

## HOUSE BILL NO. HB0206

Emergency response-incidents.

Sponsored by: Representative(s) Throne, Byrd, Illoway and  
Nicholas, B. and Senator(s) Emerich and  
Esquibel, F.

A BILL

for

1 AN ACT relating to the Wyoming Emergency Response Act;  
2 including clandestine laboratory investigations in the  
3 definition of emergency responses; providing for  
4 representation on the state emergency response team;  
5 providing for declaration of contamination by emergency  
6 response teams as specified; providing for transfer of  
7 liability as specified; and providing for an effective  
8 date.

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

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12 **Section 1.** W.S. 35-9-152(a)(i) and (ii),  
13 35-9-153(a)(intro) and 35-9-156(d) are amended to read:

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15 **35-9-152. Definitions.**

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1 (a) As used in this act:

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3 (i) "Emergency responders" means public, state  
4 or federal fire services, law enforcement, emergency  
5 medical services, public health, public works, homeland  
6 security and other public response services or agencies  
7 that would be involved in direct actions to contain or  
8 control a hazardous material release, ~~or~~ weapons of mass  
9 destruction incident or clandestine laboratory  
10 investigation. The term "emergency responders" does not  
11 include private on-site facilities with immediate emergency  
12 response capabilities unless formally requested to assist  
13 off the private facility site by the state or a political  
14 subdivision of the state;

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16 (ii) "Emergency response" means a clandestine  
17 laboratory investigation or a response to any occurrence,  
18 including a weapon of mass destruction incident, which has  
19 resulted, or may result, in a release of a hazardous  
20 material;

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22 **35-9-153. State emergency response commission;**  
23 **creation; duties.**

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1           (a) There is created a state emergency response  
2 commission that shall consist of members appointed by the  
3 governor to advise the director, office of homeland  
4 security with respect to activities under this act. The  
5 commission shall consist of not less than four (4) members  
6 representing the mining, trucking, manufacturing, aviation  
7 and railroad industries, one (1) member each from the  
8 legislature, local government, local law enforcement, fire  
9 services, the Joint Tribal Council, homeland security, the  
10 media, the medical field, emergency medical services and  
11 the general public, and one (1) representative from each of  
12 the following state agencies:

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14           **35-9-156. Local response authority.**

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16           (d) The incident commander shall declare an incident  
17 ended when he has determined the threat to public health  
18 and safety has ended. Until the incident commander has  
19 declared the threat to public safety has ended the incident  
20 commander shall have the authority to issue an order on  
21 behalf of the political subdivision that any portion of the  
22 building, structure, vehicle or land is uninhabitable or  
23 contaminated, secure the portion of the building,  
24 structure, vehicle or land that is uninhabitable or

1 contaminated and take appropriate steps to minimize  
2 exposure to identified or suspected contamination at the  
3 site or premise. If the subject of the site or premise is  
4 commercial real estate, the incident commander shall limit  
5 the declaration of uninhabitable or contaminated to the  
6 areas affected by the clandestine laboratory operation and  
7 shall not declare the entire commercial real estate  
8 uninhabitable or contaminated unless the entire commercial  
9 property has been documented and determined uninhabitable  
10 or contaminated using the standards promulgated by the  
11 state emergency response commission under W.S. 35-9-153(h).  
12 The incident commander shall provide written notice to the  
13 commercial real estate owner, describing with specificity  
14 the extent of the commercial property deemed uninhabitable  
15 or contaminated. Any property that is ordered  
16 uninhabitable or contaminated under this subsection shall  
17 only be transferred or sold prior to remediation if full,  
18 written disclosure is made to the prospective purchaser,  
19 attached to the earnest money receipt if any, and shall  
20 accompany the sale documents but not be a part of the deed  
21 nor shall it be recorded. The transferor or seller shall  
22 notify the incident commander of the transfer or sale  
23 within ten (10) days of the transfer or sale. Receipt of  
24 full written disclosure under this subsection constitutes a

1 full release of liability on the part of the seller or  
2 transferor and acceptance of liability on the part of the  
3 buyer or transferee.

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5 **Section 2.** This act is effective July 1, 2011.

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(END)