

HOUSE BILL NO. HB0236

Emergency insect management.

Sponsored by: Representative(s) Diercks, Cooper, Hageman
and Semlek and Senator(s) Barton, Massie and
Vasey

A BILL

for

1 AN ACT relating to emergency insect management programs;
2 establishing a committee to assist with development of
3 insect management programs; imposing additional duties upon
4 the department of agriculture and authorizing advisory
5 assistance; requiring the department of agriculture to
6 provide administrative support; creating a special revenue
7 account; providing for assistance to political subdivisions
8 for insect suppression programs; imposing conditions and
9 criteria; providing for initial appointments, meetings and
10 program rules; providing an appropriation; and providing
11 for an effective date.

12

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

14

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

1

2

ARTICLE 4

3

EMERGENCY INSECT MANAGEMENT PROGRAM

4

5

11-5-401. Definitions.

6

7

(a) As used in this article:

8

9

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

12

13

(ii) "Committee" means the emergency insect management committee established under W.S. 11-5-403;

15

16

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

22

23

(iv) "Insect vectors" mean blood-feeding arthropods, mosquitoes, biting flies and other such insects

24

1 that harbor or transmit pathogens harmful to human health
2 and safety, animal health including livestock and wildlife,
3 agriculture or natural resources.

4

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

7

8 (a) The emergency insect management program special
9 revenue account is created to consist of funds appropriated
10 or designated to the account by law for the emergency
11 management of insect pests or insect vectors.

12

13 (b) The department of agriculture shall distribute
14 funds from the account as directed by the emergency
15 management allocation committee under this article for the
16 emergency management of insect pests and insect vectors.

17

18 **11-5-403. Emergency insect management allocation**
19 **committee; membership; terms; expenses; administrative**
20 **support.**

21

22 (a) The emergency insect management allocation
23 committee is established to be comprised of the following
24 nine (9) members:

1

2 (i) The governor or his designee;

3

4 (ii) The president of the Wyoming state senate
5 or his designee;

6

7 (iii) The speaker of the Wyoming state house of
8 representatives or his designee;

9

10 (iv) The director of the department of health or
11 his designee;

12

13 (v) The director of the department of
14 agriculture or his designee;

15

16 (vi) The Wyoming state veterinarian;

17

18 (vii) The director of the department of game and
19 fish or his designee;

20

21 (viii) A representative of the Wyoming weed and
22 pest council appointed by the governor; and

23

1 (ix) A representative of the Wyoming mosquito
2 management association appointed by the governor.

3

4 (b) Terms of members appointed to the committee under
5 subsection (a) of this section shall be for four (4) years.

6

7 (c) The committee shall at the first meeting of each
8 year, elect a chairman. Meetings shall be held at the call
9 of the chairman, which shall not be less than once every
10 three (3) months. Appointed committee members who are not
11 employed by the state nor any political subdivision of the
12 state shall receive reimbursement for actual and necessary
13 expenses and mileage allowance at the rate established by
14 law for state employees. Administrative support to the
15 committee shall be provided by the department of
16 agriculture. Expenses of the committee incurred under this
17 article including administrative support shall be paid from
18 the account.

19

20 **11-5-404. Program development; additional committee**
21 **responsibilities; annual report.**

22

23 (a) Emergency insect management programs developed
24 and receiving funds from the account under this article

1 shall be based upon integrated pest management principles
2 using the most current, scientifically valid methods to
3 manage insect pests and vectors.

4

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

14

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

1

2 (d) The committee shall adopt necessary rules and
3 regulations to implement this article and establish
4 necessary procedures to process applications filed pursuant
5 to this article.

6

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

10

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

13

14 (a) To assist with the establishment of policies,
15 guidelines and the development of programs under this
16 article, the committee may assemble necessary expertise
17 from one (1) or more of the following organizations,
18 institutions, groups or individuals:

19

20 (i) The Wyoming county commissioners
21 association;

22

23 (ii) The Wyoming association of municipalities;

24

1 (iii) Pesticide applicators;

2

3 (iv) Landowners;

4

5 (v) Agricultural producers;

6

7 (vi) University of Wyoming faculty and staff;

8

9 (vii) Scientific and technology industry
10 representatives;

11

12 (viii) Public representatives; and

13

14 (ix) Other representatives or individuals as may
15 be determined by the committee.

16

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

23

1 **11-5-406. Program participation requirements;**
2 **application; funding participation levels specified;**
3 **restriction on expenditures.**

4

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

11

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

15

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

20

21 (ii) Subject to paragraph (iii) of this
22 subsection, a reactive program for the suppression of
23 outbreaks of grasshoppers, Mormon crickets or other
24 outbreak insects on state and private lands shall receive

1 not more than fifty percent (50%) of total program costs
2 from the account;

3

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

10

11 (iv) Subject to paragraph (v) of this
12 subsection, a proactive, preventative program targeting
13 incipient infestations of grasshoppers, Mormon crickets or
14 other outbreak insects on state and private lands, with the
15 potential to expand into outbreaks, shall receive not more
16 than seventy-five percent (75%) of total program costs from
17 the account;

18

19 (v) If the emergency insect management program
20 under paragraph (iv) of this subsection is for
21 grasshoppers, the program shall include up to two thousand
22 (2,000) acres if the entire infestation is included within
23 the program;

24

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

8
9 (vii) In addition to paragraph (vi) of this
10 subsection and during the first three (3) years of program
11 operation, not more than twenty percent (20%) of funds
12 provided from the account to any program shall be expended
13 for applied research specifically designed to provide
14 immediate results directly in support of improved
15 integrated pest management practices, and not more than ten
16 percent (10%) of such funds may be used for this purpose in
17 subsequent years.

18
19 **Section 2.** Five million dollars (\$5,000,000.00) is
20 appropriated from the general fund to the emergency insect
21 management program special revenue account established
22 under W.S. 11-5-402, as created by section 1 of this act.

23

24 **Section 3.**

1

2 (a) Initial appointments to the emergency insect
3 management allocation committee pursuant to W.S.
4 11-5-403(a)(viii) and (ix), as created under section 1 of
5 this act, shall be made by the governor as soon as possible
6 after the effective date of this act, but in any event, not
7 later than May 1, 2003.

8

9 (b) The committee shall organize by May 31, 2003, and
10 commence implementation of this act in sufficient time to
11 begin emergency insect management programs under this act
12 during calendar year 2003.

13

14 (c) The department of agriculture shall, on behalf of
15 the committee and upon the effective date of this act,
16 commence development of rules and regulations necessary to
17 implement this act. The rules and regulations shall be
18 submitted to the committee at the initial meeting held
19 pursuant to subsection (b) of this section.

20

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

5

6

(END)