

ENROLLED ACT NO. 116, HOUSE OF REPRESENTATIVES

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

AN ACT relating to emergency insect management programs; establishing a committee to assist with development of insect management programs; imposing additional duties upon the department of agriculture and authorizing advisory assistance; requiring the department of agriculture to provide administrative support; creating a special revenue account; providing for assistance to political subdivisions for insect suppression programs; imposing conditions and criteria; providing appropriations; and providing for an effective date.

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

**Section 1.** W.S. 11-5-401 through 11-5-406 are created to read:

ARTICLE 4  
EMERGENCY INSECT MANAGEMENT PROGRAM

**11-5-401. Definitions.**

(a) As used in this article:

(i) "Account" means the emergency insect management special revenue account created under W.S. 11-5-402;

(ii) "Committee" means the director of the department of agriculture, the director of the department of health, the director of the game and fish department, the Wyoming state veterinarian and the governor or his designee;

(iii) "Insect pests" mean infestations of grasshoppers, Mormon crickets or other cyclic or outbreak

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insect infestations or insect species new, recently introduced or which present a substantial possibility to be introduced into Wyoming such as fire ants, Africanized honeybees or other insect pests;

(iv) "Insect vectors" mean blood-feeding arthropods, mosquitoes, biting flies and other such insects that harbor or transmit pathogens harmful to human health and safety, animal health including livestock and wildlife, agriculture or natural resources.

**11-5-402. Emergency insect management special revenue account; established.**

The emergency insect management program special revenue account is created to consist of funds appropriated or designated to the account by law for the emergency management of insect pests or insect vectors.

**11-5-403. Administrative support for committee.**

Administrative support to the committee shall be provided by the department of agriculture. Expenses of the committee incurred under this article including administrative support shall be paid from the account.

**11-5-404. Program development; additional committee responsibilities; annual report.**

(a) Emergency insect management programs developed and receiving funds from the account under this article shall be based upon integrated pest management principles using the most current, scientifically valid methods to manage insect pests and vectors.

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(b) Subject to subsection (a) of this section, the committee shall establish policies, standards and guidelines for programs receiving funds from the account under this article. In accordance with established program guidelines and policies, the committee shall review applications for participation submitted under this article, and based upon its review and evaluation, approve or disapprove program applications and if approved, establish the amount of program funding from the account.

(c) In addition to subsection (b) of this section, the committee shall, in cooperation with the governor, collect and compile data necessary to determine if emergency insect management programs under this article involve any threatened or endangered species under the federal Endangered Species Act of 1973, 16 U.S.C. 1531 et seq., as amended. If programs involve such species, the committee, in cooperation with the governor, shall request an exemption from federal regulation under this act for insect management purposes.

(d) The committee shall establish necessary procedures to process applications filed pursuant to this article.

(e) In addition to subsection (d) of this section, the committee shall annually report its activities for each fiscal period as required under W.S. 9-2-1014.

**11-5-405. Advisory assistance; assistance specified; expenses.**

(a) To assist with the establishment of policies, guidelines and the development of programs under this article, the committee may assemble necessary expertise

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from one (1) or more of the following organizations, institutions, groups or individuals:

- (i) The Wyoming county commissioners association;
- (ii) The Wyoming association of municipalities;
- (iii) Pesticide applicators;
- (iv) Landowners;
- (v) Agricultural producers;
- (vi) University of Wyoming faculty and staff;
- (vii) Scientific and technology industry representatives;
- (viii) Public representatives; and
- (ix) Other representatives or individuals as may be determined by the committee.

(b) Persons assisting the committee in an advisory capacity pursuant to subsection (a) of this section and not employed by the state nor any political subdivision of the state shall receive reimbursement for actual and necessary expenses and mileage allowance at the rates established by law for state employees.

**11-5-406. Program participation requirements; application; funding participation levels specified; restriction on expenditures.**

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(a) Any state agency or political subdivision may apply to the committee for participation in emergency insect management programs under this article. Applications shall be filed with the department of agriculture and shall at minimum, substantiate compliance with standards and guidelines established by the committee.

(b) Emergency management program participation under this article shall be subject to the following requirements:

(i) Insect vector management programs or nonoutbreak insect programs shall receive not more than fifty percent (50%) of total program costs from the account;

(ii) Subject to paragraph (iii) of this subsection, a reactive program for the suppression of outbreaks of grasshoppers, Mormon crickets or other outbreak insects on state and private lands shall receive not more than fifty percent (50%) of total program costs from the account;

(iii) If the emergency insect management program under paragraph (ii) of this subsection is for grasshopper suppression, the program shall consist of treatments targeting infestations greater than two thousand (2,000) acres or those suppressing less than the entire infestation regardless of size;

(iv) Subject to paragraph (v) of this subsection, a proactive, preventative program targeting incipient infestations of grasshoppers, Mormon crickets or other outbreak insects on state and private lands, with the potential to expand into outbreaks, shall receive not more

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than seventy-five percent (75%) of total program costs from the account;

(v) If the emergency insect management program under paragraph (iv) of this subsection is for grasshoppers, the program shall include up to two thousand (2,000) acres if the entire infestation is included within the program;

(vi) During the first three (3) years of operation of any emergency insect management program, not more than twenty percent (20%) of funds provided to the program from the account shall be used for administrative costs, equipment and mapping activities, and not more than ten percent (10%) of such funds shall be used for these purposes in subsequent years;

(vii) In addition to paragraph (vi) of this subsection and during the first three (3) years of program operation, not more than twenty percent (20%) of funds provided from the account to any program shall be expended for applied research specifically designed to provide immediate results directly in support of improved integrated pest management practices, and not more than ten percent (10%) of such funds may be used for this purpose in subsequent years.

**Section 2.**

(a) There is appropriated twenty thousand dollars (\$20,000.00) from the general fund to the emergency insect management program special revenue account established under W.S. 11-5-402, as created by section 1 of this act, to be used for the purposes of:

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(i) Developing a statewide coordinated response to the threat of insect infestations; and

(ii) Public education regarding health issues arising out of these threatened insect infestations.

(b) There is appropriated five hundred eighty thousand dollars (\$580,000.00) from the general fund to the emergency insect management program special revenue account to be expended, upon the recommendation of the committee only with the authorization of the governor, for purposes of responding to emergencies under this act. The department of agriculture shall distribute funds from the account as authorized by the governor. Any unobligated funds remaining in the account from this appropriation on December 31, 2009, shall be transferred by the state treasurer to the general fund.

(c) The statewide response shall evaluate statewide resources that are available and are being used for the purposes specified in this section.

**Section 3.** The committee shall commence implementation of this act in sufficient time to begin emergency insect management programs under this act during calendar year 2003.

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**Section 4.** 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 House.

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