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Wyoming Emergency Management and Homeland Security Statutory Authorities Summarized

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Summary

The Wyoming Emergency Management Act gives the governor authority to assume operational control over state emergency management functions, delegates powers to the state emergency management agency and local emergency management agencies, and provides for mutual aid agreements. The state Emergency Management Advisory Board assists with preparedness and advises the governor. Federal aid constitutes the primary source of emergency management funds.

This report is one of a series that profiles emergency management and homeland security statutory authorities of the 50 states, the District of Columbia, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, American Samoa, Guam, and the U.S. Virgin Islands. Each profile identifies the more significant elements of state statutes, generally as codified. Congressional readers may wish to conduct further searches for related provisions using the Internet link presented in the last section of this report. The National Conference of State Legislatures provided primary research assistance in the development of these profiles under contract to the Congressional Research Service (CRS). Summary information on all of the profiles is presented in CRS Report RL32287. This report will be updated as developments warrant.

Entities with Key Responsibilities

Governor: The governor exercises general direction and control of the state Emergency Management Agency (EMA). In disaster situations that exceed local control capabilities, the governor is authorized to assume direct operational control over all, or any part of, the state's emergency management functions. The governor is authorized to cooperate with the federal government and with other states and private agencies. The

governor may make, amend, and rescind emergency orders, rules and regulations “with due consideration” of federal plans, and may assign to a state agency any activity concerned with mitigation of the effects of a disaster or national emergency related to the duties of the agency (including interstate activities). The governor is authorized to prepare a comprehensive emergency management plan and program; procure supplies and equipment; institute training and public information programs; and make studies and surveys of emergency management resources and facilities. The governor may delegate administrative authority, provide for the sub-delegation of authority, and appoint, in cooperation with local authorities, emergency management coordinators of political subdivisions (Wyo. Stat.§19-13-104).

The governor serves as commander-in-chief of all the military forces of the state, and may call out the militia to preserve the public peace, execute the laws, suppress insurrection or repel an invasion (Wyo. Constitution §97-17-005).

The governor may order any military unit to aid in suppressing any tumult, riot, mob or invasion; assist in preserving order; protect public safety when other civil agencies are unable to do so; insure public safety; and protect property or persons in times of fire, flood or other domestic catastrophe. Expenses incurred by such actions are to be borne by the state from the general funds until other provisions are made. Upon the declaration of war, the breaking out of insurrection, or the imminence of either, the governor may activate the Wyoming state guard (Wyo. Stat.§19-9-207).

Political subdivisions: Each emergency management program and its officers executes and enforces orders, rules and regulations made by the governor and provides for their inspection (Wyo. Stat.§19-13-116). The statute also authorizes creation of local emergency management programs in political subdivisions (Wyo. Stat.§19-13-103).

Emergency Management Agency (EMA): The statute created the EMA within the office of the adjutant general: to assist political subdivisions’ work in organizing and maintaining emergency management programs; assign disaster or emergency responsibilities to state agencies; and coordinate emergency management functions with political subdivisions and federal government (Wyo. Stat.§19-13-103).

Coordinator of Emergency Management Program: The coordinator, appointed by the governor, serves as administrative head of the EMA, helps local authorities and organizations plan and develop emergency management plans and programs, coordinates emergency management activities, and maintains liaison with and cooperates with emergency management agencies and programs of other states and the federal government (Wyo. Stat.§19-13-105).

Emergency Management Advisory Board: The board assists with emergency management preparedness and recovery and advises the governor and coordinator on all matters pertaining to emergency management. Members of the board are appointed by, and may be removed by, the governor and represent “commercial enterprises, service organizations and public-spirited groups” (Wyo. Stat.§19-13-106).

Emergency support task forces: The governor, or political subdivisions, are authorized to establish the number of necessary task forces which are activated on the orders of the governor or political subdivision governing bodies that perform emergency management functions in any part of the state or in other states (Wyo. Stat.§19-13-107).

Search and Rescue Council: The statute created the council, composed of 11 members, which reviews and acts upon claims submitted for reimbursement from the search and rescue account (Wyo. Stat.§19-13-302).

Preparedness

Political subdivisions are authorized to establish local emergency management plans and programs, with coordinators appointed by the governor on the recommendation of local jurisdictions. The coordinator has direct responsibility for the organization, administration, and operation of local emergency management plans and programs (Wyo. Stat.§19-13-108).

Declaration Procedures

No specific provisions.

Types of Assistance

The adjutant general and executive officers of governing bodies of political subdivisions are directed to utilize services, equipment, supplies and facilities of existing departments, offices and agencies and political subdivisions to the maximum extent possible (Wyo. Stat.§19-13-111).

A fire protection service, emergency medical care provider, emergency management program, or local government subdivision may appropriate funds, and sell, lease, or supply material to any entity for carrying out mutual aid agreements (Wyo. Stat.§19-13-210).

Mutual Aid

The Emergency Management Assistance Compact is codified (Wyo. H.B. No. 0019, signed by the governor on 2/21/2003).

The Interstate Emergency Services Mutual Aid Act authorizes fire protection services, emergency medical care providers, emergency management programs or local government subdivisions to enter into mutual aid agreements with similar entities in any other state, or the federal government, to provide emergency services to the area covered by the agreement (Wyo. Stat.§ 19-13-203).

The statute mandates that local emergency management coordinators develop mutual aid arrangements in collaboration with public and private agencies for reciprocal emergency management aid and assistance in disasters of extreme nature affecting two or more political subdivisions. With governor's approval, coordinators may enter into mutual aid arrangements with agencies in other states (Wyo. Stat.§19-13-109).

The governor may enter into interstate mutual aid and international compacts with other states and foreign countries or subdivisions, and may coordinate mutual-aid plans between, and among, political subdivisions of the state (Wyo. Stat. §19-13-104 (c) (v)).

Funding

Political subdivisions may make appropriations for local emergency management programs. The governor, or the governing body of a political subdivision acting with governor's consent, may accept offers from any federal agency or officer, firm or corporation for services, equipment, supplies, materials or funds in the form of gifts, grants or loans for disaster relief or emergency management (Wyo. Stat. §19-13-110 (b)).

The statute authorizes county commissioners to levy taxes for local emergency management programs (Wyo. Stat. §19-13-110 (c)).

The governor is authorized to accept gifts, grants, funds or other assistance from the federal, state or local governments, or from private sources (Wyo. Stat. §9-1-210).

The statute created the search and rescue account and authorizes expenditures to be made by EMA to reimburse counties for costs directly incurred in a specific search and rescue operation. The funds may be used for search and rescue training; equipment purchases; and development of statewide search and rescue teams (Wyo. Stat. §19-13-301 to 302).

The statute created the emergency fire suppression account, which is administered by the state forester, to reimburse participating counties for the actual costs incurred in suppressing emergency fires. Counties are required to pay assessments to participate in funded activities (Wyo. Stat. §36-1-402).

Hazard Mitigation

See "Entities with Key Responsibilities."

Continuity of Government Operations

The statute provides for a line of succession for the adjutant general, including assistants, deputy military advisor and coordinator of emergency management (Wyo. Stat. §19-7-105).

Other

The statute grants immunity from civil liability to persons who voluntarily and without compensation permit their property to be used for the purposes of sheltering persons during an actual, impending, or mock attack, or practice exercise (Wyo. Stat. §19-13-113(d)).

The statute prohibits anyone who advocates or has advocated a change by force or violence in the constitutional form of the government of the United States or of the state, or who has been convicted of or is under indictment for any subversive act against the United States, from employment in any capacity in any emergency management program (Wyo. Stat. §19-13-114).

The statute provides for reciprocity in the event disaster conditions in Wyoming require assistance by emergency management personnel from other states during the period of the emergency (Wyo. Stat. §19-13-115).

Key Terms

Table 1. Key Emergency Management and Homeland Security Terms Defined in Wyoming Statutes, with Citations

Terms	Citations
County or county-city program	Wyo. Stat. § 19-13-102 (a) (i)
Emergency management	Wyo. Stat. §19-13-102 (a) (ii)
Emergency support task force	Wyo. Stat. §19-13-102 (a) (iii)
Mutual aid agreement	Wyo. Stat. §19-13-202 (a) (iv)
Party emergency service	Wyo. Stat. §19-13-202 (a) (v)

For Further Research

The citations noted above and other elements of the state code for Wyoming may be searched at [<http://legisweb.state.wy.us/titles/statutes.htm>].