

## HOUSE BILL NO. HB0171

Homeland security amendments.

Sponsored by: Representative(s) Edwards and Senator(s)  
Barrasso

## A BILL

for

1 AN ACT relating to homeland security; conforming provisions  
2 to reflect the agency name "emergency management" has been  
3 changed to "homeland security"; conforming provisions as  
4 specified; repealing the advisory board; and providing for  
5 an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9       **Section 1.** W.S. 19-13-101, 19-13-102(a)(i), (ii),  
10 (iii), (v) and (vi), 19-13-103(a)(i), (ii), (iv) and (b),  
11 19-13-104(a), (b), (c)(ii), (iii), (iv), (vi), (d)(intro),  
12 (i) and (iii), 19-13-105(a), (b), (c)(intro), (i) through  
13 (v), 19-13-107(a), 19-13-108 through 19-13-112,  
14 19-13-113(a), (b) and (c), 19-13-114(a)(intro) and (b),  
15 19-13-115, 19-13-116, 19-13-202(a)(iv) and (v),  
16 19-13-203(a) and (c), 19-13-205(b), 19-13-207 through

1 19-13-210, 19-13-301(b) and (c)(intro), 19-13-302(a) and  
2 (b), 19-13-303(a)(intro), 19-13-403(c), 19-13-404(a)(ii)  
3 and (c), 19-13-412(c), 35-9-152(a)(i), (viii), (x) and  
4 (xii), 35-9-153(a)(intro), (c) and (e), 35-9-154(a)(intro),  
5 35-9-155(d)(intro), 35-9-156(a) and 35-9-157(c)(iii) are  
6 amended to read:

7  
8 CHAPTER 13

9 WYOMING OFFICE OF HOMELAND SECURITY

10  
11 **19-13-101. Citation.**

12  
13 This act may be cited as the "Wyoming ~~Emergency Management~~  
14 Homeland Security Act".

15  
16 **19-13-102. Definitions.**

17  
18 (a) As used in this act:

19  
20 (i) "County or county-city program" means a  
21 program created in accordance with the provisions of this  
22 act by the state or a political subdivision to perform  
23 local ~~emergency management~~ homeland security functions;

1                   (ii) "~~Emergency management~~ Homeland security"  
2 means the preparation for and the carrying out of all  
3 emergency functions essential to the recovery and  
4 restoration of the economy by supply and resupply of  
5 resources to meet urgent survival and military needs, other  
6 than functions for which military forces are primarily  
7 responsible, necessary to deal with disasters caused by  
8 enemy attack, sabotage, terrorism, civil disorder or other  
9 hostile action, or by fire, flood, earthquake, other  
10 natural causes and other technological, industrial, civil  
11 and political events. These functions include without  
12 limitation the coordination of fire-fighting services,  
13 police services, medical and health services, rescue,  
14 engineering, attack warning services, communications,  
15 radiological events, evacuation of persons from stricken  
16 areas, emergency welfare services (civilian war aid),  
17 emergency transportation, existing or properly assigned  
18 functions of plant protection, temporary restoration of  
19 public utility services, mitigation activities in areas  
20 threatened by natural or technological hazards, and other  
21 functions related to civilian protection, together with all  
22 other activities necessary or incidental to the preparation  
23 for any carrying out of the foregoing functions;

24

1 (iii) "Emergency support task force" means ~~an~~  
2 ~~emergency management~~ a homeland security organization  
3 created in accordance with the provisions of this act by  
4 the state or a political subdivision to supplement  
5 ~~emergency management~~ homeland security programs in a  
6 stricken area;

7  
8 (v) "Director" means the ~~homeland security~~  
9 director, office of homeland security appointed pursuant to  
10 W.S. 19-13-104;

11  
12 (vi) "Public safety agencies" means any federal,  
13 state or political subdivision entity that provides  
14 emergency and public safety services, including state  
15 agencies employing peace officers enumerated in W.S.  
16 6-1-104(a) (vi) (C) through (F) and approved for  
17 participation by the commission, fire management services,  
18 correctional services, ~~emergency management~~ homeland  
19 security, emergency and disaster relief services and if  
20 desired by county, municipal and federal law enforcement  
21 agencies.

22  
23 **19-13-103. Legislative determination; coordination**  
24 **with federal government and other states.**

1

2           (a) Because of the possibility of the occurrence of  
3 disasters of unprecedented size and destructiveness  
4 resulting from enemy attack, sabotage, terrorism, civil  
5 disorder or other hostile action, or from fire, flood,  
6 earthquake, other natural causes and other technological  
7 disasters, and to insure that preparations of Wyoming will  
8 be adequate to deal with such disasters, and generally to  
9 provide for the common defense and to protect the public  
10 peace, health and safety, and to preserve the lives and  
11 property of the people of Wyoming, it is hereby found and  
12 declared to be necessary:

13

14           (i) To create a Wyoming ~~emergency management~~  
15 ~~agency~~ office of homeland security within the governor's  
16 office, and to authorize the creation of local ~~emergency~~  
17 ~~management~~ homeland security programs in the political  
18 subdivisions of the state;

19

20           (ii) To confer upon the governor and upon the  
21 executive heads or governing bodies of the political  
22 subdivisions of the state the emergency powers provided  
23 herein, and to provide for state assistance in the

1 organization and maintenance of the ~~emergency management~~  
2 homeland security programs of such political subdivisions;

3  
4 (iv) To provide for the rendering of mutual aid  
5 among the political subdivisions of the state and with  
6 other states with respect to the carrying out of ~~emergency~~  
7 ~~management~~ homeland security functions.

8  
9 (b) It is further declared to be the purpose of this  
10 act and the policy of Wyoming that all ~~emergency management~~  
11 homeland security functions of this state be coordinated to  
12 the maximum extent with the comparable functions of its  
13 political subdivisions, of the federal government including  
14 its various departments and agencies, of other states and  
15 localities, and of private agencies of every type, to the  
16 end that the most effective preparation and use may be made  
17 of the manpower, resources and facilities for dealing with  
18 any disaster that may occur.

19  
20 **19-13-104. Powers of governor generally; director,**  
21 **office of homeland security.**

22  
23 (a) The governor has general direction and control of  
24 the ~~emergency management agency~~ office of homeland

1 security, and is responsible for the carrying out of the  
2 provisions of this act, and in the event of disaster beyond  
3 local control, may assume direct operational control over  
4 all or any part of the ~~emergency management~~ homeland  
5 security functions within Wyoming. The governor may  
6 delegate such powers to the director established under  
7 subsection (d) of this section, or through the director to  
8 the ~~coordinator of emergency management~~ deputy director to  
9 carry out this act.

10  
11 (b) In performing his duties under this act, the  
12 governor may cooperate with the federal government, with  
13 other states and with private agencies in all matters  
14 pertaining to the disaster relief and ~~emergency management~~  
15 homeland security of this state and of the nation.

16  
17 (c) In performing his duties under this act, the  
18 governor may:

19  
20 (ii) Prepare a comprehensive ~~emergency~~  
21 ~~management~~ homeland security plan and program for this  
22 state to be integrated into and coordinated with the  
23 ~~emergency management~~ homeland security plans of the federal  
24 government and of other states to the fullest possible

1 extent, and coordinate the preparation of plans and  
2 programs for ~~emergency management~~ homeland security by the  
3 political subdivisions of this state to be integrated into  
4 and coordinated with the ~~emergency management~~ homeland  
5 security plan and program of this state to the fullest  
6 possible extent;

7  
8 (iii) In accordance with the ~~emergency~~  
9 ~~management~~ homeland security plan and program for this  
10 state, procure supplies and equipment, institute training  
11 programs and public information programs and take all other  
12 preparatory steps including the partial or full  
13 mobilization of ~~emergency management~~ homeland security  
14 organizations in advance of actual disaster, to insure the  
15 furnishing of adequately trained and equipped forces of  
16 ~~emergency management~~ homeland security personnel in time of  
17 need;

18  
19 (iv) Make such studies and surveys of the  
20 industries, resources and facilities in this state as  
21 necessary to ascertain the capabilities of the state and  
22 its political subdivisions for meeting ~~emergency management~~  
23 homeland security requirements, and to plan for the most  
24 efficient emergency use therefor;

1

2 (vi) Delegate any administrative authority  
3 vested in him under this act, provide for the subdelegation  
4 of any such authority and appoint, in cooperation with  
5 local authorities, political subdivision ~~emergency~~  
6 ~~management~~ coordinators.

7

8 (d) The position of the ~~state~~ director, office of  
9 homeland security ~~director~~ is created in the governor's  
10 office and shall be appointed by the governor. He shall be  
11 responsible to the governor and may be removed by the  
12 governor as provided in W.S. 9-1-202. The director shall:

13

14 (i) Supervise the Wyoming ~~emergency management~~  
15 ~~agency~~ office of homeland security;

16

17 (iii) Coordinate with the federal ~~office~~  
18 department of homeland security; and

19

20 **19-13-105. Homeland security program.**

21

22 (a) The ~~emergency management agency~~ office of  
23 homeland security within the governor's office is created.  
24 The governor shall appoint a ~~coordinator of emergency~~

1 ~~management~~ deputy director, office of homeland security who  
2 may appoint such assistants as may be necessary. The  
3 ~~coordinator~~ deputy director and his assistants shall be  
4 compensated in an amount to be determined and fixed by the  
5 Wyoming human resources division. The ~~coordinator~~ deputy  
6 director shall serve at the pleasure of the governor and  
7 may be removed as provided in W.S. 9-1-202.

8  
9 (b) The ~~coordinator, with the approval of the~~  
10 ~~director,~~ may employ technical, clerical, stenographic and  
11 other personnel and make such expenditures within the  
12 appropriations or from other funds made available to him  
13 for purposes of ~~emergency management~~ homeland security as  
14 necessary to carry out this act. He shall be provided with  
15 necessary and appropriate office space, furniture,  
16 equipment, stationery and printing in the same manner as  
17 for personnel of other state agencies.

18  
19 (c) In the absence of the director, the deputy  
20 director is the administrative head of the Wyoming  
21 ~~emergency management agency~~ office of homeland security  
22 and:

23

1 (i) Shall be responsible to the governor for the  
2 implementation of the state program for ~~emergency~~  
3 ~~management~~ homeland security for Wyoming;

4  
5 (ii) Shall assist the local authorities and  
6 organizations in the planning and development of local  
7 ~~emergency management~~ homeland security plans and programs;

8  
9 (iii) Shall coordinate the activities of all  
10 organizations for ~~emergency management~~ homeland security  
11 within the state, including all state departments;

12  
13 (iv) Shall maintain liaison with and cooperate  
14 with ~~emergency management~~ homeland security agencies and  
15 programs of other states and of the federal government;

16  
17 (v) Shall have additional authority, duties and  
18 responsibilities authorized by this act as may be  
19 prescribed by the governor or the director; and

20  
21 **19-13-107. Emergency support task forces.**

22  
23 (a) The governor or his duly authorized  
24 representative and the governing bodies of political

1 subdivisions may create and establish such number of  
2 emergency support task forces as necessary to reinforce  
3 ~~emergency management~~ homeland security programs in stricken  
4 areas with due consideration of the plans of the federal  
5 government and of other states. The governor or governing  
6 body of the political subdivision shall appoint for each  
7 unit a coordinator who has primary responsibility for the  
8 organization, administration and operation of the unit.  
9 Emergency support task forces shall be activated upon  
10 orders of the governor or governing body of the political  
11 subdivisions and shall perform their functions in any part  
12 of the state, or upon conditions specified in this section,  
13 in other states. The governor may remove any emergency  
14 support task force member he appoints as provided in W.S.  
15 9-1-202.

16

17 **19-13-108. Local programs; authorized; local homeland**  
18 **security plan; coordinators; appointment and removal.**

19

20 Each political subdivision of this state shall establish a  
21 local ~~emergency management~~ homeland security program in  
22 accordance with the state ~~emergency management~~ homeland  
23 security plan and program. Each political subdivision  
24 through the ~~emergency management~~ homeland security program

1 will cause to be prepared a local ~~emergency operating~~  
2 homeland security plan which will include actions essential  
3 to the recovery and restoration of the economy by supply  
4 and resupply of resources to meet urgent survival and  
5 military needs and to provide for the ongoing management of  
6 resources available to meet continuing survival and  
7 recovery needs. Each local ~~emergency management~~ homeland  
8 security program shall have a coordinator appointed by the  
9 governor upon the recommendation of the local jurisdiction.  
10 The coordinator has direct responsibility for the  
11 organization, administration and operation of the local  
12 ~~emergency management~~ homeland security program subject to  
13 the direction and control of the local jurisdiction under  
14 the general direction of the governor. The governor may  
15 remove any coordinator as provided in W.S. 9-1-202.

16

17 **19-13-109. Local programs; reciprocal and mutual aid.**

18

19 (a) The local ~~emergency management~~ coordinators in  
20 collaboration with other public and private agencies within  
21 this state will develop or cause to be developed mutual aid  
22 arrangements for reciprocal ~~emergency management~~ homeland  
23 security aid and assistance in case of disaster of extreme  
24 nature which affects two (2) or more political subdivisions

1 or is too great to be dealt with unassisted. The  
2 arrangements shall be consistent with the state ~~emergency~~  
3 ~~management~~ homeland security plan and program, and in time  
4 of emergency each local ~~emergency management~~ homeland  
5 security program shall render assistance in accordance with  
6 the provisions of the mutual aid arrangements.

7  
8 (b) The coordinator of each local ~~emergency~~  
9 ~~management~~ homeland security program with the approval of  
10 the governor, may enter into mutual aid arrangements with  
11 ~~emergency management~~ homeland security agencies or  
12 organizations in other states for reciprocal emergency  
13 ~~management~~ aid and assistance in case of disaster too great  
14 to be dealt with unassisted.

15  
16 **19-13-110. Funds, supplies and equipment; generally.**

17  
18 (a) Each political subdivision may make  
19 appropriations for the payment of expenses of its local  
20 ~~emergency management~~ homeland security programs.

21  
22 (b) Whenever the federal government or any agency or  
23 officer thereof or any person, firm or corporation shall  
24 offer to the state or to any political subdivision thereof

1 services, equipment, supplies, materials or funds by way of  
2 gift, grant or loan for purposes of disaster relief or  
3 ~~emergency management~~ homeland security, the state acting  
4 through the governor, or the political subdivision acting  
5 with the consent of the governor and through its executive  
6 officer or governing body, may accept the offer. Upon  
7 acceptance the governor of the state or executive officer  
8 or governing body of the political subdivision may  
9 authorize any officer of the state or of the political  
10 subdivision to receive the services, equipment, supplies,  
11 materials or funds on behalf of the state or the political  
12 subdivisions. This authority will include participation in  
13 the federal surplus property program. All funds received  
14 from the federal government or any agency thereof shall be  
15 deposited in an appropriate separate account together with  
16 funds appropriated by a political subdivision, and  
17 expenditures from the account shall be made only upon  
18 authority of the local governing body and only for the  
19 purposes specified in this act.

20

21 (c) The board of county commissioners in any county  
22 may levy a tax for the support and maintenance of county,  
23 city, town, county-city or county-town ~~emergency management~~  
24 homeland security programs.

1

2       **19-13-111. Funds, supplies and equipment; authority**  
3 **to make use of existing facilities.**

4

5 In carrying out the provisions of this act, the governor  
6 and the executive officers or governing bodies of the  
7 political subdivisions of the state are directed to utilize  
8 the services, equipment, supplies and facilities of  
9 existing departments, offices and agencies of the state and  
10 of the political subdivisions thereof to the maximum extent  
11 practicable, and the officers and personnel of all  
12 departments, offices and agencies are directed to cooperate  
13 with and extend such services and facilities to the  
14 governor, the ~~coordinator~~director and the ~~emergency~~  
15 ~~management~~homeland security programs throughout the state  
16 upon request.

17

18       **19-13-112. Programs barred from political activity.**

19

20 No ~~emergency management~~homeland security program  
21 established under the authority of this act shall  
22 participate in any form of political activity or be  
23 employed directly or indirectly for political purposes.

24

1       **19-13-113. State and political subdivisions exempt**  
2 **from liability; exceptions; license to practice not**  
3 **required; homeland security worker defined; recognized**  
4 **educational programs; real estate owners exempt from**  
5 **liability.**

6  
7       (a) All activities relating to ~~emergency management~~  
8 homeland security are governmental functions. The state,  
9 any political subdivision, state agencies, and, except in  
10 cases of willful misconduct, gross negligence or bad faith,  
11 any ~~emergency management~~ homeland security worker complying  
12 with or reasonably attempting to comply with W.S. 19-13-101  
13 through 19-13-116, any order, rule or regulation  
14 promulgated thereunder, or pursuant to any ordinance  
15 relating to blackout or other precautionary measures  
16 enacted by any political subdivision of the state, or in  
17 training for such activity, is not liable for the death of  
18 or injury to persons or for damage to property as a result  
19 of the activity or training. This section shall not affect  
20 the right of any person to receive benefits to which he  
21 would otherwise be entitled under W.S. 19-13-101 through  
22 19-13-116, under the Wyoming Worker's Compensation Act, or  
23 under any pension law, nor affect the right of any person

1 to receive benefits or compensation under any act of  
2 congress.

3

4 (b) Any requirement for a license to practice any  
5 professional, mechanical or other skill does not apply to  
6 any authorized ~~emergency management~~ homeland security  
7 worker who, in the course of performing ~~emergency~~  
8 ~~management~~ homeland security duties, practices a  
9 professional, teaching, training, mechanical or other skill  
10 during an ~~emergency management~~ homeland security emergency,  
11 in training for an emergency or during ~~emergency management~~  
12 homeland security exercises.

13

14 (c) As used in this section "~~emergency management~~  
15 homeland security worker" includes any full or part-time  
16 paid, volunteer or auxiliary employee of any state,  
17 territories or possessions of the United States, the  
18 District of Columbia, any neighboring country, any  
19 political subdivision thereof, or any agency or program  
20 performing ~~emergency management~~ homeland security services  
21 at any place in this state subject to the order or control  
22 of or pursuant to a request of the state government or any  
23 political subdivision thereof and includes instructors and  
24 students in recognized educational programs where ~~emergency~~

1 ~~management~~ homeland security services are taught. A  
2 recognized educational program includes programs in  
3 educational institutions duly existing under the laws of  
4 this state and such other educational programs as are  
5 established by the ~~emergency management agency~~ office of  
6 homeland security or otherwise under this act.

7

8 **19-13-114. Persons advocating change by force or**  
9 **violence in form of government prohibited from employment**  
10 **or association; oath.**

11

12 (a) No person shall be employed or associated in any  
13 capacity in any ~~emergency management~~ homeland security  
14 program established under this act:

15

16 (b) Each person appointed to serve in an ~~emergency~~  
17 ~~management~~ homeland security program, before entering upon  
18 his duties, shall take an oath in writing before a person  
19 authorized to administer oaths in this state, substantially  
20 as follows:

21

22 "I .... do solemnly swear (or affirm) that I will  
23 support and defend the constitution of the United States  
24 and the constitution of the state of Wyoming against all

1 enemies, foreign and domestic; that I will bear true faith  
2 and allegiance to the same; that I take this obligation  
3 freely without any mental reservation or purpose of  
4 evasion; and that I will well and faithfully discharge the  
5 duties on which I am about to enter."

6

7 "And I do further swear (or affirm) that I do not  
8 advocate, nor am I a member or an affiliate of any  
9 organization, group or combination of persons that  
10 advocates the overthrow of the government of the United  
11 States or of this state by force or violence; and that  
12 during such time as I am a member of the (name of ~~emergency~~  
13 ~~management~~ homeland security program) I will not advocate  
14 nor become a member of any political party or organization  
15 that advocates the overthrow of the government of the  
16 United States or of this state by force or violence."

17

18 **19-13-115. Admission of professional personnel of**  
19 **other states in emergency.**

20

21 In the event disaster conditions in Wyoming require  
22 visitation to this state by ~~emergency management~~ homeland  
23 security personnel from other states, including physicians,  
24 dentists, veterinarians, nurses or other professional

1 personnel, reciprocity by way of allowing those  
2 professional persons to practice their professional talents  
3 without the normal admissions to practice in this state  
4 during the period of the emergency, is allowed.

5

6 **19-13-116. Enforcement of orders, rules and**  
7 **regulations.**

8

9 Every ~~emergency management~~ homeland security program  
10 established pursuant to this act and the officers thereof  
11 shall execute and enforce orders, rules and regulations  
12 made by the governor under authority of this act. Each  
13 organization shall have available for inspection at its  
14 office all orders, rules and regulations made by the  
15 governor or under his authority.

16

17 **19-13-202. Definitions.**

18

19 (a) As used in this act, unless the context requires  
20 otherwise, the following definitions apply:

21

22 (iv) "Mutual aid agreement" or "agreement" means  
23 an agreement, consistent with the purposes of this act, by  
24 one (1) or more fire protection services, emergency medical

1 care providers or local government subdivisions of this  
2 state with one (1) or more fire protection services,  
3 emergency medical care providers, ~~emergency management~~  
4 homeland security programs or local government subdivisions  
5 of any other state or the United States;

6  
7 (v) "Party emergency service" means a fire  
8 protection service, emergency medical care provider,  
9 ~~emergency management~~ homeland security program, local  
10 government subdivision or agency of the United States that  
11 is a party to a mutual aid agreement as set forth in this  
12 act;

13  
14 **19-13-203. Authorization to enter agreement; general**  
15 **content; authority.**

16  
17 (a) Any one (1) or more fire protection services,  
18 emergency medical care providers, ~~emergency management~~  
19 homeland security programs or local government subdivision  
20 of this state may enter into a mutual aid agreement with  
21 any one (1) or more fire protection services, emergency  
22 medical care providers, ~~emergency management~~ homeland  
23 security programs or local government subdivisions of any  
24 other state or the United States to provide emergency

1 services to the area covered by the agreement. The  
2 agreement shall be authorized and approved by the governing  
3 body of each party to the agreement that is not an agency  
4 of the United States government.

5  
6 (c) A mutual aid agreement shall grant a fire  
7 protection service, ~~emergency management~~ homeland security  
8 program or emergency medical care provider of this state  
9 authority to operate outside of the state and shall grant  
10 authority for a fire protection service, ~~emergency~~  
11 ~~management~~ homeland security program or emergency medical  
12 care provider of another state or the United States to  
13 operate within this state as if the fire service, ~~emergency~~  
14 ~~management~~ homeland security program or emergency medical  
15 care provider were organized and operated under the laws of  
16 this state.

17  
18 **19-13-205. Submission of agreement to attorney**  
19 **general.**

20  
21 (b) The attorney general shall approve an agreement  
22 submitted to him under this act unless he finds that it is  
23 not in proper form, does not meet the requirements set  
24 forth in this act, or otherwise does not conform to the

1 laws of this state. If he disapproves an agreement, he  
2 shall provide a detailed written statement to the  
3 appropriate governing bodies of the fire protection  
4 services, emergency medical care providers, ~~emergency~~  
5 ~~management~~ homeland security programs and local government  
6 subdivisions.

7

8 **19-13-207. Agreement not to relieve agency of duties.**

9

10 No agreement made under this act may relieve any fire  
11 protection service, emergency medical care provider,  
12 ~~emergency management~~ homeland security program or local  
13 government subdivision of this state of a duty imposed upon  
14 it by law. Timely performance of a duty created by a  
15 mutual aid agreement may be offered in satisfaction of the  
16 duty.

17

18 **19-13-208. Limitation of powers.**

19

20 Except for the right granted by this act to jointly  
21 exercise powers, this act does not authorize any fire  
22 protection service, emergency medical care provider,  
23 ~~emergency management~~ homeland security program or local

1 government subdivision of this state to exercise a power  
2 that it is not otherwise authorized to exercise.

3

4 **19-13-209. Right of state in actions involving**  
5 **agreements.**

6

7 In any case or controversy involving performance or  
8 interpretation of or liability under a mutual aid agreement  
9 entered into between one (1) or more fire protection  
10 services, emergency medical care providers, ~~emergency~~  
11 ~~management~~ homeland security programs or local government  
12 subdivisions of this state and one (1) or more fire  
13 protection services, emergency medical care providers,  
14 ~~emergency management~~ homeland security programs or local  
15 government subdivisions of another state or of the United  
16 States, the parties to the agreement are the real parties  
17 in interest. This state may maintain an action against any  
18 fire protection service, emergency medical care provider,  
19 ~~emergency management~~ homeland security program or local  
20 government subdivision whose default, failure, performance  
21 or other conduct caused or contributed to a loss or  
22 liability incurred by the state.

23

1           **19-13-210. Authorization to appropriate funds for**  
2 **purpose of agreement.**

3

4       A fire protection service, emergency medical care provider,  
5 ~~emergency management~~ homeland security program or local  
6 government subdivision of this state may appropriate funds  
7 for and may sell, lease or otherwise supply material to any  
8 entity created for the purpose of performance of an  
9 agreement and may provide such personnel or services  
10 therefor as are within its authority to furnish.

11

12           **19-13-301. Search and rescue account; created;**  
13 **expenditures.**

14

15           (b) Revenues deposited within the search and rescue  
16 account shall be expended by the Wyoming ~~emergency~~  
17 ~~management agency~~ office of homeland security to reimburse  
18 counties for costs directly incurred in a specific search  
19 and rescue operation, subject to W.S. 19-13-302 and rules  
20 and regulations adopted by the Wyoming search and rescue  
21 council. Expenditures for reimbursement pursuant to this  
22 subsection shall receive priority over all other authorized  
23 account expenditures. No revenues deposited within the

1 account shall be used to reimburse counties for any salary  
2 or benefits normally paid to its employees.

3  
4 (c) Subject to subsection (b) of this section, the  
5 Wyoming ~~emergency management agency~~ office of homeland  
6 security may expend revenues available within the search  
7 and rescue account for other search and rescue program  
8 purposes including:

9  
10 **19-13-302. Search and rescue account administration.**

11  
12 (a) Any county sheriff's office in this state may  
13 make a claim on the search and rescue account for  
14 reimbursement of costs directly incurred in the performance  
15 of search and rescue activities. Any claim made pursuant to  
16 this subsection shall be submitted to the Wyoming ~~emergency~~  
17 ~~management agency~~ office of homeland security. Upon  
18 receipt, the Wyoming ~~emergency management agency~~ office of  
19 homeland security shall transmit the claim to the Wyoming  
20 search and rescue council for review and action in  
21 accordance with subsection (b) of this section.

22  
23 (b) The Wyoming search and rescue council shall  
24 review and act upon all claims submitted under subsection

1 (a) of this section no later than June 30 following the  
2 year in which expenses were incurred for the claim  
3 submitted. If there are insufficient funds to pay all  
4 approved claims, the Wyoming ~~emergency management agency~~  
5 office of homeland security shall prorate reimbursement  
6 among all approved claims. Payments authorized through the  
7 Wyoming ~~emergency management agency~~ office of homeland  
8 security pursuant to this section shall be paid by the  
9 state treasurer by warrant issued by the state auditor upon  
10 vouchers signed by the director, Wyoming ~~emergency~~  
11 ~~management coordinator~~ office of homeland security or his  
12 designee.

13

14 **19-13-303. Search and rescue council; appointment;**  
15 **vacancies; compensation; duties.**

16

17 (a) The Wyoming search and rescue council is  
18 established and shall consist of eleven (11) voting  
19 members. The ~~coordinator~~ director of the Wyoming ~~emergency~~  
20 ~~management agency~~ office of homeland security or his  
21 designee shall serve as a voting member and the permanent  
22 executive secretary to the council. The governor shall  
23 appoint the remaining ten (10) members to serve four (4)  
24 year terms as follows:

1

2       **19-13-403. General implementation.**

3

4       (c) On behalf of the governor of each state  
5 participating in the compact, the legally designated state  
6 official who is assigned responsibility for ~~emergency~~  
7 ~~management~~ homeland security will be responsible for  
8 formulation of the appropriate interstate mutual aid plans  
9 and procedures necessary to implement this compact.

10

11       **19-13-404. Party state responsibilities.**

12

13       (a) It shall be the responsibility of each party state  
14 to formulate procedural plans and programs for interstate  
15 cooperation in the performance of the responsibilities  
16 listed in this section. In formulating the plans, and in  
17 carrying them out, the party states, insofar as practical,  
18 shall:

19

20       (ii) Review party states' individual ~~emergency~~  
21 homeland security plans and develop a plan, which will  
22 determine the mechanism for the interstate management and  
23 provision of assistance concerning any potential emergency;

24

1 (c) There shall be frequent consultation between state  
2 officials who have assigned ~~emergency management~~ homeland  
3 security responsibilities and other appropriate  
4 representatives of the party states with affected  
5 jurisdictions and the United States government, with free  
6 exchange of information, plans and resource records relating  
7 to emergency capabilities.

8  
9 **19-13-412. Implementation.**

10  
11 (c) Duly authenticated copies of this compact and of  
12 supplementary agreements entered into shall, at the time of  
13 their approval, be deposited with each of the party states  
14 and with the federal ~~emergency management agency~~ department  
15 of homeland security and other appropriate agencies of the  
16 United States government.

17  
18 **35-9-152. Definitions.**

19  
20 (a) As used in this act:

21  
22 (i) "Emergency responders" means public, state  
23 or federal fire services, law enforcement, emergency  
24 medical services, public health, public works, ~~emergency~~

1 ~~management~~ homeland security and other public response  
2 services or agencies that would be involved in direct  
3 actions to contain or control a hazardous material release  
4 or weapons of mass destruction incident. The term  
5 "emergency responders" does not include private on-site  
6 facilities with immediate emergency response capabilities  
7 unless formally requested to assist off the private  
8 facility site by the state or a political subdivision of  
9 the state;

10  
11 (viii) "Regional emergency response team" means  
12 any group of local government emergency responders brought  
13 together and supported by the state and confirmed by the  
14 director, office of homeland security ~~director~~ to assist an  
15 affected jurisdiction within the different regions of the  
16 state with the intent to protect life and property against  
17 the dangers of incidents and emergencies involving  
18 hazardous materials or weapons of mass destruction;

19  
20 (x) "Director, office of homeland security"  
21 ~~director~~" means as defined in W.S. 19-13-102(a)(v);

22  
23 (xii) "Weapons of mass destruction" means as  
24 defined in 18 U.S.C. 2332(a) as of April 1, 2004, or as

1 subsequently defined by rules and regulations of the  
2 director, office of homeland security; ~~director;~~

3

4 **35-9-153. State emergency response commission;**  
5 **creation; duties.**

6

7 (a) There is created a state emergency response  
8 commission that shall consist of members appointed by the  
9 governor to advise the director, office of homeland  
10 security ~~director~~ with respect to activities under this  
11 act. The commission shall consist of not less than four (4)  
12 members representing the mining, trucking, manufacturing  
13 and railroad industries, one (1) member each from the  
14 legislature, local government, local law enforcement, fire  
15 services, the Joint Tribal Council, ~~emergency management~~  
16 ~~services~~ homeland security, the media, the medical field,  
17 emergency medical services and the general public, and one  
18 (1) representative from each of the following state  
19 agencies:

20

21 (c) The commission shall appoint a chairman and other  
22 officers deemed necessary from among its members. The  
23 commission may meet as often as deemed necessary by a  
24 majority of the commission or at the request of the

1 director, office of homeland security. ~~director.~~ Commission  
2 members who are not state employees may be reimbursed for  
3 per diem and mileage for attending commission meetings in  
4 the same manner and amount as state employees.

5

6 (e) The commission shall review collection and  
7 disbursement of funds and advise the director, office of  
8 homeland security ~~director~~ on activities and  
9 responsibilities under this act.

10

11 **35-9-154. Emergency response training, planning and**  
12 **reporting.**

13

14 (a) After consultation with the commission and the  
15 state fire marshal, the director, office of homeland  
16 security ~~director~~ shall:

17

18 **35-9-155. Regional response teams; rulemaking.**

19

20 (d) The director, office of homeland security,  
21 ~~director,~~ in consultation with the state fire marshal and  
22 subject to approval by the state emergency response  
23 commission, shall:

24

1           **35-9-156. Local response authority.**

2

3           (a) Every political subdivision of the state shall  
4 designate a local emergency response authority for  
5 responding to and reporting of hazardous material or  
6 weapons of mass destruction incidents that occur within its  
7 jurisdiction. The designation of a local emergency response  
8 authority and copies of any accompanying agreements and  
9 other pertinent documentation created pursuant to this  
10 section shall be filed with the director, office of  
11 homeland security ~~director~~ within seven (7) days of the  
12 agreement being reduced to writing and signed by all  
13 appropriate persons.

14

15           **35-9-157. Right to claim reimbursement.**

16

17           (c) Local emergency response authorities and regional  
18 emergency response teams shall be entitled to recover their  
19 reasonable and necessary costs incurred as a result of  
20 their response to a hazardous material or weapons of mass  
21 destruction incident. Costs subject to recovery under this  
22 act include, but are not limited to, the following:

23

(iii) A reasonable fee, as established through rules and regulations of the director, office of homeland security, ~~director,~~ for the use of equipment, including rolling stock, in responding to a hazardous materials or weapons of mass destruction incident outside the responders' normal jurisdiction;

8           **Section 2.** W.S. 19-13-106 is repealed.

10           **Section 3.** This act is effective immediately upon  
11 completion of all acts necessary for a bill to become law  
12 as provided by Article 4, Section 8 of the Wyoming  
13 Constitution.

15 (END)