

ORIGINAL SENATE  
FILE NO. 0055

ENROLLED ACT NO. 36, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2003 GENERAL SESSION

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

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

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

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

(a) As used in this act:

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

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

(a) As used in this act:

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

(vi) "Public safety agencies" means any federal, state or political subdivision entity that provides emergency and public safety services, including state

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agencies employing peace officers enumerated in W.S. 6-1-104(a)(vi)(C) through (F) and approved for participation by the commission, fire management services, correctional services, emergency management, emergency and disaster relief services and if desired by county, municipal and federal law enforcement agencies.

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

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

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

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

(a) The governor has general direction and control of the emergency management agency, and is responsible for the carrying out of the provisions of this act, and in the event of disaster beyond local control, may assume direct operational control over all or any part of the emergency management functions within Wyoming. The governor may

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delegate such powers to ~~the adjutant general directly, or through the adjutant general to the director established under subsection (d) of this section, or through the director to~~ the coordinator of emergency management to carry out this act.

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

(i) Supervise the Wyoming emergency management agency;

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

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

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

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

(a) The emergency management agency within the ~~adjutant general's~~ governor's office is created. The ~~adjutant general~~ governor shall ~~employ~~ appoint a coordinator of emergency management who ~~shall be a civilian and the administrator thereof, and may appoint~~ such assistants as may be necessary. The coordinator and his assistants shall be compensated in an amount to be determined and fixed by the Wyoming human resources division. The coordinator shall serve at the pleasure of

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the governor and may be removed as provided in W.S. 9-1-202.

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

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

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

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

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

The emergency management advisory board is created, consisting of such members as deemed necessary, who shall be appointed by the governor and may be removed by the governor as provided in W.S. 9-1-202. The membership of the board shall contain representative citizens of commercial enterprises, service organizations and public-spirited groups. The board shall assist in specific fields related to emergency management preparedness and recovery and advise the governor, ~~the adjutant general~~ and the ~~coordinator~~ director on all matters pertaining to emergency

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management. The members thereof shall serve without compensation but may be reimbursed for the reasonable and necessary expenses incurred in the performance of their duties.

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

In carrying out the provisions of this act, the governor, ~~the adjutant general~~ and the executive officers or governing bodies of the political subdivisions of the state are directed to utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the state and of the political subdivisions thereof to the maximum extent practicable, and the officers and personnel of all departments, offices and agencies are directed to cooperate with and extend such services and facilities to the governor, ~~to~~ the coordinator and ~~to~~ the emergency management programs throughout the state upon request.

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

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

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

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

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

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_  
DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk