

SENATE FILE NO. SF0055

Management of WEMA.

Sponsored by: Joint Transportation and Highways Interim
Committee

A BILL

for

1 AN ACT relating to the Wyoming Emergency Management Act;
2 transferring oversight and control of the emergency
3 management agency; providing for the appointment of a
4 homeland security director and an emergency management
5 coordinator; transferring the agency's persons, functions,
6 programs, authority and funds; requiring a report; and
7 providing for an effective date.

8

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

10

11 **Section 1.** W.S. 19-7-101(a)(iv), 19-13-102(a) by
12 creating new paragraphs (v) and (vi), 19-13-103(a)(i),
13 19-13-104(a) and by creating a new subsection (d),
14 19-13-105(a), (b), (c)(i) and (v), 19-13-106 and 19-13-111
15 are amended to read:

16

1 **19-7-101. Definitions.**

2

3 (a) As used in this act:

4

5 (iv) "Military department" means the adjutant
6 general, the divisions of the army national guard, the air
7 national guard, and state military affairs; ~~and emergency~~
8 ~~management agency;~~

9

10 **19-13-102. Definitions.**

11

12 (a) As used in this act:

13

14 (v) "Director" means the homeland security
15 director appointed pursuant to W.S. 19-13-104;

16

17 (vi) "Public safety agencies" means any federal,
18 state or political subdivision entity that provides
19 emergency and public safety services, including state
20 agencies employing peace officers enumerated in W.S.
21 6-1-104(a)(vi)(C) through (F) and approved for
22 participation by the commission, fire management services,
23 correctional services, emergency management, emergency and

1 disaster relief services and if desired by county,
2 municipal and federal law enforcement agencies.

3

4 **19-13-103. Legislative determination; coordination**
5 **with federal government and other states.**

6

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

18

19 (i) To create a Wyoming emergency management
20 agency within the ~~adjutant general's~~ governor's office, and
21 to authorize the creation of local emergency management
22 programs in the political subdivisions of the state;

23

1 **19-13-104. Powers of governor generally; state**
2 **homeland security director.**

3

4 (a) The governor has general direction and control of
5 the emergency management agency, and is responsible for the
6 carrying out of the provisions of this act, and in the
7 event of disaster beyond local control, may assume direct
8 operational control over all or any part of the emergency
9 management functions within Wyoming. The governor may
10 delegate such powers to ~~the adjutant general directly, or~~
11 ~~through the adjutant general to~~ the director established
12 under subsection (d) of this section, or through the
13 director to the coordinator of emergency management to
14 carry out this act.

15

16 (d) The position of the state homeland security
17 director is created in the governor's office and shall be
18 appointed by the governor. He shall be responsible to the
19 governor and may be removed by the governor as provided in
20 W.S. 9-1-202. The director shall:

21

22 (i) Supervise the Wyoming emergency management
23 agency;

24

1 (ii) Provide technical assistance to public
2 safety agencies in the area of homeland security;

3
4 (iii) Coordinate with the federal office of
5 homeland security; and

6
7 (iv) Perform other duties assigned by the
8 governor for homeland security.

9
10 **19-13-105. Emergency management program.**

11
12 (a) The emergency management agency within the
13 ~~adjutant general's~~ governor's office is created. The
14 ~~adjutant general~~ governor shall ~~employ~~ appoint a
15 coordinator of emergency management who ~~shall be a~~
16 ~~civilian and the administrator thereof, and~~ may appoint
17 such assistants as may be necessary. The coordinator and
18 his assistants shall be compensated in an amount to be
19 determined and fixed by the Wyoming human resources
20 division. The coordinator shall serve at the pleasure of
21 the governor and may be removed as provided in W.S.
22 9-1-202.

23

1 (b) The coordinator, with the approval of the
2 ~~adjutant general~~ director, may employ technical, clerical,
3 stenographic and other personnel and make such expenditures
4 within the appropriations or from other funds made
5 available to him for purposes of emergency management as
6 necessary to carry out this act. He shall be provided with
7 necessary and appropriate office space, furniture,
8 equipment, stationery and printing in the same manner as
9 for personnel of other state agencies.

10
11 (c) The ~~coordinator~~ director is the administrative
12 head of the Wyoming emergency management agency and:

13
14 (i) Shall be responsible to the ~~adjutant general~~
15 governor for the implementation of the state program for
16 emergency management for Wyoming;

17
18 (v) Shall have additional authority, duties and
19 responsibilities authorized by this act as may be
20 prescribed by the ~~adjutant general~~ governor; and

21
22 **19-13-106. Emergency management advisory board.**

1 The emergency management advisory board is created,
2 consisting of such members as deemed necessary, who shall
3 be appointed by the governor and may be removed by the
4 governor as provided in W.S. 9-1-202. The membership of the
5 board shall contain representative citizens of commercial
6 enterprises, service organizations and public-spirited
7 groups. The board shall assist in specific fields related
8 to emergency management preparedness and recovery and
9 advise the governor, ~~the adjutant general~~ and the
10 ~~coordinator~~ director on all matters pertaining to emergency
11 management. The members thereof shall serve without
12 compensation but may be reimbursed for the reasonable and
13 necessary expenses incurred in the performance of their
14 duties.

15

16 **19-13-111. Funds, supplies and equipment; authority**
17 **to make use of existing facilities.**

18

19 In carrying out the provisions of this act, the governor,
20 ~~the adjutant general~~ and the executive officers or
21 governing bodies of the political subdivisions of the state
22 are directed to utilize the services, equipment, supplies
23 and facilities of existing departments, offices and
24 agencies of the state and of the political subdivisions

1 thereof to the maximum extent practicable, and the officers
2 and personnel of all departments, offices and agencies are
3 directed to cooperate with and extend such services and
4 facilities to the governor, ~~to~~the coordinator and ~~to~~the
5 emergency management programs throughout the state upon
6 request.

7

8 **Section 2.** W.S. 19-7-102(a)(iv), 19-7-104(c) and
9 19-7-105(a)(iv) are repealed.

10

11 **Section 3.** Except as otherwise specified, the
12 legislature hereby transfers all functions, programs and
13 authority of the Wyoming emergency management agency to the
14 governor's office. All personnel of the Wyoming emergency
15 management agency except the coordinator shall be
16 transferred to the governor's office. The adjutant
17 general's position shall not be affected by this section.
18 Nothing in this act shall be deemed to affect the property
19 interests of current permanent employees within the
20 emergency management agency except for the coordinator who
21 shall be appointed by and subject to removal by the
22 governor.

23

1 **Section 4.** This act is intended simply to transfer
2 the control of the Wyoming emergency management agency from
3 the adjutant general to the governor's office. The Wyoming
4 legislature intends to make no substantive change to prior
5 law including, but not limited to revenue, either increases
6 or decreases, powers, duties, authorities, obligations,
7 definitions, administration, confidentiality, imposition,
8 tax rates, exemptions, licenses, permits, compliance,
9 collection procedures, enforcement, remedies, statutes of
10 limitation or distribution of taxes. This act is not
11 intended to affect the validity of any rule or regulation
12 promulgated prior to the effective date of this act.

13

14 **Section 5.** On or before July 1, 2005, the homeland
15 security director appointed under section 1 of this act
16 shall report to the joint transportation and highways
17 interim committee on the efficacy of the transfer of the
18 Wyoming emergency management agency pursuant to this act.

19

1 **Section 6.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

6

(END)