

ORIGINAL SENATE
FILE NO. SF0071

ENROLLED ACT NO. 23, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2026 BUDGET SESSION

AN ACT relating to the administration of the government; reconstituting the office of homeland security as the Wyoming department of homeland security; specifying duties and budget requirements for the department; specifying the transfer of assets, obligations and duties of the office of homeland security to the department of homeland security; making conforming amendments; requiring reports; specifying applicability; and providing for effective dates.

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

Section 1.

(a) The Wyoming office of homeland security created in the Wyoming Homeland Security Act is hereby transferred from the office of the governor to the Wyoming department of homeland security, as created in this act, on July 1, 2026. All property, equipment, obligations and unexpended funds of the office of homeland security are transferred to the department of homeland security, except as provided in this section.

(b) The following shall apply to the reorganization specified in subsection (a) of this section:

(i) No plan of reorganization under W.S. 9-2-1707(a)(iii) for the transfer of the office of homeland security from the office of the governor to the department of homeland security shall be required;

(ii) Upon the creation of the department of homeland security in accordance with this act, the governor shall appoint a director of the department. Nothing in this paragraph shall prevent the governor from appointing the

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director who was appointed under W.S. 19-13-104(d) as the director of the department;

(iii) Upon the transfer of the office of homeland security under this section, the department of homeland security shall assume all duties and authorities granted under Wyoming law.

(c) Nothing in this act shall be construed to impair any existing contracts, agreements or other obligations of the Wyoming office of homeland security executed before the effective date of this act. The Wyoming department of homeland security shall, to the greatest extent authorized by law, fulfill existing agreements, contracts and other obligations of the office of homeland security from funds transferred under this act or other funds appropriated to the department of homeland security for those purposes. To the extent that the office of homeland security has outstanding contracts, agreements or other obligations that cannot be assumed lawfully by the department of homeland security, the office of the governor shall assume those contracts, agreements or other obligations.

(d) The following shall be transferred to the Wyoming department of homeland security on July 1, 2026, subject to subsection (c) of this section:

(i) Any unexpended, unobligated funds appropriated to the office of homeland security or to the office of the governor, homeland security division (department 001, division 1100) during the 2026 budget session;

(ii) Any full-time or part-time positions provided or granted to the office of homeland security or

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to the office of the governor, homeland security division (department 001, division 1100) during the 2026 budget session;

(iii) Any other unexpended, unobligated funds that the office of homeland security is authorized to maintain on and after July 1, 2026.

(e) Not later than October 1, 2026, the department of homeland security shall report to the joint judiciary interim committee on the transfer required under this act.

Section 2. W.S. 9-2-2022 is created to read:

9-2-2022. Wyoming department of homeland security created.

As part of the reorganization of Wyoming state government, there is created the Wyoming department of homeland security consisting of the Wyoming office of homeland security created in the Wyoming Homeland Security Act. The department of homeland security shall not be subject to a transition period as defined in W.S. 9-2-1703(a)(ix). A reorganization plan shall not be required of the director.

Section 3. W.S. 5-11-101(a)(intro), 7-19-106(a)(xiv), 7-19-201(e), 9-2-1102(a)(xix), 18-3-402(a)(xxvi), 19-13-102(a)(v), 19-13-103(a)(i), 19-13-104(a), (d)(intro), (i) and by creating a new paragraph (vii), 19-13-105(a), (b), (c)(intro), (i), (d) and (e), 19-13-113(c), 19-13-117(a) through (c), (e)(intro), (ii) and (g), 19-13-301(b) and (c)(intro), 19-13-302(a) and (b), 19-13-303(a)(intro), 19-13-501(a)(iii) and (v), 24-12-102(c)(intro) and (i)(A), 31-2-234(b), 35-9-152(a)(viii), (x) and (xii), 35-9-153(a)(intro), (c),

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(e) and (g), 35-9-154(a)(intro), 35-9-155(d)(intro), 35-9-156(a) and 35-9-157(c)(iii) are amended to read:

5-11-101. Wyoming court security commission created; membership; powers and duties; compensation; report required.

(a) The Wyoming court security commission is created under the supervision of the Wyoming supreme court. The commission shall be composed of the director of the ~~office~~ department of homeland security or ~~his—the director's~~ designee and nine (9) additional members who shall be appointed for a term of three (3) years commencing July 1, 2008, who may be reappointed to serve subsequent terms. The nine (9) additional members shall include:

7-19-106. Access to, and dissemination of, information.

(a) Criminal history record information shall be disseminated by criminal justice agencies in this state, whether directly or through any intermediary, only to:

(xiv) The ~~office—~~department of homeland security for purposes of obtaining background information on prospective homeland security workers and regional emergency response team participants;

7-19-201. State or national criminal history record information.

(e) The Wyoming military department, any public fire department, ambulance service or regional emergency response team may as a condition of employment or other participation with the entity require all applicants for

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employee or volunteer positions with the entity to submit to fingerprinting in order to obtain state and national criminal history record information. In addition, the ~~office~~department of homeland security may as a condition of participation in a regional emergency response team require all team participants to submit to fingerprinting in order to obtain state and national criminal history record information.

9-2-1102. Commission; composition; appointment of members; removal; terms; officers; vacancies; meetings.

(a) The commission shall consist of thirteen (13) voting members to be appointed by the governor and who may be removed by the governor as provided in W.S. 9-1-202. The voting members shall be appointed from each of the following associations and agencies from their membership:

(xix) The Wyoming ~~office~~department of homeland security.

18-3-402. Duties generally.

(a) The county clerk shall:

(xxvi) Report all conveyances, as defined by W.S. 19-13-501(a)(i), to the director of the ~~office~~department of homeland security and the division of criminal investigation in accordance with W.S. 19-13-501 and 19-13-502.

CHAPTER 13
WYOMING DEPARTMENT OF HOMELAND SECURITY

19-13-102. Definitions.

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(a) As used in this act:

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

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 ~~office~~department of homeland security, ~~within the governor's office,~~ and to authorize the creation of local homeland security programs in the political subdivisions of the state;

19-13-104. Powers of governor generally; director, department of homeland security.

(a) The governor ~~has general direction and control of the office of homeland security, and is~~ and, if delegated under this subsection, the director are responsible for the carrying out of the provisions of this act, and in the event of disaster beyond local control, the governor may

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assume direct operational control over all or any part of the homeland security functions within Wyoming. The governor may delegate ~~such any~~ powers specified in this section to the director established under subsection (d) of this section, or through the director to the deputy director to carry out this act.

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

(i) Supervise the Wyoming ~~office~~ department of homeland security;

(vii) Prepare and submit a budget for the department of homeland security in accordance with W.S. 9-2-1010 through 9-2-1014.3.

19-13-105. Homeland security program.

(a) The ~~office~~ department of homeland security ~~within the governor's office~~ is created. The ~~governor~~ director shall appoint a deputy director of the ~~office~~ department of homeland security, with the approval of the governor. The director may appoint ~~such~~ assistants as may be necessary. The director and ~~his~~ the director's assistants shall be compensated in an amount to be determined and fixed by the ~~Wyoming~~ human resources division of the department of administration and information. The deputy director shall serve at the pleasure of the ~~governor and may be removed as provided in W.S. 9-1-202~~ director.

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(b) The director may employ technical, clerical, stenographic and other personnel and make ~~such~~ expenditures within the appropriations or from other funds made available to ~~him~~ the director for purposes of homeland security as necessary to carry out this act. ~~He~~ The director 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 director is the administrative head of the Wyoming ~~office~~ department of homeland security. In addition to the duties described in W.S. 19-13-104(d), the director:

(i) Shall be responsible, ~~to~~ in consultation with the governor and in accordance with this act, for the implementation of the state program for homeland security for Wyoming;

(d) The deputy director shall perform duties as assigned by the director and, in the absence of the director, ~~he~~ is the ~~administrative~~ head of the Wyoming ~~office~~ department of homeland security.

(e) The ~~office~~ department of homeland security may receive and share criminal identification, intelligence and criminal history information available to law enforcement agencies for the purposes provided by W.S. 19-13-103.

19-13-113. State and political subdivisions exempt from liability; exceptions; license to practice not required; homeland security worker defined; recognized educational programs; real estate owners exempt from liability; criminal history record information.

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(c) As used in this section, "homeland security worker" includes any full or part-time paid, volunteer or auxiliary employee of any state, territories or possessions of the United States, the District of Columbia, any neighboring country, any political subdivision thereof, or any agency or program performing homeland security services at any place in this state subject to the order or control of or pursuant to a request of the state government or any political subdivision thereof and includes instructors and students in recognized educational programs where homeland security services are taught. A recognized educational program includes programs in educational institutions duly existing under the laws of this state and such other educational programs as are established by the ~~office~~ department of homeland security or otherwise under this act.

19-13-117. Lifesaver programs; process for grants; administration; account established; rules; grant criteria.

(a) The ~~office~~ department of homeland security shall administer a lifesaver program to provide grants to counties for search and rescue designed to quickly find a person suffering from Down syndrome, brain injuries, autism, Alzheimer's or other dementia related disorders who wanders and becomes lost and missing. The program shall operate on a county basis, under which participants wear transmitters to allow the county sheriff's departments to electronically locate participants if necessary.

(b) The ~~office~~ department of homeland security shall establish by rule and regulation an application procedure and calendar for grants under this section and adopt other rules as necessary to implement this section.

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(c) In administering this program, the ~~office~~ department of homeland security and counties shall establish a policy of including private sector participants to the fullest extent possible unless a viable private sector solution does not exist.

(e) The ~~office~~ department of homeland security shall provide grants, subject to the following:

(ii) The director of the ~~office~~ department of homeland security shall prioritize the grant awards in accordance with the respective needs of each county for tracking services and the availability of local funding sources, as documented in the applications submitted.

(g) The lifesaver program account is created. The account shall consist of those funds appropriated to the account by the legislature and all monies received from federal grants and other contributions, grants, gifts, transfers, bequests and donations to the account. The ~~office~~ department of homeland security is specifically empowered to accept grants, gifts, transfers, bequests and donations to the account. Funds in the account shall only be expended by the ~~office~~ department of homeland security for the purpose of providing grants under this section.

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

(b) Revenues deposited within the search and rescue account shall be expended by the Wyoming ~~office~~ department of homeland security to reimburse counties for costs directly incurred in a specific search and rescue operation, subject to W.S. 19-13-302 and rules and regulations adopted by the Wyoming search and rescue

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council. Expenditures for reimbursement pursuant to this subsection shall receive priority over all other authorized account expenditures. No revenues deposited within the account shall be used to reimburse counties for any salary or benefits normally paid to its employees.

(c) Subject to subsection (b) of this section, the Wyoming ~~office—department~~ of homeland security may expend revenues available within the search and rescue account for other search and rescue program purposes including:

19-13-302. Search and rescue account administration.

(a) Any county sheriff's office in this state may make a claim on the search and rescue account for reimbursement of costs directly incurred in the performance of search and rescue activities. Any claim made pursuant to this subsection shall be submitted to the Wyoming ~~office~~ department of homeland security. Upon receipt, the Wyoming ~~office—department~~ of homeland security shall transmit the claim to the Wyoming search and rescue council for review and action in accordance with subsection (b) of this section.

(b) The Wyoming search and rescue council shall review and act upon all claims submitted under subsection (a) of this section no later than June 30 following the year in which expenses were incurred for the claim submitted. If there are insufficient funds to pay all approved claims, the Wyoming ~~office—department~~ of homeland security shall prorate reimbursement among all approved claims. Payments authorized through the Wyoming ~~office~~ department of homeland security pursuant to this section shall be paid by the state treasurer by warrant issued by the state auditor upon vouchers signed by the director, ~~of~~ of

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the Wyoming ~~office~~department of homeland security or ~~his~~
the director's designee.

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

(a) The Wyoming search and rescue council is established and shall consist of eleven (11) voting members. The director of the Wyoming ~~office~~department of homeland security, or ~~his~~the director's designee, shall serve as a voting member and the permanent executive secretary to the council. The governor shall appoint the remaining ten (10) members to serve four (4) year terms as follows:

19-13-501. Definitions.

(a) As used in this article:

(iii) "Critical infrastructure zone" means an area of property, whether covering the surface estate, mineral estate, pore space estate or nonphysical property, designated by the governor in consultation with the director of the ~~office~~department of homeland security as property encompassing critical infrastructure;

(v) "Director" means the director of the ~~office~~department of homeland security appointed under W.S. 19-13-104;

**24-12-102. Duties generally; emergencies;
coordination.**

(c) The state highway patrol shall coordinate with local, tribal, state and federal law enforcement agencies,

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the Wyoming ~~office~~department of homeland security and any other appropriate entity to operate an alert system under the integrated public alert and warning system or successor system, adhering to the United States department of justice criteria. The state highway patrol shall operate and integrate additional missing persons alert communications networks that enable and help facilitate search efforts for an adult at risk or other missing person of an age, needs or circumstances that may fall outside the scope of the America's missing: broadcast emergency response alert criteria. The state highway patrol shall report annually to the division of criminal investigation the number of times and dates that the alert systems were used, the age, race and gender of the abducted person, whether the abduction was thwarted and whether an alert system assisted in resolving the abduction. In addition:

(i) If the Eastern Shoshone Tribe, the Northern Arapaho Tribe or the cooperative tribal governing body:

(A) Operate or seek to operate an alert system under the integrated public alert and warning system or successor system on the Wind River Indian Reservation, adhering to the United States department of justice criteria, or operate or seek to operate an additional missing persons alert communications network also operated by the state, the Wyoming ~~office~~department of homeland security and state highway patrol shall assist and coordinate with any tribal agency in establishing, integrating or operating that system;

31-2-234. Search and rescue license plates.

(b) The fees collected under subsection (a) of this section shall be payable to the department or county

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treasurer and shall be accounted for separately. Except as otherwise provided by law, the fees collected under subsection (a) of this section shall be distributed to the search and rescue account within the ~~office~~department of homeland security as created in W.S. 19-13-301. Funds distributed to the search and rescue account under this section shall be administered in accordance with the following:

(i) The funds deposited in the search and rescue account under this section are continuously appropriated to the ~~office~~department of homeland security and shall only be used for the purposes provided in W.S. 19-13-301(b) and 19-13-301(c);

(ii) The ~~office~~department of homeland security may establish methods to accept voluntary contributions in support of search and rescue activities for deposit into the search and rescue account. The ~~office~~department of homeland security may suggest and solicit specific contribution amounts;

(iii) The department, in consultation with the Wyoming ~~office~~department of homeland security, is authorized to receive and credit to the search and rescue account, any money or property of any kind or character donated, granted or bequeathed to Wyoming search and rescue activities. The ~~office~~department of homeland security shall have the authority to carry out the terms, if any, of the grant, donation or bequest, or in the absence of any terms or limitations, to expend the money or the proceeds of the property as it may deem advisable for search and rescue activities under the provisions of this section and W.S. 19-13-301.

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35-9-152. Definitions.

(a) As used in this act:

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

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

(xii) "Weapons of mass destruction" means as defined in 18 U.S.C. 2332(a) as of April 1, 2004, or as subsequently defined by rules and regulations of the director, ~~office~~department of homeland security;

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

(a) There is created a state emergency response commission that shall consist of members appointed by the governor to advise the director, ~~office~~department of homeland security and the department of homeland security with respect to activities under this act. The commission shall consist of not less than four (4) members representing the mining, trucking, manufacturing, energy and railroad industries, one (1) member each from the legislature, local government, local law enforcement, fire services, the Eastern Shoshone tribe, the Northern Arapaho tribe, homeland security, the media, the medical field,

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emergency medical services and the general public, and one (1) representative from each of the following state agencies:

(c) The commission shall appoint a chairman and other officers deemed necessary from among its members. The commission may meet as often as deemed necessary by a majority of the commission or at the request of the director, ~~office~~department of homeland security. Commission members who are not state employees may be reimbursed for per diem and mileage for attending commission meetings in the same manner and amount as state employees.

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

(g) The commission shall perform all duties and acts prescribed by 42 U.S.C. 11001 et seq., and all other applicable law, with the assistance of the Wyoming ~~office~~department of homeland security and other state agencies determined to be necessary by the commission.

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

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

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

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

35-9-156. Local response authority.

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

35-9-157. Right to claim reimbursement.

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

(iii) A reasonable fee, as established through rules and regulations of the director, ~~office~~department of homeland security, 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;

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Section 4. W.S. 11-14-118(a), (b), (d) and (e)(ii) is amended to read:

11-14-118. Registration of ammonium nitrate.

2009 Wyoming Session Laws, Chapter 92, provides this section is effective on and after July 1, 2009 only upon certification of the governor to the secretary of state that the United States department of homeland security has published final federal rules under H.R. 2764, Subtitle J, Secure Handling of Ammonium Nitrate or its successor. As of the date of the publication of the 2009 Wyoming statutes no such certification had been made.

(a) Any person who possesses ammonium nitrate or regulated ammonium nitrate materials shall be registered with the department. The registration application shall be on a form approved by the director in consultation with and upon the recommendation of the director of the ~~office~~ department of homeland security. The director shall charge an annual registration fee not to exceed fifty dollars (\$50.00). Nothing in this section shall require the registration of any person who produces, sells or purchases ammonium nitrate exclusively for use in the production of an explosive under a license or permit issued under chapter 40 of title 18, U.S.C.

(b) Ammonium nitrate and regulated ammonium nitrate materials shall be secured to provide reasonable protection against vandalism, theft or other unauthorized use. Reasonable protection may include, but not be limited to, ensuring that storage facilities are fenced and locked when unattended, and inspected daily for signs of attempted entry or vandalism to any storage facility. The director in consultation with or upon the recommendation of the

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director of the ~~office~~department of homeland security, may recommend other security measures. The director shall work in consultation with or upon the recommendation of the director of the ~~office~~department of homeland security to provide information to ammonium nitrate users on appropriate security measures.

(d) Registrants shall comply with all federal and state requirements regarding the dissemination of any information, providing the director and the director of the ~~office~~department of homeland security access to the records.

(e) For the purposes of this section:

(ii) "Regulated ammonium nitrate materials" means regulated ammonium nitrate material fertilizer products which have been determined by the director in consultation with and upon the recommendation of the director of the ~~office~~department of homeland security to warrant regulation based on the potential explosive capacity of the fertilizer material determined by the ammonium nitrate content.

Section 5. W.S. 31-1-202(d), as amended by 2025 Wyoming Session Laws, Chapter 35, Section 2 and effective July 1, 2027, is amended to read:

31-1-202. Records.

(d) The department shall maintain records of vehicle registrations from all counties indexed by distinctive vehicle numbers assigned by the department, the name of the registered owner and vehicle identification numbers. The department shall maintain a record of all vehicle

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certificates of title from all counties in the electronic lien and title system established under W.S. 31-2-113. Records are public and open to inspection by the public during reasonable office hours. The department shall maintain a vehicle identification number index of all vehicles for which certificates of title have been issued. Upon receipt of a notice of issuance of a certificate of title from any county clerk the department may destroy all records relating to former transfers of title to the vehicle and shall retain only the notice of issuance of the certificate of title in effect at any time. The department may annually compile and publish a list of all registered vehicles and supplements thereto which shall be furnished to Wyoming peace officers and the Wyoming ~~office~~department of homeland security without charge.

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Section 6.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2026.

(b) Sections 1 and 6 of this act are 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