



Certification Page Regular and Emergency Rules

Revised September 2016

Emergency Rules (After completing all of Sections 1 through 3, proceed to Section 5 below)

Regular Rules

1. General Information

a. Agency/Board Name

Wyoming Search and Rescue Council

b. Agency/Board Address

5500 Bishop Blvd

c. City

Cheyenne

d. Zip Code

82002

e. Name of Agency Liaison

DeeAnn Ragland

f. Agency Liaison Telephone Number

307-777-4952

g. Agency Liaison Email Address

deeann.ragland@wyo.gov

h. Adoption Date

February 1, 2017

i. Program

Wyoming Search and Rescue Council

2. Legislative Enactment For purposes of this Section 2, 'new' only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No.

Yes. Please provide the Enrolled Act Numbers and Years Enacted: **Enrolled Act 75, 2001**

3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.

(Please use the Additional Rule Information form for more than 10 chapters and attach it to this certification)

Chapter Number: 1	Chapter Name: General Provisions	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

3. State Government Notice of Intended Rulemaking

- a. Date on which the Proposed Rule Packet (consisting of the Notice of Intent as per W.S. 16-3-103(a), Statement of Principal Reasons, strike and underscore format and a clean copy of each chapter of rules were:
- approved as to form by the Registrar of Rules; and
 - provided to the Legislative Service Office and Attorney General;

4. Public Notice of Intended Rulemaking

- a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. No. Yes. N/A
- b. A public hearing was held on the proposed rules. No. Yes. Please complete the boxes below.

Date: February 1, 2017	Time: 9:00 am	City: Conference Call	Location: Cheyenne, WY
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- c. If applicable, describe the **emergency** which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

5. Final Filing of Rules

- a. Date on which the Certification Page with original signatures and final rules were sent to the **Attorney General's Office for the Governor's signature:** February 1, 2017
- b. Date on which final rules were approved as to form by the Secretary of State and sent to the **Legislative Service Office:** February 1, 2017
- c. The Statement of Reasons is attached to this certification.

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual	
Printed Name of Signatory	Dave Hofmeier
Signatory Title	Chairman, Search and Rescue Council
Date of Signature	February 1, 2017

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

STATEMENT OF PRINCIPAL REASONS

The Wyoming Search and Rescue Council through the Wyoming Office of Homeland Security has been tasked with modifying the Wyoming Search and Rescue Council and Fund rules. On behalf of the County Sheriff's, the council is pursuing recovery of costs for Search and Rescue missions that provide assistance to jurisdictions across state line boundaries. Current rules disallow consideration of recovery costs for such missions. One sentence has been deleted to allow for such recovery.

Wyoming Office of Homeland Security, Wyoming Search and Rescue Council and Fund Rules
Ch. 1, Section 3(c)(i)3

A review of the rules "Unallowable Operational Costs" were conducted by the Search and Rescue Council on June 21, 2016 held in Casper, Wyoming. Actions taken by the Council to remove Ch. 1, Section 3(c)(i)3 "Missions to provide assistance to a jurisdiction outside of the State of Wyoming" were voted on and approved.

The issue at hand was discussed as frequently Search and Rescue (SAR) teams are asked to assist neighboring states in assistance with a SAR mission. When assisting another state, Wyoming SAR teams incur costs that currently are not reimbursable through the Wyoming SAR Fund according to the Wyoming Search and Rescue Council and Fund Rules. By removing the above referenced section, SAR teams will be allowed to seek reimbursement for missions conducted outside of the State of Wyoming.

MEMORANDUM

TO: Wyoming Secretary of State

FROM: DeeAnn Ragland
Wyoming Search and Rescue Program Administrator

DATE: February 6, 2017

SUBJECT: Summary of Public Comments
Wyoming Search and Rescue Council
Proposed Rules for Chapter 1, Section 3(c)(i)c

There were no public comments received during the public comment period regarding the proposed rule change.

General Provisions

Chapter 1

Section 1. General Provisions

(a) Authority.

(i) These rules are written in accordance with the authority provided in Wyo.Stat. Ann. § 19-13-303(d) and pursuant to the requirements of the Wyoming Administrative Procedure Act, Wyo. Stat. Ann. § 16-3-101 through 16-3-115

(b) Definitions.

(i) These rules shall be known and cited as the "Wyoming Search and Rescue Council and Fund Rules."

(ii) "Search and rescue" means the employment, coordination and utilization of available resources and personnel in relieving distress, preserving life and removing survivors from the site of a disaster, emergency or hazard to safety in case of lost, stranded, entrapped or injured persons.

(iii) "Wyoming Search and Rescue Account" means voluntary donations collected in accordance with Wyo. Stat. Ann. § 23-2-101, § 23-2-201, § 31-2-404, § 41-13-109 and § 41-13-110 and transferred to the Wyoming Office of Homeland Security (WOHS); also referred to as the "Wyoming Search and Rescue Fund".

(iv) "Wyoming Search and Rescue Council" means the eleven (11) member board appointed by the Governor in accordance with Wyo. Stat. Ann. § 19-13-303 and responsible for the oversight of the Wyoming Search and Rescue account.

(v) "Wyoming Office of Homeland Security" or "WOHS" means the state agency responsible for the administration of the search and rescue account and the activities of the Search and Rescue Council.

(vi) "Executive secretary" means the director of the Wyoming Office of Homeland Security or his designee.

(vii) "Meeting chairman" means member of Council acting as presiding officer of the meeting.

(viii) "Search and rescue training programs" means training to enhance the abilities of search and rescue personnel throughout Wyoming.

(ix) "Statewide search and rescue overhead teams" means teams trained in incident command systems, command post operations, search management and direct searches in the field.

(x) "Search and rescue equipment" means equipment available for use statewide for the purpose of supporting search and rescue operations in Wyoming.

(c) Effective date.

(i) These rules are effective when all required approvals have been granted as required by Wyo. Stat. Ann. § 16-3-101 through 16-3-115.

Section 2. Search and Rescue Council

(a) Council Membership.

(i) The goal of the Wyoming Search and Rescue Council is to assist Wyoming sheriffs, who are mandated by Wyo. Stat. Ann. § 18-3-609(iii) to conduct search and rescue operations, by fostering quality search and rescue resources throughout the state and providing reimbursement for eligible expenses from the Wyoming Search and Rescue account.

(ii) The Wyoming Search and Rescue Council consists of eleven members, as defined by Wyo. Stat. Ann. § 19-13-303(a) and (b).

(b) Council Votes and Official Actions.

(i) A simple majority of the membership shall constitute a quorum and shall be required for any official vote on Council action.

(ii) Council member shall not make an official decision or vote on an official decision if the member has a personal or private interest in the matter. Council member shall abstain from voting on the decision and from making any official decision in the matter. The member's abstention from voting must be recorded in the Council's official records.

(iii) The Council Executive Secretary or his WOHS designee shall maintain official council documentation and records.

(iv) The Council may establish and abolish ad hoc and/or standing committees to oversee special projects or charters as deemed necessary. Any action taken by the Council, based on a committee recommendation, must first receive majority endorsement of the full membership of the Council.

(v) Policies and procedures to define the responsibilities of the Wyoming Search and Rescue Council and procedures for fund administration may be established by WOHS and approved by the Council.

Section 3. Account Uses

(a) Search and rescue account uses.

(i) WOHS serves as the account manager and operates using the guidance from the Wyoming Search and Rescue Council and Wyo. Stat. Ann. § 19-13-301. WOHS may establish accounting and purchasing procedures for fund administration.

(ii) The Council shall use the account for the purposes as defined by Wyo. Stat. Ann. § 19-13-301(b), (c)(i) through (iv).

(iii) Expenditures for non-operational expenses as defined by Wyo. Stat. Ann. § 19-13-301(c)(i) through (iv) may be given consideration in any order and amount based on the budget and priorities established by the Council each year, provided sufficient funds are in the account.

(iv) In compliance with Wyo. Stat. Ann. § 19-13-301(b), the Wyoming Search and Rescue Council shall give funding priority to approved search and rescue operations. To this end, the Council may establish an account minimum balance. When the fund falls below the minimum balance funds may only be expended on a cost-by-cost basis as approved by the Council. The Council must provide justification for the dollar amount established.

(v) The account shall not be used to reimburse counties for any salary or benefits normally paid to its employees.

(b) Operational claims reimbursement.

(i) Operational claims may include direct costs incurred in the conduct of search and rescue missions statewide.

(ii) Participation in the fund is voluntary. Any sheriff's office in Wyoming may make a claim for reimbursement for costs directly incurred from search and rescue operational activities.

(iii) The claim period for operational claims is established by the Council.

(iv) Only one claim package per county shall be submitted annually from the sheriff's office.

(A) Donations, insurance proceeds, credits, reimbursements received from other sources, etc., shall be deducted from claims.

(B) Claims for personal property damage directly related to specific search and rescue operation will be considered on a case-by-case basis. No reimbursement will be made for normal wear and tear, routine maintenance, negligence, etc.

(v) There shall be no prepayment for budget shortfalls. Responsibilities for the search and rescue program in Wyoming rest with sheriffs and remain a county issue.

(vi) Payment of search and rescue costs by the county does not guarantee reimbursement by the Council. Fiscal jurisprudence must be evident for each expense claimed.

(vii) The fund is not intended to reimburse all search and rescue mission expenses incurred by a county.

(viii) Reimbursement claims approved by the Council shall bear the signatures of the meeting Chairman and the Executive Secretary prior to payment.

(ix) The Council reserves the right to prorate approved claims when there are insufficient funds or when full reimbursement would cause undue depletion of the fund.

(c) Unallowable operational costs.

(i) Operational costs not reimbursable by the fund include:

(A) Costs not directly incurred in the performance of search and rescue mission activities.

(B) Costs incurred before or after missions and not directly related to the mission activities.

(C) A mission for body recovery is not eligible under the Wyoming Search and Rescue Fund; however, when a search and rescue results in the recovery of a body and goes beyond the technical expertise and the duty of the coroner's office, the body recovery may then be considered for reimbursement. Each such instance will be considered on a case-by-case basis and must be documented to the satisfaction of the Council.

(D) Costs of missions to recover property.

(E) Costs of missions specifically for law enforcement purposes, such as searches for escaped prisoners, fleeing suspects, evidence gathering, etc.

(ii) The above listing is not exhaustive. The Council reserves the right to refuse any expense it determines does not meet the spirit and/or intent of the legislation.

(d) Non-operational claims reimbursement.

(i) Non-operational claims are costs incurred for search and rescue program purposes to include fund administration; council meeting expenses such as travel, meals, and lodging; public education and fund marketing; statewide training programs; equipment acquisition for statewide use; development of search and rescue overhead teams.

(ii) The claim period for non-operational claims is established by the Council.

(iii) Only one claim package per county shall be submitted annually from the sheriff's office.

(iv) Council-sponsored and county requests for reimbursement of training and equipment for search and rescue, if paid by the fund, will be considered as statewide- use assets.

(v) The Council reserves the right to refuse any non-operational expenses it determines does not meet the spirit and/or intent of the legislation.

(e) Search and rescue training.

(i) The Wyoming Office of Homeland Security and the Wyoming Search and Rescue Council do not guarantee the expertise of any search and rescue personnel utilized in the conduct of search and rescue operations in Wyoming. However, the training of search and rescue personnel throughout Wyoming to enhance their abilities as search and rescue responders is encouraged and supported.

(ii) In accordance with Section 3 (a)iii the Council does not guarantee the reimbursement of training costs incurred by a county.

(iii) Wyoming sheriffs may be reimbursed for search and rescue training sponsored by their organization if the training is provided to search and rescue personnel statewide.

(iv) The Council may enter into contractual agreements for the provision of search and rescue training programs for Wyoming search and rescue personnel.

(v) Direct and administrative costs incurred in the performance of the training and approved by the Council will be eligible for reimbursement.

(f) Reimbursement claims reconsideration.

(i) Sheriffs may make request for reconsideration on any expense denied by the Council. The request for reconsideration must be submitted, in writing, to the Council through the Wyoming Office of Homeland Security within thirty (30) days of notification of their claim status. Written request for reconsideration must include the reason for the resubmission and any supplemental documentation required to properly evaluate the request for reconsideration. Insufficient documentation will not be considered.

(ii) After council members vote on the reconsideration, WOHS will document the decision and send notification to the applicant within thirty (30) days of receipt of the date of the written reconsideration request.

(iii) Council decisions on reconsiderations are final. No further reconsiderations shall be made.

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