his or her vote will affect the result. Occasionally, a chair or president may vote to break a tie, or, conversely, to produce a tie result, but it is not mandatory that the chair or president vote in such situations. **A tie results in a failed motion.**

Motions may be amended. The board may then vote on the amended motion, but proper procedure needs to be followed in forming the amendments. Once a motion is properly on the floor, it can only be disposed of through a vote or through a withdrawal of the amendment by the person who originated the motion.

In most cases, abstentions have no effect on the outcome of a vote, since what is required is a majority of votes *cast*. On the other hand, if passing a measure requires a majority of the members *present*, or a majority of the entire *membership*, an abstention will have the practical effect of being a “no” vote. In all cases, however, an abstention is **not a vote and is not counted as a vote**.

Whether your board adopts Robert’s Rules or another authority, or develops its own guidelines, it is imperative that meetings are conducted in an orderly manner, befitting the weight of the matters that come before State boards and commissions.

There are a number of resources available that provide Robert’s Rules in plain English. It is important that you take time to learn the rules of parliamentary procedure and that you encourage your fellow board members to use them and abide by them. They ensure productive meetings.

<http://www.robertsrules.com>

<http://www.robertsrules.org>

<http://www.robertsrules.org/motions.htm>

<http://www.portlandonline.com/oni/index.cfm?a=22969&c=29020>

Ethics^[vi]

Your work as a State board member is partially governed by the Ethics and Disclosure Act, found at **Wyoming State Statutes 9-13-101**. You can review the entire statute by going to <https://wyoleg.gov> and then entering the statute number, **9-13-101**, in the search box.

In particular, section 9-13-103 makes it clear that **board members should never use their appointment as a vehicle for personal profit or benefit.**

Wyo. Stat. § 9-13-103:

“No public official, public member or public employee shall use his office or position for his private benefit.”

Wyo. Stat. § 9-13-103 addresses **nepotism**. It prohibits a board member from participating in any action which might benefit or harm a member of his or her family.

Wyo. Stat. § 9-13-104:

No...public member...shall advocate or cause the employment, appointment, promotion, transfer or advancement of a family member to an office or position of the state, a county, municipality or a school district...

a...public member...acting in his official capacity, shall not participate in his official responsibility or capacity regarding a matter relating to the employment or discipline of a family member

Statute goes on to clarify **that it is considered misuse of *office* if you use your power to benefit *any person* in a way that is not authorized by law.**

As a board member, you are expected to keep **confidential any decisions or other official information that is not generally available to the public or authorized by law.** Remember your public trust, and do not discuss confidential information in public or in private with anyone but your fellow board members or agency director. As the saying goes, “If in doubt, don’t.” If you need clarification, seek it. Consult your assigned member of the Attorney General’s Office when needed to clarify your position.

Recusal

Recusal occurs when you decline or should decline from participating in a board decision because of some special interest or relationship that might be perceived as not permitting you to exercise fair or independent judgment.

In general, best practice is to recuse yourself whenever an action before the board affects a family member. Sometimes, though, you may find that you need to balance this condition against your responsibility to perform your official duty. If your recusal is going to destroy the board’s ability to function, for instance by not being able to meet your quorum, you could try this:

- Clearly state for the record what your interest is, and that your recusal would destroy the board's ability to perform its official function;
- State for the record your ability to vote impartially and fairly on the matter in question.

When in doubt you should recuse yourself unless doing so destroys the board's ability to move forward.

Board members found in violation of ethical standards, can be fined up to \$1000. While board members cannot be impeached, they can be removed from service by the Governor. You are appointed by the Governor and you serve at his pleasure. If you are removed, you have no recourse, and you are not entitled to notice of the impending removal.

Please use the above reminders as tools if you find yourself questioning how to handle a situation.

Executive Order 1997-4

In prior sections of this handbook, we have provided information about some of the statutes, rules and policies that govern State boards and commissions. Another source of legal guidance for your board's functions is by an executive order. Executive order 1997-4 is one such order. The order was created and signed by Governor Geringer in 1997.

This executive order is your code of ethics as a public board member. Its stated purpose is to remind you to serve with integrity and to avoid impropriety or the appearance of impropriety. The agency on whose board you serve is aware of this code of ethics and understands its responsibility to uphold it.

Executive Order 1997-4 (Attachment E) in its 'general responsibilities' list requires you to:

- Uphold the U.S. constitution
- Uphold the Wyoming constitution
- Abide by the laws of the United States and of Wyoming

Going to the next articulated layer of obedience, **it requires you to carry out the policies and objectives of the State.**

It further states that public employees, including board members, should:

- Work cooperatively
- Protect and conserve Wyoming's property
- Be honest and fair
- Strive to be honorable, courteous and dedicated to advancing the public good

Finally, it states that public employees should **avoid conduct that compromises the integrity of the public office or creates the appearance of impropriety.**

The order **outlines prohibited activities**. While these have been covered in the prior sections of the handbook, including conflicts of interest and ethics, you should nonetheless read them in the Executive Order to cement them in your mind.

The order **prohibits abuse of power** and gives examples of it. It **prohibits activities which are incompatible with your public duty**. These activities include accepting a fee or gift when it would create an appearance of a conflict of interest.

In section seven, the order outlines allowed activities; and then in section eight outlines how to request approval for activities.

Again, as a dedicated steward of the organization you serve, it is your responsibility to read Executive Order 1997-4. If you have any questions, bring them up with the board and staff.

Conflicts of Interest^[vii]

Chances are that you were selected to serve on the board at least in part by virtue of your experience or expertise in the area served by or related to the agency. While your personal or professional knowledge as a subject matter expert may be helpful to the agency, it may also be what leads to an unintended conflict of interest.

Wyoming is a relatively small state. It is common for residents to know other residents from across Wyoming. This is notably true within certain businesses, industries or professions. Sometimes simply knowing someone else involved in the business, industry or profession your agency oversees can be viewed as creating a conflict of interest, but not always. **Ultimately, it is the appearance of impropriety that is the larger concern.** Minor conflicts, such as being acquainted with someone in the business or profession, generally will not prevent you from participating in actions or decisions as a member of your board.

How to Avoid Conflicts of Interest

A conflict of interest arises when a person with official influence on an outcome has enough of a private or personal interest in the matter to appear to make it difficult to remain objective. Notice that it only needs to be an appearance of conflict in order to make it necessary for board members to step away from discussion and voting on an issue. This is known as recusal or recusing oneself. Be aware that in certain contexts, such as a hearing, your personal knowledge of or connection to a person or a circumstance related to the subject of the hearing could be a basis to disqualify you from acting.

There are two primary issues: The first is **basic fairness**. For example, if you are among the board members hearing a case, **“basic fairness” means that you have the ability to make an objective and impartial decision.** The second is avoidance of prejudices or biases that could improperly influence a potential decision. This occurs when you **possess information that is not commonly known and has a possible adverse effect.**

How can you know when you have or appear to have a conflict of interest? To explore that question, let's look at an obvious example.

Let's say the board you are on licenses lawn mowing service providers. One day, in your board packet, you receive an application for license renewal from the lawn mower that ruined your lawn by using an unwashed blade, thus spreading a fungus. The whole neighborhood and most of your co-workers know how unhappy you were. This is a case where you appear to have a conflict because you possess information that could have an adverse effect on the outcome of the hearing.

Now let's say that no one knew about the situation. Do you still have the appearance of a conflict? Not outwardly; and yet you must recuse yourself because you would have trouble administering your public duty without bias. In other words, at times the best policy is to disclose

a possible conflict. Even if you believe you can be objective and fair, you must not take a chance that you could be subjectively influenced by your own experience and knowledge.

Conflicts of interest may be obvious or they may be private. Each situation requires you to apply your personal code of ethics, disclose that you have a conflict and step away from the decision making process for that situation. It is important that you not state aloud what the conflict is. To do so could bias your fellow board members.

If you have any doubt about whether to declare a conflict of interest, ask yourself if you can be fair and impartial in making a decision. And ask yourself if others involved in the case would accept that you acted fairly and impartially if the situation becomes known.

Lobbying^[viii]

As a board member, you are considered a member of the executive branch of Wyoming's government. This is because you serve on the board of an agency or commission that was created with the approval of the Governor. In fact, you were appointed by the Governor to the board. Your appointment was approved by the Wyoming Senate, demonstrating the checks and balances between the executive branch and the legislative branch.

As a member of the executive branch of government you must refrain from lobbying. This is spelled out in the January 8, 2013, memo (Attachment F) from Attorney General Bruce Salzburg to all agency heads.

It's important to understand that while you are not permitted to participate in lobbying activities, you are permitted, and even required, to provide information to legislators. Therefore, it's critical that you understand the differences between lobbying and providing information.

Wyoming Statutes § 28-7-101(a) defines the activity of lobbying as an “attempt to influence legislation.” That means **trying to gain the support of a legislator to vote either yes or no on a bill under consideration; or to gain the support of a legislator on an interim committee to support or speak against a proposal.**

If you are registered as a lobbyist with the Wyoming Secretary of State, you must exercise additional caution to ensure you do not use your credentials as a lobbyist to influence legislation related to your board position.

For example, if you are a lobbyist for the oil and gas industry and you serve on a healthcare related board or commission, you could lobby – that is, attempt to influence legislation – in relation to oil and gas; but you could only provide information related to healthcare. If you are both a registered lobbyist and a member of a State board, it is important for you to clearly state your position so that legislators know that your position as a lobbyist is not intended to influence a vote related to healthcare.

What information can you provide? While Attorney General Salzburg stated in his memo that your common sense is the best guide, we want to offer specific information and examples.

Members of a board may be required to respond to a legislative request for information. Ordinarily, you will have the assistance of the assigned representative from the Attorney General's Office for these requests. However, it is important to note that the information provided must be factual, rather than subjective.

You may not make a payment or provide a gift to a legislator.

You should make every effort to provide the information requested only in a public forum, such as a board or committee meeting. If you find you must provide an individual response –

such as when you receive an email from a member of the legislature – remember that **your answer will almost certainly become public; and it may be seen as stating the position of the executive branch.** Position statements should only come from the Governor’s Office, not from an agency or its board members.

You may be asked if you and/or the agency are for or against a piece of legislation. The line between providing information and lobbying will be thin in these cases. You should state, “I am a member of the board, so I am happy to provide information, but as you know I must not influence your vote for or against the legislation.” Then lay out the pros and cons as related to the agency. If you are an expert in the agency’s field, you may offer your professional opinion of whether the legislation is in the best interest of the people of Wyoming – but only if your opinion can be supported by objective facts and figures.

The bottom line is that as a board member, you may objectively provide information, but you must avoid trying to sway a legislator’s vote.

Legislation 101

Wyoming State Legislative Process

History[ix]

The Wyoming State Legislature is the legislative branch of the State of Wyoming, and Wyoming remains one of the few states having a true part-time citizen legislature. It is a bicameral state legislature, consisting of a 60 member House of Representatives, and a 30 member Senate. The legislature meets at the Wyoming State Capitol in Cheyenne, and there are no term limits for either chamber.

The Wyoming State Legislature began like other Western states as a territorial legislature, with nearly (though with not all) the parliamentary regulations that guide other fully-fledged state legislatures.

During its territorial era, the Wyoming Legislature played a crucial role in the Suffragette Movement in the United States. In 1869, only four years following the American Civil War, and another 35 years before women's suffrage became a highly visible political issue in the U.S., Britain and elsewhere, the Wyoming Legislature granted all women above the age of 21 the right to vote. The legislature's move made Wyoming the first portion of the U.S. where women were explicitly granted voting rights. News spread quickly to other neighboring territories and states. In 1870, the Utah Territorial Legislature similarly granted voting rights to women.

The move by the legislature was motivated by a number of factors, including bringing Eastern women to the territory to increase its population (it has consistently been among the least-populated states in America), to publicize the new territory, to bring more voters into the fold (both for existing political elites and again due to its small population), and by genuine concerns that women should be allowed the vote.

Due to the territory's change of voting laws in 1869, the anti-suffrage U.S. Congress was hostile to Wyoming and its legislature. During proceedings to make Wyoming a U.S. state in 1889 and 1890 in writing a new constitution that would continue female suffrage, Congress threatened to withhold statehood unless the law was changed. The Wyoming Legislature and territorial government sent a threatening telegram back to Washington, insisting that Wyoming would remain out of the United States 100 years rather than become a state without women's suffrage. The federal Congress withdrew its threat, and on July 10, 1890, President Benjamin Harrison signed into law Wyoming becoming the 44th U.S. state.

Wyoming's early entry into female politics continued into the 20th century. In 1925, Democrat Nellie Tayloe Ross became the first elected female governor of a U.S. state.

*The following sections prepared by the Legislative Service Office are provided as a guiding resource for the Commission on the Wyoming legislative process.

General Information

The General Legislative Session convenes the second Tuesday of January during the odd-numbered years and shall not exceed 40 legislative working days. The Budget Legislative Session convenes on the second Monday of February during the even-numbered years. The total number of days for both the General and Budget Legislative Sessions shall not exceed 60 legislative working days.

Legislative Service Office (LSO)[x]

Legislators in Wyoming do not have individual staff. Staff services are provided by the LSO and acts as a central, non-partisan staff agency. LSO staff help members of the Legislature identify and articulate issues, develop information related to those issues, help identify possible solutions and provide information about the pros and cons of those solutions.

The LSO provides research and bill drafting services, contracts for printing and publication of the statutes, and accounts for all expenditures and property of the Legislature. In addition, members of the staff prepare administrative rule reviews, conduct oversight evaluations of executive agency programs, conduct fiscal studies and budget analyses, coordinate legislative activities related to school finance, maintain the Legislature's technology systems, conduct general research for the legislature and provide public information services.

Legislative Website - Legisweb

The legislative web site is: <https://wyoleg.gov>

Legislative information available on the web site includes: Wyoming State Statutes, House and Senate committee lists, information about each legislator, information relating to current and previous sessions, and information concerning interim legislative activities, such as topics assigned for committee study, meeting schedules and minutes of meetings.

During the session, to locate information on a specific bill after accessing the above link to the legislative website, click on the "[Session Bills](#)" link. After the session is over, or to access information from a previous session, utilize the "[Search Bills](#)" link

To locate members of the House of Representatives: <https://wyoleg.gov/Legislators/2021/H>

To locate members of the Senate:

<https://wyoleg.gov/Legislators/2021/S>

Legislative Committees

There are 12 permanent, parallel committees in the House and Senate. The standing committees generally contain 9 House members and 5 Senate members. Most members serve on several committees. The standing committees meet before and during the legislative sessions to review bills, hear testimony from interested citizens or agencies, and recommend action to the full body of the House or Senate.

Standing Committees:

1. Judiciary

2. Appropriations
3. Revenue
4. Education
5. Agriculture, Public Lands and Water Resources (Agriculture)
6. Travel, Recreation, Wildlife and Cultural Resources (TRWCR)
7. Corporations, Elections and Political Subdivisions (Corporations)
8. Transportation, Highways and Military Affairs (Transportation)
9. Minerals, Business and Economic Development (Minerals)
10. Labor, Health and Social Services (Labor)
11. Journal
12. Rules and Procedures

The majority of State Parks and Cultural Resources legislative action occurs before the Travel, Recreation, Wildlife and Cultural Resources (TRWCR) Committee; however, we may also appear before the Appropriations, Judiciary, Agriculture/Public Lands and Water Resources, and Transportation/Highway/Military Affairs committees. We routinely meet with the Joint Interim TRWCR Committee 2-3 times a year, and numerous times during the legislative session, depending upon legislative bills. Commissioners are encouraged to pass on any comments from legislators concerning the agency to the Director.

When the legislature is not in session the committees function as “joint interim” committees and are assigned to study major issues facing the state. Many bills introduced during the legislative session result from the work of the joint interim committees. Special and select committees of the legislature may also be established to perform interim work.

To locate members of the Travel, Recreation, Wildlife and Cultural Resources Committee:
<https://wyoleg.gov/Committees/2021/J06>

Steps in the Legislative Process[xi]

Generally speaking, each House Bill and Senate File must pass through the following steps:

- The process starts with an idea from citizens, legislators or a legislative committee and then the bill goes to either the House or the Senate for consideration.
- Received for Introduction in the House of Origin (“House of Origin” is the House of Representatives in the case of a House Bill, or the Senate in the case of a Senate File).
- Introduced (First Reading) in the House of Origin and referred to a Standing Committee.
 Note: In a Budget Session introduction of bills other than the budget bill require a 2/3 vote.
- After a bill is introduced it is sent to a standing committee for further consideration and to receive public comment.
- The bill is reported back from the Standing Committee (with or without proposed amendments) and placed on General File in the House of Origin. (“General File” is simply a list of bills that are awaiting further action by the entire membership of the House or Senate sitting as the Committee of the Whole.)
- Considered in Committee of the Whole (CoW) in the House of Origin.

- Considered on Second Reading.
- Considered and final vote on Third Reading in the House of Origin.
- If passed, the bill is then sent to the Second House where it must pass through the same set of steps (Introduction, Committee Hearing, CoW, Second Reading, Third Reading).
- If a bill is passed in identical form by both the House and the Senate it is sent to the Governor for approval.
- If there are differences between the bill as passed by the House and Senate, then the Second House will request that the House of Origin “concur” with the version of the bill as passed by the Second House.
- If the House of Origin refuses to concur with amendments to a bill by the second body, a Joint Conference Committee (JCC) is assigned to work out the differences by adding, striking and compromising amendments. The JCC report goes back to both bodies for approval or rejection. If the JCC report is adopted by both houses the bill passes and is sent to the Governor for approval.

Attending Committee Hearings[xii]

The Legislature wants citizens to be an active participant in the Legislative process, so you are welcome to attend committee hearings. You can have direct input on proposed legislation at committee hearings, and if you are interested in a particular bill, you are encouraged to attend committee hearings. **As a member (staff, board or commission) of the executive branch of Wyoming’s government, you must refrain from lobbying. Please see the “Lobbying” section of this handbook for more details on lobbying restrictions.**

When a bill is up for consideration in committee, the chairman will announce the bill name and number. The sponsor or sponsors of the bill will explain the bill to the committee. Any member of the committee may ask the sponsor questions. Next, other legislators may speak for or against the proposed legislation. Then, the chairman will ask if anyone from the public would like to speak in favor of or against the bill. Once the chairman has decided to end the public comment period, the committee members will “work the bill.” This is when the committee members discuss the proposed legislation, consider amendments and decide if the bill should pass out of committee.

Attending committee hearings to voice your opinion on issues before the Legislature is a great way to participate in the legislative process. Below are a few guidelines to follow when you arrive at the hearing:

- When you arrive at the committee hearing, sign the official meeting attendance sheet indicating your presence at the committee hearing.
- If you will be providing written information to the committee and you would like your handout to be part of the official committee record, fill out the Committee Handout Form (<http://legisweb.state.wy.us/2011/Participate/Committee%20Handout%20Form.pdf>), and give the form and your handout to the committee secretary. Bring enough copies of your information for the committee, the committee staff, and interested members of the audience. You can also email an electronic copy of the Committee Handout Form and your handout to: legdocs@wyoleg.gov

- If you wish to address the committee, you will be recognized and called on by the chairman to speak. After the chairman has recognized you, stand and address the chairman (i.e. “Mr. Chairman”). Clearly state your name and the organization you are representing prior to addressing the committee. All comments, questions and responses must flow through the chairman by addressing the chairman each time you wish to speak.
- Be brief and don’t repeat what another speaker has said. If your statement is similar to previous comments, you may simply state that you agree with the previous speaker.

Other Ways to Participate During the Legislative Session^[xiii]

One of the first steps in getting involved is learning more about what bills are being considered. Once the legislation has been assigned a bill number, the text of each bill is posted on the LSO website. This information can be found by going to the homepage and clicking on the “Bill Tracking” link, and then click on “Bills”. From this page you can sort all of the bills by bill number, catch title or sponsor headings. There are also drop-down menus on the top of the page that allow you to sort through House Bills, Senate Files or both. The grid on this page will display where each bill is in the legislative process and give the text in its latest version. If a bill has passed one house with amendments a link will be displayed in the “Engrossed Bill” column with all of the changes to the text from the first chamber. If a bill has been passed in both the House and Senate, a second link will appear in the “Enrolled Acts” column with all of the changes that occurred to the bill throughout the process. Amendments that are being considered are linked in the “Has Amendments” grid for each bill.

To actively participate in the process, you need to know when standing committees of the Senate and House of Representatives are meeting and when floor action on a bill is scheduled. Calendars for floor proceedings in the Senate and House of Representatives are posted on the Legislature’s Website in the late afternoon for the next day’s floor proceedings in each chamber. The calendars include the legislation under consideration and the general order of business. These calendars can be found by clicking on the “Session Activities” link on the homepage. There you will find a variety of links including the Tentative Schedule of Key Events, Standing Committee Schedule, and the Daily Calendar of the House and Senate.

The Online Hotline is offered during the Legislative Session to help Wyoming residents more actively participate in the legislative process. The public can recommend support for or opposition to a particular piece of legislation by using the Online Hotline. In addition to expressing support for or against a bill, members of the public will also be able to leave a short comment regarding the bill. Comments are limited to 140 characters. The Online Hotline form can be found at: <http://legisweb.state.wy.us/postcomments/OnLineHotline.aspx>

For those who do not have internet access, the Telephone Hotline is available. Within Wyoming the number is 1-866-996-8683 and for local callers within Cheyenne, the number is 777-8683. Callers who choose to use the telephone hotline will not be able to leave comments regarding the bill, but may express support for or against a bill.

Information submitted via the Online and Telephone Hotlines will be made available to all legislators; however, the mere number of recommendations received in support of or against a

bill is not the only factor legislators take into account. Members may consider many items when making decisions on pending legislation. Information provided by the public through the Online and Telephone Hotlines is considered a public record and will be provided to any member of the public upon request.

The LSO website contains the contact information, including email address, telephone numbers and mailing address for each legislator and this information can be found by clicking on the “Members of the House of Representatives” or “Members of the Senate” link located on the homepage. Most of the legislators use laptops throughout the session, so email is one of the most effective ways to communicate with legislators. Biographical information for each legislator and what district they represent is also available in this section.

Floor proceedings in both the House and Senate are streamed live on the LSO website. You can listen to the House and Senate debate whenever each body is in session by clicking on the “Audio Broadcasts Session” link on the homepage. There you will find a link for both Windows and MAC users for the House and Senate proceedings. You may also listen to archived broadcasts from any of the previous days’ action. If you are having any trouble with the sound, you can click on the troubleshooting link. Keep in mind that if the bodies are adjourned, at recess, or at ease for more than 15 minutes, that the live feed will not work.

Words and Terms[xiv]

Abbreviations

HB – House Bill

SF – Senate File

HJ – House Joint Resolution

SJ – Senate Joint Resolution

CoW – Committee of the Whole

JCC – Joint Conference Committee

Act

A bill passed by both chambers of the Legislature and signed by the governor.

Adjournments, Kinds of

Adjourn – A motion of highest priority, which may be made at any time by any member. It is not debatable, and must be voted upon at once. Used to close each day’s session with intent to resume on a given date and time.

Recess – A motion to resume the session at a later time that same day.

At Ease – An announcement from the Chair indicating a short break in affairs, usually pending action by a Committee, etc...

Adjourn Sine Die – A motion at the end of the Legislative Session to adjourn “without date” for resumption of Session.

Rise and Report – A motion to adjourn the Committee of the Whole.

Bill

A proposed law introduced during a session for consideration by the Legislature – called a Senate File in the Senate and a House Bill in the House.

Calendar

A daily listing showing bills ready action each day.

Call of the House or Senate

An action compelling all members to be present in the proper Chamber.

Committee of the Whole (CoW)

A committee of the entire body of the Senate or the House, and usually assembled by a move to consider bills on General File, make amendments, and to recommend action to be taken by the body. Debate is not recorded in the Senate, but is recorded in the House and the final recommendation of the Committee is entered in the Journal.

Engross, To

To incorporate all adopted amendments into the text of the bill.

Engrossing Coding Pattern

This work is done by the Legislative Service Office. Like the amendment coding, the system is designed to be meaningful as to what stage the engrossing was done.

Enroll, To

To enroll a bill is to revise it after passage by both bodies of the Legislature by incorporating all of the amendments adopted by both bodies. The Enrolled Act becomes law after being signed by Presiding Officers of the House and Senate and the Governor.

First Reading

First Reading is done when a bill is introduced. The catch title and the name(s) of the sponsor(s) are read.

General File

General File is the position of bills after having been considered by the Standing Committees to which they were assigned. From this position, bills can either go to the Committee of the Whole or back to a Standing Committee.

Indefinitely Postpone, To

If the motion carries, it kills any future possibility for reconsideration of the bill in a session except by reintroduction as a new bill.

Joint Conference Committee (JCC)

The JCC is composed of three members from each body appointed by the Speaker and the President respectively. Its purpose is to reconcile the differences in the content of a bill which has been amended in the body last considering the measure, when the amendments are not acceptable to the original body. Its report goes back to both bodies for debate and vote on adoption.

Lay Back, To

A motion to lay back a bill may be made and must carry by a majority of a quorum. The bill may be General File in Committee of the Whole, or on Second or Third Reading. It may be laid back to a specified position for a specified time.

“Question” (Call the)

Used to stop debate and force consideration of the main question and all amendments to it.

Reconsider

A motion to retake a roll call vote, and carried by a voice majority vote of the members present. The motion must be made by a member who voted on the prevailing side and must be made and acted on the same of the next legislative day. The motion cannot be made once the bill in question has passed out of possession of the body. An announcement of reconsideration holds the bill in the possession of the body until a new vote can be taken.

Recommit

A motion made by any member to return a bill to the Committee which has already considered it.

Re-refer

A motion made by any member to assign a bill to a Committee other than the one which has already considered it.

Second Reading

Second Reading is usually ordered at least a day after adoption of recommendation of Committee of the Whole (CoW). The Catch Title of the bill is only read, and notifies members that the bill will be up for Third Reading and final passage the following day. No action is required, but any action, including amendments, may be moved on the bill by any member.

Third Reading

Third Reading is usually ordered on the next legislative day following Second Reading. Amendments may be offered only prior to the reading of the bill. The catch title and the enacting clause are read, and a roll call vote is taken for final passage.

Withdraw

A motion to remove a bill from further consideration by the member who introduced the bill can only be made when the bill is in possession of the body, and must carry by unanimous consent of the members.

Without Recommendation

A Committee may return a bill without recommendation, which indicates neither approval nor disapproval of the legislation.

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- [i] State of Wyoming, *State of Wyoming Board Handbook* (2012), 6
- [ii] State of Wyoming, *State of Wyoming Board Handbook* (2012), 8, 10
- [iii] State of Wyoming, *State of Wyoming Board Handbook* (2012), 28-29
- [iv] State of Wyoming, *State of Wyoming Board Handbook* (2012), 51-54
- [v] State of Wyoming, *State of Wyoming Board Handbook* (2012), 43-45
- [vi] State of Wyoming, *State of Wyoming Board Handbook* (2012), 30-34, 65-66
- [vii] State of Wyoming, *State of Wyoming Board Handbook* (2012), 39-41
- [viii] State of Wyoming, *State of Wyoming Board Handbook* (2012), 72-74
- [ix] "Wyoming Legislature" last modified March 15, 2013, at 13:05, http://en.wikipedia.org/wiki/Wyoming_Legislature
- [x] State of Wyoming, Management Council-Legislative Service Office, *Legislative Handbook* (May 2007), 1.1
- [xi] "Bill Status Report Explanation" as accessed May 1, 2013, <http://legisweb.state.wy.us/lisoweb/session/BillStatusExplain.aspx>
- [xii] "Attending a Legislative Committee Meeting?" as accessed May 1, 2013, <http://legisweb.state.wy.us/2011/Participate/CommitteeBrochure.pdf>
- [xiii] "Getting Involved in the 2013 Wyoming Legislative Session From Anywhere in the World" as accessed May 1, 2013, <http://legisweb.state.wy.us/2011/Participate/Web%20Site%20Participation.pdf>
- [xiv] "Glossary of Words and Terms" as accessed May 1, 2013, http://legisweb.state.wy.us/L_SOWEB/glossary.aspx

Wyoming Department of State Parks and Cultural Resources ANNUAL REPORT –FY 2022 (July 1, 2021 – June 30, 2022)

Agency Information:

Agency Name: Wyoming Department of State Parks & Cultural Resources (SPCR)
Director's Name & Title: Darin J. Westby, P.E., Director
Agency Contact Person: Tatum Soto, Executive Assistant, tatum.soto2@wyo.gov
Agency Contact Phone: 307-777-7496
Mailing Address: 2301 Central Avenue, Barrett Building, Cheyenne, WY 82002
Website: <http://wyospcr.state.wy.us>

Other Locations:

Cheyenne: State Museum Off-site Storage
State Archives Off-site Storage
Laramie: SHPO Cultural Records Field Office
Office of the State Archeologist
Lander: State Trails Program Field Office
Shoshoni: Central Construction Field Office
Statewide: State Parks and Historic Sites

Statutory References:

Established 1895, reorganized July 1, 1999, as the Department of State Parks & Cultural Resources.
W.S. 7-4-106 Archaeological Human Burials Recovery
W.S. 9-2-401 through 9-2-419 – State Archives, Museums and Historic Department
W.S. 9-2-901 through 9-2-911 – Wyoming Arts Council
W.S. 9-2-1701 through 9-2-1708 – Reorganization of State Government
W.S. 9-2-2017 – Department of State Parks and Cultural Resources Creation
W.S. 9-2-2301 through 9-2-2308 – Wyoming Cultural Trust Fund Act
W.S. 11-10-113 – Wyoming Pioneer Memorial Museum
W.S. 16-6-801 through 16-6-805 – Works of Art in Public Buildings
W.S. 24-14-101 through 24-14-102 – State Parks Road Program
W.S. 31-2-401 through 31-2-409 – Snowmobiles
W.S. 31-2-701 through 31-2-707 – Off-road Recreational Vehicles
W.S. 36-4-101 through 36-4-123 – State Parks and Cultural Resources
W.S. 36-8-103 through 36-8-107 – State Parks and Reserves – In General
W.S. 36-8-301 through 36-8-320 – State Parks and Reserves – Hot Springs State Park
W.S. 36-8-501 through 36-8-502 – State Parks and Reserves – South Pass City State Historic Site
W.S. 36-8-601 through 36-8-602 – State Parks and Reserves – Curt Gowdy State Park
W.S. 36-8-701 through 36-8-702 – State Parks and Reserves – Sinks Canyon State Park
W.S. 36-8-801 – State Parks and Reserves – Fort Fred Steele State Historic Site
W.S. 36-8-901 through 36-8-902 – State Parks and Reserves – Bear River State Park
W.S. 36-8-1001 through 36-8-1002 – State Parks and Reserves – Wyoming Territorial Prison
W.S. 36-8-1203 through 36-8-1204 – State Parks and Reserves – Designated Transfer of Lands
W.S. 36-8-1402 – Wyoming Historic Mine Trail and Byway
W.S. 36-8-1501 – Other Designations
W.S. 36-8-1601 through 36-8-1602 - State Parks and Reserves – Quebec 01 State Historic Site
W.S. 39-17-111 – Snowmobile Gas Tax Distribution

Clients Served: The SPCR agency serves Wyoming citizens, out-of-state visitors and inquiries, local, county and state governments and agencies, public schools and institutions of higher education, Wyoming nonprofit organizations and Wyoming businesses.

Budget Information/Expenditures: The total 2021/2022 original biennial budget for the Department of State Parks and Cultural Resources was \$59,295,200, of which \$32,808,485 was general funds. Legislation in 2021 reduced the general fund appropriation by 11.6% to \$29,016,109. This general fund appropriation accounts for roughly 1% of the State's overall general fund budget. During fiscal year 2022 (July 1, 2021 thru June 30, 2022), the Department expended \$33,712,353, consisting of \$14,715,869 of general funds, \$5,287,650 of federal funds, and \$8,869,858 of other funds. Of this general fund expenditure amount, \$318,304 was received through the Office of Tourism to grow and improve outdoor recreation/tourism products throughout the State of Wyoming. Additionally, the Department applied for and received funding through the Coronavirus Aid, Relief, and Economic Security (CARES) Act and expended \$4,838,976 to increase capacity at State Parks and Historic Sites.

Commission: SPCR accomplishes its mission in consultation with the Wyoming State Parks & Cultural Resources Commission, a nine-member advisory body representing seven geographically appointed districts with two additional at-large members. The commission meets quarterly and additionally as needed. SPCR has five additional boards/councils that assist individual programs, including; State Trails Council, Wyoming Arts Council, Wyoming Cultural Trust Fund Board, State Historic Records Advisory Board (SHRAB) and National Register of Historic Places.

Economic Impact: The Agency is currently under contract with the University of Wyoming to update our economic impact and we look forward to having this study in the Fall, however, since our previous economic impact study, our visitation has doubled and we expect to see a significant increase in our impact. Previous economic impact studies, Wyoming State Parks, Historic Sites & Trails has a cumulative economic annual impact of \$469 million, \$20 million in state and local tax revenue, and supports 3,891 jobs. Per the Outdoor Industry Association, Wyoming's Outdoor Recreation industry generates \$5.6 billion in annual consumer spending, \$1.6 billion in wages and salaries, \$514 million in state and local tax revenue, and is directly responsible for 50,000 jobs. Cultural Resource grant awards in FY22 totaled \$2,189,999 dollars and these funds went to every county in the State. Many of the grant funds awarded require a one-to-one match and generate matching local investments. A large portion of these grants generate full or part time employment opportunities across the state and contribute to tourism statewide and local economic development efforts.

Core Business/Primary Functions: The Department of State Parks and Cultural Resources consists of 148 full-time positions, 71 part-time positions (11 permanent part-time, and 60 seasonal positions) and 15 At-will contract (AWEC) positions. The Department consists of three areas shown below along with their primary functions:

Division of State Parks, Historic Sites and Trails and Outdoor Recreation Office:

- State Parks & Recreation Areas - to provide outdoor recreation and educational opportunities throughout the state.
- Historic Sites & Museums - to provide preservation, interpretation, and educational opportunities throughout the state.
- Trails (Motorized/Non-motorized) - to manage and develop recreational trails throughout the state.
- Support - (Youth, Volunteers, Special Events, Construction/Engineering, Planning/Grants, Concessions/Revenue) - to support the division in its mission and grant funds to communities for recreation.
- Outdoor Recreation Office - Enhances and expands the outdoor recreation industry and improves outdoor recreation infrastructure/access within the agency and statewide.

Division of Cultural Resources:

- State Historic Preservation Office (SHPO) - to evaluate, protect and preserve Wyoming's significant archaeological and historic resources, and educate the public on their value.
- State Archives - to ensure ready access to the documentary resources reflecting Wyoming's history and governmental functions.
- Arts Council - (WAC) to provide resources to sustain, promote and cultivate the arts in Wyoming.
- State Museum - (WSM) to collect, preserve, interpret and exhibit artifacts that reflect the human and natural history of Wyoming.

- State Archaeologist (OWSA) - to preserve the archaeological heritage of the state and bring archaeology to the public through a variety of free programs, events, and activities across the entire state of Wyoming.
- Cultural Trust Fund (WCTF) - to support Wyoming's culture and heritage through grant funding.

Administrative Services Section that services the entire agency (Director's office, Accounting, Human Resources (HR), and Public Information Office (PIO)/Marketing/Technology):

- Provides policy, strategic & budgetary planning, development and implementation support and leadership.
- Provides the agency with centralized internal and external administrative support functions.
- Although HR services were consolidated with A&I, HR and the services they provide are vital and very much part of our agency's management team.

Contribution to Wyoming Quality of Life: Wyoming's residents and visitors enjoy more enriched and well-rounded lives because the Department provides memorable opportunities to learn about and enjoy Wyoming's arts, parks, history, culture and outdoor recreation through a combination of responsible recreation, preservation, education, outreach, planning, granting, conservation, construction, maintenance, public safety, economic impact and development.

Performance Measures/Major Accomplishments of FY22: SPCR developed the strategic plan with the Agency's goals and objectives. Below are the five measurements used to gauge performance and how they have been met. To view overall agency strategic plan, balanced scorecard, and previous annual reports, please refer to <http://wyospcr.state.wy.us>

Mission: We provide memorable recreational, cultural and educational opportunities and experiences to improve communities and enrich lives.

“Improve Communities and Enrich Lives”

Vision: Provide the best opportunities and experiences in the Nation.

Performance Measure #1: Improve Impact and Contribute to the State's Economic Diversification: Expand and enhance the agency's ability to directly/indirectly support jobs, attract businesses and generate revenue for the State of Wyoming and its communities.

Division of State Parks, Historic Sites, Trails (SPHS&T) and Outdoor Recreation Office (WyoRec):

- Wyoming State Parks & Historic Sites:
 - In 2021, SPHS&T served over 5.7 million visitors, which is two percent less than in 2020. This represents a thirty-two percent increase over 2019 and a 25% increase from the five-year average.
 - System-wide visitation decreased by 2% over 2020, but historic sites saw a 43% increase in 2021.
 - In 2021 historic sites returned to normal operating hours, events, interpretive programs and school tours in the shoulder season, which lead to a resurgence in visitation.
 - The site criteria process was completed for the Sutton Archaeological Site. The site criteria process included a site visit with an evaluation committee of eight SPHS&T staff, archaeologists, adjacent property owners, local elected officials, and the Northern Arapaho Tribe, was completed. The site, bequeathed to the state, contains a unique and notable resource deemed worthy of inclusion into the SPHS&T system. Twenty-three Tribes connected to the Fort Laramie Treaty have been contacted for their input and there will be a public engagement opportunity when draft legislation for formally acquiring the property is presented by the Travel, Recreation, Wildlife, and Cultural Resources committee (fall 2022-spring 2023).
 - In total, SPH&T was able to use over \$4.8 million in additional COVID-19 CARES Act. funding to increase the recreational capacity of current sites. Planning for additional camping capacity under the CARES Act funding continued into the fall, with all money expended by December 2021. Capacity expansion efforts have broadened opportunities for increased visitation. Projects completed are:

- Twenty-five new campsites at Keyhole.
 - Eighty-two new campsites and eleven camping cabins at Buffalo Bill.
 - Forty-three new campsites at Boysen.
 - Ten new small cabins for rent at Boysen.
 - Initial development of Hidden Falls Trailhead and day-use area at Curt Gowdy State Park.
 - Bear proof dumpsters at every campground and day-use area within Curt Gowdy State Park.
 - Four campsites added to Medicine Lodge State Archaeological Site
 - Additional picnic tables, parking, cabins, and archery facilities statewide.
 - Every park and archeological site saw revenue increase by 13% or more over the four-year average (\$2.9 million), with an overall 56% increase (\$4.5 million) system-wide for park and historic site generated revenue. Parks with camping brought in the bulk of revenue, with 75% coming from our top five highest-earning parks, Glendo State Park at 24%, Curt Gowdy State Park at 21%, Buffalo Bill State Park at 11%, Keyhole State Park at 10%, and Guernsey State Park at 9%. Historic sites rebounded in revenue as well, more than doubling their revenue from 2020 to 2021 from \$151,096 to \$330,359.
 - The *Passport to Adventure* program incentivized visitors to visit all of our parks and historic sites across Wyoming. This program offers prizes for individuals who visit all sites and receive the site-specific stamp. The printing costs for the passport books were covered through sponsorship from our reservation system partner, Aspira. The *Passport to Adventure* program was developed to cross promote sites and a fun way to encourage guests to visit all of Wyoming's state parks and historic sites.
 - 6,200 passport books were handed out to the public in 2021.
 - Three Passport books received all 37 required stamps and were completed in 2021, winners received an Annual Day Use pass for 2022.
 - Events like Fort Bridger's annual Rendezvous and Gold Rush Days at South Pass City returned after going dark for COVID precautions. This brought a much needed economic impact back to local communities. SPHS&T engaged 140 local businesses as selling agents for annual day use, camping, off-road vehicle (ORV), and snowmobile decals, encouraging diversity in opportunity and increasing economic diversification in our communities.
- Wyoming Office of Outdoor Recreation:
 - Through financial support from the Wyoming Office of Tourism, the Wyoming Office of Outdoor Recreation added three new collaboratives to better support communities' plans for outdoor recreation opportunities. These include: Natrona County Outdoor Recreation Collaborative, Northeast Wyoming Outdoor Recreation Collaborative, and Park County Outdoor Recreation Collaborative. The office now supports seven total collaboratives.
 - Through funding provided by the Wyoming Office of Tourism, the Wyoming Office of Outdoor Recreation administered three project grants to the Sweetwater Outdoor Recreation Collaborative, Park County Outdoor Recreation Collaborative, and Northeast Wyoming Outdoor Recreation Collaborative that will expand outdoor recreation opportunities and offerings. These include:
 - Wayfinding signage on the Mustang Loop Trail adjacent to Western Wyoming Community College in Rocksprings.
 - A new concrete boat launch south of Powell on the Shoshone River, which will create an opportunity for shorter day trips.
 - A new adaptive trail just outside of Newcastle that creates access for people with disabilities to enjoy trails.
 - The Wyoming Office of Outdoor Recreation worked to establish a larger pool of funding through the Wyoming Office of Tourism and through the American Rescue Plan one time funding, to provide support for community driven projects across the State of Wyoming.
 - The Office was successful in receiving \$12 million of ARPA Direct funding, and \$2 million of funding through the Wyoming Office of Tourism.

playground equipment and more open green space, install concrete sidewalks, lighting, irrigation, and landscaping.

- City of Laramie, Kiowa Park Playground Replacement: Replace the current antiquated playground with one for 5 to 12-year-olds, install an accessible synthetic safety surface, entry pad, and seating; replace trash receptacles.
 - City of Cheyenne, Playground Safety Surfacing Replacement: This project will replace existing engineered wood fiber safety surfacing with ADA accessible poured in place rubber safety surfacing for three playgrounds in two parks.
 - City of Lander, Popo Agie River Park: Acquisition of 36.5 acres of land adjoining the Popo Agie River for future recreational development to replace a current, smaller park that is being lost due to lease restrictions. Modest parking and signage to the river.
 - City of Newcastle, Dow Park Restroom: Replace the existing concrete block restroom with an ADA-compliant precast concrete restroom.
 - City of Gillette, Energy Capital Sports Complex Parking & Shelter: This project will provide accessible parking and dedicated ADA spaces. Picnic shelters within the complex. The project includes curb and gutter, concrete sidewalk, ramp and landing, irrigation, landscaping, lighting, picnic tables, and trash receptacles.
 - City of Gillette, Energy Capital Sports Complex Shelter & Beautification: This project creates shelter structures near existing multipurpose fields, adds green space, extends irrigation and utilities under landscaped areas, and provides a sidewalk or pathway to connect the shelters.
 - Town of Thayne, Thayne Park Irrigation System: This project will replace the irrigation system in the Thayne Town Park in conjunction with another grant that is replacing sidewalks.
- Recreational Trails Program (RTP), 16 grants totaling \$1,659,203 were issued to a mixture of state, federal, and non-profit organizations.
- State Parks Trail Maintenance, State Parks.
 - Pilot Hill/Pole Mnt. Connector Trail, WY Pathways.
 - Teton Crest Trail Phase 2, Grand Teton NP Foundation.
 - Critical USFS System Trail Structures, Jackson road.
 - 2021 Non-Moto Winter Trail Grooming, WY Trails Program.
 - Teton Wilderness-Westside Trails Access, Blackrock road.
 - Wilderness Access Trail Projects Jackson road.
 - Darby Canyon Trail Maintenance - Switchback Recon, Teton road.
 - Coyote Meadows Trail Network Maintenance, Ashton/Island Park road.
 - Elkhart Park Corridor Trail, Pinedale road.
 - Boulder Canyon and Burnt Lake Trail, Pinedale road.
 - 2021 Avalanche Education, WY Trails Program
 - 2021 Winter Trail Grooming, WY Trails Program
 - 2021 Snow Trail Grooming Equipment, WY Trails Program
 - 2021 Snowmobile Trail Grooming, WY Trails Program.
- Off-Highway Vehicle (OHV) Partnership, 55 grants totaling \$1,870,422 were issued to federal and land management agencies. With the OHV Partnership grants, Snow and Off-Road Vehicle grants pay personal time for education, enforcement, grooming, plowing, and light trail maintenance. The Maintenance, Construction, and Planning grants are awarded for the maintenance, construction, or planning of trails. The Trail Crew Projects have no monetary exchange but are Trail Crew Projects where landowners apply to have our trails crew perform construction and maintenance.
- Snow Grants
 - Caribou-Targhee National Forest (NF), Teton Basin
 - Medicine Bow-Routt NF, Brush Creek/Hayden, Laramie
 - Shoshone NF, Wapiti - North Zone, Wind River - South Zone

- Uinta - Wasatch - Cache NF, Evanston/Mountainview
- ORV Grants
 - Bighorn NF - Medicine Wheel/Paintrock, Powder River, Tongue, Region 2, Law Enforcement & Investigation
 - Black Hills NF - Bearlodge
 - Bridger-Teton NF - Big Piney, Greys River, Kemmerer, North Zone, Pinedale
 - Caribou-Targhee NF - Teton Basin
 - Medicine Bow-Routt NF - Brush Creek/Hayden, Laramie, Douglas, Region 2, Law Enforcement & Investigation
 - Shoshone NF - Washakie Rd, Wind River Road, Clarks Fork Road, Greybull RoadWapiti Road
 - Uinta-Wasatch-Cache NF - Evanston/Mountainview
- Maintenance, Construction, and Planning Grants
 - Black Hills NF - Bearlodge Road. Compliance supplies and materials.
 - Bridger-Teton NF:
 - Blackrock Road. Blackrock Creek bridge.
 - Greys River Road. Motorized single-track trail.
 - Pinedale Road. Sweeney Creek OHV trail.
 - Shoshone NF:
 - Wind River Road. Moon Lake blasting supplies.
 - Shoshone South Zone. Compliance supplies and materials.
 - Lincoln County - Hams Fork parking lot, vault toilet, and kiosk.
 - Sheridan County - Three-Poles Recreation Area.
- Trail Crew Projects
 - Bighorn NF:
 - Tongue road, ORV, ATV trail maintenance.
 - Tongue road, ORV, Freezeout trail.
 - Medicine Wheel Road, ORV, North High Park trail.
 - Bridger-Teton NF:
 - Jackson road, ORV, Widen Shadow Mountain trail system.
 - Greys River road, ORV, Middle Greys connector.
 - Big Piney road, Snow, South Horse Creek Canyon trail.
 - Jackson, ORV, Mosquito Creek, Horsetail, Munger Mountain single track.
 - Medicine Bow-Routt NF:
 - Douglas road, ORV, Weston Hills Recreation Area.
 - Douglas road, ORV, Big Bear trails.
 - Laramie road, ORV, Mountain Home OHV trails.
 - Laramie road, ORV, Douglas Creek crossing.
 - Shoshone NF - Wind River road, ORV, Moon Lake trail.
 - Bureau of Land Management:
 - Cody, ORV, Darnell Hills
 - Buffalo, ORV, Weston Hills.
 - Buffalo, ORV, Middle Fork Kiosks.

Division of Cultural Resources:

- Wyoming State Historic Preservation Office:
 - In FY22, SHPO managed a Certified Local Government grant program which supports local historic preservation boards, providing over \$88,000 in grants to our local communities. Over \$25,000 will support development of National Register of Historic Places nominations; \$46,666 will support restoration projects; over \$9,000 was given to support education of historic preservation board members and \$6,875 was given to support GIS mapping.
 - The State Historic Preservation Office worked with four grantees who were recent recipients of the \$350,000 Paul Bruhn Historic Revitalization Subgrant Program from the National Park

Service. This grant program provided funding for brick and mortar restoration work in rural communities. The four grant projects are: City of Rock Springs for electrical work to the historic First Security Bank Building, \$81,374; GT Machine LLC, for roof repairs to the historic GT Machine building in Green River, \$85,400; Leaverton Marquis LLC, for roof repairs to The Leaverton building in Sheridan, \$98,865; and The Weston House LLC, for foundation repairs to the historic The Weston House in Jackson, \$84,361. Due to ongoing supply chain shortages, increased costs and contractor delays three of the four projects have been delayed. The First Security Bank Building project was the exception and the work was completed ahead of schedule. This project generated a documented local cash match of \$261,498.29. We will continue to gather the local economic impact on these four brick and mortar projects for five years after the completion of the projects.

- Staff worked with property owners to promote the use of tax credits in the state. The part one and part two applications for First Security Bank Building in Rock Springs and part two applications for the Hynds Building in Cheyenne were approved by the National Park Service.
- SHPO will host the Archaeology Fair in Laramie on September 24th.
- Wyoming State Archives:
 - The Wyoming State Archives' Digital Archives saves funding and staff time across state and local government, providing enterprise-wide records storage and access services. This means that State agencies using this service no longer have to seek funding for separate digital management systems. The Records Management unit supervised the destruction of 4032 cubic feet of paper state agency non-permanent records which had passed their approved retention periods, saving storage costs assessed by A&I or ETS to each agency. In addition, the Records Center provided lower cost records storage than agency office space. We provide certified copies of high school transcripts allowing Wyomingites efficient and inexpensive access to the credentials they need to continue their education, apply for jobs or professional licenses, or join the military.
 - The State Historical Records Advisory Board (SHRAB) (via a grant from the National Historical Publications and Records Commission) funded five awards for up to \$2500 each to the Hot Springs County Museum and Cultural Center, Heart Mountain Wyoming Foundation, Fort Caspar Museum, Homesteader Museum Association, and Wyoming State Archives. These grants are available to Wyoming institutions for projects that further the SHRAB's mission of promoting the identification, preservation, and dissemination of Wyoming's historical records with a priority given to those applications that show commitment to developing and/or implementing projects that will lead to enhanced online access to historical records. With the funds allocated, the Heart Mountain Wyoming Foundation was able to contract with a reputable company to digitize audio cassette and VHS recordings from the Frank Emi collection and content related to remembrance and commemoration of the incarceration at Heart Mountain. Digitization of AV materials is the suggested method of preservation for AV materials in these formats and will also lead to increased accessibility globally through their website. Other projects included the Fort Caspar Museum mounting 5000 images into their new PastPerfect Online database and uploading to the DPLA, increasing accessibility and discoverability to a larger audience; and the Hot Springs County Museum and Cultural Center to digitize and mount online the Grass Creek collection.
 - Our land records and probate files continue to support research into land ownership and mineral rights for Wyoming's minerals industries
- Wyoming Arts Council:
 - The Arts Council granted 108 Community Support Grant grants to nonprofit organizations totaling \$767,478.
 - The Arts Council granted 43 Professional Development/Career Advancement grants totaling \$31,650.
 - Using ARPA funding the Wyoming Arts Council made a significant investment in artists and artists collectives, granting out \$601,330 to host over 30 public art projects across the state of Wyoming.
 - The arts council hosted two music showcases at the Treefort Music Festival and highlighted 12 different artists groups from across the state of Wyoming.

- Working with partners, the Arts Council created the 2022 Wyoming Road Trip playlist. This playlist of juried Wyoming artists was distributed to tourists through the visitor centers and via online streaming apps. This playlist has allowed individual artists to see an increase in online streaming activities, name recognition, and ties into the shift in the office of tourism’s marketing campaign which is focused on people within a day's drive of Wyoming.
- In partnership with State Parks, the Arts Council hosted two Plein Air in the Parks events in Cody and Laramie. These were three day events where visual artists created 2-D work that was then for sale to the public.
- Wyoming State Museum:
 - 69,647 individuals were impacted by the museum in FY22.
 - 53,730 individuals visited the museum or participated in school and community programs.
 - General Museum Visitors: 27,736 total visitors
 - 35% of our general museum visitors are from Cheyenne. An additional 6% come from other cities in Wyoming. Combined, Wyoming visitors made up 42% of our visitation this year.
 - 56% of our general museum visitors came from other states, with Colorado making up 13% of out-of-state visitors, followed by about 5% from California and 4% from Texas.
 - In FY22 we had at least one visitor from every US state.
 - 71% of our visitors were here for the first time.
 - Visitors from Cheyenne were much more likely to be return visitors; only 36% of Cheyenne visitors were here for the first time.
 - Museum Program Participants: 25,994 total participants.
 - The museum taught a total of 593 educational programs. Of this total, 489 were conducted in-state, and 104 were out-of-state.
 - The museum provided free traveling exhibits to five institutions in Wyoming. These exhibits reached 15,917 people.
 - During the last fiscal year, the museum loaned 1,314 objects to 33 different institutions and offices.
 - During the contract reporting period (April 16, 2021 thru April 15, 2022) the Wyoming State Museum Store generated \$305,161.36 in gross revenue for BBA Solutions, the concessionaire. 36.6% of gross revenue came from the sale of SPCR permits and passes. BBA solution paid the WSM a total of \$20,181.69.
 - WSM Staff generated \$124,000 in grant funding and \$1,720 in sponsorships for the Wyoming State Museum and the Wyoming State Museum Volunteers, Inc.
 - The Wyoming State Museum received \$18,899.03 in private donations.
- Office of the Wyoming State Archaeologist:
 - Provided an auction item for the Cheyenne Animal Shelter’s ‘Fur Ball’ fundraising event in which bidders received a day with the State Archaeologist and a tour of the University of Wyoming Archeological Repository. Auction item yielded several hundred dollars for the shelter..
 - Funded 10 temporary at-will employees through grants, agreements, and contracts for part time to full time work. Employment with OWSA diversifies employment options for students at the University of Wyoming and other residents of Laramie.
 - Promoted archaeological excavation through ‘Ancient Odysseys’, an archaeological and paleontological tourism business that offers educational vacation packages to families. Placed Ancient Odysseys in contact with State Parks employees in Bighorn Basin to initiate a vacation package centered on resources in this part of the state.
 - Established an agreement with the University of Wyoming’s George C. Frison Institute to sell copies of *Medicine Lodge Creek: Volume 1* to local museums, book sellers, and individuals as a means of fundraising. Have sold close to \$3,000 worth of books to date.
- Wyoming Cultural Trust Fund:
 - In FY22, \$608,126.25 was given in grant awards reaching 44 organizations in 21 communities in Wyoming, assisting with a wide variety of cultural and preservation activities.

- FY22 grants directly supported 29.7 full-time equivalent positions in cultural organizations and programming throughout Wyoming.

Performance Measure #2: Serve and Educate our Customers and Constituents: Provide high quality customer service, facilities, opportunities, experiences, educational resources, outreach and public safety for our customers/constituents.

Division of State Parks, Historic Sites and Trails and Outdoor Recreation Office:

- Wyoming State Parks & Historic Sites:
 - State parks and historic sites installed 36 automated fee machines across the state to give visitors the choice to pay with a credit card twenty-four hours a day. The installation of cashless Ventek machines in our parks and sites between installation and June 30th, 2022 had 5,881 transactions, bringing in \$82,689.31. This reduces the amount of cash handled by staff and significantly increases compliance from our guests.
 - Interpretive Rangers received grants through the Crush it Crusade Brigade for bear-proof recycling containers and the National Association for Interpretation for summer stories program supplies. These grants totaled over \$15,000.
 - From July 1, 2021, through June 30, 2022, SPHS&T recorded 24,837 hours donated by 175 volunteers, an equivalent value of twelve full-time employees. Various volunteer opportunities were available, from tour guides to camp hosts.
 - SPHS&T staff added new educational exhibits to expand the ability of staff to rotate exhibits, which keeps our returning visitors engaged and allows for the best practices of allowing artifacts to “rest.” These exhibits include:
 - Wyoming Pioneer Museum: Pony Express exhibit, Wedding Dress Display, and a historic Ranches display.
 - Trail End State Historic Site: The Kendrick’s, Ranch Life v. Mansion Life
 - The Wyoming Historic Governors’ Mansion created a new Tinsel Through Time Holiday Exhibit that delighted over 1500 visitors.
 - The Wyoming Territorial Prison hosted three traveling exhibits in the past year. The exhibits were on Suffrage, Wyoming Postcards and the history of Empire Wyoming. All of the exhibits were provided by the Wyoming State Museum.
- Wyoming Office of Outdoor Recreation
 - The non-motorized trails section organized a group of volunteers to assist with various projects at Sinks Canyon State Park, resulting in over 1,000 hours of volunteer service.
 - Construction was completed on the third Gowdy Gold trail, which was designed by a professional who donated their time, the work was carried out by volunteers, the Wyoming Conservation Corps, and non-motorized trail seasonals.
 - The Wyoming Office of Outdoor Recreation launched the WONDER Map, an interactive digital map that allows users to explore all of Wyoming’s outdoor recreation opportunities across agencies in one place. The WONDER Map is a piece of our strategy to spread visitation across the state in a sustainable way while making it easier for the public to find information about recreational opportunities near them.
 - During the June 2022 Yellowstone National Park closure, The Wyoming Office of Outdoor Recreation sent Pathfinders to Cody to assist travelers in augmenting their travel plans when they found themselves stuck en route to Yellowstone. Pathfinders made 288 meaningful contacts with stranded travelers and used this opportunity to point people to other regional outdoor recreation attractions. They also used these conversations to promote the WONDER Map as an option for finding new opportunities to recreate in Wyoming. This staff spent three days working with travelers. A social media post with similar information had a reach of 29,514 people.
- Wyoming State Trails Program
 - A 2021 study showed that snowmobiling generated \$231 million for the State’s economy and off

- highway vehicle recreation generated \$244.2 million for the economy.
- The Trails program provided the public with GeoPDF maps of all trail systems, interactive maps that provide grooming updates, free avalanche awareness training, and trailside avalanche beacon checkpoints. The program also provided funding for trailhead improvements including bathroom facilities, parking area expansion, both permanent and mobile trailside safety shelters, and development of the Ride WYO app.
- The State Trails Program provided free public training to trail users including: Avalanche safety training in partnership with the Bridger Teton Avalanche Center, and responsible motorized recreation training with Ride On Wyoming.
- The State Trails Program utilized volunteers from off highway vehicle (OHV) and Snowmobile clubs to clear trails, haul rocks, and perform maintenance on safety shelters. Volunteer hours for the season totaled 13,090 hours, an equivalent of six full-time employees, that were spent directly on trail-related tasks.

Division of Cultural Resources:

- Wyoming State Historic Preservation Office:
 - The office worked to improve communication with our preservation partners throughout Wyoming. We met with the Alliance for Historic Wyoming, Wyoming Main Street advocacy groups, and multiple local governments.
 - Staff architect is providing design review consultations for the National Park Service's Wyoming Main Street Facade Improvement Grant Program. Three communities have been selected to receive the assistance: Laramie, Rock Springs, and Thermopolis.
 - Held annual meetings with the USFS, BLM, and NRCS.
 - Staff helped organize the 21st Annual George C. Frison Institute of Archaeology and Anthropology and WAAM sponsored lecture held at the University of Wyoming in Laramie.
 - On August 21, 2021, the Centennial Farm & Ranch program was held in Douglas, honoring 13 families from both 2020 and 2021 submissions. 180 people attended this event recognizing families who have owned and operated the same farm or ranch for 100 years or longer.
 - Staff developed an educational brown bag luncheon series that was held via remote platform for members of local historic preservation boards. Staff is also working to add informative PowerPoint training to the SHPO YouTube channel to help educate interested citizens.
 - The office continues adding new National Register of Historic Places-related photos to the web-based photo database LUNA. SHPO digitized a total of 14,007 images. Over 1,000 images were added in the past year and are available on the SHPO website for researchers and the general public.
- Wyoming State Archives:
 - This past year, we served 2361 research patrons: 349 in person, and 2012 by phone, fax, snail mail and email. Of those, 941 were from Wyoming. The rest hailed from nearly every U.S. state and 14 countries. Our most common queries (898) are for school transcripts, as well as court case files (divorce and probate), vital records, and newspapers. Other topics included the Estelle Reel, genealogy, Latin Americans, Asian Americans, and African Americans in Wyoming, Cheyenne airport, election pamphlets, public library funding - and of course land/mineral rights, cowboys, cowgirls, and rodeo, house history, brands, and women's suffrage.
 - Online access to digital collections: We continued to prioritize making our resources available via our website and via other databases online. We are now a member of the *Digital Public Library of America* (DPLA) where users can now search 54,246 images of our collections, including maps, oral history interviews, and photographs. And 70,608 of our digitized materials (photographs, maps, oral histories, etc.) are now accessible through our Luna database online. We have also made great strides in adopting ArchivesSpace collection management software, our new and soon to be publicly available online catalog, with over 800 finding aids loaded into the system. Additionally, we have begun working with NUCMC to catalog our records into WorldCat broadening our collections visibility.

- We created a year-long speaker series focused on Wyoming and its diverse history and communities. Notable talks were Rick Ewig's talk on Dana train derailment, Doug Kupel's presentation on Barney Ford, Dan Lyon's discussion on early Japanese Americans in Wyoming, and much more. In addition to being held in-person, these events were livestreamed on Facebook and added to our YouTube page and continue to receive views.
- We hosted two high school student interns. One of the students is interested in pursuing historical research as a career and she is working on creating a comprehensive guide to county/city incorporations. The other student is from the high school transition program which provides opportunities for students to gain skills in a work environment. This student is digitizing and creating metadata for the city/county photographic files. The end product of both of these projects will increase accessibility to our collections.
- We continued to add user guides to our records and have started experimenting with new platforms to enhance user experience.
- Records Management analysts had more than 1500 contacts with state agency and local government staff this year, including at least 40 phone/in-person RIMS database training sessions.
- The State Archives developed guidelines for managing records of social media and presented about it at the Wyoming Conservation Districts workshop. Additionally, the State Archives provided new guidance for managing student cumulatives files.
- SHRAB sponsored two free workshops: Grant Writing for Every Occasion and Archives/Digitization 101. These workshops were supported by State Archives staff, involved partnerships with the State Library, and held over two days. The grant writing for every occasion workshop was held online and had about 100 people attend each of the 6 sessions and about 50 people attend each of the two Q&A sessions. The participants were from all over the US and even some international! The Archives/Digitization 101 workshop was at full capacity of 30 participants with several folks placed on the waiting list and requesting an additional in-person workshop to be held in the near future. This was an opportunity to provide hands-on learning using the SHRAB sponsored digitization toolkits that are available for use by Wyoming institutions and organizations for special projects.
- Wyoming Arts Council:
 - Through funding from the Seymour Thickman Family Foundation, and support from the Piatigorsky Foundation, the Arts Council presented over 10 outreach opportunities for students and community members to enjoy and learn about classical music.
 - Through funding from the National Endowment of the Arts, and support from the National Poetry Foundation, the Arts Council hosted the state competition for Poetry Out Loud in a virtual environment. Students from around the state were recorded and the state judges viewed the videos of the finalists to choose the state winner.
 - The Arts Council awarded 10 fellowships in creative writing, visual arts, and performing arts. These funds are used to help artists develop their artist output, adding economic and social outcomes for Wyoming communities.
 - The Arts Council organized and administered seven or more committees to select art through the Art in Public Buildings program.
 - The Arts Council assisted the Department of Education in developing the Innovations conference and awarded the 2nd Arts Education Award for Innovation at their virtual conference.
 - The Arts Council administers six partnership grants with different statewide arts education associations to help provide professional development for music, theater/dance, and visual arts teachers to support professional development opportunities. Using ARPA funds for this year only, the arts council provided funding at five times the normal rate to help teachers with pandemic related training and professional development.
- Wyoming State Museum:
 - Our school programs reached 13,021 total participants:
 - 2,543 students participated in on-grounds field trips.
 - 5,302 students participated in virtual field trips.
 - 262 students were reached with in-school education programs.
 - 4,914 students interacted with our educational trunks.

- Our community programs reached 12,973 total participants:
 - 6,438 participants for our Family Day programs. 95% of participants were from Wyoming.
 - 2,517 people participated in on-site special events.
 - 464 people participated in on-site community programs.
 - We reached 3,554 people through off-site community outreach events.
- The museum completed work on our new Museum Classroom. It will be the first time in the museum's 127 year history that we have had a dedicated education space. The classroom was completed without expending general funds. It is supported by grants, donations, the CARES act, and revenue from the museum store.
- The museum opened multiple new exhibits during FY22.
 - On-site:
 - Contemporary Art from WSM Collections.
 - 3 Community Case exhibits.
 - 5 exhibits with WY Archives for their lecture series.
 - Off-site:
 - Governor's Capitol Art Exhibition in the Capitol Extension.
 - WSGA Anniversary exhibit in the Capitol.
- The museum completed the final design/planning phase of a substantial 1,400 square foot exhibit about prehistoric Wyoming, which will also include new and corresponding educational programs. In-house fabrication has begun and we are working with an exhibit company to design and build new interactive exhibits.
- The museum assisted 37 patrons researching their own artifacts or objects held in the state museum collections in which they had a special interest.
- Responded to 27 requests from other museums or museum studies students regarding artifact care or museum methodology.
- Staff judged student projects at Wyoming History Day.
- With support from a grant from the Institute of Museum and Library Services, the museum initiated a project focusing on photogrammetry of the collection with the goal to provide 3-D images of artifacts on public platforms.
- Continued to edit artifact records in the PastPerfect database in order to prepare them for presentation for an on-line platform. 5,204 artifacts can currently be researched by the public online.
- Office of the Wyoming State Archaeologist:
 - Organized the 2021 Archaeology Fair, a free event held at the Territorial Prison in Laramie. New events in 2021 included a hide tanning demonstration, an educational booth sponsored by the State Museum, and a virtual tour of the Hell Gap site. The event was attended by around 1100 people.
 - Organized a historic firearms workshop in collaboration with Fort Phil Kearney as a field trip attached to the 2022 meeting of the Wyoming Archaeological Society.
 - State Archaeologist presented keynote address to the 2022 meeting of the Wyoming Archeological Society in Sheridan, WY. The OWSA survey manager presented a paper about 2021 fieldwork at Medicine Lodge State Archaeological Park.
 - OWSA staff helped organize and provided resources to support the 2022 meeting of the Wyoming Archaeological Society in Sheridan, WY.
 - OWSA staff serve on several Boards and committees related to Wyoming Archaeology, including the Wyoming Association of Professional Archaeologists, the Wyoming Archaeological Society, the Wyoming Archaeological Foundation, the Plains Anthropological Society, the Rocky Mountain Anthropological Society, and the Society for American Archaeology.
 - Incorporated avocational volunteers into two archaeological field projects at the Willow Springs site (Laramie, WY) and the Courchaine Bison Jump (Beulah, WY). Total volunteer time for 2022 field season equals around 75 person days.

- Hosted a group of eight homeschool students between the ages of four and nine at the Willow Springs site for a hands-on archaeological education experience.
- State Archaeologist interviewed by local, state, and national media outlets about research published regarding the Powars II ocher quarry. Outlets include Wyoming Public Radio, The Laramie Boomerang, Apple News, The Archaeology Podcast Network, Smithsonian Magazine, Sci-News, and others.
- Wyoming Cultural Trust Fund:
 - In FY 22, the WCTF began developing the new electronic grant application process, with the goal of implementation in October 2022. The WCTF has contracted with Foundant Technologies, Inc., a software and electronic data system, to create and host the new electronic grant application system. Development will occur between April 2022 and August 2022, with the system opened up to grant applicants in late August 2022 in order to prepare their applications due October 1, 2022. This new system will make application and follow-up reporting easier for the applicant and more efficient for the program overall.

Administrative Services Section:

- Accounting processes and files all documents electronically, increasing efficiency and reducing printing costs and archiving expenses. This practice streamlines communication, simplifies external audits and supports agency staff with telework agreements.
- Administrative Services continues managing the Volunteer Program. We advertise in a national magazine and on a couple of websites for Workampers who contact us because they want to spend their summers in our awesome state, accept/review their applications, forward them to SPHS superintendents for placement, provide uniform shirts and a couple of other swag items so they are identifiable to the public, ensure their hours are logged into the system for reporting purposes and provide a thank you gift to them at the end of the season. Our volunteers are invaluable and we couldn't do what we do without them.
- Human Resources advertises for seasonal employees to work in the parks and historic sites, and trails. The number of applicants is down from previous years. In addition to our normal advertising with government jobs, we also advertised with Indeed, on social media, and in many newspapers across Wyoming, both online and in print.
- Public Information through continued dedication to social media saw "Friends and Followers" increase on Facebook, 24% (15,350 to 19,017); Twitter, 18% and Instagram, 42%; as well as an engagement increase on Facebook of 48%; Twitter, 39% increase; and Instagram 54%.

Performance Measure #3: Perform Evaluation, Preservation, Conservation and Restoration: Evaluate, protect, conserve and restore important cultural and historical resources in the State of Wyoming and educate the public regarding resource significance.

Division of State Parks, Historic Sites and Trails and Outdoor Recreation Office:

- Wyoming State Parks & Historic Sites
 - Construction and Engineering managed approximately \$2.824 million worth of capital construction expenditures to restore, maintain, or stabilize SPHS facilities, including:
 - Reconstruction of the historic Brimmer Point Bridge at Guernsey State Park funded through a grant from the Helmsley Foundation.
 - The new cultural outdoor education center at Medicine Lodge State Archaeological Site funded through a grant from the Helmsley Foundation.
 - All historic sites and museums continued to evaluate collections, inputting artifacts into a cataloging software program and properly storing items. These efforts included:
 - The Curt Gowdy collection at Curt Gowdy State Park grew with the inclusion of new Curt Gowdy artifacts donated by family and friends. Artifacts included a fishing pole used by Curt Gowdy, a Wyoming flag given to Curt Gowdy, several clothing items and a shovel used as a family garden ornament.
 - Quebec 01 continued to work on the management and care of its growing artifact collection, which currently sits at 313 mission-based artifacts. The military community

actively supports this site. Efforts to bring an ICBM Super High Frequency Satellite Terminal (ISST) communication antenna were started through our volunteer group.

- The Wyoming Pioneer Museum completed the building of a curatorial lab. Dedicated curatorial space gives staff the ability to process artifacts safely and in line with best practices. This includes photographing and performing minor conservation treatments without continually moving artifacts in and out of storage daily. This aligns with our agency's obligation to care for artifacts that exemplify the history of Wyoming.
- The Buffalo Bill State Park and Reservoir Resource Management Planning process was initiated in April of 2022 in partnership with the Bureau of Reclamation. The Request For Proposal (RFP) was completed and a contractor selected to guide public engagement and produce a plan to guide development decisions.
- SPHS&T formed a Weed and Pest Committee to organize our agency's approach to managing terrestrial invasive species on lands we manage. This involves participation on the interagency weed and pest task force, development of educational training for staff and the public, and integration of EddMaps for reporting potential invasive species. Each state park and historic site district has one representative on this committee.
- Wyoming Office of Outdoor Recreation:
 - The Wyoming Office of Outdoor Recreation partnered with the Wyoming Office of Tourism to develop the Recreate Responsibly campaign. This campaign works to educate the public on ways to minimize their impact and know before they go on their recreational adventures in Wyoming.
- SPHS Trails Program:
 - The Wyoming State Trails Program continues to lead the State of Wyoming in ensuring motorized recreation resources are protected, and an adequate Shoshone National Forest Travel Management plan is developed. This has happened through 16 pages of comments on the plan, dozens of meetings with the Wind River, Washakie, Wapiti and Clarks Fork Ranger districts and at the Forest Supervisor level. The State Trails Program presented to the statewide recreation staff of the Bureau of Land Management to show them what the Trails Program could do to help manage their motorized recreation resources.

Cultural Resources Division:

- Wyoming State Historic Preservation Office:
 - Recent National Register nominations include the Wold Rock Art District in Johnson County, West Side School in Washakie County, Malta Lodge No. 17 AF&AM in Hot Springs County, Shell Community Hall in Big Horn County, Chugwater Soda Fountain in Platte County, and the Douglas Armory in Converse County.
 - SHPO is partnering with the Bureau of Reclamation and the Natural Resources Conservation Service to develop a historic context on historic irrigation features. A consultant has been performing research and has delivered a draft context.
 - Our office received an Under-Represented Communities Grant from the National Park Service to develop a historic context on African-American related historic resources. Along with the context an individual National Register nomination will be completed. A consultant is currently preparing the context and nomination.
 - A consultant is currently working to update the National Historic Landmark nomination for the Capitol to reflect changes made during the restoration process.
 - The National Historic Landmark nomination for Quebec-01 was approved by the National Historic Landmark Committee. The nomination is awaiting signature by the Secretary of the Interior.
 - The Site Stewardship Program and Dubois Museum conducted a *Talk and Trek* lecture and on-site visit to the Torrey Lake Petroglyphs as part of a training and outreach series that focused on preservation strategies for the site going forward. A renewed presence and site monitoring was established at the Point of Rock Stage Station and the Tolar Rock Art Site near Rock Springs in an effort to curtail vandalism and provide more site protection. A joint effort with the Meeteetse Museum to develop an educational traveling exhibit for grade schools and high schools to provide hands-on activities focused on prehistoric subsistence strategies was

undertaken. On-site stewardship was conducted at Red Buttes Battlefield site in order to help provide a monitoring plan for the site. A training/tour collaborative effort involving the Wyoming Site Stewardship Program and Lander BLM at the Castle Gardens site near Riverton was continued as part of the long term plan to deter ongoing problems with vandalism.

- Additional copies of the free public booklet on the Medicine Lodge State Historic site were printed for dispersal at the site.
- Wyoming State Archives:
 - To document the pandemic's effect on Wyoming, the State Archives continues to collaborate with the State Museum and the UW American Heritage Center on a website curating donations, documenting personal stories and glimpses of life that Wyomingites encountered with COVID-19 pandemic (<https://sites.google.com/wyo.gov/covidinwy/home>).
 - Preserving records of the Wyoming State government, regardless of format, is the primary function of the State Archives. The Wyoming Digital Archives provides agencies a way to preserve and manage their electronic records. The State Imaging Center scans state agency records for digital preservation and advises agencies wishing to do their own scanning on specifications. We also consult with local government staff on preserving their digital files, including an increasing number of local government clerks and treasurers choosing to join the Digital Archives.
 - The Digital Archives now contains 6,210,185 files with 1,430,816 added between 7/1/2021-6/30/2022. The Digital Archives serves 209 licensed users, 22 state agencies, 17 county agencies, and three municipalities. The Board of Medicine and the Environmental Quality Council are the new state agencies, and Natrona County IT is new at the county level. At the city level, the Meeteetse City Clerk and Treasurer are our most recent users to the digital archives. The overall capabilities of the software combined with the customer service, ease of use, the ability to provide more licenses, and the low cost has led to more interest and adoption of the system.
 - The State Imaging Center scanned 227 rolls of microfilm and 740,049 images for state agencies, including projects such as the Department of Family Services adoption files, Wyoming Business Council Community Development Block Grant files, microfilm digitization of newspapers for the Veterans Museum, Department of Environmental Quality Air Quality Division files, microfilm and paper digitization of State Hospital records, Probation and Parole records, State Museum donor files, Arts Council minutes, and a large VHS digitization project. Of these images, 391,776 of these images were added to the Digital Archives. We scanned 159.5 cubic feet of paper; they were either removed from Records Center shelves or agency office space and securely destroyed.
 - Records management staff added 3000 boxes to the State Records Center, while securely destroying 4032 boxes whose required retention periods had been met. We were able to complete the software update that helps us manage these records. The new features and functionality of the software will enhance the services we provide while also saving the staff time.
 - We added 34 new historical collections and 327.45 cubic feet of archival records; the latter included 15 counties (courts and school districts), 9 state agencies, and one city government.
 - Ancestry continues to scan death, marriage, and divorce certificates in our collections, from Wyoming's counties, adding 250,394 images this past year. These records, always available in the State Archives' reading room, are now also accessible via *Ancestry.com*, in every Wyoming library. This will increase public access and save wear and tear on these frequently consulted records.
- Wyoming State Museum:
 - The Museum received 88 donations of 636 artifacts.
 - Received 162 incoming loans of 215 artifacts.
 - Continued to catalog newly donated artifacts, update records, and store the artifact collections: 950 artifacts were cataloged; 698 artifact records were edited; 1,318 were stored
 - Initiated a conservation project for the Esther Morris and Chief Washakie Statues in the Capitol Extension.
 - Began a project with A&I to improve climate conditions at our offsite storage facility
- Office of the Wyoming State Archaeologist:

- Continued work on a 3-year grant obtained through the Institute for Museum and Library Sciences to catalog and rehouse artifacts from the Vore Buffalo Jump. This project will preserve for future research the Vore collection, one of the largest assemblages of bison bone in the world.
- Provided consultation and legislative testimony related to acquisition of Sutton Archaeological Site near Sunrise, WY. The site is unique within the state as a set of ceremonial structures related to red ochre use.
- Participated in consultation regarding and provided comments to the Rail Tie wind farm project.
- Organized and conducted a post-fire survey of the Mullen Fire burn scar in the Medicine Bow National Forest.
- Conducted no less than 10 projects related to compliance with Section 106 of the National Historic Preservation Act.
- Facilitated the transfer of Patten Creek Archaeological site artifacts from the Harvard Peabody Museum to the University of Wyoming Archaeological Repository. Patten Creek is located on State lands but has been in the possession of Harvard University since its excavation in the 1960s.
- Facilitated repatriation of Native American human remains to the Northern Arapaho from a private collection.
- Wyoming Arts Council:
 - The Arts Council, through support from the ARPA funding, offered 13 Folk Arts Mentoring grants to master and apprentice artists across the state to pass down traditional art forms. These mentorship projects are also the basis for much of the folk and traditional arts fieldwork documenting and preserving Wyoming cultural heritage.
 - Created high quality PBS videos of seven of the Folk Arts Mentoring grants to be used as preservation and to highlight the work of the program. These were paid with APRA dollars.
- Wyoming Cultural Trust Fund:
 - In FY22, \$145,495 or 23.9% of all grant awards supported historic preservation.
 - Activities including: terra cotta repair and installation of the Historic Airport Fountain in Cheyenne; repair and restoration of two historic structures at the Arapaho Ranch Field Station; roof repair of the Museum of the Occidental Hotel in Buffalo; incorporation of historic cabins into the new Jackson Hole Historic Society and Museum campus; and renovation of the Historic Hardeman Barn in Jackson.
 - Additionally, \$126,537, or 20.8% of grant awards supported the construction and renovation activities throughout Wyoming, including:
 - Providing a heating unit for exhibit areas in the Meeteetse Museum; repairing and interpreting the historic Middleton School House at the Hot Springs County Museum in Thermopolis; providing equipment upgrades for programming by Young Musicians, Inc. (dba The Arts, Inc.) in Evanston; providing stage lighting, equipment and rigging for the Ford Theater in Afton; replacing a lighting console for the Cheyenne Civic Center; and assisting Hulett Museum in creating a small, permanent artifact storage area.

Performance Measure #4: Exercise Brand Management: Provide high quality consumer/constituent evaluation, department planning and marketing to enhance and showcase Agency's programs and educate the public of our brand value.

Division of State Parks, Historic Sites and Trails and Outdoor Recreation Office:

- Wyoming State Parks & Historic Sites:
 - SPHS&T expanded its overall reach within our communities and with our visitors through development of interpretive programming. This included hiring two full-time Interpretive Rangers and two Seasonal Interpretive Rangers that hosted participants at fifty-six events, including:
 - Absaroka District:
 - Summer Camp Tour
 - Brief History of Fort Phil Kearny
 - History of Firearms
 - School Tours

- Tour the Fort
- Flags Flying High programs
- Fetterman Battlefield
- What to Wear
- Build-A-Fort programs
- Rags to Riches: Tour of TE
- Ranch Life, Mansion Life programs
- Cowboy Culture
- Kick-Off to Summer programs
- Paddle in the Park: Learn to Paddle programs
- Night Hike - Who's active at night and why? programs
- Wildlife at Keyhole State Park.
- Getting Schooled- Wyoming's Fish programs
- Night Hike - Nocturnal Eyes programs
- Songbirds of Wyoming
- Meet the Pollinators
- Shoshone District:
 - Succulent night
 - Snake program
 - Summer camps
 - Summer stories programs
 - Fort Bridger State Historic Site had 385 attendees at their Halloween event.
- Laramie District:
 - Interpretive Hikes
 - Historic Site Tours
 - Nature Hikes
 - Fireside chats
 - Latino Outdoors Semillitas event at Curt Gowdy State Park.
 - The 2021 Plein Air in the Parks (a joint venture between the Cultural Resources Division and SPHS&T) was held at the Wyoming Territorial Prison State Historic Site. Five artists participated in the event and over 100 came to the Opening Reception.
 - Wyoming Territorial Prison hosted their annual Pumpkin Walk Event and 2955 people attended. They also hosted a Haunt or Hoax sold out event at 60 people and the Laramie Ghost Tours brought in over 2500.
- North Platte River District
 - Girl Scouts Love State Parks was hosted with various programs for the girls at two of our sites.
 - Guernsey State Park led hikes and made plaster casts of animal tracks with 25 attendees.
 - Fort Fetterman State Historic Site led a scavenger hunt, performed military drills, and taught a laundress demonstration to 27 attendees.
 - Glendo State Park had 130 participants attend their Halloween event.
 - SPHS&T hosted eight virtual BioBlitz events and was an organizing partner at the annual BioBlitz event, which was held at Guernsey State Park this year.
- Bighorn District
 - Medicine Lodge State Archaeological Site had 40 attendees at their Halloween Program.
 - Medicine Lodge State Archaeological Site Kids Outdoor Day - 125 attendees.
 - Medicine Lodge State Archaeological Site Public Archaeological Dig - 250 participants.
 - Washakie Museum 5th Grade History Days public outreach - 160 participants.
 - Buffalo Bill State Park wildlife interpretive talk series - 60 attendees.

- First Day Hikes continued to be popular across parks, with more than 300 total participants in 2021.
- The Wyoming Master Naturalist Program was sponsored by SPHS&T, and classes meet weekly with regular participation from SPHS&T as instructors and as participants.
- SPHS&T partnered with Game and Fish to host the Wyoming Outdoor Expo. The 2022 Outdoor Expo saw a total of 5,471 participants. There were 2,747 school-age participants, 402 chaperones, and 2,322 general public participants over a three day span.
- Curt Gowdy State Park was voted #8 in the nation for RVing/Camping in a Reader's Choice contest conducted by USA Today and 10Best.com.
- Wyoming state parks and historic sites in partnership with Cheyenne Regional Medical Center created a public messaging campaign, *You Matter*. *You Matter* features information on how to reach out for help via phone or text to a statewide hotline regarding suicide prevention. The campaign includes informational posters that have been distributed at all state park sites and the Cheyenne office.
- Curt Gowdy State Park began a partnership with the VA Hospital of Cheyenne to create a program for their RRTP program. RRTP is an in house treatment program for Veterans suffering with PTSD and related substance abuse issues. Each week, the program brought 5 - 10 Veteran's to Curt Gowdy State Park to learn to fish, canoe and take interpretive hikes. This gives them a healthy and safe place to come after in house treatment ends.
- SPHS&T facilities received an overall rating of 4.6 out of 5.0 on Google Reviews.
- Wyoming Office of Outdoor Recreation
 - The Wyoming Office of Outdoor Recreation increased its overall social media followers by 56%. The office had 6,000 unique website visitors, and 16,900 website page views.
 - The Wyoming Office of Outdoor Recreation presented information about responsible recreation, recreation opportunities, funding opportunities, and general information about our office at several events over the past year. These include the Wyoming Developmental Disabilities Conference, the Wyoming County Commissioners Association winter meeting, the Wyoming Weed and Pest Conference, the Governor's Tourism and Hospitality Conference, the International Climbers Festival, the Sweet Sixteen Snowfest, and the Yellowstone National Park shutdown.
 - In partnership with Wyoming Office of Tourism, The Wyoming Office of Outdoor Recreation created and managed the Pathfinder program, which offers a concierge-type service to members of the public and guests visiting the State. The Pathfinders educate the public, spread visitors into less-used parts of the State, concentrate visitors in desired locations, and provide incredible customer service while doing so. The goal of the Pathfinder program is to keep visitors in the state longer and to increase community economic development.
 - Pathfinders made 3,300 meaningful contacts and attended nearly 50 events statewide to promote responsible recreation and outdoor ethics, often leading activities and instructional programs.
 - Pathfinders collaborated with other state agencies to promote responsible recreation: Wyoming State Parks (First Day Hikes - Trail End & EKW, Keyhole Summer Kickoff, Paddle in the Park - Keyhole & EKW), Wyoming Game & Fish (teaching hunter safety courses and practices, leading Leave No Trace at Expo) and Wyoming Office of Tourism (ensuring outdoor recreation data for WONDER Map is current and up to date).
 - Pathfinders contacted over 100 local visitor centers, chambers of commerce, National Forest Service, Wyoming Game & Fish, and BLM field offices, and NGOs to promote the Pathfinder program.
 - All Pathfinders completed Certified Interpretive Guide and Certified Tourism Ambassador programs.
 - The Wyoming Office of Outdoor Recreation developed a podcast that highlights opportunities to explore Wyoming's recreational resources, a venue for education, and a creative way to provide recreation-centered interpretation to the public.
- Wyoming State Trails Program

- New signage for use at our Federal partner's offices, lodges, selling agents, trailheads, and project locations was developed to educate the public on what State Trails Program funding is used for. These signs have educated the trail users on the purpose and what improvements the program provides on public lands.

Cultural Resources Division:

- Wyoming State Historic Preservation Office:
 - SHPO staff updated web pages and social media posts throughout the year including consistent logos and branding.
 - In FY21 we expanded our social media presence with more posts on Facebook, Instagram, and Twitter. SHPO has also launched its YouTube channel and will be adding training videos for public use.
 - Our Facebook reach now extends beyond Wyoming and the United States to 44 countries.
- Wyoming State Archives:
 - The State Archives had 124,539 total page views of the website in fiscal year 2022. Our topical LibGuides, including guidance on women's suffrage, WWI and Wyoming, vital records, Wyoming Brand Research, and researching historic homes and buildings, had 16,345 total views.
 - We saw interaction with our social media with Facebook post views totaling 52,788, Pinterest impressions of 8,346, Instagram impressions of 8,650, and Twitter views 26,046; our blog also received 9,542 views. We have a total of 122,211 followers across all our social media.
 - We started hosting a monthly speaker series that offers a hybrid in-person and online interactive experience for participants. The speakers' topics have to be related to Wyoming and each speaker talks about the resources used for their research. They are 45 minutes of formal presentation with 15 minutes reserved for questions and answers from our online and in-person audiences. Many of the presenters have used the Wyoming State Archives materials. The Archives has also hosted community organizations and groups for tours and instruction on research and using the archives. This year, we have had over 500 participants in these programs.
 - Staff were interviewed three times by local TV stations about our programs and initiatives, and several press releases with news releases were distributed across the state and professional organization platforms.
- Wyoming Arts Council:
 - The Arts Council has over 5,000 contacts in its directory, and sends out monthly emails to specific targeted individuals based on their interest in what information they would like to receive. These emails are specifically focused on areas of interests picked by the individual subscriber.
 - The Arts Council grew its social media presence to over 5,678 followers on Facebook, over a 1,500 increase. Additionally, over the fiscal year, events and posts have seen over 4,300 likes. There are daily scheduled posts and geographically focused marketing and promotion, including weekly engagement through Twitter.
 - Three issues of the *ArtScapes* magazine were produced and distributed to over 5,000 households and businesses across the country.
 - The Arts Council does multiple mailers to over 5,000 Wyoming constituents for major events including the Governor's Arts Awards application.
 - The Arts Council held the Governor's Arts Awards in February highlighting two years of award recipients.
- Wyoming State Museum:
 - The museum continues to maintain a strong online reputation with a 4.7 star rating on Google and 4.5 star ratings on Yelp and TripAdvisor. It remains the number one thing to do in Cheyenne according to TripAdvisor.
 - Facebook impact for FY22: 162,406 total reach
 - Audience
 - 392 new page likes
 - 402 new followers

- Interactions
 - 2,776 likes
 - 179 comments
 - 397 shares
 - 231 total posts, program promotions, and/or stories
 - Instagram impact for FY22: 73,513 total reach
 - 383 new followers
 - Interactions
 - 2,908 likes
 - 62 comments
 - 206 shares
 - 231 total posts, reels, and/or stories
 - The Barrett Building front desk is the primary point of public engagement at agency headquarters. In the past, museum volunteers performed this important role. They suspended operations for the majority of FY21. Upon their return in May, 2021, they were unable to fill desk shifts due to a reduction in membership. This issue continued through FY22 with a significant negative impact on brand management and customer service. There is currently no plan for staffing the Barrett Building desk.
- Office of the Wyoming State Archaeologist:
 - Maintained an active and growing social media presence with a total of 3,818 Facebook and 1,051 Instagram followers.
 - Maintained an active social media presence for the University of Wyoming Archaeological Repository, a division of OWSA, which posted weekly updates on the Vore Buffalo Jump curation project. Posts routinely reached several thousand people through the Vore Buffalo Jump's social media account.
 - Wrote proclamation text for the 2022 Wyoming Archaeological Awareness Month.
 - Initiated digitization and online dissemination of 'The Wyoming Archaeologist', a publication of the Wyoming Archaeological Society edited by members of OWSA. Initiative will improve the reach of this publication considerably.

Administrative Services:

- Public Information Office:
 - Continued to encourage use of the Marketing Calendar by State Parks, Historic Sites and Cultural Resources programs resulting in better promotional strategization. Working to develop more exposure and use of department-wide master calendars on websites.
 - Continued partnership with the *WyomingNewsNow* television network to produce *Wyoming Wednesdays* morning show segment. This partnership has resulted in weekly interviews with personnel from throughout the department who discussed a variety of departmental issues, programs and events.
 - During the past year, PIO, at different times, managed the WyoParks, social media sites and oversaw operations of all other departmental sites.
 - Updated website site specific videos

Performance Measure #5: Have a Competent and Satisfied Workforce: Recognize, retain and recruit employees to ensure a cohesive, well trained, happy, safe and healthy workforce.

Division of State Parks, Historic Sites & Trails and Outdoor Recreation Office:

- Wyoming State Parks & Historic Sites:
 - Many employers nationwide are struggling with employee turnover and difficulty finding qualified applicants for open positions, and SPHS&T has experienced this as well to some degree. This includes Trade Specialists in the State Trails Program, an Engineering section opening, and the Superintendent of the Wyoming Territorial Prison, which was just recently filled. SPHS&T will continue to focus on employee retention in coming years, and will address potential pay gaps wherever possible.
 - The SPHST Safety Committee provided guidance to sites for training, education, and tools to

- perform safe work. More than \$50,000 was spent to provide safety equipment to all sites.
- We offer staff training certifications or recertifications which include:
 - Certified Public Manager program through Laramie County Community College (3)
 - National Association of State Park Directors Leadership School (4)
 - National Association for Interpretation (21)
 - Law Enforcement (51)
 - Wyoming Weed and Pest (25)
 - Wyoming DEQ Water and Wastewater (17)
 - Wyoming Master Naturalists (6)
- Wyoming State Parks and Historic Sites implemented a Ranger First philosophy with training at all of our parks and historic sites. The visitors of Wyoming expect our staff to manage facilities and grounds in a safe, secure, and orderly fashion, and to protect and preserve the facilities and resources of the area(s) where they are assigned. We employ the basic principle that if we create a well-kept park system, there will be implied pressure on the public to use the area in a safe and orderly fashion. The fundamental enforcement of Park Rules and Regulations and other applicable laws is one of the most powerful tools available for the SPHS&T staff in the mission of creating a park with a high level of safety, security, and order and a culture of voluntary compliance. When the Park Rangers or other staff enforce Park Rules and Regulations it establishes the limits of acceptable behavior, sets a low-level of violation tolerance, and effectively discourages escalation to more serious behavior and crime.
- A 360 degree-feedback process was implemented. This provided a formal avenue of feedback to supervisors and the supervisor's supervisor. The feedback gathered during this process allows supervisory staff to grow as leaders and better support staff.
- A staff shadowing program has been established to ensure staff can identify needs, share knowledge, and work together in a more cohesive way.
- The Employee Ambassador program was created. This program allows staff to visit other WY State Parks and Historic Site facilities and give detailed suggestions to the sites regarding what they liked and what they suggest be improved on. Additionally, they explain what aspects they will bring back to their own site.
- Wyoming Office of Outdoor Recreation
 - All Wyoming Office of Outdoor Recreation staff have telework agreements in place so that their job can provide them with an appropriate amount of flexibility. These employees work across the state, and these telework agreements have allowed the office to hire the best qualified candidates without requiring them to be located in Cheyenne. This effort has also increased our ability to retain these qualified employees.
- Wyoming State Trails Program
 - The Program has incorporated an employee of the month wall; the employee of the month is always nominated by at least one other member of the crew.

Cultural Resources Division:

- Wyoming State Historic Preservation Office:
 - The office participated in regional and national meetings sponsored by NCSHPO, the National Trust, and the National Association of Preservation Commissions.
 - Between April 29th and May 1st, 2022, SHPO staff participated in the annual spring meeting of the Wyoming Archaeological Society and the Wyoming Association of Professional Archaeologists in Sheridan. SHPO and Wyoming Cultural Trust Fund staff presented three workshops for members on tax incentives, completing a National Register nomination, and how to apply for historic preservation grants.
 - Staff attended regional meetings on the development of cultural resources databases and GIS.
 - Staff attended training on the Wyoming State Accounting System, CGI Advantage and the new Employee Self Service (ESS) system.
 - Staff participated in fieldwork at Medicine Lodge and Willow Springs archaeological sites.

- Staff participated in a meeting with other SHPOs in the region to discuss common issues, concerns, and solutions. Other SHPOs that participated included Montana, Idaho, Utah, and Nevada.
- Wyoming State Archives:
 - Staff participated in several distance learning opportunities during this year. One of our staff members was awarded funding from the Society of Rocky Mountain Archivists (SRMA) to enroll in the Northeast Document Conservation Center (NEDCC) six-session course on Fundamentals of AV Preservation. From this session, the staff member was able to implement some of the new strategies from the course and begin with partnering with an entity to fund digitization of an obsolete format of audio recording with plans to apply for grants in the future. Additionally, with financial support of the Council of State Archivists (CoSA), staff enrolled in six NEDCC webinars related to archives-centered topics including dealing with mold in paper and book collections, metadata for digital collections, born-digital access and preservation, and handling of oversized, paper, and book collections. Other virtual workshops and webinar topics centered on records and risk management, email management, grant writing, digitization, outreach, and donor relations. We have also had in-house and specialist training on our newly upgraded records management software, creating EAD finding aids, and creating records and using ArchivesSpace. The staff were also able to attend online conferences, which has provided an opportunity to build our professional networks and work together on projects such as the CoSA PREPARE project (that is focused on email management).
 - One staff member served on the Board of the Wyoming State Historical Society, attending meetings both in-person and virtually, and Carl Hallberg supervised the publication of two issues of the Annals of Wyoming, as Editor.
 - One staff member served as chair of the Society of American Archivists Digital Archivist Specialist Subcommittee, which aids in facilitating professional development in digital archives.
 - Two staff judged in this year's National History Day state competition in Laramie. Additionally, the State Archivist helped with the awards ceremony by announcing and handing out awards.
 - We held monthly all-staff and unit meetings via Google Meets. This has allowed us to have guest speakers attend the meetings and enabled staff to attend on a regular basis.
 - Several of our staff members were honored with years of service certificates and pins (5, 15, 25, 30, and 35). The employee, who was thanked for 35 years of service, attended a special reception and took a picture with the governor!
- Wyoming Arts Council:
 - The Arts Council continues flexible working schedules including telework agreements for all seven staff members, and work is completed primarily in a remote environment.
 - Arts Council staff remain working from cell phones instead of landlines, giving staff more flexibility with where to physically be located for conversations with constituents.
 - Through some required training per the National Endowment for the Arts federal funding, the Arts Council has been able to provide professional development opportunities in a virtual and in person environments.
 - The Arts Council has completed a staff audit of positions and has restructured job responsibilities as well as our new strategic plan with this information in mind.
- Wyoming State Museum:
 - The museum was fully staffed at our reduced post-covid level for half of FY22. The impact of FY21 budget cuts and ensuing staff shake ups continue to impact our workforce. 33% of the current staff have been with the agency for less than two years. 55% of staff have been in their current role for less than two years.
 - The museum continues to try to offset the impact of staff reductions through temporary grant funded positions. In this fiscal year we received grants to fund one full time position and one part time position.
 - The museum continues to attract qualified candidates from all over the country for open positions. However the number of applications for positions opened in FY22 was dramatically lower than the number for positions opened before the pandemic.

- Museum staff participated in a number of virtual conferences, workshops, and webinars on current issues in the field.
- Office of the Wyoming State Archaeologist:
 - All staff participated in regional meetings and as members of local archaeological Foundations, including the Wyoming Archaeological Society, the Wyoming Association of Professional Archaeologists, the Wyoming Archaeological Foundation, the Rocky Mountain Anthropological Association, and the George C. Frison Institute for Archaeology.
 - Our at-will staff undertook several important job skills trainings directed by permanent OWSA employees and staff from the University of Wyoming. Key training includes the use of 3-dimensional photogrammetry to document artifacts, bison bone identification, and building boxes for use in museum curation.
 - OWSA arranged to conduct a volunteer excavation 20 minutes south of Laramie at the Willow Springs campsite, allowing State employees residing in Cheyenne and Laramie to participate in the excavation. Six non-OWSA State employees participated in the excavation, including members of the State Historic Preservation Office, the State Museum, the State Archives, and the Wyoming Arts Council. Arranging for this excavation was a direct response to inquiries from SPCR employees suggesting widespread interest in participating in OWSA's fieldwork.

Administrative Services Division:

- Due to budget constraints, all Administrative staff were directed to seek low to no cost training and most staff attended a minimum of two training sessions.
- Agency continued to gather information on where we are with the satisfaction of our workforce. We continually analyze the results of the survey to effectuate changes that can assist in improving employee satisfaction.
- In an effort to develop and maintain a successful, competent, and happy workforce, the Agency is developing an internal leadership academy program.
- Accounting: Attended Wyoming Online Financial System training sessions available at the State Auditor's Office to strengthen employee skill sets and create an overall knowledgeable staff.
- Human Resources:
 - HR continues to train staff on ESS and MSS time sheets. This makes it easier for employees and managers to enter and approve leave usage and hours worked, which in turn ensures employees are paid correctly and timely.
 - HR ensures staff is up to date on defensive driving, vehicle use and active shooter training.
 - HR continues to lead the monthly agency safety meetings, with committee member participation, seeking ways to reduce the number of workers' compensation claims within the agency.
 - HR is working with the managers and employees in the areas of employee satisfaction, compensation, classification, a seasonal housing policy, advertising and recruiting seasonal positions, recruiting and hiring qualified permanent staff, seasonal pay issues, and overall agency organization, helping to implement any ideas that are feasible and seeking alternatives to those that are not.
 - HR is working with OSHA to schedule annual consultations at each building where employees work. Most of the state parks and historic sites have been visited by OSHA and remedies to any issues have been completed. The consultations assist the agency in maintaining a safe working environment for our employees.
- Public Information Office:
 - PIO has put together a series of training videos that walk employees through the process for daily online editing of their websites.
 - Despite PIO staff attempting to return to pre-Covid work schedules, employees continue to provide monthly reports to their supervisor detailing what they were working on and what had been accomplished.
 - PIO is also researching on-line and local training opportunities especially in the area of graphic design.
 - PIO developed a social media policy and training manual to assist program and SPSHS administrators.



STRATEGIC PLAN

Keyhole State Park

DEPARTMENT OF STATE PARKS
AND CULTURAL RESOURCES

PLAN PERIOD:
JULY 1, 2021 - JUNE 30, 2024

**ARTS. PARKS.
HISTORY.**

State Parks & Cultural Resources

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INTRODUCTION

Wyoming State Parks and Cultural Resources (SPCR) developed an overall strategic plan to provide a guide for accomplishing the Department’s priorities over the next two years. This plan will establish cascading goals throughout the agency that will be measured through a balanced scorecard (BSC). Our vision and mission have not changed and neither have our overall goals for SPCR, however, the goal objectives, strategies and targets have been updated to reflect areas of emphasis for the next two years. This plan will provide a short explanation of the BSC methodology. All programs will continue to improve upon their own strategic planning by creating individual BSCs that will filter up to and align with the Agency’s overall BSC. The Agency utilizes the State’s Performance Management Initiative (PMI) system to align the Agency’s goals with their employees’ individual goals. This process completes the strategic planning cycle for setting an overall strategic plan, having programs set goals that are aligned with the overall agency plan, and finally having programs align their employee individual goals to the program’s goals.

Mission Statement:
We provide memorable recreational, cultural and educational opportunities and experiences to improve communities and enrich lives.



Guernsey State Park

IMPROVE COMMUNITIES & ENRICH LIVES



UW Dancers, Coe Library

Vision Statement:
Provide the best opportunities and experiences in the Nation.

OVERVIEW OF THE AGENCY

The SPCR agency serves Wyoming citizens, out-of-state visitors, local, county and state governments and agencies, public schools and institutions of higher education, Wyoming nonprofit organizations and Wyoming businesses. Those served by this agency enjoy more enriched and well-rounded lives because the Department provides memorable opportunities to learn about and enjoy Wyoming's arts, parks and history through a combination of responsible recreation, preservation, education, outreach, planning, granting, conservation, construction, maintenance, public safety, economic impact and development.

The Department of State Parks and Cultural Resources consists of approximately 150 full-time positions and 71 part-time positions (11 permanent part-time, and 60 seasonal positions) and 15 at-will contract (AWEC) positions. The Department consists of three divisions: the Division of State Parks, Historic Sites and Trails (which includes the Office of Outdoor Recreation), the Division of Cultural Resources (Wyoming State Historic Preservation Office, State Archives, Wyoming Arts Council, the State Museum, Office of the State Archaeologist and Wyoming Cultural Trust Fund), and Administrative Services Division that services the entire agency (Director's office, Accounting, and Public Information/ Marketing/Technology).

The Department's Headquarters, State Museum off-site storage and State Archives off-site storage are located in Cheyenne, with State Historic Preservation Records Office and State Archaeologist offices in Laramie, Trails Program field office in Lander, Central Construction field office in Shoshoni, and State Parks and Historic Sites located statewide.

The total operating budget for the department for the 2021-2022 biennium is \$56,661,069, of which \$29,016,109 are general funds. The Department's budget accounts for roughly 1% of the state's overall General Fund budget.

SPCR accomplishes its mission in consultation with the Wyoming State Parks & Cultural Resources Commission, a nine-member advisory body representing seven geographically appointed districts with two additional at-large members. The commission meets quarterly and additionally as needed. SPCR has five additional boards/councils that assist individual programs, including; State Trails Council, Wyoming Arts Council, Wyoming Cultural Trust Fund Board, State Historic Records Advisory Board and National Register of Historic Places.

The Agency is currently under contract with the University of Wyoming to update our economic impact and we are looking forward to having this study in the Fall. Based on previous economic impact studies, Wyoming State Parks, Historic Sites & Trails has a cumulative economic annual impact of \$469 million, \$20 million in state and local tax revenue, and supports 3,891 jobs. In a 2009 economic study, Wyoming's state parks and historic sites had a \$78 million impact which supported 1,123 jobs and \$3 million in taxes. In a 2012 economic study, Wyoming's Snowmobile Trails had a \$146.8 million impact supporting 1,300 jobs and \$7.4 million in taxes. In a 2012 economic study, Wyoming's Off-Road Vehicle Trails had a \$244 million impact supporting 1,468 jobs and \$9.6 million in taxes.

Primary functions of our department include:

Administration Division:

Administration Office - to provide policy, strategic and budgetary planning, development and implementation support and leadership

Support (Accounting, PIO/Marketing/Technology) - to provide agency with centralized internal and external administrative support functions

State Parks Division:

State Parks & Recreation Areas - to provide outdoor recreation and educational opportunities throughout the state

Outdoor Recreation Office - to enhance and expand the outdoor recreation industry and improves outdoor recreation infrastructure/ access within the agency and statewide

Historic Sites & Museums - to provide preservation, interpretation, and educational opportunities throughout the state

Trails (Motorized/Non-motorized) - to manage and develop recreational trails throughout the state

Support - (Youth, Volunteers, Special Events, Construction/Engineering, Planning/Grants, Concessions/Revenue) - to support the division in its mission and grant funds to communities for recreation

Cultural Resources Division:

State Historic Preservation Office - to evaluate, protect and preserve Wyoming's significant archaeological and historic resources, and educate the public on their value

Archives - to ensure ready access to the documentary resources reflecting Wyoming's history and governmental functions

State Museum - to collect, preserve, interpret and exhibit artifacts that reflect the human and natural history of Wyoming

State Archaeologist - to preserve and educate the public of the archaeological heritage of the state

Arts Council - to provide resources to sustain, promote and cultivate the arts in Wyoming

Cultural Trust Fund - to support Wyoming's culture and heritage through grant funding

OVERALL GOALS

The five overall goals for the Department are listed below. As a service driven agency, our staff is the foundation for the success of our mission and vision and SPCR cannot be successful with any of our goals without having a cohesive and well-trained staff.

- #1** Improve Impact and Contribute to the State's Economic Diversification
- #2** Serve and Educate our Customers/Constituents
- #3** Perform Evaluation, Preservation, Conservation and Restoration
- #4** Exercise Brand Management
- #5** Have a Competent and Satisfied Workforce

OVERALL STRATEGIES

To assist our agency in achieving its five goals, the following strategic performance measures have been established.

#1 *Improve impact and contribute to the State's economic diversification by expanding and enhancing the agency's ability to directly/indirectly support jobs, attract businesses and generate revenue for the state of Wyoming and its communities.*

- Lead the State of WY to improve economic diversification through economic growth in the creative sector, tourism and outdoor recreation
- Increase capacity for organizations, private businesses, and communities to enhance economic development
- Increase ability for communities and organizations to use historic assets to their economic benefit
- Increase visitation numbers, focusing on underutilized assets
- Increase revenue while maintaining mission integrity

#2 *Serve and educate our customers/constituents by providing high quality customer service, facilities, opportunities, experiences, educational resources, outreach and public safety.*

- Provide consumer/constituent requested services and products
- Integration of education into our agency
- Work to increase grant funding and improve grant categories to meet current needs of constituents
- Increase volunteers and volunteer hours
- Increase electronic access to Agency resources
- Develop multilingual and inclusion outreach and opportunities
- Ensure operating policies and procedures, as well as personnel resource allocation are meeting customer needs

#3 *Perform evaluation, preservation, conservation and restoration of our important cultural and historic resources in the state of Wyoming and educate the public regarding these resources and their historic and cultural significance.*

- Restore, maintain, or stabilize SPHS facilities
- Properly manage all objects, artifacts and records in collections facilities following accepted professional standards
- Buildings and archaeological sites are evaluated, preserved and/or restored
- Place a high focus on natural and recreation resource management

#4 *Exercise brand management consistent with our mission and through department planning and strategies to enhance and showcase agency's programs and educate the public of our brand value.*

- Lean more about our costumers/constituents
- Improve Brand recognition and awareness through public outreach, programming and events
- Improve Brand Awareness through internal and external teams
- Showcase accomplishments, recognition, awareness, and economic impact

#5 *Have a competent and satisfied workforce through recognition, retention and recruitment of employees to ensure a cohesive, well trained, happy, safe and healthy workforce.*

- Improve environment to reduce number of worker's comp claims
- Have a vigorous training and professional development program to create a well trained and competent workforce
- Have a high employee satisfaction rating (overall)
- Maintain employee recognition program with robust nominations
- Increase efficiency and productivity

PERFORMANCE MEASURES

*The performance measures are updated when needed and shown on the **Balanced Scorecard** below.*

The agency adopted the BSC process as it focused on these critical areas: Impact and Diversification, Customer Service, Resource Stewardship, Marketing, Employee Satisfaction. This template will be utilized by all programs to develop their own BSC that will strengthen the agency's mission/vision and performance.

#1

Improve impact and contribute to the State’s economic diversification by expanding and enhancing the agency’s ability to directly/indirectly support jobs, attract businesses and generate revenue for the state of Wyoming and its communities.

Goal	Objective	Strategy	Target
Improve Impact and Contribute to the State’s Economic Diversification		Expand and enhance the positive impact of the Agency to directly/ indirectly support jobs, attract businesses and generate revenue for the state of Wyoming and its communities.	
	Lead the State of Wyoming to improve economic diversification through economic growth in the creative sector, tourism and outdoor recreation	Work with all related agencies, communities, counties and NGO’s to develop and implement strategies	Increase the number of visitors to our state and increase the length of visit, develop baseline and track community livability
	Increase capacity for organizations, private businesses, and communities to enhance economic development	Facilitate collaborations with, and/or provide grant funding and strategic support to, communities and organizations who provide activities tied to economic development	Increase grant applications for economic development projects and activities as well as create one new outdoor recreation collaborative per year
	Increase ability for communities and organizations to use historic assets to their economic benefit	Provide technical assistance and grant funding for renovation/ restoration projects that contribute to economic development strategies or plans for an organization	Increase technical assistance and increase efforts to encourage economic development projects/activities
	Increase visitation numbers, focusing on underutilized assets	This is measured through a best practice visitation capture systems; focus energies on, and track visitation at underutilized assets	5% increase in underutilized asset visitation
	Increase revenue while maintaining mission integrity	Analyze fee elasticity and implement accordingly, expand revenue generating opportunities and products	Increase revenue by 10%

#2 *Serve and educate our customers/constituents by providing high quality customer service, facilities, opportunities, experiences, educational resources, outreach and public safety.*

Goal	Objective	Strategy	Target
Serve and Educate our Customers/Constituents		Provide high quality customer service, facilities, opportunities, experiences, educational resources, outreach and public safety for our customers/constituents	
	Provide consumer/constituent requested services and products	Reserve funding for new product development, launch as appropriate	New products/ services focused on impact and revenue generation
	Integration of education into our agency	Assist with creation of education standards and standards based teaching guides; increase staffing resources dedicated to education	Development of 10 standards/guides
	Work to increase grant funding and improve grant categories to meet current needs of constituents	Review programs and require grant recipients to provide feedback on funding and grant categories	Survey all grant recipients and evaluate future needs
	Increase volunteers and volunteer hours	Improve marketing and incentives to recruit, and training to improve utilization to be brand ambassadors	23,000 hours and 400 volunteers
	Increase electronic access to Agency resources	Continue to develop electronic access to records and information	Add records/ information and increase users
	Develop multilingual and inclusion outreach and opportunities	Investigate need and technology assistance tools	Determine multilingual needs per program
	Ensure operating policies and procedures, as well as personnel resource allocation are meeting customer needs	Continually review all policies, procedures, and existing personnel allocations	All aspects of operations are functioning at optimal efficiencies

#3

Perform evaluation, preservation, conservation and restoration of our important cultural and historic resources in the state of Wyoming and educate the public regarding these resources and their historic and cultural significance.

Goal	Objective	Strategy	Target
Perform Evaluation, Preservation, Conservation and Restoration		Evaluate, protect, conserve and restore important cultural and historical resources in the state of Wyoming and educate the public regarding resource significance	
	Restore, maintain, or stabilize SPHS facilities	This is measured by determining funds spent on cultural, historic and recreational sites including planning that keeps these assets viable into the future	At least \$100,000 /yr
	Properly manage all objects, artifacts and records in collections facilities following accepted professional standards	Evaluate condition of objects, artifacts and record and provide appropriate conservation methods. Evaluate and add to collections following collections policies	Increase number of artifacts conserved, objects stabilized and entered into database by 10%
	Buildings and archaeological sites are evaluated, preserved and/or restored	Provide funding and technical assistance through SHPO and WCTF grants for restoration and stabilization or documentation of historic and archaeological properties	Increase number and diversity of constituents assisted and number of grants awarded by 5%
	Place a high focus on natural and recreation resource management	Integrate resource management plans in master planning process	All future master plans will include a resource management plan component

#4 *Exercise brand management consistent with our mission and through department planning and strategies to enhance and showcase agency’s programs and educate the public of our brand value.*

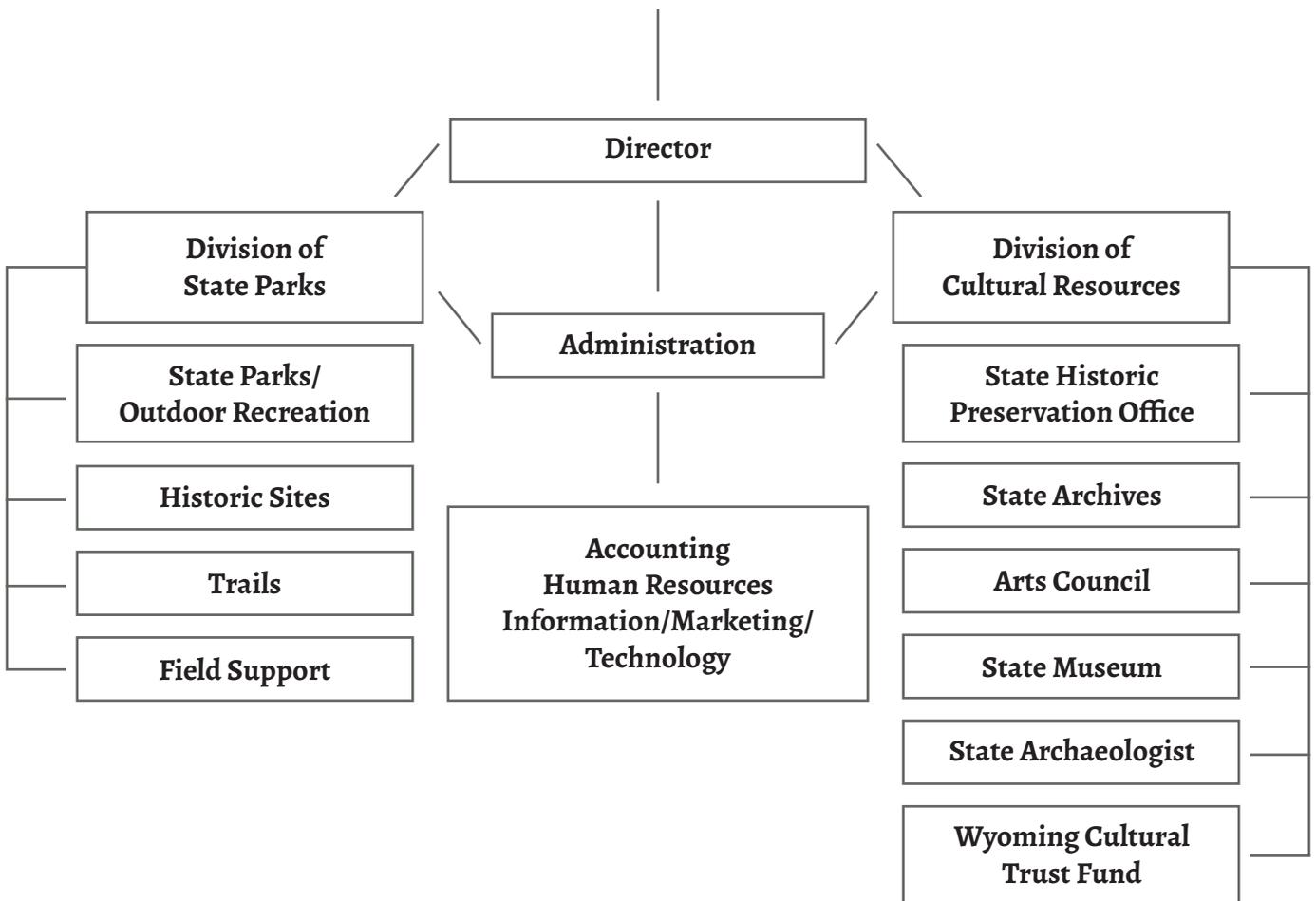
Goal	Objective	Strategy	Target
Exercise Brand Management		Provide high quality consumer evaluation, department planning and strategies to enhance and showcase Agency’s programs and educate the public of our brand value	
	Learn more about our customers/constituents	Survey customers/constituents and non-consumers/constituents	Complete three market surveys
	Improve brand recognition and awareness through public outreach, programming and events	Analyze all existing programing and events for efficiency and effectiveness including cost benefit, community benefit and program awareness	Develop and implement process and standards to analyze effectiveness of programming and events
	Improve brand awareness through internal and external teams	Develop strategies that maximize agency and division awareness	100% compliance with proper agency/division branding, Increase website redirects/hits, Increase social media numbers by 10%
	Showcase accomplishments, recognition and awareness, and economic impact	Maintain and expand our offerings that can receive recognition of excellence and seek opportunities for increased public awareness of accomplishments	Every program to have an appearance on TV and radio and one print article; completion of updated economic impact study

#5 *Have a competent and satisfied workforce through recognition, retention and recruitment of employees to ensure a cohesive, well trained, happy, safe and healthy workforce.*

Goal	Objective	Strategy	Target
Have a Competent and Satisfied Workforce		Recognize, retain and recruit employees to ensure a cohesive, well trained, happy, safe and healthy workforce	
	Improve environment to reduce number of worker's comp claims	Improve our employee safety program	Less than 10
	Have a vigorous training and professional development program to create a well-trained and competent workforce	Review staff and duties, provide training opportunities to effectively assist in efficiency; supervisors identify deficiencies to managers for budget planning	Enable a minimum of ten staff training opportunities
	Have a high Employee Satisfaction Rating (Overall)	Survey employees annually	Greater than 70%. Establish baseline data on employee movement sorted by division, section
	Maintain employee recognition program with robust nominations	The established employee recognition programs as approved by HRD requires well written nominations	At least 10 nominations a year
	Increase efficiency and productivity	Investigate and develop plans for alternative work schedules and locations	Establish baseline measurement. Insure it works for employee, supervisor and Agency as a whole

ORGANIZATION CHART

WYOMING DEPARTMENT OF STATE PARKS & CULTURAL RESOURCES



3400-P010: Email Management

I. PURPOSE

To promote consistent and efficient use of IT resources and improve data sharing among agencies by the establishment of an enterprise electronic mail system.

II. SCOPE

This policy applies to all Executive Branch agencies, boards and commissions, (collectively referred to as agencies) and all other entities that access the State of Wyoming enterprise email system.

POLICY

A. General

1. All Executive Branch agencies, boards, and commissions will utilize the enterprise Wyoming email system.
2. Enterprise email system, for purpose of this policy, shall mean all information processing equipment and software employed for electronic transfer of information through mail protocols such as SMTP or IMAP including, but not limited to; computers, servers, wireless devices, facilities for Internet/Intranet access, storage media, software and all data associated with this system.
3. Ownership - The State of Wyoming owns the electronic mail data and reserves the right to specify and control its use. All accounts, and messages sent or received or stored on backup media are the property of the State of Wyoming. In the event of any employee termination or interagency transfer, the employee's email account may be deleted, redirected to the employee's successor or appropriate management, or transferred to the employee's new agency as determined by the originating agency.
4. Official Records - Employees should be aware that documents created in, sent by, or attached to electronic mail may constitute official records of the State of Wyoming. To the extent that email constitutes a "record" for records management purposes, there may be State statutes or other policies affecting its use and maintenance.

B. Usage Rules

1. Authorized Access – Agencies may grant their employees access to the enterprise email system to carry out their assigned duties. Access for non-state employees shall be granted only with approval of the agency director or their designee. Access to the email system may be denied by the agency at any time if it is determined that access is no longer needed or there has been a violation of policy or other abuse of the system. In emergency situations a designated email administrator may temporarily suspend an account and will notify the affected agency.

3400-P010: Email Management

2. **Unacceptable Use** - The following uses are unacceptable and prohibited. The list is not exhaustive, but attempts to supply a scope of what activities are unacceptable.
 - a. **Illegal Activities** – Any illegal or wrongful conduct is prohibited. Any information or knowledge regarding illegal actions will be provided to the Attorney General, Division of Criminal Investigation or other appropriate law enforcement agency.
 - i. **Intellectual Property Infringement** – Inclusion of copyrighted material in email that would violate copyright laws is prohibited.
 - ii. **Discrimination and Harassment** - The use of the email system to transmit data which is disparaging or harassing to individuals or groups will not be tolerated. This includes, but is not limited to writings, drawings, jokes or any other form of data that is degrading or harassing to others based on an individual's race, religion, color, sex, national origin, age or disability.
 - iii. **Insensitive or Profane language** – Users must not send messages containing offensive, derogatory, profane or abusive language.
 - iv. **Objectionable Material** – Users must not use the system to distribute pornography, malicious code or illegal software.
 - v. **Interference with system operation** - Any use that seriously and unduly affects system functionality is prohibited. This includes, but is not limited to intentional misuse of group addresses, forwarding chain letters, sending SPAM messages, email bombs, initiating denial of service attacks or other forms of cyber terrorism.
 - b. **Use of other accounts** - The use of another user's account or intentionally falsifying an identity to send or receive communications (identity theft) is prohibited. At the discretion of the agency, proxy rights may be granted by one user to another.
 - c. **Personal Gain** – The system may not be used for personal commercial ventures or other personal gain.
 - d. **Religious or Political Use** – Using the system for promotion of religious or political causes or endorsement of candidates is prohibited.
3. **Personal Use** - The State of Wyoming's email system is to be used primarily for legitimate state business purposes. Incidental personal use is not prohibited, but such use must not unreasonably affect the employee's work performance or the conduct of State of Wyoming business activities, and must not compromise system security.
4. **Email Signature** - Users shall use email signature blocks to provide contact information to the recipient, as a part of all messages with a destination outside of this system. Email signature blocks will be in the standard format noted in the email standards document. (see 3400-S010 Email Management Standard)
5. **Disclaimer Statement** – There will be a State disclaimer appended to all sent email. At the agency's discretion additional disclaimers can be added, (see 3400-S010 Email Management Standard)

3400-P010: Email Management

C. Managing Email

1. **Monitoring and Access** - The State of Wyoming reserves the right to inspect all email related data at any time as authorized by statute or policy.
2. **Data Backup and Recovery, Email Message size, Attachments, and Archive** -- Each of these are subject to the terms of the agreement with the email provider.
3. **Naming Conventions** - To provide consistency and ease of use, standard naming conventions will be required, primarily for address book related data. This will be done in accordance with the naming conventions noted in the email standards document. In addition to naming conventions, aliases can be used provided the alias does not conflict with other previous existing account names or aliases. (see 3400-S010 Email Management Standard)
4. **Retention of Public Records** – Email content created or received in the course of conducting State of Wyoming business will be retained and maintained in an alternative format as prescribed by state and agency records retention schedules.
5. **Litigation and Discovery** – Email which has been identified in any court or regulatory proceedings as having a high likelihood of imminent litigation shall remain available for discovery until the legal hold has been removed. In all situations where this section applies, an email system administrator must be notified immediately.

CIO Approved Date: 2/17/12



The Public Meetings Act

A Summary

Prepared by

The Wyoming Office of the Attorney General

January 1, 2015

1. What is the purpose of the Public Meetings Act?

Answer: The overriding principle of the Act is that government should conduct its business in an open and transparent manner.

Public access to government agencies, boards, and commissions is critical to a representative form of government. Governmental boards and commissions are essentially engaged in the **public's** business. The first duty of government is to serve the public. Holding public meetings insures that all affected people are permitted an opportunity to be heard on issues that are important to their lives.

In 1973, the Wyoming Legislature enacted the Public Meetings Act. Wyo. Stat. Ann. § 9-692.10 through -692.16 (1973). Shortly after, Attorney General Clarence Brimmer answered several questions about the new public meeting law. *See* Op. Wyo. Att'y Gen. 1973-17 (Aug. 3, 1973).

Although the Act has been amended since its enactment in 1973 and portions of the Brimmer opinion are no longer valid or applicable, the Act's overriding purpose requiring state government to conduct its business in an open and transparent manner has remained steadfast. Currently, the Act's statement of purpose says: "agencies of Wyoming exist to conduct public business. Certain deliberations and actions shall be taken openly as provided by this act." Wyo. Stat. Ann. § 16-4-401. The Act expressly provides that "[a]ll **meetings** of the **governing body of an agency** are public meetings, open to the public at all times, except as otherwise provided." Wyo. Stat. Ann. § 16-4-403(a) (emphasis added). Thus, boards, commissions, and sub-agencies within departments or agencies of government are required to comply with the Act as set forth in this handbook.

2. Who is subject to the Act?

Answer: Meetings of State boards and commissions are subject to the Act's requirements. Meetings of directors of departments and State stand-alone agencies are not covered under the Act.

A. Agency:

All meetings of the governing body of an agency are public meetings and open to the public. Wyo. Stat. Ann. § 16-4-403(a). The Act defines an agency as: "any authority, bureau, board, commission, committee, or subagency of the state, a county, a municipality or other political subdivision which is created by or pursuant to the

Wyoming constitution, statute or ordinance, other than the state legislature and the judiciary[.]” Wyo. Stat. Ann. § 16-4-402(a)(ii).

B. State Boards and Commissions:

The Act applies to all multi-member state boards and commissions such as the Public Service Commission, Oil and Gas Conservation Commission, the Board of Education, and the Board of Control.

C. Directors and Stand-Alone Agencies:

Where the law governing a particular agency vests the full responsibility and authority for the agency’s decisions in a single individual (*e.g.*, Director of the Department of Administration and Information, Insurance Commissioner, State Examiner, State Engineer), the Act does not apply, since such an individual is not a ‘governing body’ within the definition of the Act.

D. Ad Hoc Advisory Committees:

Ad hoc advisory committees that have not been created by constitution or statute are not covered. An example of an *ad hoc* advisory committee is the gathering together of several multi-member boards and/or several agency heads for a particular purpose not considered an agency action, such as advising the Governor as to a particular problem or objective.

3. **When does the Act apply?**

Answer: Generally, the Act applies if at least a quorum of the members of a governing body meets, even informally, in order to consider matters which are within the agency’s official business.

According to the Act, all governmental meetings are open to the public, and the definition of meeting is broadly defined. A meeting is “an assembly of at least a quorum of the governing body of an agency which has been called by proper authority of the agency for the expressed purpose of discussion, deliberation, presentation of information or taking action regarding public business.” Wyo. Stat. Ann. § 16-4-402(a)(iii).

In 2012, the Wyoming Legislature defined the term “assembly.” An assembly “means communicating in person, by means of telephone or electronic communication,

or in any other manner such that all participating members are able to communicate with each other contemporaneously.” Wyo. Stat. Ann. § 16-4-402(a)(iv). The new definition makes it clear that a meeting can include telephonic and other electronic communications if the members are able to communicate with each other at the same time. Examples might include instant messaging, video conferencing, and conference calls. If a quorum of the members of a governing body are going to participate in such communication for the purpose of discussion, deliberation, presentation of information, or taking action regarding public business, the agency must give proper notice of a meeting and allow for public attendance.

In addition to the definition of “assembly,” the 2012 amendments further specify that, “[n]o meeting shall be conducted by electronic means or any other form of communication that does not permit the public to hear, read or otherwise discern meeting discussions contemporaneously. Communications outside a meeting, including but not limited to, sequential communications among members of an agency, shall not be used to circumvent the purpose of this act.” Wyo. Stat. Ann. § 16-4-403(d). Thus, if the governing body of an agency wishes to conduct a meeting by electronic means, the agency must also assure that members of the public are able to attend the meeting and discern the meeting discussions in real time. This provision also clarifies that e-mail or other forms of sequential communications cannot be used to thwart the purposes of the Act.

4. What are the notice requirements under the Act?

Answer: No action of a governing body of an agency is to be taken except during a public meeting **following notice of the meeting**. The Act contemplates fair and reasonable advance notice of meetings.

Under the Act, “[n]o action of a governing body of an agency shall be taken except during a public meeting following notice of the meeting in accordance with this act. Action taken at a meeting not in conformity with this act is **null and void** and not merely voidable.” Wyo. Stat. Ann. § 16-4-403(a) (emphasis added). However, the day-to-day administrative activities of an agency are not subject to the Act’s notice requirements.

An agency is required to provide notice of its meetings to any person who requests notice. The request may be made for the dates and times of future meetings of the agency.

In 2012, the legislature added that “[t]he request shall be in writing and renewed annually to the agency.” Wyo. Stat. Ann. § 16-4-404(a). This change might aid agencies in keeping current their lists of people requesting notice of meetings. The notice requirements vary for each type of meeting and are set out below:

A. Regular Meetings

In the absence of a statute setting out a schedule or requirement for regular meetings, a governing body is required by ordinance, resolution, bylaws, or rule to hold regular meetings, “unless the agency’s normal business does not require regular meetings[.]” Wyo. Stat. Ann. § 16-4-404(a). Under the Act, the governing body shall provide notice of its meeting to any person who requests notice. *Id.* Governing bodies must also comply with notice requirements in other statutes, outside the Act, that require them to provide notice to certain persons.

The notice requirement may be fulfilled by mailing or e-mailing a copy of the meeting schedule or resolution setting the next meeting to whomever has made a request for notice. No particular form of notice is required as long as it specifies clearly the name of the agency holding the meeting, the specific date, time and place of the meeting, and the general or specific purpose. Again, if a particular statute or ordinance, outside the Act, mandates special notice requirements for the particular governing body or situation at hand, then those requirements must be followed.

When notice under the Act is to be given, the agency should give sufficient advance notice of the meeting to the local news media to enable media representatives to attend the meeting. The Act does not specifically require that notice be made statewide. Nevertheless, whenever possible, agencies should adopt a regular meeting schedule, providing for an adequate number of scheduled meetings so that special meetings can be limited to the smallest number possible, and so notice of meeting schedules may be given to media representatives who normally cover the affairs of each agency or have requested notice of such meetings.

B. Special Meetings

In 2012, the legislature also clarified the type of notice required for special meetings as well as the timeframe for giving such notice.

Special meetings may be called by the presiding officer of a governing body by giving **verbal, electronic or written** notice of a meeting to each member of the governing body

and to each newspaper of general circulation, radio or television station requesting the notice. The notice shall specify the time and place of the special meeting and the business to be transacted and **shall be issued at least eight (8) hours prior to the commencement of the meeting. No other business shall be considered at the special meeting.** Proof of delivery of verbal notice to the newspaper of general circulation, radio or television station may be made by affidavit of the clerk of other employee or officer of the agency charged or responsible for distribution of the notice of the meeting.

Wyo. Stat. Ann. § 16-4-404(b) (emphasis added).

Prior to these amendments it was not entirely clear the type or how much notice an agency was required to give in order to hold a special meeting. The Attorney General's Office had typically advised simply that "reasonable" notice was required and suggested that written two week notice would be considered reasonable. These changes clarify that the notice may be verbal, electronic, or written and that the notice must be made at least eight hours prior to the meeting.

C. Recess of Meetings

A regular or special meeting may be recessed (cancelled or moved to another location) by the governing body as long as the alternate place and time are specified in the "order of recess." "A copy of the order of recess is to be conspicuously posted on or near the door of the place where the meeting or recessed meeting was held." Wyo. Stat. Ann. § 16-4-404(c).

D. Emergency Meetings

Governing bodies may hold emergency meetings on matters of "serious immediate concern to take temporary action without notice." Wyo. Stat. Ann. § 16-4-404(d). However, governing bodies shall make a reasonable effort to provide public notice. *Id.* **All actions taken at an emergency meeting are temporary. In order for actions taken at an emergency meeting to become permanent, they must be reconsidered and action taken at an open public meeting within 48 hours. *Id.***

The 2012 legislation clarified the procedures for emergency meetings. All action taken at an emergency meeting must be reconsidered and acted upon at an open public

meeting within 48 hours, “excluding weekends and holidays, unless the event constituting the emergency continues to exist after forty-eight (48) hours. In such case the governing body may reconsider and act upon the temporary action at the next regularly scheduled meeting of the agency, but in no event later than thirty (30) days from the date of the emergency action.” Wyo. Stat. Ann. § 16-4-404(d).

5. Does the Act cover deliberations after a contested hearing?

Answer: Yes.

Because the definition of “meeting” includes deliberations, deliberations by a governing body after a contested hearing, but before a decision is rendered, are subject to the Act. Excepted from this requirement are deliberations by the governing body following personnel hearings, professional licensing hearings and other executive sessions expressly exempted under Wyo. Stat. Ann. § 16-4-405.

6. When can a governing body go into executive session?

Answer: A governing body may go into executive session when any of the events listed in Wyo. Stat. Ann. § 16-4-405(a) occur and a member makes a motion to go into executive session, which is seconded and the motion carries by a majority of members in attendance when the motion is made.

Wyoming statute § 16-4-405(a) provides that governing bodies may hold executive sessions in the following situations:

(i) With the attorney general, county attorney, district attorney, city attorney, sheriff, chief of police or their respective deputies, or other officers of the law, on matters posing a threat to the security of public or private property, or a threat to the public's right of access;

(ii) To consider the appointment, employment, right to practice or dismissal of a public officer, professional person or employee, or to hear complaints or charges brought against an employee, professional person or officer, unless the employee, professional person or officer requests a public

hearing. The governing body may exclude from any public or private hearing during the examination of a witness, any or all other witnesses in the matter being investigated. Following the hearing or executive session, the governing body may deliberate on its decision in executive sessions;

(iii) On matters concerning litigation to which the governing body is a party or proposed litigation to which the governing body may be a party;

(iv) On matters of national security;

(v) When the agency is a licensing agency while preparing, administering or grading examinations;

(vi) When considering and acting upon the determination of the term, parole or release of an individual from a correctional or penal institution;

(vii) To consider the selection of a site or the purchase of real estate when the publicity regarding the consideration would cause a likelihood of an increase in price;

(viii) To consider acceptance of gifts, donations and bequests which the donor has requested in writing be kept confidential;

(ix) To consider or receive any information classified as confidential by law;

(x) To consider accepting or tendering offers concerning wages, salaries, benefits and terms of employment during all negotiations;

(xi) To consider suspensions, expulsions or other disciplinary action in connection with any student as provided by law.

Wyo. Stat. Ann. § 16-4-405(a)(i)-(xi).

In 2012, the legislature added the requirement that “[a] motion to hold an executive session which specifies any of the reasons set forth in paragraphs (a)(i) through (xi) of this section shall be sufficient notice of the issue to be considered in executive session.” Wyo. Stat. Ann. § 16-4-405(c). Prior to this addition, it was not clear that an

agency had to offer any particular reason for going into executive session. This language indicates legislative intent to require agencies to do so. Thus, when going into executive session, if an agency specifies one of the reasons for which an agency may hold executive session provided by the Act, the agency will have satisfied any such notice requirement.

7. Does the Act require that minutes be taken?

Answer: Minutes must be taken at all meetings, regardless of whether official action has been taken.

If no action is taken, the minutes do not need to be published; however, they should be available for public examination. Wyo. Stat. Ann. § 16-4-403(c)(i). An agency is not required to record or publish minutes for day-to-day administrative activities of an agency or its officers or employees. Wyo. Stat. Ann. § 16-4-403(c)(ii).

8. Do governing bodies need to take minutes during executive session?

Answer: Yes.

“Minutes shall be maintained of any executive session.” Wyo. Stat. Ann. § 16-4-405(b). Minutes and proceedings of executive sessions shall be confidential and produced only in response to a court order, except for portions of minutes reflecting a member’s objection to the executive session. *Id.*

9. Are there penalties for not complying with the Act?

Answer: Yes.

In 2012, the legislature also amended the penalty provision. Prior to the 2012 amendments, a violation of the Act was a misdemeanor. The penalty provision now provides:

Any member or members of an agency who knowingly or intentionally violate the provisions of this act shall be liable for a civil penalty not to exceed seven hundred fifty dollars (\$750.00) except as provided in this subsection. Any member

of the governing body of an agency who attends or remains at a meeting knowing the meeting is in violation of this act shall be liable under this subsection unless minutes were taken during the meeting and the parts thereof recording the member's objections are made public or at the next regular public meeting the member objects to the meeting where the violation occurred and asks that the objection be recorded in the minutes.

Wyo. Stat. Ann. § 16-4-408(a).

In addition to the penalties listed above, any action taken at a meeting where the Act was not followed is null and void.



STATE OF WYOMING
OFFICE OF THE GOVERNOR

JIM GERINGER
GOVERNOR

STATE CAPITOL BUILDING
CHEYENNE, WY 82002

STATE OF WYOMING
EXECUTIVE DEPARTMENT
INTERIM EXECUTIVE ORDER

1997-4

Pursuant to the authority vested in the Office of the Governor of the State of Wyoming, I, Jim Geringer, Governor of the State of Wyoming, hereby issue this Executive Order adopting the following Executive Branch Code of Ethics in the interest of better serving the citizens of the State of Wyoming through the provision of ethical standards applicable to all public officials, elected officials, appointees, and employees of the Executive Branch of the State of Wyoming.

STATE OF WYOMING
EXECUTIVE BRANCH CODE OF ETHICS

1. **Purpose.** Those who serve the people of the State of Wyoming should do so with integrity. Neither impropriety nor the appearance of impropriety should occur. This Code of Ethics is intended to serve as a yardstick by which the conduct

of all who serve in the Executive Branch of the State of Wyoming can be measured.

2. **Scope.** This Code of Ethics is applicable to all employment-related activities of public officials, elected officials, appointees and employees of the Executive Branch of the State of Wyoming. The term “public employee” shall be used in this Code of Ethics to include all public officials, appointees (whether or not they receive compensation) and employees of the Executive Branch. This Code of Ethics extends, but does not supersede, those duties and standards of conduct which are delineated in constitution, statute, or rule. In the event of any conflict between this Code of Ethics and any applicable constitution, statute, or rule, the constitution, statute or rule shall prevail.

3. **Statement on Gender Pronouns.** Throughout this Code of Ethics, gender pronouns are used interchangeably. In cases where there is one individual holding a particular office, the gender pronoun applicable to the person holding that office as of the date of this writing has been used. In all other instances, the drafters have attempted to utilize each gender pronoun in equal numbers, with random distribution.

4. **Administration of this Code of Ethics.** This Code of Ethics shall be administered by each agency of the State of Wyoming in accordance with the following:

A. No agency shall delete any part of this Code of Ethics.

B. An agency head who receives an allegation of a violation of this Code of Ethics shall promptly investigate to determine whether the allegation is true. Allegations which are found to be *de minimis* in nature shall be handled accordingly. If the allegation is true, the agency head shall take appropriate action. For permanent employees, such actions shall be in accordance with the State of Wyoming Personnel Rules.

C. Allegations concerning violations of this Code of Ethics by an agency head or appointee shall be investigated by the Governor or his designee. Allegations which are found to be *de minimis* in nature shall be handled accordingly. If the allegation is true, the Governor or his designee shall take appropriate action.

5. General Responsibilities. All public employees shall:

- A. Uphold the Constitutions of the United States and of the State of Wyoming.
- B. Abide by the laws of the United States and of the State of Wyoming.
- C. Carry out the policies and objectives of the State of Wyoming established by statute, executive order, or rule, while adhering to established standards for work and performance.
- D. Work in cooperation with other public employees, and act within the scope of the authority delegated to them.
- E. Protect and conserve all property owned, held by, or leased to the State of Wyoming, including public records. [See Wyo. Stat. §§ 16-4-201 through 205.]
- F. Be honest and fair in performing public service.
- G. Strive to be honorable, courteous, and dedicated to advancing the public good.
- H. Avoid conduct that compromises the integrity of the public office or creates the appearance of impropriety.

6. Prohibited Activities. Except as provided in Section 7, no public employee shall engage in:

- A. Any activity which constitutes a conflict of interest with her employment. Such prohibited conduct includes, but is not necessarily limited to:
 - i. Using public office or public employment for personal gain.

ii. Taking official action in a matter in which the public employee has a close personal or financial relationship to a party.

iii. Engaging in activities which conflict with the public employee's official position of employment.

iv. Except as allowed by state law or State of Wyoming Personnel Rules, giving preferential treatment to any person.

v. Except when functioning as an advocate for a client or an agency, making decisions which are not independent and impartial.

B. Conduct which constitutes an abuse of authority. [See Section 7G (Allowed Activities) of this Code of Ethics, for a discussion of activities such as fund raising for recognized organizations which take place on the public employee's own time, which generally do not constitute an abuse of authority.] Conduct which constitutes an abuse of authority includes, but is not necessarily limited to:

i. Using or allowing the use by any private party of official information obtained through or in connection with the public employee's employment by the State of Wyoming, unless such information is available to the general public or unless dissemination is permitted by law.

ii. Awarding, participating in a decision to award or participating in the administration of a State of Wyoming contract, if the employee or any person with whom the employee has a close personal or financial relationship [this includes all members of the public employee's immediate family] is a party to the contract.

iii. Except as provided for in Sections 7A and 7B (Allowed Activities) of this Code of Ethics, acceptance or solicitation by a supervisor of contributions or gifts

from subordinate employees. A supervisor may neither solicit nor accept gifts directly or indirectly, for herself or for another person.

iv. Accepting meal expense, lodging or reimbursement for travel or expenses incident to travel on official business from any source other than the State of Wyoming without approval of the agency head. Under no circumstances should a state employee accept items of this nature or gifts if the employee or his agency is involved in an adversarial proceeding with the outside contributing source.

C. Outside employment or any other outside activity which is incompatible with the full and proper discharge of the public employee's duties and responsibilities to the State of Wyoming. [For this reason, all honoraria, fees for speaking engagements, and other such compensation received because of the public employee's position with the State of Wyoming must be deposited in the General Fund.] Activities incompatible with the public employee's duties include, but are not necessarily limited to:

i. Accepting any fee, compensation, gift, payment of expense or any other thing of monetary value in circumstances which create the appearance of a conflict of interest or impropriety, whether or not such conflict of interest or impropriety actually exists.

ii. Receiving a salary or any other thing of monetary value from a private source as compensation for the public employee's services to the State of Wyoming.

D. The use of or allowing the use of property owned or held by the State of Wyoming [including leased property] for any purpose other than carrying on the official business of the State of Wyoming. Prohibited activities include:

i. Selling or soliciting for personal gain any product or service such as cosmetics, food items, or household goods and services, during official office hours in or on

property owned or held by the State of Wyoming. The agency head may make written exceptions to this prohibition for solicitation by non-profit organizations.

ii. Transacting personal business during work hours to the extent that it interferes or detracts from the employee's performance of his duties.

iii. Unless required for official business and previously approved by the public employee's supervisor, the use of any facility or building owned or leased by the State of Wyoming as the principal residence or address of any business other than the agency by whom the public employee is employed.

7. Allowed Activities. A public employee may, notwithstanding the provisions of Section 6 above:

A. Solicit or accept voluntary gifts of nominal value or nominal donations made on a special occasion. Permissible gifts include voluntary gifts made upon the occasion of marriage, illness, or retirement, or made for charitable or civic purposes.

B. Solicit or accept any thing of monetary value from a friend, parent, spouse, child or other close relative when it is clear from the circumstances that the motivation for the action is a personal or familial relationship.

C. Accept loans from banks or other financial institutions on customary terms of finance for the proper and usual activities of the public employee, such as home mortgage loans.

D. Accept unsolicited advertising or promotional material of nominal value, such as pens, pencils, note pads, and calendars.

E. Engage in a reasonable amount of communication with family members, day care providers, medical professionals, and similarly situated individuals during the work day. [It is incumbent upon each

public employee to learn from her supervisor what is considered reasonable in a particular situation.]

F. Engage in teaching, lecturing, or writing for compensation, when those activities are not related to the public employee's employment by the State of Wyoming. [Each public employee should seek approval from her supervisor prior to engaging in such teaching, lecturing, or writing for compensation.]

G. In his private capacity, solicit persons or organizations to obtain goods, services, grants, or loans on behalf of a recognized charitable or fraternal organization.

8. Requests for Approval of Activities. In all cases enumerated above where a public employee is advised to consult with his supervisor prior to engaging in an activity, and in every instance where the public employee is not certain whether a particular activity is allowed by the Code of Ethics, he should consult with his supervisor prior to engaging in the questioned activity. If the public employee requests a written response from the supervisor, the supervisor should respond in writing. This Code of Ethics provides that:

A. No public employee shall be penalized for inquiring of her supervisor regarding prior approval of an activity in which she wishes to engage.

B. If a public employee inquires regarding an activity in which he wishes to engage and his supervisor informs him that engaging in such activity would violate this Code of Ethics, and the public employee then engages in such activity, his supervisor may take appropriate disciplinary action. For permanent employees, such actions shall be in accordance with the State of Wyoming Personnel Rules.

9. Elected Officials. Elected officials occupy their positions as a result of political election. As such, they may participate in political activities. Elected officials must disclose items or services received from outside sources¹ which have a value of

¹ Items do not include inherited items. Outside sources do not include family members.

\$250 or more.² The disclosure shall be made by filing a list of the items or services received during each calendar year with the Secretary of State. The filing shall be made by February 15 of the following year. The list shall be divided into items which will be retained by the elected official as a private gift and items which will be left as property of the State of Wyoming when the elected official leaves office.

This Order shall be effective on December 15, 1997, and shall remain in effect until amended.

Given under my hand and the Executive Seal of the State of Wyoming this 3rd day of December, 1997.

Jim Geringer
Governor of the State of Wyoming

²Donations to a political campaign reported pursuant to Wyo. Stat. § 22-25-106 are exempt from this reporting requirement.



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January 8, 2013

MEMORANDUM

TO: All Agency Heads

FROM: Gregory A. Phillips
Attorney General *gap*

RE: Lobbying

This memo serves as the yearly reminder of the Executive Branch's policy prohibiting agencies, and their representatives, from lobbying the Wyoming Legislature. The policy allows agencies, and their representatives, to provide the Legislature requested and needed factual information. This memo seeks to clarify the difference between "lobbying" and "providing information."

Wyoming Law

Lobbying in Wyoming is governed by Wyo. Stat. Ann. §§ 28-7-101 through -201. All lobbyists must register with the Secretary of State. Lobbyists expending certain dollar amounts must file detailed "lobbyist activity reports." *Id.*

Section 28-7-101(a) broadly defines lobbying as an "attempt to influence legislation." But Wyo. Stat. Ann. § 28-7-104 exempts from the lobbying definition "any public official acting in his official capacity." Hence, agency representatives appearing before legislative committees need not register as lobbyists, nor file lobbyist activity reports.

Discussion

Here are four general rules of conduct in dealing with the Legislature, recognizing that common sense guides you best:

1. You may respond to legislative requests (for example, the fiscal impact notes the agencies are requested to provide) by providing factual information.
2. If possible, you should provide requested information to the Legislature in a public committee hearing, rather than privately. Remember that your response may well become public, and some may see it as position of the "executive branch" of State government. Statements regarding executive branch policy must come from the Governor's Office, not the agency.
3. Rather than supporting or opposing a bill or amendment, you should explain what effects the bill would have on your agency and any difficulties that your agency might have in carrying out the provisions of the law. You might also offer your opinion, if within your field of expertise, about how the bill affects the State's interests, if objective facts support the opinion.
4. You may not make any payment or give a gift to a legislator.

Remember that as elected officials the Legislature and Governor set Wyoming's public policy. We all assist them by giving them the information needed to weight alternative approaches. Thanks for your attention to these matters. All of us in the Attorney General's Office look forward to working with you as issues arise during the Session.

GAP:dkm

State of Wyoming
Board Member
Handbook



Last Revised - April 21, 2022

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A message from Governor Mark Gordon:

Dear Board Members,

I want to thank you for your willingness to serve the people of Wyoming. By doing so, you have accepted one of the greatest responsibilities of any representational government. Your time, energy and expertise are amongst the many valuable resources you provide. Participation on boards and commissions is perhaps the most direct way for residents to engage in their state government, as well as contribute to the public process and help improve their communities. As a member of a state board or commission, you act in your official capacity on behalf of the State of Wyoming. Consequently, your position requires the highest level of integrity, responsibility and accountability. This *Handbook* has been designed to assist you in being an effective board member and to carry out the duties of your position. During your years of service, I encourage you to utilize this *Handbook* as a resource to help guide your actions as a board member and to perhaps act as a reference for any questions that might arise.

I appreciate your commitment to the well-being of Wyoming and your efforts in guiding our State towards a successful future.

A handwritten signature in blue ink that reads "Mark Gordon". The signature is fluid and cursive.

The Honorable Mark Gordon
33rd Governor of the Great State of Wyoming

Chapter 1: Introduction

The purpose of this handbook is to serve as a guide to board members on the duties and powers of a board and to provide other relevant information about the role of board members. For ease of reference, this handbook will refer to a board or board member only, however, the same principles are applicable to commission or council members. This handbook attempts to provide the general information that all board members should know but is not intended to be exhaustive. If an issue is not discussed in this handbook, please refer to your board's enabling statutes, rules, or consult with your executive director or advising attorney for guidance. In addition, this handbook contains citations to the legal authority for the assertions made but is intended to be reader-friendly and will not include all applicable citations. As a board member, you are not required to read all cases and statutes cited in this handbook, but you and your board are responsible for following all applicable law.

As a board member, it is important to recognize the tremendous power that the government has and that you have as an agent of the government. Because the government has great power, you are required to adhere to certain safeguards. It is important that you understand the applicable constraints in order to be an effective board member. There may be some instances where a required process seems inefficient, but these constraints exist to ensure the state treats its citizens fairly

Chapter 2: Role of Boards

A. State Government

The United States Constitution created three separate branches of government: the legislative branch, the executive branch, and the judicial branch. Each branch has its own function and purpose. Generally, the legislative branch makes the laws, the executive branch carries out and enforces the laws, and the judicial branch interprets the laws. At the state level, each state also has a legislative, executive, and judicial branch established by its own constitution.

As the head of the executive branch in Wyoming, the Governor is vested with executive authority of the state and has the obligation to execute and enforce the laws of the state. Although the Governor has broad power, the Legislature can constrain or direct how that power is used. In an effort to provide direction, the Legislature has chosen to create boards. All boards are executive branch agencies and are bound by the principles that apply to all state agencies. Although the Governor is the head of the executive branch, he does not direct the day-to-day activities of executive branch agencies, but sets the policy direction for the entire executive branch.

All state agencies exist to operate in a manner that is consistent with the public interest. Initially, the Legislature decides the public interest by enacting laws. Next, the Governor sets the policy through enforcement discretion and executive orders. Finally, individual state agencies, including boards, are able to decide what is in the public interest within the boundaries delegated from the Legislature—for boards, those powers are provided through your enabling statutes and consistent with the direction from the Governor.

Many state agencies, including boards, regulate a specific area for the purpose of protecting the public. For example, the Wyoming Legislature created the Board of Dental Examiners to regulate the practice of dentistry in the state. The Legislature established some of the minimum qualifications to become a licensed dentist in Wyoming, but also delegated authority to the board to create additional rules and regulations necessary to regulate the practice of dentistry.

B. Other Executive Branch Agencies

It is important to note that there are numerous other state agencies that provide resources or assistance to your board. This section is not intended to be an exhaustive resource on other agencies within the executive branch, but the purpose of this section is to provide you some information on other agencies that may assist your board.

1. *The Department of Administration and Information (A&I)*

The Wyoming Department of Administration and Information (A&I) is an entity that was established to assist the Governor in discharging his duties as chief executive and administrative officer of the executive branch of the State of Wyoming. Specifically, A&I is intended to help:

- Improve techniques used for management of state government;
- Coordinate, consolidate, and provide services used by multiple agencies;
- Review agency programs, expenditures, and management to identify problems and suggest improvements;
- Promote economy and efficiency in government; and
- Establish uniform standards of administration.

Wyo. Stat. Ann. § 9-2-3202(b). To execute these goals, A&I consists of four separate divisions, each focusing on specific tasks.

a. General Services Division

The General Services Division (GSD) provides services to support the operation of state government in Wyoming. Some of the services GSD provides includes: facilities management, central mail, facilities operations, motor pool, procurement, risk management, state inventory, and surplus property. As board members, you may not interact with GSD often, but your board staff, who are state employees, will.

The Purchasing Section oversees how agencies acquire goods and services, with the primary objective of safeguarding and maximizing the value of public funds. The process is conducted in a manner that ensures open competition and provides equal opportunities for vendors. Your board staff will often interact with the Purchasing Section to purchase supplies or contract with vendors.

The Risk Management Section works to protect the state's assets and resources, process claims against the state, and plan for the recovery of resources in the event of a loss. Risk Management provides insurance coverage for all state agencies to include liability, property, and vehicle coverage. Notably, the Risk Management Section administers the self-insurance program for the state and pays out any judgment for legal money claims against the state, subject to a few exceptions. For a discussion on board member immunity, see Chapter 10.

b. Human Resources Division

The Human Resources Division provides guidance, resources, and other services for any personnel issues that arise with state employees. Services provided by the Human Resources Division include workforce planning, hearing disputes and grievances, position classification, group insurance plans, and other issues related to employment with the state. As a board member, you are a state employee and the Human Resources Division may assist you with any personnel issues you may have, or may assist your board with any personnel issues you may have with your board staff.

c. Economic Analysis Division and State Library Division

The two other divisions of A&I are the Economic Analysis Division (EAD) and the State Library Division. The EAD conducts research and analysis about the economic accounts of the state, including managing important financial reports and overseeing economic forecasts and data. The State Library Division manages the state library and provides resources to promote statewide library development, foster library cooperation, and provide reliable information to patrons.

2. Budget Department

The Budget Department is a separate agency that provides budgeting assistance and support to all agencies, including boards, in order to effectively allocate their resources within the constraints of the government’s budget. The state operates on a biennium budget and each agency is required to submit a budget request to seek approval to spend funds.

One key takeaway related to an agency’s budget is that an agency or board may not obligate state funds unless there is an appropriation from the Legislature to spend the funds. This means that the agency¹ is only authorized to spend money that the Legislature has approved, and for the specific purposes that the Legislature has approved, subject to a few exceptions. Although it may appear that your agency has a certain fund balance, your agency’s money is not really its money—it is the State’s money. The agency needs permission from the Legislature—an appropriation—to spend those funds.

Board members often ask the question whether the Legislature can “sweep” a board’s fund balance and move those funds into the general fund—the short answer is yes. Because boards are created by statute, the Legislature can amend the enabling statutes, remove a board entirely by

¹ A board is the head of an agency, so “agency” includes boards.

repealing the enabling statutes, or transfer funds from one agency to the general fund. As a public official, you are a custodian of public funds and it is important that your board understands how and why your board holds funds. As a board, you are not responsible for finding income sources in order to operate. Unlike a private firm, you are not responsible for earning a profit, but you are responsible for ensuring your agency only expends funds pursuant to a valid appropriation.

3. *Enterprise Technology Solutions*

Enterprise Technology Solutions (ETS) is a state agency that provides information technology support to all executive branch agencies within the state. Any technology related issues with your state email address, state issued technology devices, or any other technology question should be referred to your board's executive director or to ETS directly. At an agency's request, ETS will provide training to a board, board members, or board staff. In addition, ETS provides training at the Attorney General's Board Member Training each year.

4. *Attorney General*

The Wyoming Attorney General's Office provides legal support for all state agencies. It is important to note that the Attorney General's Office does not represent the individual persons on a board, but rather the board or agency as a whole. Each agency is assigned one or more advising attorneys to assist the agency with any legal issues it may have.

a. *Advising Attorney*

The advising attorney offers legal advice to the board, staff, and to the extent necessary, committees (excluding any prosecuting committee). All day-to-day legal advice, general legal guidance, or opinion requests should be directed to your advising attorney. Unless the issue pertains to a licensee subject to pending disciplinary proceedings or an applicant, the board and its staff should direct all legal questions to its advising attorney and the advising attorney will refer the question to the prosecuting attorney, if necessary. Policy matters are the exclusive domain of the board and the advising attorney will not provide guidance on policy matters, but will provide guidance on the legal impact of any policy decision. Decisions about whether to amend rules and whether to contract with other entities are examples of policy matters for the board to decide. The only legal input the advising attorney provides is whether the board's action is legally permissible. The advising attorney may also discuss other legal or policy implications of the proposed board action if it is relevant to the board's decision.

While your advising attorney provides legal guidance on most subjects, this does not include personnel issues. If a personnel issue arises in your board or agency, your advising attorney may direct you to the state employee human resources representative or the applicable personnel attorney at the Attorney General's Office.

b. Prosecuting Attorney

For licensing boards, the Attorney General's Office has split the advising and prosecuting functions between two separate attorneys, rather than have one attorney serve both functions. The purpose of dividing functions is to avoid the appearance of bias, to preserve due process protections afforded to licensees in contested cases, and to ensure the hearing panel has a neutral legal advisor. The advising and prosecuting attorneys are housed in separate divisions in the Attorney General's Office to ensure fairness to the licensee or applicant. This section will detail the services provided by the various attorneys at the Attorney General's Office.

Each licensing board has an assigned prosecuting attorney. The prosecuting attorney's scope of representation is limited to representing the prosecuting board member/committee in adverse matters—often referred to as a Disciplinary Committee, Investigative Committee, or Application Review Committee. The prosecuting attorney represents the prosecuting board member/committee and assists with investigations, settlement discussions, and contested case proceedings before the board. The prosecuting board member/committee should direct any questions about an ongoing investigation of an applicant or licensee to the board's prosecuting attorney; these matters should not be discussed with the advising attorney. If board members, other than the prosecuting member or committee members, have a question about an ongoing investigation, that question should be directed to the board's advising attorney. For a discussion on contested cases, see Chapter 13.D.2. If applicant or licensee seeks judicial review of the board's decision in a district court, the prosecuting attorney will continue to represent the prosecuting board member/committee in the appeal.

c. Conflict Counsel

At times, your board may be assigned a conflict counsel from the Attorney General's Office to assist you with a specific matter. Generally, boards are assigned a conflict counsel when their advising attorney is a party to a matter in front of the board or when the advising attorney has a conflict of interest that would prevent him or her from impartially advising the board. Your conflict counsel will advise the board as necessary.

d. Contracts Section

All boards have the authority to enter into contracts with any public or private agency, institution, person or corporation for services to be performed for the board. *See e.g.*, Wyo. Stat. Ann. § 33-1-303(a)(i). The contracts section in the Attorney General’s Office reviews contracts for all agencies, including boards, and ensures each contract contains language to protect the state and the board. An attorney from the contracts section will approve a proposed contract “as to form” but generally will not negotiate terms or advise the board whether to enter the contract or not. If your board needs to negotiate terms for a contract, please consult with your advising attorney. The advising attorney will represent your board in any contract dispute or legal action based on a contract.

e. Personnel Section

The Attorney General’s Office also has a separate personnel section that advises agencies on specific personnel cases including representing the state in any contested employment action. If a personnel issue arises, please contact your executive director or your board’s human resources contact, who may consult with A&I Human Resources Division or your board’s assigned personnel attorney.

C. Licensing Board vs. Professional Association

A board is solely a creature of statute and its authority is limited to the powers delegated to it by the Legislature. *See Amoco Prod. Co. v. State Bd. of Equalization*, 12 P.3d 668, 673 (Wyo. 2000). Licensing boards are created for the express purpose of protecting the public by regulating the profession or given area. *Allhusen v. State by and Through Wyo. Mental Health Professions Licensing Bd.* 898 P.2d 878 (Wyo. 1995).

Many board members have a difficult time separating their role as a board member from their role as a practitioner or a member of a professional association. Rather than protecting the public, professional associations exist to promote and advocate for the benefit of their members, not the public as a whole. Board members must separate their professional interests from their mission to protect the public. Boards do not exist to ensure that practitioners do not lose business to new applicants or to enforce ideal standards of practice. Instead, boards establish minimum standards necessary to protect the public and to enforce those standards.

Although boards and professional associations have two very separate missions, there may be times when a professional association and board’s goals align. However, service on a board

requires you to look at issues through a different lens than a professional association. You must put aside any interest in the profession and consider the public good when determining matters before the board.

Serving on a board does not prohibit you from being a member of a professional organization, but you must ensure that you perform your board member duties separate from your interests as a practitioner or member of another association. Professional associations and societies are not state agencies, and their members do not act on behalf of the state. Impartial board members are necessary to regulate the profession in the best interest of the public. Board members who vote with their professional interests in mind may not be advancing the public health, safety, and welfare. Members of societies and associations are not bound by the same legal requirements and ethical standards as state board members.

D. National or Regional Boards

Most licensing boards are members of a national or regional entity composed of boards in other states. Two examples of national entities are the National Council of State Boards of Nursing (NCSBN) and the Federation of Association of Regulatory Boards (FARB), which is an entity that provides a forum for information exchange for boards and their associations. Membership in these national or regional organizations is often helpful because they can provide valuable resources to you and your board, but remember that your duties and obligations are to the state and not to any national or regional entity.

Chapter 3: Board Composition

The number of board members, prerequisites for becoming a member, and appointment requirements are determined by each board's enabling statutes. For example, a licensing board may be composed of five active practitioners, one professional from a related profession, and one public or consumer member for a total of seven board members. The board's enabling statutes specify how board members are chosen, but that does not mean that a board member "represents" that specific group. For example, a public or consumer member is not the only member that represents the public—all board members represent the public interest. A board composed of members with a variety of backgrounds is necessary to enable the board to consider various issues from different perspectives. Active or former professionals may be beneficial to boards because they are subject-matter experts in the profession and may provide insight and guidance on how the profession operates and the feasibility of practitioners to comply with certain rules. Members from other professions and public members ensure the board considers proposed action from other perspectives, rather than solely from the practitioner perspective. Because the underlying purpose of regulating the profession is to protect the public, all members should consider any potential board action from the public's perspective.

A. Positions on a Board

Some board's enabling statutes address elections of board officers. For example, some boards are required to annually elect a chair, vice chair, and secretary. Other enabling statutes use different terms for officers or have other positions such as president, vice president, and treasurer. The general duties of each position are outlined below. If your board has a position in its enabling statutes that is not described below or if your enabling statutes do not specify officers, please consult with your advising attorney to discuss that officer's role and duties or how to select officers.

1. Chair/President

The chair, while sometimes referred to as the president, is responsible for presiding over board meetings, maintaining order, and following the agenda. While it may be tempting for the chair to turn the meeting over to the board staff to conduct a meeting, the chair should maintain this responsibility. Some enabling statutes also give the chair the authority to perform other specific duties. Meeting conduct is discussed in Chapter 6.H, but it is important to note that board chairs should participate in debate or discussion and vote in all circumstances except when a

conflict of interest exists. Many board chairs think they need to abstain from all discussion and votes, but this is not true. The chair must ensure that all board members' voices are heard.

2. *Vice Chair/President*

The vice chair/president's main duty is to act in place of the chair/president when he or she is not at the meeting, or is required to abstain during a specific discussion or vote. The vice chair/president may also be delegated other duties by the chair/president.

3. *Secretary/Treasurer*

Some boards have separate positions for the secretary and treasurer, while others combine the two positions. Most notably, the secretary is responsible for ensuring that minutes of board meetings are taken and maintained, including executive session minutes. Largely, this practice is outdated because most boards have delegated these duties to board staff under the secretary's supervision. However, if no staff member is available, the secretary must ensure minutes are taken.

Generally, the treasurer is responsible for the finances of the agency. Specifically, the treasurer is responsible for tracking all fees and other money received by the board. The treasurer is also responsible for reviewing and reporting expenses to the board to ensure its funds are spent appropriately. Again, most boards delegate this task to board staff under the treasurer's supervision.

B. Board Staff

Each board has an executive director and possibly other staff, depending on the size of the board, to assist in the day-to-day affairs. Some enabling statutes establish requirements for the executive director including how the executive director is hired and how the board should evaluate the executive director. It is important to understand the board's executive director and other board staff are not board members, but rather are administrative personnel who manage and operate the board office, correspond with the public, and execute the board's directives. Because the executive director and other board staff are not board members, they do not vote on board issues, nor are they counted when determining whether a quorum is present for public meetings purposes. Board staff may make recommendations to the board, but policy decisions and statute/rule interpretations are reserved for the board, not board staff.

Board staff performs administrative duties including taking meeting minutes, corresponding with licensees, drafting rules, and may even be involved in committees created by the board. In addition, the board may delegate some temporary authority to board staff, but those

decisions need to be reviewed and approved by the board. For example, some licensing boards may develop procedures for staff to make temporary decisions on license applications and disciplinary matters. *See* Wyo. Stat. Ann. § 33-1-303(a)(ii). Those actions by board staff are not final until the board approves or ratifies the action.

It is important that you understand the different roles of board members and board staff. Board staff are agents of the board and work for the board. Although board staff are agents for the board, they may report directly to another staff member, generally the executive director, rather than the board as a whole. If you have questions about your agency's organizational structure, please consult with your board's executive director or your board's advising attorney.

Chapter 4: Governing Law

A. State and Federal Constitutions

Because board members are governmental officials, you must comply with the United States and Wyoming Constitutions. Both the United States and Wyoming Constitutions prohibit the deprivation of property without due process of law. U.S. const. amend. XIV, § 2; Wyo. Const. art. I. § 6. If your board issues professional licenses, you must be cognizant of a licensee or applicant's due process rights before taking action against that license because a professional license is a constitutionally protected property interest. *Painter v. Abels*, 998 P.2d 931 (Wyo. 2000); *Dorr v. Wyo. Bd. of Certified Pub. Accountants*, 21 P.3d 735 (Wyo. 2001). The amount and nature of the process due to a person depends on the circumstances. For a discussion of the procedural requirements that must be afforded to applicants and licensees, see Chapter 13.D.

B. Enabling Statutes and General Provisions

Each board is created by statute. *See Amoco*, 12 P.3d at 673. Most licensing boards' enabling statutes are located in Title 33 of the Wyoming Statutes, but some enabling statutes are found in other titles (e.g., Professional Teaching Standards Board—Wyo. Stat. Ann. §§ 21-2-801 through -802). Enabling statutes vary widely, but generally they create boards for the purpose of regulating a specific area. A board only has the authority granted to it by the Legislature. *See Amoco*, 12 P.3d at 673. For example, if a board's enabling statutes do not establish the minimum requirements for licensure in statute, but grant the board authority to set the requirements in rule, the board may adopt the requirements it deems appropriate. If, however, a board's enabling statutes provide that applicants must meet four requirements to obtain a license, then the board may not add to or modify those four statutory requirements in rule. Only the Legislature can amend a board's enabling statutes. *Disciplinary Matter of Billings*, 2001 WY 81, ¶ 24, 30 P.3d 557, 568 (Wyo. 2001).

In addition to its enabling statutes, each board must also comply with other statutes that govern all agencies. Some statutes that apply to all licensing boards include the duty to keep minutes of all board meetings, the power to enter agreements with other agencies, and the power to delegate temporary licensure authority to board staff. *See Wyo. Stat. Ann. § 33-1-302*.

Some boards are also members of interstate compacts, which are agreements between two or more states, enacted by legislative action. In the licensing board context, an interstate compact may allow a licensee in one state to practice in other compact states without obtaining separate

licenses. Just as enabling statutes vary by context, compacts also vary and you should consult your board's advising attorney if you have any questions about interstate compacts.

C. Other Binding Authority

1. Federal Law

Federal law or regulations may also apply to the regulation of a particular profession. For example, some boards must report adverse action against an applicant or licensee to the National Practitioner Data Bank, a repository of reports containing information on certain adverse actions against licensed health care practitioners. *See* 45 C.F.R. 60. Other entities, such as the Wyoming Real Estate Appraiser Board, must comply with certain federal banking regulations because they apply to the practice of certified appraising.

2. State Statutes

In addition to complying with each board's enabling statutes and the United States and Wyoming Constitutions, each board is also bound by other statutes affecting boards and all state agencies. Title 16 of the Wyoming Statutes generally governs city, county, state, and local powers. As a state agency, boards are subject to the laws that apply to all state agencies, including the Wyoming Administrative Procedure Act (WAPA) (Wyo. Stat. Ann. §§ 16-3-101 through -115), the Wyoming Public Meetings Act (Wyo. Stat. Ann. §§ 16-4-401 through -408), and the Wyoming Public Records Act (Wyo. Stat. Ann. §§ 16-4-201 through -205). *See* Chapter 6 for a discussion on the Public Meetings Act, Chapter 8 for a discussion on the Public Records Act, and Chapters 7 and 13 for a discussion on the WAPA.

3. Board Rules

Each board is required to prescribe and enforce rules, regulations, and policies for its own government consistent with state law and other rules and regulations. *See* Wyo. Stat. Ann. § 33-1-302(a)(i). The WAPA establishes the procedures boards must follow when adopting or amending rules and conducting application or disciplinary hearings. Chapter 7 discusses the rulemaking process set forth in the WAPA. Chapter 13 discusses the procedural requirements for application and disciplinary contested cases. Finally, the WAPA establishes the scope of judicial review of agency actions. Wyo. Stat. Ann. §§ 16-3-114 through -115. *See* Chapter 13.F for a discussion of judicial review.

4. *Executive Orders*

As executive branch agencies, boards must also comply with executive orders issued by the Governor. Executive orders are directives from the Governor to executive branch agencies on how to manage its operations or carry out the laws. Executive Order 1997-4 and Executive Order 1981-12, attached as Appendix A and Appendix B, are discussed in Chapter 9.B. There may be other executive orders relevant to board members, but your advising attorney will discuss those if necessary.

5. *Other Agencies Rules*

A board may also be required to comply with the administrative rules and regulations promulgated by another state agency. For example, the Department of Administration and Information adopted personnel rules that apply to all state employees. Each board is not required to formally adopt the personnel rules, but because boards are state agencies, the personal rules apply to all boards and state employees. *See Rules Wyo. Dept. of Admin. & Info., Human Resources Division, Ch. 0-11.*

6. *Policies and Procedures*

Finally, all boards should follow their own policies and procedures. Boards may adopt internal policies and procedures to direct board staff or govern operations, but the policies are not binding on any licensees or the public. Because the formal rulemaking process is not required, the board only needs to take board action to approve a policy. See Chapter 7.E for a discussion on the difference between policies and rules.

Chapter 5: Board Member Roles & Responsibilities

Your board is a creature of statute and exists for the purposes set forth in your enabling statutes. As a board member, you may be asked to make a significant time commitment. As board members, preparing for meetings and participating at meetings are two of your most important responsibilities. Board members' failure to adequately prepare for meetings can stifle a board's ability to work efficiently, and failure to attend meetings can significantly impair the board's ability to execute its work. During board meetings, it is important that you contribute and have meaningful discussions about significant issues before the board. You should be mindful not to rubber-stamp recommendations by board staff, but to arrive at independent and well-reasoned decisions.

A. Types of Duties

Board members may be required to perform a wide variety of duties, ranging from hearing contested matters to drafting rules. For a list of other duties for your specific board, please refer to your board's enabling statutes. If any general provisions apply to all boards and conflict with your enabling statutes, the provisions in your enabling statutes generally control.

As a board member, you will be asked to perform not only executive functions, but also other duties resembling legislative or judicial functions. For a board to be successful in regulating a given area, board members must perform all duties delegated to the board. A board performs its executive branch duties when it investigates complaints, prosecutes cases involving disciplinary and application matters, and enforces its enabling statutes and board rules.

Generally, board members are asked to perform duties that resemble legislative functions when promulgating administrative rules. A board may only exercise its ability to create administrative rules when the Legislature provides the board that authority. *See Amoco Prod. Co. v. State Bd. of Equalization*, 12 P.3d 668, 673 (Wyo. 2000). Enabling statutes vary in the amount of discretion boards have when creating rules. If your board's enabling statutes do not explicitly authorize the board to create rules on a given topic, please consult with your advising attorney to determine whether the board has authority to promulgate rules on that topic. For a discussion on rulemaking, see Chapter 7.

Finally, one of the essential functions any board performs is presiding over contested cases. In this role, board members serve a judicial function by interpreting the law, finding facts, and issuing final orders. For example, a licensing board is delegated the authority to discipline licenses

through its enabling statutes. The board's disciplinary process must comply with the Wyoming Administrative Procedure Act. With advice from its advising attorney, the board hears the matter, determines the weight to give certain facts and applies the appropriate burden of proof and applicable law. Through this process the board decides whether a licensee violated a statute or rule, and if so, the appropriate resolution to the case. For a discussion of contested cases, see Chapter 13.

B. Voting

Board members vote on matters that come before the board for a decision. Board members must vote on each issue based solely on the information or evidence presented to the board. Board members, when voting, must act according to their own judgment and it is not unusual to have split decisions. Each board member is entitled to one vote on each matter before the board, unless your board's enabling act provides for non-voting members. It is imperative that each board member, including the board chair, exercise his or her right to vote in all situations except when the board member has a bias that makes him or her unable to make a fair and impartial decision or when the board member has a conflict of interest. Some enabling statutes even have a specific statute that requires board members to vote when present unless a conflict of interest exists. *See* Wyo. Stat. Ann. § 33-21-125(d). For a discussion of when to refrain from voting, see Chapter 9 on Ethics. Regardless of how an individual member voted, once the board has taken action, it must present itself as one unified entity.

Chapter 6: Wyoming Public Meetings Act

To ensure transparency in the transaction of public business, the Wyoming Public Meetings Act requires board meetings to be open to the public subject to a few exceptions. Wyo. Stat. Ann. §§ 16-4-401 through -408. A public meeting occurs when an assembly of at least a quorum of a board gathers to discuss, deliberate, present or receive information, or take action on board business. *Id.* § 16-4-402(a)(iii). An assembly means communicating in person, by means of telephone or electronic communication, or in any other manner such that all participating members are able to communicate with each other contemporaneously. *Id.* § 16-4-402(a)(iv). The number of board members required to have a quorum may vary based each board’s specific enabling statute. If your board’s enabling statutes do not define what constitutes a quorum, a simple majority of members of a particular board is sufficient. The only requirement for the meeting is that the public is able to contemporaneously hear, read, or otherwise discern the meeting discussion. *Id.* § 16-4-403(d). This means that members of the public do not necessarily need to be able to speak at a public meeting, only observe the discussion. It is up to the board whether to allow public participation at board meetings.

Because the Public Meetings Act applies to any discussion about board business, a “meeting” may occur at any time. For example, if more than a quorum of board members attend dinner together and begin discussing board business, the Public Meetings Act may apply because a quorum of board members are discussing board business. As a result, such discussions may violate the Public Meetings Act because the board failed to give proper notice of the meeting. Day-to-day administrative activities of an agency, however, are not subject to the notice requirements of the Public Meetings Act. *Id.* § 16-4-404(e). For example, an e-mail from a board staff member to all board members asking what day works for a board meeting is a day-to-day administrative activity and does not constitute a board meeting if members responded with their availability by using “reply all.” Although this example may not implicate the Public Meetings Act, board members should refrain from using the “reply all” function to ensure that a meeting is not occurring. To prevent inadvertently implicating the Public Meetings Act, board staff should blind carbon copy (BCC) all board members on e-mails to prevent an inadvertent “reply all.”

A. Types of Meetings

The Public Meetings Act defines three types of meetings: regular meetings, special meetings, and emergency meetings. Regular meetings are set by statute, ordinance, resolution,

bylaws, or rule. *Id.* § 16-4-404(a). The main benefit of a regular meeting is that any business may be conducted, even if the topic is not listed on the agenda in advance. The reason is that the public receives advance notice of regular meetings and it is anticipated that the public will attend and have the opportunity to address the board on items that are not on the agenda. Every licensing board is required to fix the time and place of regular meetings and unless your board's enabling statutes provide otherwise, each board must hold at least one regular meeting each year. *Id.* § 33-1-302(a)(iii). Boards typically schedule the next meeting at the end of a meeting or by sending out a poll to determine when all board members are available. Other boards may set their regular meetings by resolution, which is a document adopted by the board stating the date, time, and location of the meeting in advance. While regular meetings may also be set by rule, your board should proceed with caution before doing so because it is difficult to modify the date, time, or location a meeting set by rule. *Id.* § 16-4-404(a).

A special meeting is a more limited type of meeting that may be called by the presiding officer of the board. *Id.* § 16-4-404(b). Notice of a special meeting is required to be given to each member of the board, each media outlet requesting advance notice of meetings, and any person requesting advance notice of meetings. *Id.* Additionally, some enabling statutes specify who has the authority to call a special meeting. The board must give notice to all persons at least eight hours before the meeting. *Id.* It is unclear whether the statute refers to eight hours or eight business hours. Though the former is defensible, boards should take a more conservative approach and provide at least eight business hours' notice. While the statute only requires eight hours' notice for special meetings, the notice should be given as soon as practicable. The notice must specify the time and place of the special meeting and the specific business to be transacted. *Id.* During a special meeting, the board may only discuss items on the notice and the notice must be specific enough for the public to determine whether to attend the meeting. The best practice is to attach the agenda to the notice so the public is aware of the topics to be discussed at the special meeting.

Emergency meetings are very rare but are permissible under the Public Meetings Act. *Id.* § 16-4-404(d). A board may hold an emergency meeting on matters of serious immediate concern to take temporary action without notice to the public. *Id.* A board should make reasonable effort to give the public notice of the meeting as early as feasible given the emergency circumstances. *Id.* Any action taken at the emergency meeting is temporary and the board must reconsider and act on the action at an open meeting within 48 hours for the action to become permanent, unless the

event constituting the emergency continues to exist after 48 hours. *Id.* If the emergency continues after 48 hours, the board may reconsider and act upon the emergency at the next regularly scheduled meeting, but in no event later than 30 days from the date of the emergency action. *Id.*

During any type of board meeting, the board may take a recess, if necessary. *Id.* § 16-4-404(c). In order to provide notice to the public, the board should post an order of recess on or near the door of the meeting place or via another method if the meeting occurs over the phone or electronically. The recess notice should state the time and place when the meeting will resume. *Id.*

B. Violations

A board member may be subject to a civil suit, found personally liable for a civil penalty of \$750, and be removed from his or her position on the board if he or she knowingly or intentionally violates the Public Meetings Act. *Id.* § 16-4-408(a); 9-1-202. If you know or believe a Public Meetings Act violation is occurring, you should object on the record in public or at the next regular meeting, and your objection must be recorded in the minutes. *Id.* To avoid even the appearance of a violation, it is imperative not to discuss board business when a quorum of board members are present unless the meeting has been properly noticed to the public.

Some examples of possible violations of the Public Meetings Act may include sending an e-mail in which all board members (or at least a quorum) are included on the email and where board business is being discussed. In addition, a violation may occur anytime a quorum of the board is present outside a properly noticed board meeting and board business is discussed. This may occur during a lunch or dinner, during a recess, or after the board meeting concludes. Sequential communication, sometimes referred to as a “walking quorum,” may also constitute a violation of the Public Meetings Act. Sequential communication is when a board member relays information to another board member, who tells another and so on to get around the public meeting requirement. This type of communication circumvents the purpose of the Public Meetings Act and is prohibited. *Id.* § 16-4-403(d).

C. Executive Sessions

While the Public Meetings Act requires that board meetings be open to the public, it also authorizes a board, under certain circumstances, to enter a closed session called an executive session. *Id.* § 16-4-405. The Public Meetings Act lists the only reasons a board may enter executive session. *Id.* These circumstances include:

- To consider the appointment, employment, right to practice or dismissal of a public officer, professional person or employee, unless the employee or professional person requests public discussion;
- To hear complaints or charges brought against an employee, professional person, or officer;
- To deliberate on a decision following a hearing;
- To discuss matters concerning litigation to which the board is a party;
- To prepare, administer, or grade examinations for licensure; and
- To consider or receive any information classified as confidential by law.

Id. § 16-4-405(a). The rationale for executive session is to allow a board to consider matters that are sensitive in nature or topics that are confidential without chilling discussion. *Id.* § 16-4-405(a)(i)-(x). By authorizing executive sessions, the Legislature has determined that the sensitive nature of discussions on certain matters outweighs the public’s interest in open government.

During and after an executive session, the public is prohibited from accessing the board’s discussions. The only persons entitled to attend an executive session are the board members, though the board may choose to invite others, such as board staff and other persons relevant to the board’s discussion. Your board’s advising attorney should always be present in executive sessions to assist the board with any legal issues and to ensure the discussion is limited to the reason for entering executive session. If the board determines that other persons should be invited into the executive session they “should, of course be restricted to only such persons who have information or advice on the subject matter under discussion.” *See Formal Opinions of the Wyoming Attorney General*, 17 Op. Att’y Gen. 51 (August 3, 1973). For example, if the board enters executive session to deliberate after a contested case, the adverse parties are not permitted to attend the executive session.

To enter an executive session, a board member must make a motion in the public meeting stating the specific statutory reason authorizing the executive session. Wyo. Stat. Ann. § 16-4-405(c). The motion must be seconded and followed by a majority vote of the present board members or the number and composition of board members required to take action if specified in your enabling statutes. *Id.* During the executive session, board members may only discuss matters related to the reason(s) for entering executive session. The board may not take any action during

an executive session and a motion is not required to exit the executive session. For any items discussed in the executive session, the board may take action, if any, during the public session.

The board is required to take and maintain minutes of the executive session. *Id.* § 16-4-405(b). Either a board member or a staff member may take the minutes. Executive session minutes are confidential and must be kept separately from regular meeting minutes, detailed enough to identify the information the board discussed, and sufficient for a reviewing court to determine that the discussion was properly withheld from the public meeting. *Sheridan Newspapers, Inc. v. Bd. of Trustees of Sheridan Cty. Sch. Dist. #2*, 2015 WY 70, 350 P.3d 266 (Wyo. 2015).

D. Quorum

Under the Wyoming Public Meetings Act, each board is required to have a quorum of board members present to have a meeting and take action. Wyo. Stat. Ann. § 16-4-402. Generally, a quorum is a simple majority of the board members, but some boards' enabling statutes define what is required for a quorum. For example, a statute may require a majority of the board members including the chair or vice chair to have a quorum. If the meeting begins with a quorum of board members but the board loses a quorum at any time during the meeting, the meeting may continue but no board action can be taken. If a quorum is present, but one or more members must abstain from voting on a matter, the board still has a quorum for purposes of the Public Meetings Act.

Because the notice requirements in the Public Meetings Act only apply when a quorum of the board discusses board business, the notice requirements do not apply if a quorum of board members are not present. For example, if a board has five members and requires a majority of members to be present for a quorum, the notice requirements in the Public Meetings Act do not apply when only two board members meet to discuss board business. If the same board created a committee to review rules or investigate a complaint, the notice requirements in the Public Meetings Act do not apply as long as three board members are not on the committee.

E. Board Action and Making a Motion

A board may only take action during a public meeting. Any action taken at a meeting not in compliance with the Public Meetings Act is null and void. Wyo. Stat. Ann. § 16-4-403(a). A board's enabling statutes may set forth the number of votes required for the board to take action. *See e.g., Id.* § 33-12-124. If the enabling statutes are silent on the number of votes required to take action, the general rule is that a simple majority of voting members present at the meeting is

required to take board action. For example, if three members of a five-member board attend a meeting, the board has a quorum. In order to take action, two of the members present at the meeting would need to vote in favor of a particular action.

Most boards' enabling statutes do not provide specific procedural requirements that must be followed in conducting the boards' public meetings. Although most boards have not adopted rules addressing parliamentary procedure, boards may use principles of parliamentary procedure, such as Robert's Rules of Order, for guidance. See *Hirschfield v. Bd. of Cty. Commr's of the Cty. of Teton*, 944 P.2d 1139, 1144 (Wyo. 1997). No statute requires a board to adopt or follow Robert's Rules of Order, and boards should be cautious about following Robert's Rules to the letter because it may be extremely difficult for a board to comply with every requirement.

When making a motion, the best practice is for the board member to state the motion in affirmative language to ensure clarity (ex. I move to . . .). There is no magic language needed in a motion, and multiple actions can be included in one motion, however, the key requirement is that the intent of the motion is clear and that everyone understands what they are voting on. After a motion is made, it must be seconded in order to proceed. If no board member seconds the motion, it fails for lack of a second. If a board member seconds the motion, then the chair should ask if there is any discussion on the motion. During this phase, board members have the opportunity to discuss the pending motion, ask any questions related to the motion, and share their thoughts on the item before the board. Unlike Robert's Rules of Order, the chair is allowed and encouraged to participate in the discussion phase and any vote. After the discussion period, the chair should call for a vote. If a board member wants to vote in favor of the motion, he or she should vote "Aye/Yes." If he or she wants to vote against the motion, he or she should say "Nay/No." Finally, if a board member intends to abstain from the vote or needs to be recused, the board member should state that on the record. Unless your board's enabling statutes provide otherwise, a majority of the members voting on a matter is sufficient for the board to take action. A tie vote is not sufficient for a board to take action and anything other than a majority vote fails. As discussed in Chapter 5.B, it is imperative that every member vote on each issue, including the chair, unless the board member has a valid reason to abstain.

A motion may be amended at any time prior to the final vote. Robert's Rules of Order establishes a specific process to amend motions, however, because boards are not required to follow Robert's Rules, the key takeaway is that a motion may be amended or rescinded by the

moving party as long as the rest of the board understands the intent and the amended motion is clear. In addition, unless your act provides otherwise, a board may take action by consensus, which means that all board members are in favor of a specific action. Generally, boards take action by consensus when directing staff to do some act that does not require a formal motion and vote.

F. Public Participation

Any member of the public may attend a board meeting. A member of the public is not required as a condition of attending the meeting to give his or her name or complete a sign-in sheet. Wyo. Stat. Ann. § 16-4-403(b). The Public Meetings Act requires members of the public be allowed to attend and observe the meeting, but a board is not required to allow a member of the public to speak during the meeting. But if the board allows a public member to speak, the board may require the person seeking to speak to give his or her name and affiliation for the meeting minutes. *Id.* If a public member is disruptive during the board meeting, a board may remove that person and continue with the meeting or may recess and reconvene the meeting at another location. *Id.* § 16-4-406. In these instances, the chair should inform the disruptive individual that the meeting is a public meeting to discuss board business and that the individual's disruptive conduct prevents the board from conducting board business. If an issue arises, please consult with your advising attorney.

G. Meeting Minutes

To ensure transparency at meetings, Wyoming law requires boards to record minutes of each meeting. *See* Wyo. Stat. Ann. § 16-4-403(c). In addition, a separate law governing licensing boards requires that minutes be taken of all meetings where the board takes official action and for the minutes to contain a record of all official acts. *Id.* § 33-1-302(a)(ii). At each meeting, a board member or staff member should take notes of the discussions that occurred and any action that was taken. Those notes should be turned into minutes that include all motions, votes, and results of the votes. The minutes should be sufficiently detailed for a person who was not present at the meeting to tell what discussion occurred and what action was taken at the meeting. If board action was taken at the meeting, the minutes must be published to the public. *See Id.* § 16-4-403(c)(i). Generally, the publication requirement means that the written minutes must be kept and available to the public. This requirement can also be satisfied by posting minutes to the board's website.

H. Meeting Conduct

There are few rules that you must adhere to outlined in the Public Meetings Act, such as requirements for a quorum (discussed in section D), requirements to move into executive session (discussed in Section C), and voting requirements or board action requirements (discussed in section E). With the exception of these items, the Public Meetings Act does not specify other requirements to maintain order during a meeting. While some legislative bodies follow Robert's Rules of Order, boards are not bound by or required to follow those procedures. Instead, each board must ensure that its meetings are conducted in an orderly manner to ensure the efficient transaction of government business, encourage discussion, and to enable the board make informed decisions within a reasonable timeframe. This section is intended to serve as a guide to discuss some basic principles that may help your board maintain order.

Generally, meetings should have a rhythm. First, the meeting should be called to order and the board should determine that it has a quorum present. Next, boards generally should consider using a consent agenda/lists to address non-controversial items such as financial reports, meeting minutes, or other informational items presented to the board for approval or ratification. Consent agendas/lists are useful for a board to address and consider numerous items expeditiously. In the event a board member feels that an item on the consent agenda/list needs discussion, that item can be pulled off of the consent agenda/list, the board can approve the consent agenda/list as amended, and discuss and separately take action on the removed item.

Finally, no motion or vote is needed to adjourn the meeting. After the conclusion of the business on the agenda, the chair can just declare the meeting adjourned. If there is not appropriate time to discuss an item, a board member can request that the item be tabled until the board's next meeting.

I. Working on a Committee

At times, board members may be asked to work on a committee for a specific purpose. For example, the board may create a committee to review applications, to draft rules, or for any other proper purpose. A committee can either be formed for a specific purpose and will disband once the objective is complete (ad-hoc committee) or the committee may continue to exist indefinitely (standing committee).

A committee should be composed of fewer board members than required for a quorum to avoid issues with the Public Meetings Act. The committee may include non-board members,

including board staff, or other persons with expertise on a specific subject, but only board members can be voting members on the committee. One member of the committee may be designated as the committee chair, and while the chair's duties may vary, the main responsibility is ensuring committee meetings are convened and run smoothly.

A committee cannot take board action or make any final board decisions. Rather, a committee may research an issue, present findings, and make recommendations to the board. For example, a committee may be formed to revise a specific chapter of the board's rules. After the committee has drafted a revised chapter, the committee may present the draft to the board during a public meeting and recommend the board promulgate the revised chapter. When the board takes action on a committee's recommendation, committee members are not required to recuse themselves from voting unless the committee is a party to a contested case, or if the person has a conflict of interest. *See* Chapter 9 on Ethics.

Chapter 7: Rulemaking

A. Authority to Promulgate Rules

One of the most significant tasks a board undertakes is creating rules. Rulemaking is a delegation of authority from the Legislature to the board. The board may only create rules authorized by statute. “An administrative rule or regulation which is not expressly or impliedly authorized by statute is without force or effect if it adds to, changes, modifies, or conflicts with an existing statute.” *Disciplinary Matter of Billings*, 2001 WY 81, ¶ 23, 30 P.3d 557, 568 (Wyo. 2001). Once the board determines that it has the authority to create rules on a topic, the board must follow the procedures established in the WAPA, Wyo. Stat. Ann. §§ 16-3-101 through -106. Properly promulgated administrative rules “have the force and effect of law, and an administrative agency must follow its own rules and regulations.” *RME Petroleum Co. v. Wyo. Dep’t of Revenue*, 2007 WY 16, ¶ 40, 150 P.3d 673, 688 (Wyo. 2007); *Painter*, 998 P.2d at 938. Failure to follow the procedure outlined in the WAPA when enacting rules is fatal to the rulemaking process, so your board should consult with your advising attorney to ensure compliance with the WAPA.

B. Rulemaking Process

WAPA establishes uniform standards to ensure that all interested persons receive notice of the proposed rules and all persons have an opportunity to review and comment on the proposed rules. Six entities are involved in the rulemaking process: the board proposing the rules, the Attorney General’s Office, the Secretary of State’s Office, the Legislative Service Office (LSO), Management Council of the Legislature, and the Governor’s Office. This section generally describes the rulemaking process, but the Attorney General’s Office publishes a separate handbook that thoroughly explains the rulemaking process. The process set forth below is the same for creating new rules, amending existing rules, and repealing existing rules.

When drafting rules, the board should consult with its advising attorney throughout the entire process for guidance. After an initial determination that the board has the authority to create, amend, or repeal rules, the board must draft the proposed rules. The advising attorney will either give the board approval to proceed with the draft rules or identify issues to be addressed before continuing with the rulemaking process. After the advising attorney approves the draft rules, the board must discuss and approve for promulgation the draft rules at a public meeting.

After the board approves the proposed rules at a public meeting, it must obtain the Governor’s permission to proceed with the rules promulgation process. If the Governor grants

permission, the board must provide notice of the proposed rulemaking to the public. Notice of the proposed rulemaking must be sent to anyone who has requested advanced notice. Wyo. Stat. Ann. § 16-3-103(a)(i). In addition, although not required by the WAPA, boards should publish proposed rules on the board's website. If a Title 33 board publishes a newsletter, memorandum, or other written or electronic communication, the board is required to publish the proposed rules in that medium if it is practicable. *Id.* § 16-3-103(e).

Under the WAPA, boards are required to accept public comments for at least 45 days from the initial notice. *Id.* § 16-3-103(a)(ii). The public comment period enables the public to provide feedback to the board and identify possible issues with the proposed rule change. If 25 or more persons, an organization of 25 or more members, or a governmental subdivision comments and requests a public hearing on the rules, the board must schedule and hold a hearing. *Id.* § 16-3-103(a)(ii)(A). In addition, the board can choose to hold a rules hearing on its own volition. This is advisable if the board anticipates the proposed rules may be controversial. During a public hearing, the board should take public comments, but should not engage in debate or otherwise defend the proposed rules.

After the public comment period, the board must review all comments received during the public comment period and at the public hearing, if applicable. *Id.* § 16-3-103(a)(ii)(B). If the board determines that the proposed rules need to be revised after reviewing the comments, the board should consult with its advising attorney for guidance. If the revisions are not a logical outgrowth of the initial proposed changes, then the board must begin the rulemaking process from the beginning, re-draft rules, and resubmit them for public comment. If revisions are a logical outgrowth or no additional revisions are necessary, the board may proceed with the rulemaking process, and the board must adopt the final rules at a public meeting. "A final rule qualifies as a logical outgrowth if interested parties should have anticipated that the change was possible, and thus reasonably should have filed their comments during the public comment period." *Market Synergy Group Inc. v. United States Dep't Labor*, 885 F.3d 676 (10th Cir. 2018). Because it is anticipated that agencies may make changes to the proposed rules after considering public comments, the logical outgrowth rule allows an agency to proceed with adopting the rules as long as the public was on notice that the change was possible.

After final adoption by the board, the proposed rules must be submitted through Secretary of State's Administrative Rules system within ten days of final adoption. To become effective, the

rules must be signed by the Governor and filed with the Secretary of State within 75 days of final adoption. If the Governor does not sign the proposed rules or the proposed rules are not filed with the Secretary of State within 75 days, the rules do not become effective and the board will need to begin the rulemaking process again.

C. Emergency Rules

Because the regular rulemaking process takes a few months to complete, the WAPA allows for a board to adopt emergency rules under certain circumstances. Wyo. Stat. Ann. § 16-3-103(b). For example, a board may need to expeditiously correct an unintended consequence of a previous rule change. Emergency rules enable an agency to enact temporary rules without providing notice to the public or an opportunity for public comment. Because this process prevents the public from commenting on the rules before they become effective, emergency rules are used only in true emergency situations. Emergency rules are sent directly to the Governor for signature and become effective when signed by the Governor and filed with the Secretary of State.

Unlike regular rules, emergency rules are only effective for 120 days. *Id.* A board may extend the emergency rules one time for up to an additional 120 days. *Id.* If the board intends the rule to become effective permanently, it should begin the regular rulemaking process at the same time as the emergency rules process or shortly thereafter, if possible. If the board does not adopt rules through the regular rulemaking process, the rules that were in effect before the emergency rules were adopted will become effective again once the emergency rules expire. By beginning the regular rulemaking promulgation process concurrently or shortly after enacting emergency rules, the regular rules may become effective before the emergency rules expire.

D. Where to Find Rules

Properly promulgated rules may be found at the Secretary of State's website: rules.wyo.gov. In addition to current rules, the website also has proposed rules, emergency rules, repealed rules, and superseded rules for all agencies. Additionally, a board's rules should also be available on the board's website and available for review at the board office.

E. Rules vs. Policy

A rule is an "agency statement of general applicability that implements, interprets and prescribes law, policy . . . or describes the organization, procedures, or practice requirements of any agency." Wyo. Stat. Ann. § 16-3-101(b)(ix). Only properly promulgated rules have the force

and effect of law. *RME Petroleum Co.*, ¶ 40, 150 P.3d at 688. It is important to review your board's policies to ensure that your board does not have "rules" that are disguised as policies.

Policies are appropriate to direct internal operations of an agency. For example, a board may have a policy on how mail is processed. A policy cannot require a member of the public to be bound by it, only rules can impose requirements on the public. Any "policy" that implements a requirement on the general public is a rule disguised as a policy and does not have the force and effect of law because it was not properly promulgated under the WAPA.

Chapter 8: Public Records

Similar to the Public Meeting Act, the purpose of the Public Records Act is to ensure that government business is open and transparent. In order to maintain transparency, the Public Records Act provides a mechanism for private individuals to have access to records created while the government conducts business. The policy behind the Public Records Act is disclosure, not secrecy. *Sublette Cty. Rural Health Care Dist. v. Miley*, 942 P.2d 1101, 1103 (Wyo. 1997).

A. Public Records

It is important to note that all public records are subject to the Public Records Act. A public record includes any information in a physical form created, accepted, or obtained by the state or any agency in performing its official function, but does not include information that is privileged or confidential by law. Wyo. Stat. Ann. § 16-4-201(a)(v). It also includes any written communication or other information, whether in paper, electronic, or other physical form, received by the state or any agency transacting public business of the state or agency whether at or outside a meeting. *Id.* In short, everything you receive or create as a board member is a public record subject to public inspection, including e-mails or notes during an investigation, except information that is privileged or confidential by law. Even documents created by a board committee are public records, though the records may be exempt from disclosure under certain circumstances. *Id.* § 16-4-201(a)(v).

Another common question board members have is whether e-mails are subject to the Public Records Act if the board member uses a private e-mail account for board business. The answer to this question is simple: yes. Because a public record is any information created in furtherance of your position as a board member, even an e-mail on a private account or a text message on your personal phone may be subject to a public records request, depending on the content of the message. For this reason, board members should exclusively use their “wyoboards.gov” e-mail account for board business to make it easier to identify and retrieve public records.

B. Inspecting Public Records

Under the Public Records Act, the public has the right to inspect public records, unless the records fall under a specific exception. *Id.* § 16-4-203. Generally, the Act provides that the “custodian of any public records shall allow any person the right of inspection of the records or any portion thereof” unless the inspection would be contrary to any state statute, federal statute or regulation, or prohibited by rule, the Wyoming Supreme Court, or any court of record. *Id.*

§ 16-4-203(a)(i)-(iii). In addition, the Public Records Act explicitly lists grounds that an agency may withhold a public record and grounds that require a board to withhold a public record. *Id.* § 16-4-203(b) and (d).

Whether a document may or shall be withheld from a public records request must be determined on a case-by-case basis. Circumstances in which a board **may** withhold the right of inspection include: records of investigations or any investigatory files; test questions, scoring keys and other licensing examination data; and interagency or intraagency memoranda which would not be available by law to a private party in litigation with the agency. *Id.* § 16-4-203(b). A board **shall deny** inspection of a public record including:

- Medical, psychological and sociological data on individual persons;
- Personnel files;
- Hospital records; and
- Records or information relating to individual diagnoses of contagious, infectious, communicable, toxic and genetic diseases maintained or collected by the Wyoming state veterinary laboratory.

Id. § 16-4-203(d).

The Wyoming Supreme Court has held that the Public Records Act is to receive a liberal construction in favor of disclosure and against withholding public records, and exemptions are to be construed narrowly. *Sheridan Newspapers, Inc. v. City of Sheridan*, 660 P.2d 785, 793 (Wyo. 1983). Access to public records should be permitted “unless disclosure would inflict irreparable harm to protected rights.” *Wyo. Dep’t of Transp. v. Int’l Union of Operating Engineers Local Union 800*, 908 P.2d 970, 973 (Wyo. 1995) (citing *Houghton v. Francell*, 870 P.2d 1050, 1052-53 (Wyo. 1994)). If this is the case and no exception exists, the board may seek a court order permitting the board from disclosing the record. Wyo. Stat. Ann. § 16-4-203(g).

Each board is required to have a designated public records person to receive all applications for public records. *Id.* § 16-4-202(e). If you receive a public records request directly, please immediately notify your executive director or designated public records person.

C. Public Records Retention

All public records must be maintained in accordance with the applicable retention schedule. The Wyoming State Archives is required to maintain all state public records, arrange retention schedules for records with state agencies, and disseminate information on all phases of records

management to state agencies. *Id.* § 9-2-406(a). The retention period varies based on the type of record, but some records are required to be retained permanently. Wyoming Statute § 9-2-412 provides an agency may request a shorter retention period but the records committee will consider whether it is “unnecessary and uneconomical” to keep certain records for the minimum period of ten years.

If you have any questions about how long you need to maintain a public record, please consult with your executive director and advising attorney to determine the appropriate records retention schedule.

Chapter 9: Ethics

A. Ethics

As a board member, you are a member of the executive branch of Wyoming government and it is essential to display professionalism, exercise sound judgment, and remember that you are an official representative of the board and the State of Wyoming. Board members have significant responsibility and authority and are entrusted to protect the public by regulating various professions.

As a board member, you are required to follow the Ethics and Disclosure Act, which prohibits public officials, public members, and public employees from using their office or position for their private benefit. Wyo. Stat. Ann. § 9-13-103(a). The Act also prohibits board members from receiving a gift or benefit resulting from your position on the board. *Id.* § 9-13-103(b). In addition, this Act prohibits board members from misusing their office and voting on an issue if the board member is biased or has a conflict of interest. *Id.* §§ 9-13-105 through -106.

When determining whether a conflict of interest exists, the board member must consider all of the circumstances. “[A] public official, public member or public employee shall not make an official decision or vote on an official decision if the public official, public member or public employee has a **personal or private interest in the matter.**” *Id.* § 9-13-106(a) (emphasis added). A personal or private interest is one that is “direct and immediate as opposed to speculative and remote” and provides the board member with “a greater benefit or a lesser detriment than it does for a large or substantial group or class of persons who are similarly situated.” *Id.* § 9-13-106(a)(i) and (ii). If you think you may have a conflict of interest, please consult your advising attorney before the board considers the matter to determine whether you should abstain from the discussion or vote. If a board member abstains due to a conflict of interest, the board member’s abstention must be recorded in the meeting minutes. *Id.* § 9-13-106(b).

Similarly, if the board member is unable to make an impartial decision on a particular matter, he or she should recuse himself or herself from participating in a discussion or voting on that matter. A board member may be biased if he or she has personal knowledge of the matter outside of the information presented to the board for consideration. Mere knowledge of the matter does not necessarily mean the board member is biased and should recuse himself or herself. If the board member feels that he or she can make a fair and impartial decision based only on the information properly before the board, then the board member should exercise his or her right to

vote. If you are uncertain whether you should recuse yourself from voting due to bias or conflict of interest, please consult with your advising attorney.

In other instances, it may be proper for a board member to recuse himself/herself from a vote. For example, if the board member is a party to a contested case before the board (such as a disciplinary matter in a licensing case), the board member should recuse himself/herself because he or she has been a part of the investigation, provided a recommendation to the board, and has been a part of the prosecution. Because the prosecuting board member is an adverse party presenting a recommendation to the board, he or she should recuse himself/herself from any discussion or vote relating to the matter.

B. Executive Orders

In addition to the Ethics and Disclosure Act, board members must also comply with executive orders. An executive order is a directive issued by the Governor that manages the operations of the executive branch. All executive branch employees, including board members, are bound by properly issued executive orders. Executive orders remain in effect until they are revoked, adjudicated unlawful, or expire on their own terms.

1. Executive Order 1997-4

Executive Order 1997-4, issued by former Governor Geringer, adopts a code of ethics requiring, among other things, all executive branch employees, including board members, to abide by the laws of the United States and the state of Wyoming, be honest and fair in performing public service, and avoid conduct that compromises the integrity of the public office or creates the appearance of impropriety. The order does not only prohibit impropriety, but also any conduct that creates the appearance of impropriety. This means that any conduct that even appears improper is prohibited.

Additionally, the order prohibits public employees from engaging in a number of specified activities, including any activity that constitutes a conflict of interest, conduct that constitutes an abuse of authority, and all outside activity that is incompatible with the public employee's duties. Executive Order 1997-4 is attached to this handbook as Attachment A and should be reviewed by all board members. If you have any questions regarding your ethical duties as a board member, please discuss those concerns with your board's advising attorney.

2. *Executive Order 1981-12*

Executive Order 1981-12, issued by Governor Herschler, discusses ex parte communications² and biased decision-making in the executive branch. Executive Order 1981-12 is attached to this handbook at Attachment B and should be reviewed by all board members. The order addresses and provides guidance on three separate agency functions.

First, the order prohibits agency officials, including board members, from soliciting or receiving any off-the-record communication relating to an issue in a contested case proceeding pending before the agency. If any off-the record communication occurs, the agency official or board member must immediately document the communication, provide a copy to all parties to the proceeding, and inform the parties that the communication will be considered at the next scheduled hearing in the contested case proceeding.

Second, the order prohibits agency officials from communicating with any person outside the agency regarding the proposed rulemaking process before the close of the public comment period. If an agency official is contacted during this period, the agency official must immediately document the communication and forward it to the agency so it can be included in the administrative record. The order details a separate process if ex parte communication occurs after the close of the public comment period. Specifically, the agency official must refuse to discuss the matter, draft a summary of the communication, forward the summary for inclusion in the administrative record, and provide an opportunity for the public to review the record if necessary.

Finally, the order requires that any agency official must disqualify himself or herself from any agency decisions in which he or she cannot participate fairly due to substantial bias or prejudice. If you have any questions about whether you can participate fairly in any matter coming before the board, please consult with your board's advising attorney to decide whether you should recuse yourself from participating and voting in the matter.

C. Removal

Because board members are appointed by the Governor, he also has the authority to remove a board member for any reason. Wyo. Stat. Ann. § 9-1-202(a) (“[A]ny person may be removed by the governor, at the governor’s pleasure, if appointed by the governor to serve . . . as a member of

² An ex parte communication is a communication between a party and the board when the other party or the rest of the board is not present.

a state board or commission.”). The Governor must provide a reason for removal to the person to be removed. *Id.* § 9-1-202(c). Unlike a professional license, a board member does not have a property interest in continuing to be a board member because all board members serve at the pleasure of the Governor. *Id.* § 9-1-202(a).

Chapter 10: Immunity

Wyoming law provides personal immunity for board members of any governmental board for any actions, inactions, or omissions of the board. Wyo. Stat. Ann. § 1-23-107. For example, a board member will not be individually liable for a board's decision to establish licensing requirements if an action is brought for failing to require more strict licensing requirements that may have prevented an injury. The immunity provided by Wyo. Stat. Ann. § 1-23-107 only applies to actions undertaken by the board as a whole. It does not insulate individual board members from liability for intentional torts or illegal acts. *Id.* § 1-23-107(b). If your board makes a decision in good faith, the statute insulates the board from liability for the action, inaction, or omission.

In addition, the Wyoming Governmental Claims Act, Wyo. Stat. Ann. §§ 1-39-101 through -120, provides immunity for public employees while acting within the scope of their duties, subject to a few exceptions. The Act defines a public employee as “any officer, employee or servant of a governmental entity, with or without compensation.” *Id.* § 1-39-103(a)(iv)(A). Board members fall under the definition of public employees and are granted immunity as long as any actions are **within the scope of your duties** as a board member. *Id.* § 1-39-104. Acting within the scope of your duties as a board member includes attending a public meeting, serving on a committee of the board, or performing any function related to your position on a board. Immunity does not preclude a board member from being sued, but it does mean that the board member will likely not be personally liable for a monetary judgment. In the event a board member is sued, an attorney from the Attorney General's Office will represent the board member in the lawsuit. *Id.* § 1-41-103(e). Even if the board member is unsuccessful in defending the lawsuit, as long as the board member was acting within the scope of his or her duties, the state will pay any money judgment resulting from the lawsuit. If the board member was acting outside the scope of his or her duties, then the board member may be personally liable.

In addition, government officials acting in their official capacity are afforded qualified immunity. Qualified immunity is applicable in suits claiming alleged violations of an individual's federal constitutional or statutory rights. Moreover, it protects government officials “from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.” *Pearson v. Callahan*, 555 U.S. 223, 231 (2009) (citation omitted). Depending on the nature of the claims, qualified immunity may be another defense to actions taken by a board member.

Chapter 11: Communicating with Legislators

It is important that you understand your role as an executive branch official when communicating with the Legislature and its members. Because the Legislature enacts laws affecting your board, your board may have a duty to inform the Legislature of any issues with your current enabling statutes and to provide factual information to individual legislators, committees, or the Legislature as a whole upon request. Some boards also have a duty to provide reports to the Legislature either as an ongoing task or a one-time report. You should work with your board's executive director on communicating with legislators to ensure that your board presents a consistent message.

While Wyo. Stat. Ann. § 28-7-104 exempts a "public official acting in his official capacity" from statutes governing lobbyists, board members should still exercise caution when communicating with legislators. Any statement about executive branch policy must come from the Governor's Office, not an individual agency or board. There may be instances where a board is authorized to make policy decisions by promulgating rules on a specific area, but that must be done through the rules promulgation process established by the WAPA.

In an effort to prevent inappropriate communication with legislators, board members should respond to any legislative requests by providing factual information, rather than personal opinions, and provide that information in a public forum. This same principle applies to supporting or opposing a specific bill once it has been introduced. Board members may inform the Legislature of any difficulties the bill may present or any positive aspects of the bill, but ultimately, it is the Legislature's decision on whether to move forward with the bill or not.

There may be circumstances in which a board presents an issue with their existing statutes, or is even involved in crafting draft legislation. In this situation, it may be appropriate for a board to express their support for introducing a bill addressing a particular issue, but board members should attempt to communicate only factual information related to the effect of the proposed legislation, rather than give direct support or opposition after the bill is introduced.

While there is no clear line between acceptable and unacceptable conduct, use your common sense when considering whether it is within your role as an executive branch official in a given situation. If you have any specific questions, please consult your board's executive director or your board's advising attorney for assistance evaluating how to proceed interacting with the Legislature and its members.

LICENSING BOARD SPECIFIC CHAPTERS

Chapter 12: Duties and Powers – Licensure

Chapters 12-14 of this handbook address duties specific to professional licensing boards. While the earlier chapters apply to licensing boards and other boards and commissions, these chapters deal with functions exclusively performed by licensing boards. Most licensing boards' enabling statutes are located in Title 33 of Wyoming Statutes, however, some enabling statutes are found in other titles.

A. Ratification

One of the primary roles a licensing board is to issue professional licenses. Boards are granted authority to issue licenses through their enabling statutes. A board may delegate temporary authority to issue licenses to board staff. Wyo. Stat. Ann. § 33-1-303(a)(ii). If the board delegates authority to issue licenses to board staff, the board must subsequently ratify all issued licenses, whether for initial licensure or renewal. *Id.* By ratifying licenses issued by staff, the board verifies that all licenses were properly issued. Because the board is the only entity that has the authority to grant licenses to individuals, and without board ratification, a license issued by board staff is provisional. Ratification is usually a routine process that must occur at a properly noticed public meeting.

B. Qualifications

Whether the board has authority to set qualifications for licensure is determined by each board's enabling statutes. A board's enabling statutes may establish certain requirements for licensure or it may permit the board to establish the qualifications in rule or some combination of the two. Boards may be tasked with determining licensure requirements including: examination, education, and professional experience. While boards' enabling statutes are passed to protect the public, the requirements for licensure must be reasonable and not arbitrary. *Lineberger v. Wyo. State Bd. of Outfitters and Prof'l. Guides*, 2002 WY 55, ¶ 22, 44 P.3d 56, 62 (Wyo. 2002). Although a board has some discretion when determining the requirements for licensure, the requirements must be "rationally related to the applicant's fitness for the occupation." *Id.* ¶ 22, 44 P.3d at 62-63.

1. Examination

If authorized by its enabling statutes, a board may establish an examination requirement. If, however, the enabling statutes require a specific examination, the board must recognize and accept that, and only that, exam. Some boards are granted the authority to choose which

examination, the board must consider, among other items, whether the examination is sufficient to ensure minimal professional competence. The board must consider the content tested, exam availability, the required minimum passing score, and methods for candidates to retake the exam.

Although a board may have the authority to develop its own examination, developing an examination is difficult because it must be researched and determined to be valid, reliable, and fair to all applicants. Due to the resources required to develop an exam, most boards use a nationally or regionally recognized exam to establish competency. If a board chooses to use a recognized exam, it has the authority to establish the minimum passing score required for Wyoming licensure. Although the national testing organization may recommend a passing score, the board may deviate from the recommendation if it determines that either a higher or lower minimum score is appropriate to ensure that an individual is competent and that the public will be appropriately protected.

2. *Education*

A board may have some discretion to establish the minimum educational requirements for licensure based on its enabling statutes. If the required education to obtain a license is not explicitly set forth in its enabling statutes, it is likely the Legislature granted the board authority to establish the requirements in rule. If your board is granted authority to establish the minimum educational requirements in rule, you may want to survey other states to compare their requirements and make sure any requirements are based on evidence and sound reasoning. In addition, many professions have a national organization that provides recommendations or model standards of minimum educational requirements. See Chapter 2.D discussing national/regional boards. A board may use these standards as a reference, but it is not required to adopt them in rule if it determines some other educational requirement is appropriate. It is imperative that any requirements established by a board are related to the practice, and the requirements are not chosen to exclude people from entering the profession, but to ensure licensees are competent to practice.

3. *Professional Experience*

In addition to licensure by examination, a board may also allow an individual to demonstrate competency for licensure through professional experience if authorized by the board's enabling statutes. Most boards are authorized to consider professional experience to demonstrate competency for applicants who are licensed in another jurisdiction or for professions that have not

been previously regulated. This process is generally referred to as licensure by endorsement or reciprocity.

Many boards' enabling statutes allow a board to grant a license by reciprocity if the individual holds a license in another state with substantially similar licensure requirements. If granted authority to issue a license by reciprocity, the board may also have authority to establish the requirements in rule. For example, a board may impose a requirement that the applicant provide a verification of good standing from any other state that the applicant is licensed in. The board may also consider whether the license is active, is inactive, is in good standing, or has been disciplined when considering an application.

In the context of a newly regulated profession, individuals already practicing that profession may be permitted to demonstrate minimum competency through work experience if authorized by the board's enabling statutes. If the enabling statutes do not set forth the requirements to allow persons who have practiced the profession before it became regulated to continue to practice, the board may do so by rule if it has authority to do so.

C. Application Review

Once an applicant has met all requirements for licensure, he or she may apply to the board for licensure. Applications submitted to the board are reviewed to determine whether the applicant meets the minimum competency required by rule or statute and to determine whether there are any factors that adversely affect the applicant's ability to safely practice the profession. Boards generally delegate initial application review to board staff to expedite the licensure process. If the licensee has clearly satisfied all requirements, then the applicant should be issued a license. The same process is generally followed for renewal, relicensure, and reinstatement applications.

If the applicant possibly does not meet the minimum qualifications or may pose a threat to the public, then the application should be referred to the application review committee (ARC). The ARC is generally composed of one or more board members who review the application, investigate any issues, and make a recommendation to the board. If the ARC recommends issuing a license subject to conditions or denying a license, the ARC must notify the applicant of their recommendation. Next, the applicant may agree with the recommendation and begin negotiating a settlement agreement or the applicant may request a contested case hearing to oppose the ARC's recommendation. For a discussion of contested cases, see Chapter 13.D.

D. Renewal

License renewal is the method by which a licensee may apply to the board to extend the expiration date of his or her license. If the licensee does not apply for renewal before the license expires, then the license will lapse. If an individual's license lapses, he or she is no longer able to practice the profession until the license is reissued. When applying for renewal, the licensee will be required to complete a renewal application, pay a fee, and provide evidence of any other requirements set forth in statute or rule, including evidence of completing any required continuing education to prove the licensee's continued competence.

Most enabling statutes explicitly authorize the board to establish requirements to renew a license. While competence for initial licensure may be determined by examination, education, or experience in another jurisdiction, continuing education is a common method for a board to determine whether the licensee maintains the minimum level of competence required to safely practice the profession. If a continuing education requirement is not established in your enabling statutes and the board does not have authority to create rules on renewal or continuing education, the board may not adopt rules requiring continuing education.

In addition to continuing education, the board may set other requirements to determine competency, if statutorily authorized. For example, a board may require a certain number of procedures be performed each year, a certain number of hours actively practiced, or that the licensee maintain a specific certification to demonstrate continued competency. Regardless of the method determined by the board, the licensee must meet the requirements in order to renew his or her license until the next renewal period.

Similar to the application review process for initial licensure, if the licensee meets the minimum requirements for renewal, the board should renew the license unless he or she poses a threat to the public. If the applicant disclosed information that violates the board's enabling statutes or rules in a renewal application, the board may renew the license and initiate an administrative complaint to discipline the licensee or the board may seek to deny renewal of the license. For a discussion of adverse action against an applicant, please see Chapter 12.G.

E. Relicensure

Relicensure is a method to re-enter the profession after a license has lapsed. Similar to the requirements to renew a license, some enabling statutes expressly establish relicensure requirements. If your enabling statutes do not provide for this process or grant the board

rulemaking authority to promulgate rules for relicensure, then applicants must follow the initial licensure process or licensure by endorsement, if applicable.

When establishing the requirements for relicensure by rule, the board must determine how the applicant will provide sufficient evidence to demonstrate competency. A board may require an individual complete a certain number of hours of continuing education for all years the licensee has been inactive, take a refresher course, or re-take the licensure examination, as your enabling statutes allow. This process may seem overly burdensome on a licensee, but, you must remember that the board is tasked with ensuring all licensees maintain competency.

F. Reinstatement

Reinstatement is the method by which a licensee who has been disciplined by the board may apply for a license or for the conditions to be lifted from his or her license. Generally, an applicant must submit an application, meet all requirements established by rule or statute, and demonstrate compliance with the board order that subjected the licensee to discipline. If the licensee has met all reinstatement criteria, the board may reinstate the license. If the board determines the licensee has not met all the reinstatement requirements, the board may deny the request for reinstatement. Ordinarily, reinstating a license after the licensee meets all requirements of a previous board order should be routine.

G. Issuing a License Subject to Conditions or Denying Licensure

If the ARC determines that the applicant meets the minimum competency requirements for licensure but may present a risk to the public if granted an unconditional license, the ARC may recommend that the board issue a license subject to conditions or deny licensure. Most enabling statutes have a section that lists specific grounds for the board to deny a license to an applicant. Although the statute may only provide that a board may deny a license, boards may also have the authority to impose a lesser sanction and issue a conditional license rather than deny a license outright. If the ARC recommends to issue a conditional license, the licensee may choose not to contest the ARC's recommendation or contest the recommendations by requesting a contested case hearing.

If the applicant agrees to the ARC's recommendations, the ARC will draft a settlement agreement stipulating to the recommendations. To be effective, the board must approve a settlement agreement at a public meeting. There may be situations where the board does not approve a settlement agreement.

Chapter 13: Duties and Powers – Discipline

Because boards are tasked with regulating professions, a board must be able to discipline a licensee who does not comply with the board’s enabling statutes or its rules. Enabling statutes vary, but generally boards are delegated the authority to discipline licenses for violations of its enabling statutes or rules. Because a professional license is a property interest, depriving a person of property invokes constitutional concerns. As a result, certain procedural requirements must be followed to discipline a license. *Penny v. State ex rel. Wyo. Mental Health Prof. Licensing Bd.*, 120 P.3d 152, 175 (Wyo. 2005). This section will discuss the disciplinary process generally, but each board may have a slightly different procedure.

A. Complaint

Any person may file a complaint with the board about a licensee. After receiving a complaint, board staff should assign the complaint to an investigative or disciplinary committee (DC) for investigation. Boards may use different terms for this committee, such as an investigative committee or investigative board member, but this handbook will only refer to this committee as a DC. A DC may be made up of one or more board members who review, investigate, and make recommendations to the board. Regardless of the DC’s recommendation, all complaints should be brought before the board for a final decision. Neither the DC, board staff, nor the board’s prosecuting attorney have authority to decide the outcome of any complaint—that decision is reserved for the board.

The board should create and approve a standardized complaint form to be available on its website and at the board office. A standardized form ensures that the board will be able to gather the essential information it needs to investigate the complaint. However, boards should accept and investigate any complaint received, even if received anonymously. While an anonymous complaint may be more difficult to investigate, boards should ensure that all complaints alleging a violation of the board’s enabling statutes or rules are investigated.

B. Investigation/Recommendation

After receiving a complaint against a licensee, the DC has a duty to investigate each complaint and determine whether the licensee’s conduct violated the board’s enabling statutes or rules. Investigating may involve contacting the licensee, contacting witnesses, or gathering other evidence. The investigation is typically carried out by the DC, board staff, and the board’s prosecuting attorney. If, after the investigation, the DC believes that the licensee violated the

enabling statutes or board's rules, the DC must notify the licensee of its intent to recommend disciplinary action. After the notice is sent, the DC may file a petition seeking formal discipline and the licensee will have the opportunity to accept or contest the recommendation. If the DC has insufficient evidence that a violation occurred, the DC should recommend the complaint be dismissed and possibly that the board issues an advisory letter/warning. It is important to note that an advisory letter/warning is not disciplinary action against a license.

C. Settlement Agreements

At any time during an investigation or before a contested case, a licensee may negotiate a settlement agreement with the DC. A settlement agreement is a document in which the licensee agrees to accept a specific sanction based on the factual allegations. The licensee is not required to admit any facts in a settlement agreement; the licensee may solely agree that the alleged facts, if proven, would be sufficient to prove a violation. If the licensee and the DC agree to terms, the proposed settlement agreement should be brought before the board for approval. At this time the board may either determine that the terms of the agreement are appropriate and approve the agreement or deny the DC's recommendation and send the case back to the DC for a different recommendation. It is important to note that any agreement between the DC and the licensee is not binding until the board approves the settlement agreement.

D. Types of Proceedings

A professional license is a property interest protected by the due process clauses of the Wyoming and United States Constitution. *Penny v. Wyo. Mental Health Professions Licensing Bd.*, 2005 WY 117, ¶ 51, 120 P.3d 152, 175 (Wyo. 2005). The Fourteenth Amendment guarantees the right to due process before a governmental agency may interfere with an individual's property interest in a professional license or liberty interest in a right to earn a living. Generally, due process ensures that the licensee is treated fairly, is provided adequate notice, and has an opportunity to be heard, but the amount of process that a licensee is due depends on the circumstances and proposed action.

1. Summary Suspension

A summary suspension is a temporary suspension of a license because emergency action is imperative to protect the public health, safety, and welfare pending formal disciplinary proceedings. Wyo. Stat. Ann. § 16-3-113(c). The threshold issue is whether removing a licensee from practice immediately is necessary to protect the public. If the DC or board staff believes that

a licensee must be removed from practice immediately, the DC may seek to summarily suspend an individual's license.

Because of the significant risk to the public, the licensee is entitled to less process and a full contested case is not necessary at this stage. A board should consider a summary suspension recommendation as soon as a quorum of board members can assemble. At the meeting, the DC or board staff should present its information to the board in support of a summary suspension. The board may summarily suspend a license if it finds probable cause that emergency action is necessary to protect the public health, safety, and welfare. Wyo. Stat. Ann. § 16-3-113(c). Due to the limited notice and opportunity to challenge a recommendation to summarily suspend a license, boards should allow a post-deprivation hearing, enabling the licensee to contest the board's determination that summary suspension is appropriate, within a reasonable time.

Once the licensee is summarily suspended, it is imperative that the board continue its investigation and institute formal disciplinary proceedings as soon as it may reasonably do so under the circumstances. At the formal disciplinary hearing, the licensee will have the ability to present evidence demonstrating it did not violate the board's enabling statute or rules and that the sanction recommended is not appropriate. If the board fails to pursue formal disciplinary action within a reasonable period of time, the licensee may argue that the summary suspension should be lifted. If you are a DC member and you believe that the conduct alleged in a complaint rises to the level of a summary suspension, please consult with the board's prosecuting attorney for advice on how to proceed with the process.

2. *Contested Cases*

A contested case is similar to a trial in a court. There are two common types of contested cases that occur before a licensing board: application and disciplinary matters. In each type of contested case, the applicant or licensee has a right to have an attorney or another person represent him or her, question members of the hearing panel,³ make an opening statement, cross-examine witnesses, present evidence in support of his or her own case, and make a closing argument.

Contested case proceedings are governed by the WAPA. The procedures set forth in the WAPA are designed to provide parties in contested cases with an opportunity to be heard and

³ The process in which a licensee/applicant may question members of the hearing panel to determine if any member has a conflict of interest or is otherwise biased is referred to as *voir dire*.

present evidence on their behalf. *Roush v. Pari-Mutuel Comm. of State of Wyo.*, 917 P.2d 1133, 1143 (Wyo. 1996). In a disciplinary matter, the DC has the burden of producing evidence that the licensee violated the enabling statutes or the board's rules. A contested case for an application matter is slightly different than a disciplinary contested case. The applicant still has all of the same rights, but the applicant must first prove that he or she meets the minimum qualifications for licensure. If the applicant proves that he or she meets the minimum qualifications, the burden shifts to the ARC to demonstrate why the applicant should not be granted a license; the applicant will have an opportunity to present evidence to rebut contrary evidence.

During a contested case, the board member(s) that composed the DC or ARC serves in a prosecutorial role and may be called to testify as a witness for the prosecution. The rest of the board members serve as the hearing panel. Because the DC or ARC board member is a party to the contested case, he or she cannot participate as a member of the hearing panel or participate in the deliberation following the hearing. The hearing panel is the fact-finding body of the board that receives the evidence presented by both parties, determines witnesses credibility, determines what facts exist, and resolves any disputes about how the facts apply to the law. During the contested case, the licensee must be provided the opportunity to be heard and to defend, enforce, and protect his or her rights before a competent and impartial tribunal. *Devous v. Wyo. State Bd. of Medical Examiners*, 845 P.2d 408, 416 (Wyo. 1993). To provide an impartial tribunal, the board must ensure that its prosecutorial function is separate from its duty to hear and decide the case.

In a discipline contested case, the DC bears the burden to persuade the hearing panel that the licensee violated the enabling statutes or board's rules by clear and convincing evidence. Clear and convincing evidence is the kind of proof that would persuade a trier of fact that the contention is highly probable. *In re Greene*, 2009 WY 42, ¶ 10, 204 P.2d 285, 290 (Wyo. 2009). This standard is more than a preponderance of the evidence standard used in most civil proceedings, but lower than the beyond a reasonable doubt standard used for criminal proceedings.

The clear and convincing evidence standard is used in licensing board contested cases because the potential loss of a license is more substantial than the mere loss of money in a civil proceeding, but less substantial than the loss of liberty in a criminal proceeding. *See Painter*, 998 P.2d at 941. Under the clear and convincing standard, "the witnesses to a fact must be found to be credible; the facts to which the witnesses testify must be distinctly remembered; the details in connection with the transaction must be narrated exactly and in order; the testimony must be clear,

direct and weighty; and the witnesses must be lacking in confusion as to the facts at issue.” *Meyer v. Norman*, 780 P.2d 283, 291 (Wyo. 1989).

After hearing all of the facts and arguments, the hearing panel should deliberate. The Public Meetings Act allows the board to deliberate on its decision in executive session. Wyo. Stat. Ann. § 16-4-405(a)(ii). During deliberation, the board may only consider the evidence that was presented at the hearing; it is improper for the board to consider any outside information. The hearing panel’s job is to decide all factual issues as well as the all legal issues. Deliberation should be a bifurcated process. First, the board must adjudicate—determine what facts exist and whether the facts establish a violation of the board’s enabling statutes or rules. During this phase, the hearing panel evaluates the evidence presented, determines witness credibility, and evaluates the conduct that occurred to determine if the licensee violated the board’s enabling statutes or rules. Second, the board must decide the appropriate disposition by considering the mitigating and aggravating factors presented and determining the appropriate sanction/punishment. These are independent analyses that must occur in this order.

During the deliberation process, the board’s advising attorney should be present to advise the hearing panel about the applicable law. Although the hearing panel may consult with its advising attorney, the hearing panel makes the final determination of factual and legal matters. If the hearing panel determines that the licensee’s conduct did not violate the board’s enabling statutes or rules, the board should dismiss the case. If the hearing panel determines that the licensee’s conduct violated the enabling statutes or board’s rules, then the next step is to determine the appropriate discipline. The hearing panel has some discretion in determining the appropriate disciplinary action. The hearing panel may agree with the DC’s recommendation, disagree and impose a more lenient sanction, or disagree impose a more severe sanction. If the board decides the DC’s recommendation is too lenient, consult with your advising attorney on how to best proceed and to make sure the licensee had appropriate notice. Any discipline should be rationally based on underlying conduct and any mitigating or aggravating factors.

A hearing examiner from the Office of Administrative Hearings generally presides over the contested case. The hearing examiner is similar to a judge and is an impartial person who makes legal rulings on whether certain evidence can be admitted and controls the hearing. *See* Wyo. Stat. Ann. § 16-3-112. The hearing examiner does not participate in the final decision and does not advise the hearing panel on the final decision. Some agencies request a hearing examiner

issue a recommended decision, but, this is not the common practice for most licensing boards, though it remains an option for all.

E. Board Orders

After hearing a contested case, the board is responsible for rendering a written decision, called an order. Wyo. Stat. Ann. § 16-3-110. The order must include findings of fact and conclusions of law separately stated. *Id.* The order must address the factual background, the legal principles, and the board’s analysis. *Id.* When rendering a decision, the “agency shall consider the whole record or any portion stipulated by the parties.” Wyo. Stat. Ann. § 16-3-109. The board’s advising attorney will assist the board in developing the findings of fact, conclusions of law, and drafting the board order. All parties must be notified either personally or by mail of any decision or order. *Id.*

Findings of fact are based exclusively on the evidence and matters officially noticed. Wyo. Stat. Ann. § 16-3-107(r). A licensing board may not consider matters concerning allegations of which the licensee did not have notice. *Penny*, 120 P.3d at 175. For example, the hearing panel may only consider the evidence presented during the contested case and may not rely on a board member’s outside knowledge of a party when determining the facts. The board must ensure that its findings establish a clear nexus between the evidentiary facts and the board’s legal conclusion. *Billings v. Wyo. Bd. of Outfitters and Prof. Guides*, 2004 WY 42, ¶ 59, 88 P.3d 455, 477 (Wyo. 2004). When making its findings of fact, the board must determine the ultimate weight to be given to the evidence presented and determine whether the witnesses were credible. *Weidner v. Life Care Ctrs. of Am.*, 893 P.2d 706, 710 (Wyo. 1995). The board order must contain conclusions on each contested issue of fact so that a reviewing court can discern why the board reached its ultimate conclusion. *Disciplinary Matter of Billings*, 2001 WY 81, ¶ 13 30 P.3d 557, 565 (Wyo. 2001).

F. Judicial Review

The WAPA establishes the scope of judicial review of board actions. Wyo. Stat. Ann. §§ 16-3-114 through -115. If a licensee or applicant wishes to contest a board decision, he or she may seek review of the order in the district court for the county in which the administrative action was taken or where the licensee resides. Wyo. Stat. Ann. § 16-3-114(a). If the licensee seeks review of the board action in a district court, the prosecuting attorney who represented the DC or ARC will continue to represent the DC or ARC on appeal. A licensee has 30 days from the date the order was sent to him or her to file a petition for review with the district court. Wyo. R. App. P.

12.04(a). For example, if the board takes action at a public meeting on February 1, but does not approve and send the final order to the licensee until March 1, the 30 day window to file a petition for review does not begin until March 1.

When reviewing agency action after a contested case, courts use the substantial evidence test. *Dale v. S & S Builders, LLC*, 2008 WY 84, ¶ 10, 188 P.3d 554, 559 (Wyo. 2008). Under this test, the agency's decision is required to be reversed if it is not supported by substantial evidence. Wyo. Stat. Ann. § 16-3-114(c)(ii). If a reviewing court determines that the board's decision is not supported by substantial evidence, the case will be sent back to the board to reconsider the matter in light of the court's guidance. If the licensee or applicant is unsuccessful at the district court, he or she may appeal the issue to the Wyoming Supreme Court. *Id.* § 16-3-115.

Board members should not be concerned or angry about having a decision reversed on by a district court or the Wyoming Supreme Court; a reversal merely means that the court is providing the board with further instruction on how to decide a specific matter or interpret its enabling statute or rules.

Chapter 14: Duties and Powers – Regulating the Practice

One of the main purposes of a licensing board is to regulate the practice of a specific profession. “[S]tates have a compelling interest in the practice of professions within their boundaries, and as part of their power to protect the public health, safety and other valid interests, they have broad power to establish standards for licensing practitioners and regulating the practice of professions.” *Frank v. State by and through Wyo. Bd. of Dental Exam’rs*, 965 P.2d 674, 679 (Wyo. 1998). Licensing boards have the ability to regulate the practice of the profession by enforcing their enabling statutes and rules. If an individual is practicing the profession without complying with the board’s licensure requirements, the individual may be engaged in the unlicensed practice of the profession.

A. Unlicensed Practice

Boards should be aware of their role regarding unlicensed practice. The board only has authority to discipline its licensees. When a person is alleged to be practicing a profession requiring licensure without a license, his or her conduct often gets reported to the board. The board has several options available. First, the board may send an inquiry letter to the individual. Second, the board may seek an injunction in a district court to prohibit the person from practicing without a license. Finally, in some situations, the board may refer the matter to a local prosecutor for a possible criminal prosecution if practicing without a license is a crime under the board’s enabling statutes. These three options are not mutually exclusive; a board may exercise one or more of these options.

When the board learns that an individual may be practicing without a license, the board normally first sends an inquiry letter to the individual. An inquiry letter is a letter from the board seeking an explanation of the individual’s conduct to gather more information and determine if unlicensed practice is occurring. The letter may also inform the individual that the practice of a specific profession is governed by a board and licensure is required to practice that profession. It is important to note that this letter is NOT a cease and desist letter, nor should it contain any directives ordering the individual to stop the alleged conduct. Before sending an inquiry letter, please consult with your board’s advising attorney to ensure the content is appropriate.

If the board determines that unlicensed practice is occurring and action must be taken, the board may seek an injunction from a district court. Wyo. Stat. Ann. § 33-1-303(a)(iii). An injunction is a court order commanding or preventing an action. If the board is successful, an

injunction legally prevents the individual from continuing to practice the profession without a license. If the individual violates the court order, he or she may be liable for contempt of court. If your board believes an injunction is necessary, please consult with your advising attorney.

In some professions, unlicensed practice of the profession is a crime. *See e.g.*, Wyo. Stat. Ann. §§ 33-7-112; 33-21-145(b); 33-25-114; 33-27-119. In other professions, unlicensed practice is not a criminal offense. If unlicensed practice of your profession is a crime and the board receives information that the individual is practicing the profession without a license, the board may refer the conduct to the local prosecuting attorney. While the board has the ability to refer criminal cases to the local prosecuting attorney, the local prosecuting attorney has discretion over whether to pursue the matter or not. If the local prosecuting attorney decides not to pursue criminal charges, the board still has the ability to send an inquiry letter or seek an injunction against the individual.

B. Overlap with other Professions

Another issue that sometimes causes confusion for board members is overlapping practice areas between professions. Although a board's enabling statutes gives it the authority to govern a specific profession, it does not necessarily mean that other professions are prohibited from engaging in conduct that is within the scope of their professional license. For example, it is within the scope of a registered professional nurse to take a patient's vital signs and it is also within the scope of a medical doctor to take a patient's vital signs. Practitioners of each profession are permitted to perform those procedures because it is within their scope of practice as granted by their respective enabling statutes.

When determining whether an individual licensed by another board may be engaging in unlicensed practice, the board's action should be determined on a case-by-case basis and each board needs to determine its action independently. It may be beneficial for the board to confer with the other applicable board to determine its position on a given practice area. If it appears that there may be a potential conflict with another professional board, please consult your board's advising attorney.



STATE OF WYOMING
OFFICE OF THE GOVERNOR

JIM GERINGER
GOVERNOR

STATE OF WYOMING

STATE CAPITOL
CHEYENNE, WY 82002

EXECUTIVE DEPARTMENT

EXECUTIVE ORDER

1997- 4

Pursuant to the authority vested in the Office of the Governor of the State of Wyoming, I, Jim Geringer, Governor of the State of Wyoming, hereby issue this Executive Order adopting the following Executive Branch Code of Ethics in the interest of better serving the citizens of the State of Wyoming through the provision of ethical standards applicable to all public officials, elected officials, appointees, and employees of the Executive Branch of the State of Wyoming. This Code of Ethics does not apply to employees of the University of Wyoming or community colleges.

STATE OF WYOMING

EXECUTIVE BRANCH CODE OF ETHICS

1. Purpose. Those who serve the people of the State of Wyoming should do so with integrity. Neither impropriety nor the appearance of impropriety should occur. This Code of Ethics is intended to serve as a yardstick by which the conduct of all who serve in the Executive Branch of the State of Wyoming can be measured.



2. Scope. This Code of Ethics is applicable to all employment-related activities of public officials, elected officials, appointees and employees of the Executive Branch of the State of Wyoming. The term “public employees” shall be used in this Code of Ethics to include all public officials, appointees (whether or not they receive compensation) and employees of the Executive Branch. This Code of Ethics extends, but does not supersede, those duties and standards of conduct which are delineated in constitution, statute, or rule. In the event of any conflict between this Code of Ethics and any applicable constitution, statute, or rule, the constitution, statute, or rule shall prevail.

3. Statement on Gender Pronouns. Throughout this Code of Ethics, gender pronouns are used interchangeably. In cases where there is one individual holding a particular office, the gender pronoun applicable to the person holding that office as of the date of this writing has been used. In all other instances, the drafters have attempted to utilize each gender pronoun in equal numbers, with random distribution.

4. Administration of this Code of Ethics. This Code of Ethics shall be administered by each agency of the State of Wyoming in accordance with the following:

A. No agency shall delete any part of this Code of Ethics.

B. An agency head who receives an allegation of a violation of this Code of Ethics shall promptly investigate to determine whether the allegation is true. Allegations which are found to be *de minimis* in nature shall be handled accordingly. If the allegation is true, the agency head shall take appropriate action. For permanent employees, such actions shall be in accordance with the State of Wyoming Personnel Rules.

C. Allegations concerning violations of this Code of Ethics by an agency head or appointee shall be investigated by the Governor or his designee. Allegations which are found to be *de minimis* in nature shall be handled accordingly. If the allegation is true, the Governor or his designee shall take appropriate action.

5. General Responsibilities. All public employees shall:

- A. Uphold the Constitutions of the United States and of the State of Wyoming.
- B. Abide by the laws of the United States and of the State of Wyoming.
- C. Carry out the policies and objectives of the State of Wyoming as established by statute, executive order, or rule, while adhering to established standards for work and performance.
- D. Work in cooperation with other public employees, and act within the scope of the authority delegated to them.
- E. Protect and conserve all property owned, held by, or leased to the State of Wyoming, including public records. [See Wyo. Stat. §§ 16-4-201 through 205.]
- F. Be honest and fair in performing public service.
- G. Strive to be honorable, courteous, and dedicated to advancing the public good.
- H. Avoid conduct that compromises the integrity of the public office or creates the appearance of impropriety.

6. Prohibited Activities. Except as provided in Section 7, no public employee shall engage in:

- A. Any activity which constitutes a conflict of interest with her employment. Such prohibited conduct includes, but is not necessarily limited to:
 - i. Using public office or public employment for personal gain.

ii. Taking official action in a matter in which the public employee has a close personal or financial relationship to a party.

iii. Engaging in activities which conflict with the public employee's official position of employment.

iv. Except as allowed by state law or State of Wyoming Personnel Rules, giving preferential treatment to any person.

v. Except when functioning as an advocate for a client or an agency, making decisions which are not independent and impartial.

B. Conduct which constitutes an abuse of authority. [See Section 7G (Allowed Activities) of this Code of Ethics, for a discussion of activities such as fund raising for recognized organizations which take place on the public employee's own time, which generally do not constitute an abuse of authority.] Conduct which constitutes an abuse of authority includes, but is not necessarily limited to:

i. Using or allowing the use by any private party of official information obtained through or in connection with the public employee's employment by the State of Wyoming, unless such information is available to the general public or unless dissemination is permitted by law.

ii. Awarding, participating in a decision to award or participating in the administration of a State of Wyoming contract, if the employee or any person with whom the employee has a close personal or financial relationship [this includes all members of the public employee's immediate family] is a party to the contract.

iii. Except as provided for in Sections 7A and 7B (Allowed Activities) of this Code of Ethics, acceptance or solicitation by a supervisor of contributions or gifts from subordinate employees. A supervisor may neither solicit nor accept gifts directly or indirectly, for herself or for another person.

iv. Accepting meal expense, lodging or reimbursement for travel or expenses incident to travel on official business from any source other than the State of Wyoming without approval of the agency head. Under no circumstances should a state employee accept items of this nature or gifts if the employee or his agency is involved in an adversarial proceeding with the outside contributing source.

C. Outside employment or any other outside activity which is incompatible with the full and proper discharge of the public employee's duties and responsibilities to the State of Wyoming. [For this reason, all honoraria, fees for speaking engagements, and other such compensation received because of the public employee's position with the State of Wyoming must be deposited in the General Fund.] Activities incompatible with the public employee's duties include, but are not necessarily limited to:

i. Accepting any fee, compensation, gift, payment of expense or any other thing of monetary value in circumstances which create the appearance of a conflict of interest or impropriety, whether or not such conflict of interest or impropriety actually exists.

ii. Receiving a salary or any other thing of monetary value from a private source as compensation for the public employee's services to the State of Wyoming. [This section does not apply to appointees to boards and commissions who do not receive a salary from the State.]

D. The use of or allowing the use of property owned or held by the State of Wyoming [including leased property] for any purpose other than carrying on the official business of the State of Wyoming. Prohibited activities include:

i. Selling or soliciting for personal gain any product or service such as cosmetics, food items, or household goods and services, during official office hours in or on property owned or held by the State of Wyoming. The agency head may make written exceptions to this prohibition, for solicitation on behalf of non-profit organizations.

ii. Transacting personal business during work hours to the extent that it interferes or detracts from the employee's performance of his duties.

iii. Unless required for official business and previously approved by the public employee's supervisor, the use of any facility or building owned or leased by the State of Wyoming as the principal residence or address of any business other than the agency by whom the public employee is employed.

7. Allowed Activities. A public employee may, notwithstanding the provisions of Section 6 above:

A. Solicit or accept voluntary gifts of nominal value or nominal donations. Examples of permissible gifts include voluntary gifts made upon the occasion of marriage, illness, or retirement, or made for charitable or civic purposes.

B. Solicit or accept any thing of monetary value from a friend, parent, spouse, child or other close relative when it is clear from

the circumstances that the motivation for the action is a personal or familial relationship.

C. Accept loans from banks or other financial institutions on customary terms of finance for the proper and usual activities of the public employee, such as home mortgage loans.

D. Accept unsolicited advertising or promotional material of nominal value, such as pens, pencils, note pads, and calendars.

E. Engage in a reasonable amount of communication with family members, day care providers, medical professionals, and similarly situated individuals during the work day. [It is incumbent upon each public employee to learn from her supervisor what is considered reasonable in a particular situation.]

F. Engage in teaching, lecturing, or writing for compensation, when those activities are not related to the public employee's employment by the State of Wyoming. [Each public employee should seek approval from her supervisor prior to engaging in such teaching, lecturing, or writing for compensation.]

G. In his private capacity, solicit persons or organizations to obtain goods, services, grants, or loans on behalf of a recognized charitable or fraternal organization.

8. Requests for Approval of Activities. In all cases enumerated above where a public employee is advised to consult with his supervisor prior to engaging in an activity, and in every instance where the public employee is not certain whether a particular activity is allowed by the Code of Ethics, he should consult with his supervisor prior to engaging in the questioned activity. If the public employee requests a written response from the supervisor, the supervisor should respond in writing. This Code of Ethics provides that:

A. No public employee shall be penalized for inquiring of her supervisor regarding prior approval of an activity in which she wishes to engage.

B. If a public employee inquires regarding an activity in which he wishes to engage and his supervisor informs him that engaging in such activity would violate this Code of Ethics, and the public employee then engages in such activity, his supervisor may take appropriate disciplinary action. For permanent employees, such actions shall be in accordance with the State of Wyoming Personnel Rules.

9. Elected Officials. Elected officials occupy their positions as a result of political election. As such, they may participate in political activities. Elected officials must disclose items or services received from outside sources¹ which have a value of \$250 or more.² The disclosure shall be made by filing a list of the items or services received during each calendar year with the Secretary of State. The filing shall be made by February 15 of the following year. The list shall be divided into items which will be retained by the elected official as a private gift and items which will be left as property of the State of Wyoming when the elected official leaves office.

This Order shall be effective on December 15, 1997, and shall remain in effect until amended.

Given under my hand and the Executive Seal of the State of Wyoming this 3rd day of December, 1997.




Jim Geringer
Governor of the State of Wyoming

¹Items do not include inherited items. Outside sources do not include family members.

²Donations to a political campaign reported pursuant to WYO. STAT. § 22-25-106 are exempt from this reporting requirement.



WYOMING
EXECUTIVE DEPARTMENT
CHEYENNE

ED HERSCHLER
GOVERNOR

MEMORANDUM

TO: Agency Directors, Officers and Commissioners

FROM: Governor Ed Herschler 

RE: Executive Order No. 1981 - 12, relating to ex parte communications and biased decision making

DATE: December 15, 1981

As you well know, I am charged with the obligation of formulating and administering the policies of the executive branch of state government, including general supervision, direction, and control over the executive branch. Under my supervisory authority, I believe that there is a need to address concerns which have arisen from ex parte contacts and purportedly biased decision making in agency rule making and adjudicative proceedings. Delineating the limits of permissible off-the-record communications and pre-hearing opinions must eventually occur within particular agency proceedings. However, general guidance on these matters is important in order to clarify fair procedures and thus reduce allegations of inaccurate factual determinations, unreviewable agency decisions and unfair access to decision makers. This executive order is designed to avoid these challenges by requiring agency disclosure of any questionable contact and substantial bias. The order is not an attempt to isolate agency decision makers and hamstring procedures, thereby depriving agencies of the flexibility needed to conduct state business. Although this distinction may be hard to draw on paper, I trust that you can exercise reasonable judgment and avoid a cloud over your proceedings.

If you have any questions on this matter, please do not hesitate to contact my office or the Attorney General's office for advice or assistance.

STATE OF WYOMING
EXECUTIVE DEPARTMENT
EXECUTIVE ORDER NO. 1981 - 12

WHEREAS, it is essential that those who come in contact with agencies have confidence that they will be dealt with fairly and that they have the right to participate meaningfully in agency proceedings, whether the proceeding is a formal contested case or an informal, legislative-type proceeding; and

WHEREAS, ex parte contacts raise questions of fairness, accuracy in agency fact finding, unequal access to agency decision makers and improper influence; and

WHEREAS, the public's right to participate meaningfully in agency procedures is effectively nullified when the agency decision is based not on submissions and information known and available to all, but rather on the private conversations and arguments to which the public and the participating parties have no access; and

WHEREAS, as with ex parte contacts, biased decision making suggests that agency discretion has been unduly influenced by factors outside the record;

NOW THEREFORE, by virtue of the authority vested in me as Governor of Wyoming, I hereby order that:

It is the obligation of the agency, consistent with its duty to afford fair procedures and its responsibility to provide a record for judicial review, to guard against ex parte contacts and biased decision making. Thus all officers, commissioners or other agency members who hold their positions by virtue of appointment thereto by the Governor, or by the Governor by and with the advice and consent of the Senate, who are or may reasonably be expected to be involved in the agency's decisional process shall comply with the requirements

of the following Sections 1, 2, and 3. Failure to comply shall constitute cause to justify and warrant removal as provided for by W.S. 9-2-101.

Section 1. Contested Case Proceedings.

During the pendency of any contested case proceeding, no agency official subject to this order shall solicit or receive any off-the-record communication relating to any material issue of the case. Nevertheless, where such communications do inadvertently or accidentally occur, the agency official shall:

- a. Immediately draft a written document or summary setting forth the contents and circumstances of the communication;
- b. Mail the document to all parties to the proceeding and all other agency officials involved in the decisional process; and
- c. Indicate that the matter covered in the communication will be considered at the next scheduled agency hearing relating to the case, or as otherwise scheduled by the agency with notice to all parties.

Section 2. Rule Making or Other Legislative-type Proceedings.

a. Once notice of the proceeding has been issued, any agency official subject to this order who is contacted off the record by a person outside the agency regarding a material issue relevant to the merits of the proceeding before the close of the public comment period shall:

- (1) Immediately draft a written document or summary setting forth the contents and circumstances of the communication; and
- (2) Forward the document for inclusion in the administrative record so that interested persons may comment thereon.

b. Any agency official subject to this order who is contacted by a person outside the agency desiring to discuss a material issue relevant to the merits of the proceeding after the close of the public comment period shall:

(1) Refuse to discuss the matter; or
(2) Immediately draft a written document or summary setting forth the contents and circumstances of the communication; and

(3) Forward the document for inclusion in the administrative record; and

(4) If necessary or desirable to assure an effective opportunity for public participation, provide an opportunity for the public to review the record of the discussion and to comment before any final decision is made.

Section 3. Disqualification for Bias.

Any agency official subject to this order shall immediately disqualify himself from those agency discussions and decisions where he cannot participate fairly in the proceeding because of substantial bias or prejudice with respect to any material fact or issue that must be resolved.

Section 4. Notice of this Order.

a. All agencies with members or officials who are subject to this order shall distribute copies of this order to all persons who have made timely requests of the agency for advanced notice of its rule making proceedings.

b. As a condition precedent to removal for "cause deemed sufficient by the Governor" this order has been filed in the office of the Secretary of State, subject to inspection by any interested person. See, W.S. 9-2-101.

Section 5. Construction.

This order shall be liberally construed and implemented so as to promote fairness and openness, and eliminate the appearance of impropriety in administrative proceedings. Provided however, that this order shall not be construed to prohibit:

a. Discussions between the agency and the Attorney General or its assigned Assistant Attorney General;

b. Discussions between the agency and the Governor or his designee for general supervision, direction and control over the executive branch of state government;

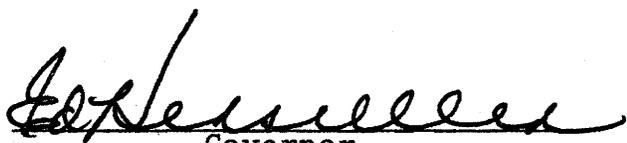
c. Discussions relating to rule making or other legislative-type proceedings between an agency and any state legislator which are immaterial or substantially duplicative of communications included in the record;

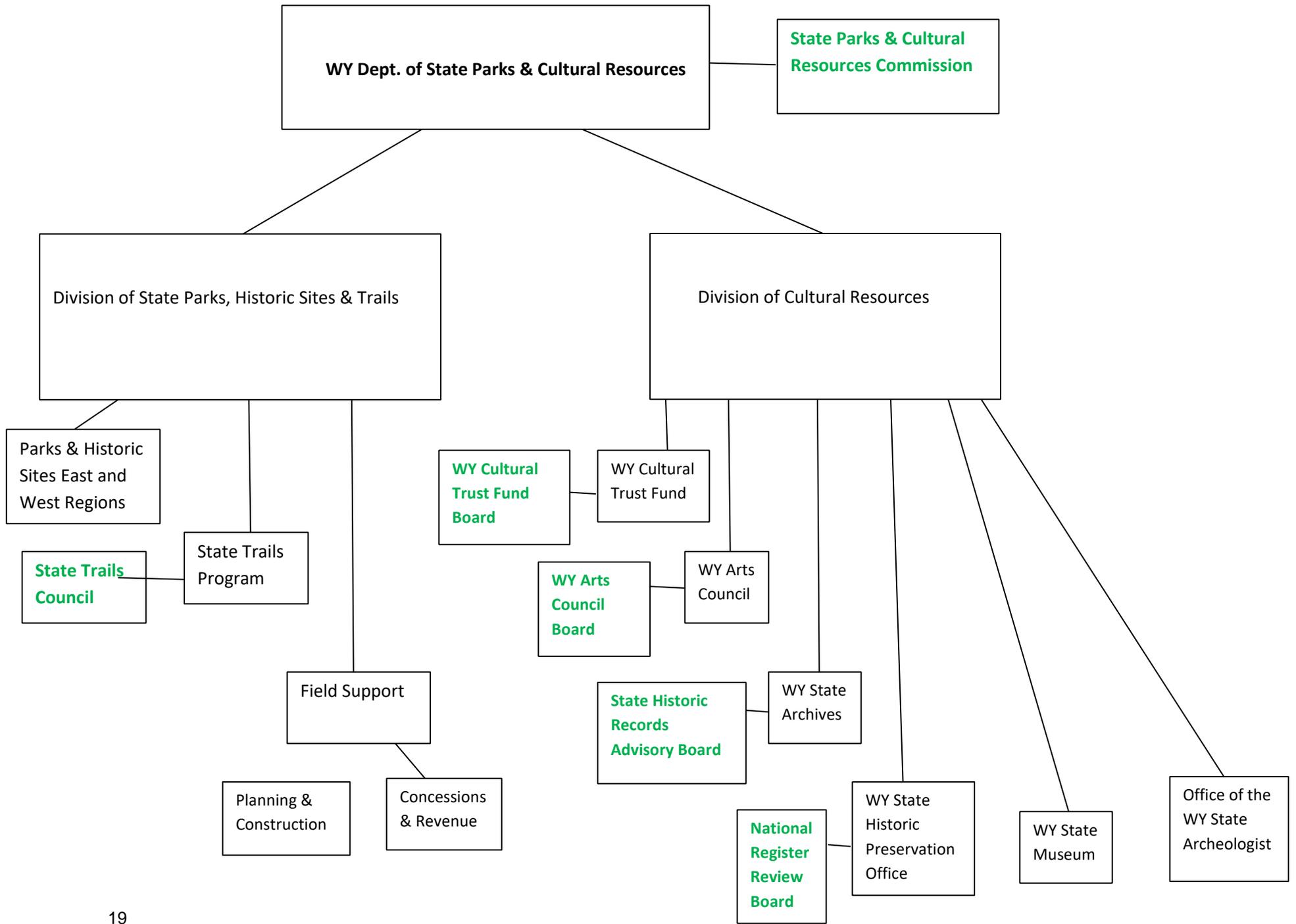
d. Information provided at the request of an agency in a non-hearing case, where the agency has decided that emergency conditions exist and that this order would otherwise prevent the obtaining of needed information in a timely manner; and

e. Discussions or consultations expressly authorized by W.S. 9-4-111 and 9-11-105. This express authorization shall apply with equal force to rule making or other legislative-type proceedings.

Given under my hand and the Executive Seal of the State of Wyoming this 15th day of December, 1981, at Cheyenne.




Governor



Wyoming Department of State Parks and Cultural Resources

