

**First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 07-0800.01 Karen Epps

HOUSE BILL 07-1306

HOUSE SPONSORSHIP

Hodge,

SENATE SPONSORSHIP

Tochtrop,

House Committees

Agriculture, Livestock, & Natural Resources
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE "PEST CONTROL ACT", AND, IN CONNECTION**
102 **THEREWITH, ADOPTING THE PEST CONTROL COMPACT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Allows the commissioner of agriculture (commissioner) to issue and enforce a hold order to isolate plant material, restricting its movement, and specifying appropriate sanitary measures pending completion of testing for pests or disease.

Allows the commissioner to conduct inspections and issue phytosanitary and export certificates on plants for shipment to other states or foreign countries. Allows the commissioner to enter into compliance

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

agreements with producers and distributors of nursery stock, agricultural crops, and other plant materials for the purpose of issuing export certificates.

Adopts the pest control compact.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Article 4 of title 35, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SECTION to read:

4 **35-4-101.5. Legislative declaration.** THE GENERAL ASSEMBLY
5 HEREBY FINDS AND DECLARES THAT THERE IS A NEED TO PREVENT THE
6 INTRODUCTION INTO COLORADO AND THE DISSEMINATION WITHIN THIS
7 STATE OF PLANT PESTS THROUGH THE MOVEMENT OF PLANT PRODUCTS
8 AND OTHER PLANT MATERIAL. THIS ACT PROVIDES FOR THE REGULATION
9 OF THE MOVEMENT OF PLANT PRODUCTS, MATERIALS, AND PESTS IN
10 COLORADO AND ESTABLISHES PROVISIONS UNDER WHICH SUCH PLANT
11 PRODUCTS AND MATERIALS MAY LEGALLY ENTER OR LEAVE THE STATE.
12 THIS ACT ALSO PROVIDES FOR THE ESTABLISHMENT OF INTERSTATE AND
13 INTRASTATE QUARANTINES TO RESTRICT THE MOVEMENT OF PLANT
14 PRODUCTS, MATERIALS, AND PESTS. TO THIS END, THE COMMISSIONER OF
15 AGRICULTURE IS HEREBY DIRECTED AND AUTHORIZED TO CONTROL AND
16 PREVENT, BY SUCH MEANS AS SHALL BE PRESCRIBED AND PROVIDED BY
17 LAW, RULE, OR ORDER OF THE COMMISSIONER, ALL CONTAGIOUS,
18 INFECTIOUS, AND PLANT PESTS DESTRUCTIVE TO THE STATE'S
19 AGRICULTURAL, FORESTRY, OR HORTICULTURAL INTERESTS OR TO THE
20 STATE'S GENERAL ENVIRONMENTAL QUALITY.

21 **SECTION 2.** 35-4-103 (2) (a) and (3), Colorado Revised Statutes,
22 are amended to read:

23 **35-4-103. Administration.** (2) (a) Whenever the commissioner

1 has reasonable cause to believe a violation of any provision of this article
2 or any rule made, ORDER ISSUED, or quarantine declared pursuant to this
3 article has occurred and immediate enforcement is deemed necessary, the
4 commissioner may issue a cease and desist order, which may require any
5 person to cease violating any provision of this article or any rule made,
6 ORDER ISSUED, or quarantine declared pursuant to this article. Such cease
7 and desist order shall set forth the provisions alleged to have been
8 violated, the facts alleged to have constituted the violation, and the
9 requirement that all actions cease ~~forthwith~~ IMMEDIATELY.

10 (3) Whenever the commissioner possesses sufficient evidence
11 satisfactory to the commissioner indicating that a person has engaged in
12 or is about to engage in any act or practice constituting a violation of any
13 provision of this article or rule, ORDER, or quarantine, the commissioner
14 may apply to any court of competent jurisdiction for an order to
15 temporarily or permanently restrain or enjoin the act or practice in
16 question and to enforce compliance with this article or any rule, ~~or~~
17 quarantine, or order under this article. In any such action, the
18 commissioner shall not be required to plead or prove irreparable injury or
19 the inadequacy of the remedy at law. Under no circumstances shall the
20 court require the commissioner to post a bond.

21 **SECTION 3.** 35-4-108, Colorado Revised Statutes, is amended
22 to read:

23 **35-4-108. Unlawful to transport pests.** (1) It is unlawful for
24 any person, by any means whatsoever, to knowingly transport, into or in
25 Colorado, live pests or host material which may be injurious to
26 agriculture or horticulture in this state, without permission from the
27 commissioner.

1 (2) THE COMMISSIONER MAY ISSUE AND ENFORCE A HOLD ORDER
2 AGAINST ANY PERSON WHO OWNS OR CONTROLS ANY NURSERY STOCK,
3 AGRICULTURAL CROP, OR OTHER PLANT MATERIAL THAT IS SUSPECTED OF
4 HARBORING A PLANT PEST OR DISEASE, FOR THE PURPOSE OF ISOLATING
5 THE MATERIAL, RESTRICTING ITS MOVEMENT, AND SPECIFYING
6 APPROPRIATE SANITARY MEASURES PENDING COMPLETION OF TESTING TO
7 CONFIRM THE PRESENCE OF SUCH PEST OR DISEASE.

8 **SECTION 4.** 35-4-110 (3), Colorado Revised Statutes, is
9 amended to read:

10 **35-4-110. Quarantine and control of pests.** (3) The
11 commissioner is authorized, pursuant to the provisions of this article, to
12 apply such control or eradication measures as may be necessary to prevent
13 the migration of exotic pests not previously found in the United States,
14 pests known to cause high levels of economic damage under similar
15 conditions of climate and natural habitat in other areas outside the state,
16 or pests ~~which are~~ known to have caused high levels of economic damage
17 in the past within this state ~~which~~ THAT threaten to become established in
18 this state and ~~which~~ THAT endanger agricultural or horticultural industries
19 in this state. The actual costs to offset the cash funds expended for
20 services performed by the commissioner in imposing the quarantine and
21 such control or eradication measures shall be recovered from the
22 producers of any crop protected by such quarantine pursuant to rules
23 promulgated by the commissioner. If the governor declares an emergency
24 pursuant to section 35-4-110.5, the commissioner's costs may be
25 recovered from the ~~governor's agricultural emergency and~~ disaster
26 EMERGENCY fund, CREATED IN SECTION 24-32-2106, C.R.S. The
27 commissioner is authorized to accept assistance, services, facilities, and

1 grants tendered by federal or local governmental units or other persons.

2 **SECTION 5.** 35-4-111, Colorado Revised Statutes, is amended
3 to read:

4 **35-4-111. Inspections - certificates - remedial measures.**

5 (1) Should any owner or bailee request an inspection of crops, plant
6 material, or other articles or premises for pests, the commissioner shall
7 provide such inspection and issue a certificate setting forth the facts of
8 said inspection and shall charge the owner or bailee adequate fees to
9 cover the cost of such inspections and certificates. The commissioner has
10 authority to impound and prohibit movement, sale, or disposal of such
11 crops, plant material, or other articles until such fees are paid. The
12 release of such crops, plant material, or other articles shall also be
13 dependent on meeting all inspection requirements.

14 (2) THE COMMISSIONER MAY CONDUCT INSPECTIONS AND ISSUE
15 PHYTOSANITARY AND EXPORT CERTIFICATES ON PLANTS FOR INDIVIDUAL
16 SHIPMENT TO OTHER STATES OR FOREIGN COUNTRIES IF THOSE PLANTS
17 COMPLY WITH THE REQUIREMENTS OR REGULATIONS OF SUCH STATE OR
18 FOREIGN COUNTRY. THE COMMISSIONER MAY COLLECT INSPECTION AND
19 CERTIFICATION FEES, IN AN AMOUNT ESTABLISHED BY THE AGRICULTURAL
20 COMMISSION, TO COVER THE DIRECT AND INDIRECT COSTS OF PROVIDING
21 SUCH SERVICES. ALL FEES COLLECTED PURSUANT TO THIS SECTION SHALL
22 BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE
23 SAME TO THE PHYTOSANITARY INSPECTION FUND, WHICH IS HEREBY
24 CREATED, FOR USE IN ADMINISTERING THE PROGRAM.

25 (3) THE COMMISSION MAY ENTER INTO COMPLIANCE AGREEMENTS
26 WITH PRODUCERS AND DISTRIBUTORS OF NURSERY STOCK, AGRICULTURAL
27 CROPS, AND OTHER PLANT MATERIALS FOR THE PURPOSE OF CERTIFYING

1 SUCH PLANT MATERIALS AS PEST-FREE FOR EXPORT CERTIFICATION. AT
2 ANY TIME AFTER ENTERING INTO SUCH AN AGREEMENT, IF THE
3 COMMISSIONER HAS REASON TO BELIEVE THAT THE PRODUCER OR
4 DISTRIBUTOR OF THE PLANT MATERIAL THAT IS THE SUBJECT OF THE
5 AGREEMENT HAS FAILED TO COMPLY WITH ALL OF THE TERMS OF THE
6 AGREEMENT, THE COMMISSIONER MAY TERMINATE THE AGREEMENT BY
7 GIVING THE PRODUCER OR DISTRIBUTOR WRITTEN NOTICE OF SUCH
8 TERMINATION AND THE GROUNDS THEREFOR.

9 **SECTION 6.** 35-4-113 (2), Colorado Revised Statutes, is
10 amended, and the said 35-4-113 is further amended BY THE ADDITION
11 OF A NEW SUBSECTION, to read:

12 **35-4-113. Federal agreements.** (2) The commissioner may enter
13 into agreements with any agency of the federal government for the
14 purposes of inspecting sites and plants and monitoring compliance with
15 post-entry quarantine as required by the federal "~~Plant Quarantine Act of~~
16 ~~1912~~", 7 U.S.C. sec. 154, as amended "PLANT PROTECTION ACT", 7
17 U.S.C. SEC. 7712, AS AMENDED, and the rules ~~and regulations~~
18 promulgated PURSUANT thereto. The actual costs to offset the cash funds
19 expended by the commissioner pursuant to such agreement, including, but
20 not limited to, promulgating any rules necessary for the administration
21 and enforcement of such agreement and conducting inspections of sites
22 and plants shall be recovered from the persons who have signed
23 post-entry quarantine growing agreements covering the sites where the
24 articles are grown or, if no such agreement exists, from the owners of the
25 articles at the growing sites.

26 (3) THE COMMISSIONER MAY ENTER INTO COOPERATIVE
27 AGREEMENTS WITH ANY OTHER STATE OR FEDERAL AGENCY FOR THE

1 PURPOSE OF CONDUCTING INSPECTIONS AND ISSUING PHYTOSANITARY
2 CERTIFICATES PURSUANT TO SECTION 35-4-111.

3 **SECTION 7.** Title 35, Colorado Revised Statutes, is amended BY
4 THE ADDITION OF A NEW ARTICLE to read:

5 **ARTICLE 4.5**

6 **Pest Control Compact**

7 **35-4.5-101. Pest control compact.** (1) THE GENERAL ASSEMBLY
8 HEREBY APPROVES THE PEST CONTROL COMPACT, WHICH IS HEREBY
9 ENACTED INTO LAW AND ENTERED INTO WITH ALL OTHER JURISDICTIONS
10 LEGALLY JOINING THEREIN IN THE FORM SUBSTANTIALLY AS FOLLOWS:

11 **PEST CONTROL COMPACT**

12 **Article I**

13 **Findings**

14 THE PARTY STATES FIND THAT:

15 (a) IN THE ABSENCE OF THE HIGHER DEGREE OF COOPERATION
16 AMONG THEM POSSIBLE UNDER THIS COMPACT, THE ANNUAL LOSS OF
17 APPROXIMATELY 137 BILLION DOLLARS FROM THE DEPREDATIONS OF
18 PESTS IS VIRTUALLY CERTAIN TO CONTINUE, IF NOT TO INCREASE.

19 (b) BECAUSE OF THE VARYING CLIMATIC, GEOGRAPHIC AND
20 ECONOMIC FACTORS, EACH STATE MAY BE AFFECTED DIFFERENTLY BY
21 PARTICULAR SPECIES OF PESTS; BUT ALL STATES SHARE THE INABILITY TO
22 PROTECT THEMSELVES FULLY AGAINST THOSE PESTS WHICH PRESENT
23 SERIOUS DANGERS TO THEM.

24 (c) THE MIGRATORY CHARACTER OF PEST INFESTATIONS MAKES IT
25 NECESSARY FOR STATES BOTH ADJACENT TO AND DISTANT FROM ONE
26 ANOTHER, TO COMPLEMENT EACH OTHER'S ACTIVITIES WHEN FACED WITH
27 CONDITIONS OF INFESTATION AND REINFESTATION.

1 (d) WHILE EVERY STATE IS SERIOUSLY AFFECTED BY A
2 SUBSTANTIAL NUMBER OF PESTS, AND EVERY STATE IS SUSCEPTIBLE OF
3 INFESTATION BY MANY SPECIES OF PESTS NOT NOW CAUSING DAMAGE TO
4 ITS CROPS AND PLANT LIFE AND PRODUCTS, THE FACT THAT RELATIVELY
5 FEW SPECIES OF PESTS PRESENT EQUAL DANGER TO OR ARE OF INTEREST TO
6 ALL STATES MAKES THE ESTABLISHMENT AND OPERATION OF AN
7 INSURANCE FUND, FROM WHICH INDIVIDUAL STATES MAY OBTAIN
8 FINANCIAL SUPPORT FOR PEST CONTROL PROGRAMS OF BENEFIT TO THEM
9 IN OTHER STATES AND TO WHICH THEY MAY CONTRIBUTE IN ACCORDANCE
10 WITH THEIR RELATIVE INTEREST, THE MOST EQUITABLE MEANS OF
11 FINANCING COOPERATIVE PEST ERADICATION AND CONTROL PROGRAMS.

12 Article II

13 Definitions

14 AS USED IN THIS COMPACT, UNLESS THE CONTEXT CLEARLY
15 REQUIRES A DIFFERENT CONSTRUCTION:

16 (a) "STATE" MEANS A STATE, TERRITORY OR POSSESSION OF THE
17 UNITED STATES, THE DISTRICT OF COLUMBIA, AND THE COMMONWEALTH
18 OF PUERTO RICO.

19 (b) "REQUESTING STATE" MEANS A STATE WHICH INVOKES THE
20 PROCEDURES OF THE COMPACT TO SECURE THE UNDERTAKING OR
21 INTENSIFICATION OF MEASURES TO CONTROL OR ERADICATE ONE OR MORE
22 PESTS WITHIN ONE OR MORE OTHER STATES.

23 (c) "RESPONDING STATE" MEANS A STATE REQUESTED TO
24 UNDERTAKE OR INTENSIFY THE MEASURES REFERRED TO IN SUBDIVISION
25 (b) OF THIS ARTICLE.

26 (d) "PEST" MEANS ANY INVERTEBRATE ANIMAL, PATHOGEN,
27 PARASITIC PLANT OR SIMILAR OR ALLIED ORGANISM WHICH CAN CAUSE

1 DISEASE OR DAMAGE IN ANY CROPS, TREES, SHRUBS, GRASSES, OR OTHER
2 PLANTS OF SUBSTANTIAL VALUE.

3 (e) "INSURANCE FUND" MEANS THE PEST CONTROL INSURANCE
4 FUND ESTABLISHED PURSUANT TO THIS COMPACT.

5 (f) "GOVERNING BOARD" MEANS THE ADMINISTRATORS OF THIS
6 COMPACT REPRESENTING ALL OF THE PARTY STATES WHEN SUCH
7 ADMINISTRATORS ARE ACTING AS A BODY IN PURSUANCE OF AUTHORITY
8 VESTED IN THEM BY THIS COMPACT.

9 (g) "EXECUTIVE COMMITTEE" MEANS THE COMMITTEE
10 ESTABLISHED PURSUANT TO ARTICLE V (e) OF THIS COMPACT.

11 Article III

12 The Insurance Fund

13 THERE IS HEREBY ESTABLISHED A PEST CONTROL INSURANCE FUND
14 FOR THE PURPOSE OF FINANCING OTHER THAN NORMAL PEST CONTROL
15 OPERATIONS WHICH STATES MAY BE CALLED UPON TO ENGAGE IN
16 PURSUANT TO THIS COMPACT. THE INSURANCE FUND SHALL CONTAIN
17 MONEYS APPROPRIATED TO IT BY THE PARTY STATES AND ANY DONATIONS
18 AND GRANTS ACCEPTED BY IT. ALL APPROPRIATIONS, EXCEPT AS
19 CONDITIONED BY THE RIGHTS AND OBLIGATIONS OF PARTY STATES
20 EXPRESSLY SET FORTH IN THIS COMPACT, SHALL BE UNCONDITIONAL AND
21 MAY NOT BE RESTRICTED BY THE APPROPRIATING STATE TO USE IN THE
22 CONTROL OF ANY SPECIFIED PEST OR PESTS. DONATIONS AND GRANTS MAY
23 BE CONDITIONAL OR UNCONDITIONAL, PROVIDED THAT THE INSURANCE
24 FUND SHALL NOT ACCEPT ANY DONATION OR GRANT WHOSE TERMS ARE
25 INCONSISTENT WITH ANY PROVISION OF THIS COMPACT.

26 Article IV

27 The Insurance Fund, Internal Operations and Management

1 (a) THE INSURANCE FUND SHALL BE ADMINISTERED BY A
2 GOVERNING BOARD AND EXECUTIVE COMMITTEE AS HEREINAFTER
3 PROVIDED. THE ACTIONS OF THE GOVERNING BOARD AND THE EXECUTIVE
4 COMMITTEE PURSUANT TO THIS COMPACT SHALL BE DEEMED THE ACTIONS
5 OF THE INSURANCE FUND.

6 (b) THE MEMBERS OF THE GOVERNING BOARD SHALL BE ENTITLED
7 TO ONE VOTE ON SUCH BOARD. NO ACTION OF THE GOVERNING BOARD
8 SHALL BE BINDING UNLESS TAKEN AT A MEETING AT WHICH A MAJORITY OF
9 THE TOTAL NUMBER OF VOTES ON THE GOVERNING BOARD IS CAST IN
10 FAVOR THEREOF. ACTION OF THE GOVERNING BOARD SHALL BE ONLY AT
11 A MEETING AT WHICH A MAJORITY OF THE MEMBERS ARE PRESENT.

12 (c) THE INSURANCE FUND SHALL HAVE A SEAL WHICH MAY BE
13 EMPLOYED AS AN OFFICIAL SYMBOL AND WHICH MAY BE AFFIXED TO
14 DOCUMENTS AND OTHERWISE USED AS THE GOVERNING BOARD MAY
15 PROVIDE.

16 (d) THE GOVERNING BOARD SHALL ELECT ANNUALLY, FROM
17 AMONG ITS MEMBERS, A CHAIRMAN, A VICE CHAIRMAN, A SECRETARY AND
18 A TREASURER. THE CHAIRMAN MAY NOT SUCCEED HIMSELF. THE
19 GOVERNING BOARD MAY APPOINT AN EXECUTIVE DIRECTOR AND FIX HIS
20 DUTIES AND HIS COMPENSATION, IF ANY. SUCH EXECUTIVE DIRECTOR
21 SHALL SERVE AT THE PLEASURE OF THE GOVERNING BOARD. THE
22 GOVERNING BOARD SHALL MAKE PROVISION FOR THE BONDING OF SUCH
23 OF THE OFFICERS AND EMPLOYEES OF THE INSURANCE FUND AS MAY BE
24 APPROPRIATE.

25 (e) IRRESPECTIVE OF THE CIVIL SERVICE, PERSONNEL OR OTHER
26 MERIT SYSTEM LAWS OF ANY OF THE PARTY STATES, THE EXECUTIVE
27 DIRECTOR, OR IF THERE BE NO EXECUTIVE DIRECTOR, THE CHAIRMAN, IN

1 ACCORDANCE WITH SUCH PROCEDURES AS THE BYLAWS MAY PROVIDE,
2 SHALL APPOINT, REMOVE OR DISCHARGE SUCH PERSONNEL AS MAY BE
3 NECESSARY FOR THE PERFORMANCE OF THE FUNCTIONS OF THE INSURANCE
4 FUND AND SHALL FIX THE DUTIES AND COMPENSATION OF SUCH
5 PERSONNEL. THE GOVERNING BOARD IN ITS BYLAWS SHALL PROVIDE FOR
6 THE PERSONNEL POLICIES AND PROGRAMS OF THE INSURANCE FUND.

7 (f) THE INSURANCE FUND MAY BORROW, ACCEPT OR CONTRACT
8 FOR THE SERVICES OF PERSONNEL FROM ANY STATE, THE UNITED STATES,
9 OR ANY OTHER GOVERNMENTAL AGENCY, OR FROM ANY PERSON, FIRM,
10 ASSOCIATION, OR CORPORATION.

11 (g) THE INSURANCE FUND MAY ACCEPT FOR ANY OF ITS PURPOSES
12 AND FUNCTIONS UNDER THIS COMPACT ANY AND ALL DONATIONS, AND
13 GRANTS OF MONEY, EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES,
14 CONDITIONAL OR OTHERWISE, FROM ANY STATE, THE UNITED STATES, OR
15 ANY OTHER GOVERNMENTAL AGENCY, OR FROM ANY PERSON, FIRM,
16 ASSOCIATION, OR CORPORATION, AND MAY RECEIVE, UTILIZE AND DISPOSE
17 OF THE SAME. ANY DONATION, GIFT, OR GRANT ACCEPTED BY THE
18 GOVERNING BOARD PURSUANT TO THIS PARAGRAPH OR SERVICES
19 BORROWED PURSUANT TO PARAGRAPH (f) OF THIS ARTICLE SHALL BE
20 REPORTED IN THE ANNUAL REPORT OF THE INSURANCE FUND. SUCH
21 REPORT SHALL INCLUDE THE NATURE, AMOUNT AND CONDITIONS, IF ANY,
22 OF THE DONATION, GIFT, GRANT, OR SERVICES BORROWED AND THE
23 IDENTITY OF THE DONOR OR LENDER.

24 (h) THE GOVERNING BOARD SHALL ADOPT BYLAWS FOR THE
25 CONDUCT OF THE BUSINESS OF THE INSURANCE FUND AND SHALL HAVE
26 THE POWER TO AMEND AND TO RESCIND THESE BYLAWS. THE INSURANCE
27 FUND SHALL PUBLISH ITS BYLAWS IN CONVENIENT FORM AND SHALL FILE

1 A COPY THEREOF AND A COPY OF ANY AMENDMENT THERETO WITH THE
2 APPROPRIATE AGENCY OR OFFICER IN EACH OF THE PARTY STATES.

3 (i) THE INSURANCE FUND ANNUALLY SHALL MAKE TO THE
4 GOVERNOR AND LEGISLATURE OF EACH PARTY STATE A REPORT COVERING
5 ITS ACTIVITIES FOR THE PRECEDING YEAR. THE INSURANCE FUND MAY
6 MAKE SUCH ADDITIONAL REPORTS AS IT MAY DEEM DESIRABLE.

7 (j) IN ADDITION TO THE POWERS AND DUTIES SPECIFICALLY
8 AUTHORIZED AND IMPOSED, THE INSURANCE FUND MAY DO SUCH OTHER
9 THINGS AS ARE NECESSARY AND INCIDENTAL TO THE CONDUCT OF ITS
10 AFFAIRS PURSUANT TO THIS COMPACT.

11 Article V

12 Compact and Insurance Fund Administration

13 (a) IN EACH PARTY STATE THERE SHALL BE A COMPACT
14 ADMINISTRATOR, WHO SHALL BE SELECTED AND SERVE IN SUCH MANNER
15 AS THE LAWS OF HIS STATE MAY PROVIDE, AND WHO SHALL:

16 i. ASSIST IN THE COORDINATION OF ACTIVITIES PURSUANT TO THE
17 COMPACT IN HIS STATE; AND

18 ii. REPRESENT HIS STATE ON THE GOVERNING BOARD OF THE
19 INSURANCE FUND.

20 (b) IF THE LAWS OF THE UNITED STATES SPECIFICALLY SO
21 PROVIDE, OR IF ADMINISTRATIVE PROVISION IS MADE THEREFOR WITHIN
22 THE FEDERAL GOVERNMENT, THE UNITED STATES MAY BE REPRESENTED
23 ON THE GOVERNING BOARD OF THE INSURANCE FUND BY NOT TO EXCEED
24 THREE REPRESENTATIVES. ANY SUCH REPRESENTATIVE OR
25 REPRESENTATIVES OF THE UNITED STATES SHALL BE APPOINTED AND
26 SERVE IN SUCH MANNER AS MAY BE PROVIDED BY OR PURSUANT TO
27 FEDERAL LAW, BUT NO SUCH REPRESENTATIVE SHALL HAVE A VOTE ON

1 THE GOVERNING BOARD OR THE EXECUTIVE COMMITTEE THEREOF.

2 (c) THE GOVERNING BOARD SHALL MEET AT LEAST ONCE EACH
3 YEAR FOR THE PURPOSE OF DETERMINING POLICIES AND PROCEDURES IN
4 THE ADMINISTRATION OF THE INSURANCE FUND AND, CONSISTENT WITH
5 THE PROVISIONS OF THE COMPACT, SUPERVISING AND GIVING DIRECTION
6 TO THE EXPENDITURE OF MONEYS FROM THE INSURANCE FUND.
7 ADDITIONAL MEETINGS OF THE GOVERNING BOARD SHALL BE HELD ON
8 CALL OF THE CHAIRMAN, THE EXECUTIVE COMMITTEE, OR A MAJORITY OF
9 THE MEMBERSHIP OF THE GOVERNING BOARD.

10 (d) AT SUCH TIMES AS IT MAY BE MEETING, THE GOVERNING
11 BOARD SHALL PASS UPON APPLICATIONS FOR ASSISTANCE FROM THE
12 INSURANCE FUND AND AUTHORIZE DISBURSEMENTS THEREFROM. WHEN
13 THE GOVERNING BOARD IS NOT IN SESSION, THE EXECUTIVE COMMITTEE
14 THEREOF SHALL ACT AS AGENT OF THE GOVERNING BOARD, WITH FULL
15 AUTHORITY TO ACT FOR IT IN PASSING UPON SUCH APPLICATIONS.

16 (e) THE EXECUTIVE COMMITTEE SHALL BE COMPOSED OF THE
17 CHAIRMAN OF THE GOVERNING BOARD AND FOUR ADDITIONAL MEMBERS
18 OF THE GOVERNING BOARD CHOSEN BY IT SO THAT THERE SHALL BE ONE
19 MEMBER REPRESENTING EACH OF FOUR GEOGRAPHIC GROUPINGS OF PARTY
20 STATES. THE GOVERNING BOARD SHALL MAKE SUCH GEOGRAPHIC
21 GROUPINGS. IF THERE IS REPRESENTATION OF THE UNITED STATES ON THE
22 GOVERNING BOARD, ONE SUCH REPRESENTATIVE MAY MEET WITH THE
23 EXECUTIVE COMMITTEE. THE CHAIRMAN OF THE GOVERNING BOARD
24 SHALL BE CHAIRMAN OF THE EXECUTIVE COMMITTEE. NO ACTION OF THE
25 EXECUTIVE COMMITTEE SHALL BE BINDING UNLESS TAKEN AT A MEETING
26 AT WHICH AT LEAST FOUR MEMBERS OF SUCH COMMITTEE ARE PRESENT
27 AND VOTE IN FAVOR THEREOF. NECESSARY EXPENSES OF EACH OF THE

1 FIVE MEMBERS OF THE EXECUTIVE COMMITTEE INCURRED IN ATTENDING
2 MEETINGS OF SUCH COMMITTEE, WHEN NOT HELD AT THE SAME TIME AND
3 PLACE AS A MEETING OF THE GOVERNING BOARD, SHALL BE CHARGES
4 AGAINST THE INSURANCE FUND.

5 Article VI

6 Assistance and Reimbursement

7 (a) EACH PARTY STATE PLEDGES TO EACH OTHER PARTY STATE
8 THAT IT WILL EMPLOY ITS BEST EFFORTS TO ERADICATE, OR CONTROL
9 WITHIN THE STRICTEST PRACTICABLE LIMITS, ANY AND ALL PESTS. IT IS
10 RECOGNIZED THAT PERFORMANCE OF THIS RESPONSIBILITY INVOLVES:

11 i. THE MAINTENANCE OF PEST CONTROL AND ERADICATION
12 ACTIVITIES OF INTERSTATE SIGNIFICANCE BY A PARTY STATE AT A LEVEL
13 THAT WOULD BE REASONABLE FOR ITS OWN PROTECTION IN THE ABSENCE
14 OF THIS COMPACT.

15 ii. THE MEETING OF EMERGENCY OUTBREAKS OR INFESTATIONS OF
16 INTERSTATE SIGNIFICANCE TO NO LESS AN EXTENT THAN WOULD HAVE
17 BEEN DONE IN THE ABSENCE OF THIS COMPACT.

18 (b) WHENEVER A PARTY STATE IS THREATENED BY A PEST NOT
19 PRESENT WITHIN ITS BORDERS BUT PRESENT WITHIN ANOTHER PARTY
20 STATE, OR WHENEVER A PARTY STATE IS UNDERTAKING OR ENGAGED IN
21 ACTIVITIES FOR THE CONTROL OR ERADICATION OF A PEST OR PESTS, AND
22 FINDS THAT SUCH ACTIVITIES ARE OR WOULD BE IMPRACTICABLE OR
23 SUBSTANTIALLY MORE DIFFICULT OF SUCCESS BY REASON OF FAILURE OF
24 ANOTHER PARTY STATE TO COPE WITH INFESTATION OR THREATENED
25 INFESTATION, THAT STATE MAY REQUEST THE GOVERNING BOARD TO
26 AUTHORIZE EXPENDITURES FROM THE INSURANCE FUND FOR ERADICATION
27 OR CONTROL MEASURES TO BE TAKEN BY ONE OR MORE OF SUCH OTHER

1 PARTY STATES AT A LEVEL SUFFICIENT TO PREVENT, OR TO REDUCE TO THE
2 GREATEST PRACTICABLE EXTENT, INFESTATION OR REINFESTATION OF THE
3 REQUESTING STATE. UPON SUCH AUTHORIZATION THE RESPONDING STATE
4 OR STATES SHALL TAKE OR INCREASE SUCH ERADICATION OR CONTROL
5 MEASURES AS MAY BE WARRANTED. A RESPONDING STATE SHALL USE
6 MONEYS AVAILABLE FROM THE INSURANCE FUND EXPEDITIOUSLY AND
7 EFFICIENTLY TO ASSIST IN AFFORDING THE PROTECTION REQUESTED.

8 (c) IN ORDER TO APPLY FOR EXPENDITURES FROM THE INSURANCE
9 FUND, A REQUESTING STATE SHALL SUBMIT THE FOLLOWING IN WRITING:

10 i. A DETAILED STATEMENT OF THE CIRCUMSTANCES WHICH
11 OCCASION THE REQUEST FOR THE INVOKING OF THE COMPACT.

12 ii. EVIDENCE THAT THE PEST ON ACCOUNT OF WHOSE ERADICATION
13 OR CONTROL ASSISTANCE IS REQUESTED CONSTITUTES A DANGER TO AN
14 AGRICULTURAL OR FOREST CROP, PRODUCT, TREE, SHRUB, GRASS, OR
15 OTHER PLANT HAVING A SUBSTANTIAL VALUE TO THE REQUESTING STATE.

16 iii. A STATEMENT OF THE EXTENT OF THE PRESENT AND PROJECTED
17 PROGRAM OF THE REQUESTING STATE AND ITS SUBDIVISIONS, INCLUDING
18 FULL INFORMATION AS TO THE LEGAL AUTHORITY FOR THE CONDUCT OF
19 SUCH PROGRAM OR PROGRAMS AND THE EXPENDITURES BEING MADE OR
20 BUDGETED THEREFOR, IN CONNECTION WITH THE ERADICATION, CONTROL,
21 OR PREVENTION OF INTRODUCTION OF THE PEST CONCERNED.

22 iv. PROOF THAT THE EXPENDITURES BEING MADE OR BUDGETED AS
23 DETAILED IN ITEM iii DO NOT CONSTITUTE A REDUCTION OF THE EFFORT
24 FOR THE CONTROL OR ERADICATION OF THE PEST CONCERNED OR, IF THERE
25 IS A REDUCTION, THE REASONS WHY THE LEVEL OF PROGRAM DETAILED IN
26 ITEM iii CONSTITUTES A NORMAL LEVEL OF PEST CONTROL ACTIVITY.

27 v. A DECLARATION AS TO WHETHER, TO THE BEST OF ITS

1 KNOWLEDGE AND BELIEF, THE CONDITIONS WHICH IN ITS VIEW OCCASION
2 THE INVOKING OF THE COMPACT IN THE PARTICULAR INSTANCE CAN BE
3 ABATED BY A PROGRAM UNDERTAKEN WITH THE AID OF MONEYS FROM THE
4 INSURANCE FUND IN ONE YEAR OR LESS, OR WHETHER THE REQUEST IS FOR
5 AN INSTALLMENT IN A PROGRAM WHICH IS LIKELY TO CONTINUE FOR A
6 LONGER PERIOD OF TIME.

7 vi. SUCH OTHER INFORMATION AS THE GOVERNING BOARD MAY
8 REQUIRE CONSISTENT WITH THE PROVISIONS OF THIS COMPACT.

9 (d) THE GOVERNING BOARD OR EXECUTIVE COMMITTEE SHALL
10 GIVE DUE NOTICE OF ANY MEETING AT WHICH AN APPLICATION FOR
11 ASSISTANCE FROM THE INSURANCE FUND IS TO BE CONSIDERED. SUCH
12 NOTICE SHALL BE GIVEN TO THE COMPACT ADMINISTRATOR OF EACH
13 PARTY STATE AND TO SUCH OTHER OFFICERS AND AGENCIES AS MAY BE
14 DESIGNATED BY THE LAWS OF THE PARTY STATES. THE REQUESTING STATE
15 AND ANY OTHER PARTY STATE SHALL BE ENTITLED TO BE REPRESENTED
16 AND PRESENT EVIDENCE AND ARGUMENT AT SUCH MEETING.

17 (e) UPON THE SUBMISSION AS REQUIRED BY PARAGRAPH (c) OF
18 THIS ARTICLE AND SUCH OTHER INFORMATION AS IT MAY HAVE OR
19 ACQUIRE, AND UPON DETERMINING THAT AN EXPENDITURE OF FUNDS IS
20 WITHIN THE PURPOSES OF THIS COMPACT AND JUSTIFIED THEREBY, THE
21 GOVERNING BOARD OR EXECUTIVE COMMITTEE SHALL AUTHORIZE
22 SUPPORT OF THE PROGRAM. THE GOVERNING BOARD OR EXECUTIVE
23 COMMITTEE MAY MEET AT ANY TIME OR PLACE FOR THE PURPOSE OF
24 RECEIVING AND CONSIDERING AN APPLICATION. ANY AND ALL
25 DETERMINATIONS OF THE GOVERNING BOARD OR EXECUTIVE COMMITTEE,
26 WITH RESPECT TO AN APPLICATION, TOGETHER WITH THE REASONS
27 THEREFOR SHALL BE RECORDED AND SUBSCRIBED IN SUCH MANNER AS TO

1 SHOW AND PRESERVE THE VOTES OF THE INDIVIDUAL MEMBERS THEREOF.

2 (f) A REQUESTING STATE WHICH IS DISSATISFIED WITH A
3 DETERMINATION OF THE EXECUTIVE COMMITTEE SHALL UPON NOTICE IN
4 WRITING GIVEN WITHIN TWENTY DAYS OF THE DETERMINATION WITH
5 WHICH IT IS DISSATISFIED, BE ENTITLED TO RECEIVE A REVIEW THEREOF AT
6 THE NEXT MEETING OF THE GOVERNING BOARD. DETERMINATIONS OF THE
7 EXECUTIVE COMMITTEE SHALL BE REVIEWABLE ONLY BY THE GOVERNING
8 BOARD AT ONE OF ITS REGULAR MEETINGS, OR AT A SPECIAL MEETING
9 HELD IN SUCH MANNER AS THE GOVERNING BOARD MAY AUTHORIZE.

10 (g) RESPONDING STATES REQUIRED TO UNDERTAKE OR INCREASE
11 MEASURES PURSUANT TO THIS COMPACT MAY RECEIVE MONEYS FROM THE
12 INSURANCE FUND, EITHER AT THE TIME OR TIMES WHEN SUCH STATE
13 INCURS EXPENDITURES ON ACCOUNT OF SUCH MEASURES, OR AS
14 REIMBURSEMENT FOR EXPENSES INCURRED AND CHARGEABLE TO THE
15 INSURANCE FUND. THE GOVERNING BOARD SHALL ADOPT AND, FROM
16 TIME TO TIME, MAY AMEND OR REVISE PROCEDURES FOR SUBMISSION OF
17 CLAIMS UPON IT AND FOR PAYMENT THEREOF.

18 (h) BEFORE AUTHORIZING THE EXPENDITURE OF MONEYS FROM
19 THE INSURANCE FUND PURSUANT TO AN APPLICATION OF A REQUESTING
20 STATE, THE INSURANCE FUND SHALL ASCERTAIN THE EXTENT AND NATURE
21 OF ANY TIMELY ASSISTANCE OR PARTICIPATION WHICH MAY BE AVAILABLE
22 FROM THE FEDERAL GOVERNMENT AND SHALL REQUEST THE APPROPRIATE
23 AGENCY OR AGENCIES OF THE FEDERAL GOVERNMENT FOR SUCH
24 ASSISTANCE AND PARTICIPATION.

25 (i) THE INSURANCE FUND MAY NEGOTIATE AND EXECUTE A
26 MEMORANDUM OF UNDERSTANDING OR OTHER APPROPRIATE INSTRUMENT
27 DEFINING THE EXTENT AND DEGREE OF ASSISTANCE OR PARTICIPATION

1 BETWEEN AND AMONG THE INSURANCE FUND, COOPERATING FEDERAL
2 AGENCIES, STATES, AND ANY OTHER ENTITIES CONCERNED.

3 Article VII

4 Advisory and Technical Committees

5 THE GOVERNING BOARD MAY ESTABLISH ADVISORY AND
6 TECHNICAL COMMITTEES COMPOSED OF STATE, LOCAL, AND FEDERAL
7 OFFICIALS, AND PRIVATE PERSONS TO ADVISE IT WITH RESPECT TO ANY ONE
8 OR MORE OF ITS FUNCTIONS. ANY SUCH ADVISORY OR TECHNICAL
9 COMMITTEE, OR ANY MEMBER OR MEMBERS THEREOF MAY MEET WITH AND
10 PARTICIPATE IN ITS DELIBERATIONS UPON REQUEST OF THE GOVERNING
11 BOARD OR EXECUTIVE COMMITTEE. AN ADVISORY OR TECHNICAL
12 COMMITTEE MAY FURNISH INFORMATION AND RECOMMENDATIONS WITH
13 RESPECT TO ANY APPLICATION FOR ASSISTANCE FROM THE INSURANCE
14 FUND BEING CONSIDERED BY SUCH BOARD OR COMMITTEE AND THE
15 BOARD OR COMMITTEE MAY RECEIVE AND CONSIDER THE SAME: PROVIDED
16 THAT ANY PARTICIPANT IN A MEETING OF THE GOVERNING BOARD OR
17 EXECUTIVE COMMITTEE HELD PURSUANT TO ARTICLE VI (d) OF THE
18 COMPACT SHALL BE ENTITLED TO KNOW THE SUBSTANCE OF ANY SUCH
19 INFORMATION AND RECOMMENDATIONS, AT THE TIME OF THE MEETING IF
20 MADE PRIOR THERETO OR AS A PART THEREOF OR, IF MADE THEREAFTER,
21 NO LATER THAN THE TIME AT WHICH THE GOVERNING BOARD OR
22 EXECUTIVE COMMITTEE MAKES ITS DISPOSITION OF THE APPLICATION.

23 Article VIII

24 Relations with Nonparty Jurisdictions

25 (a) A PARTY STATE MAY MAKE APPLICATION FOR ASSISTANCE
26 FROM THE INSURANCE FUND IN RESPECT OF A PEST IN A NONPARTY STATE.
27 SUCH APPLICATION SHALL BE CONSIDERED AND DISPOSED OF BY THE

1 GOVERNING BOARD OR EXECUTIVE COMMITTEE IN THE SAME MANNER AS
2 AN APPLICATION WITH RESPECT TO A PEST WITHIN A PARTY STATE, EXCEPT
3 AS PROVIDED IN THIS ARTICLE.

4 (b) AT OR IN CONNECTION WITH ANY MEETING OF THE GOVERNING
5 BOARD OR EXECUTIVE COMMITTEE HELD PURSUANT TO ARTICLE VI (d)
6 OF THIS COMPACT A NONPARTY STATE SHALL BE ENTITLED TO APPEAR,
7 PARTICIPATE, AND RECEIVE INFORMATION ONLY TO SUCH EXTENT AS THE
8 GOVERNING BOARD OR EXECUTIVE COMMITTEE MAY PROVIDE. A
9 NONPARTY STATE SHALL NOT BE ENTITLED TO REVIEW OF ANY
10 DETERMINATION MADE BY THE EXECUTIVE COMMITTEE.

11 (c) THE GOVERNING BOARD OR EXECUTIVE COMMITTEE SHALL
12 AUTHORIZE EXPENDITURES FROM THE INSURANCE FUND TO BE MADE IN A
13 NONPARTY STATE ONLY AFTER DETERMINING THAT THE CONDITIONS IN
14 SUCH STATE AND THE VALUE OF SUCH EXPENDITURES TO THE PARTY
15 STATES AS A WHOLE JUSTIFY THEM. THE GOVERNING BOARD OR
16 EXECUTIVE COMMITTEE MAY SET ANY CONDITIONS WHICH IT DEEMS
17 APPROPRIATE WITH RESPECT TO THE EXPENDITURE OF MONEYS FROM THE
18 INSURANCE FUND IN A NONPARTY STATE AND MAY ENTER INTO SUCH
19 AGREEMENT OR AGREEMENTS WITH NONPARTY STATES AND OTHER
20 JURISDICTIONS OR ENTITIES AS IT MAY DEEM NECESSARY OR APPROPRIATE
21 TO PROTECT THE INTERESTS OF THE INSURANCE FUND WITH RESPECT TO
22 EXPENDITURES AND ACTIVITIES OUTSIDE OF PARTY STATES.

23 Article IX

24 Finance

25 (a) THE INSURANCE FUND SHALL SUBMIT TO THE EXECUTIVE HEAD
26 OR DESIGNATED OFFICER OR OFFICERS OF EACH PARTY STATE A BUDGET
27 FOR THE INSURANCE FUND FOR SUCH PERIOD AS MAY BE REQUIRED BY THE

1 LAWS OF THAT PARTY STATE FOR A PRESENTATION TO THE LEGISLATURE
2 THEREOF.

3 (b) EACH OF THE BUDGETS SHALL CONTAIN SPECIFIC
4 RECOMMENDATIONS OF THE AMOUNT OR AMOUNTS TO BE APPROPRIATED
5 BY EACH OF THE PARTY STATES. THE REQUEST FOR APPROPRIATIONS
6 SHALL BE APPORTIONED AMONG THE PARTY STATES AS FOLLOWS:
7 ONE-TENTH OF THE TOTAL BUDGET IN EQUAL SHARES AND THE REMAINDER
8 IN PROPORTION TO THE VALUE OF AGRICULTURAL AND FOREST CROPS AND
9 PRODUCTS, EXCLUDING ANIMALS AND ANIMAL PRODUCTS, PRODUCED IN
10 EACH PARTY STATE. IN DETERMINING THE VALUE OF SUCH CROPS AND
11 PRODUCTS THE INSURANCE FUND MAY EMPLOY SUCH SOURCE OR SOURCES
12 OF INFORMATION AS IN ITS JUDGMENT PRESENT THE MOST EQUITABLE AND
13 ACCURATE COMPARISONS AMONG THE PARTY STATES. EACH OF THE
14 BUDGETS AND REQUESTS FOR APPROPRIATIONS SHALL INDICATE THE
15 SOURCE OR SOURCES USED IN OBTAINING INFORMATION CONCERNING
16 VALUE OF PRODUCTS.

17 (c) THE FINANCIAL ASSETS OF THE INSURANCE FUND SHALL BE
18 MAINTAINED IN TWO ACCOUNTS TO BE DESIGNATED RESPECTIVELY AS THE
19 "OPERATING ACCOUNT" AND THE "CLAIMS ACCOUNT." THE OPERATING
20 ACCOUNT SHALL CONSIST ONLY OF THOSE ASSETS NECESSARY FOR THE
21 ADMINISTRATION OF THE INSURANCE FUND DURING THE NEXT ENSUING
22 TWO-YEAR PERIOD. THE CLAIMS ACCOUNT SHALL CONTAIN ALL MONEYS
23 NOT INCLUDED IN THE OPERATING ACCOUNT AND SHALL NOT EXCEED THE
24 AMOUNT REASONABLY ESTIMATED TO BE SUFFICIENT TO PAY ALL
25 LEGITIMATE CLAIMS ON THE INSURANCE FUND FOR A PERIOD OF THREE
26 YEARS. AT ANY TIME WHEN THE CLAIMS ACCOUNT HAS REACHED ITS
27 MAXIMUM LIMIT OR WOULD REACH ITS MAXIMUM LIMIT BY THE ADDITION

1 OF MONEYS REQUESTED FOR APPROPRIATION BY THE PARTY STATES, THE
2 GOVERNING BOARD SHALL REDUCE ITS BUDGET REQUESTS ON A PRORATA
3 BASIS IN SUCH MANNER AS TO KEEP THE CLAIMS ACCOUNT WITHIN SUCH
4 MAXIMUM LIMIT. ANY MONEYS IN THE CLAIMS ACCOUNT BY VIRTUE OF
5 CONDITIONAL DONATIONS, GRANTS, OR GIFTS SHALL BE INCLUDED IN
6 CALCULATIONS MADE PURSUANT TO THIS PARAGRAPH ONLY TO THE
7 EXTENT THAT SUCH MONEYS ARE AVAILABLE TO MEET DEMANDS ARISING
8 OUT OF THE CLAIMS.

9 (d) THE INSURANCE FUND SHALL NOT PLEDGE THE CREDIT OF ANY
10 PARTY STATE. THE INSURANCE FUND MAY MEET ANY OF ITS OBLIGATIONS
11 IN WHOLE OR IN PART WITH MONEYS AVAILABLE TO IT UNDER ARTICLE IV
12 (g) OF THIS COMPACT, PROVIDED THAT THE GOVERNING BOARD TAKE
13 SPECIFIC ACTION SETTING ASIDE SUCH MONEYS PRIOR TO INCURRING ANY
14 OBLIGATION TO BE MET IN WHOLE OR IN PART IN SUCH MANNER. EXCEPT
15 WHERE THE INSURANCE FUND MAKES USE OF MONEYS AVAILABLE TO IT
16 UNDER ARTICLE IV (g) HEREOF, THE INSURANCE FUND SHALL NOT INCUR
17 ANY OBLIGATION PRIOR TO THE ALLOTMENT OF MONEYS BY THE PARTY
18 STATES ADEQUATE TO MEET THE SAME.

19 (e) THE INSURANCE FUND SHALL KEEP ACCURATE ACCOUNTS OF
20 ALL RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS
21 OF THE INSURANCE FUND SHALL BE SUBJECT TO THE AUDIT AND
22 ACCOUNTING PROCEDURES ESTABLISHED UNDER ITS BYLAWS. HOWEVER,
23 ALL RECEIPTS AND DISBURSEMENTS OF FUNDS HANDLED BY THE
24 INSURANCE FUND SHALL BE AUDITED YEARLY BY A CERTIFIED ■ ■
25 PUBLIC ACCOUNTANT AND REPORT OF THE AUDIT SHALL BE INCLUDED IN
26 AND BECOME PART OF THE ANNUAL REPORT OF THE INSURANCE FUND.

27 (f) THE ACCOUNTS OF THE INSURANCE FUND SHALL BE OPEN AT

1 ANY REASONABLE TIME FOR INSPECTION BY DULY AUTHORIZED OFFICERS
2 OF THE PARTY STATES AND BY ANY PERSONS AUTHORIZED BY THE
3 INSURANCE FUND.

4 Article X

5 Entry Into Force and Withdrawal

6 (a) THIS COMPACT SHALL ENTER INTO FORCE WHEN ENACTED INTO
7 LAW BY ANY FIVE OR MORE STATES. THEREAFTER, THIS COMPACT SHALL
8 BECOME EFFECTIVE AS TO ANY OTHER STATE UPON ITS ENACTMENT
9 THEREOF.

10 (b) ANY PARTY STATE MAY WITHDRAW FROM THIS COMPACT BY
11 ENACTING A STATUTE REPEALING THE SAME, BUT NO SUCH WITHDRAWAL
12 SHALL TAKE EFFECT UNTIL TWO YEARS AFTER THE EXECUTIVE HEAD OF
13 THE WITHDRAWING STATE HAS GIVEN NOTICE IN WRITING OF THE
14 WITHDRAWAL TO THE EXECUTIVE HEADS OF ALL OTHER PARTY STATES.
15 NO WITHDRAWAL SHALL AFFECT ANY LIABILITY ALREADY INCURRED BY
16 OR CHARGEABLE TO A PARTY STATE PRIOR TO THE TIME OF SUCH
17 WITHDRAWAL.

18 Article XI

19 Construction and Severability

20 (1) THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO
21 EFFECTUATE THE PURPOSES THEREOF. THE PROVISIONS OF THIS COMPACT
22 SHALL BE SEVERABLE AND IF ANY PHRASE, CLAUSE, SENTENCE, OR
23 PROVISION OF THIS COMPACT IS DECLARED TO BE CONTRARY TO THE
24 CONSTITUTION OF ANY STATE OR OF THE UNITED STATES OR THE
25 APPLICABILITY THEREOF TO ANY GOVERNMENT, AGENCY, PERSON, OR
26 CIRCUMSTANCE IS HELD INVALID, THE VALIDITY OF THE REMAINDER OF
27 THIS COMPACT AND THE APPLICABILITY THEREOF TO ANY GOVERNMENT,

1 AGENCY, PERSON, OR CIRCUMSTANCE SHALL NOT BE AFFECTED THEREBY.
2 IF THIS COMPACT SHALL BE HELD CONTRARY TO THE CONSTITUTION OF
3 ANY STATE PARTICIPATING HEREIN THE COMPACT SHALL REMAIN IN FULL
4 FORCE AND EFFECT AS TO THE REMAINING PARTY STATES AND IN FULL
5 FORCE AND EFFECT AS TO THE STATE AFFECTED AS TO ALL SEVERABLE
6 MATTERS.

7 (2) CONSISTENT WITH LAW AND WITHIN AVAILABLE
8 APPROPRIATIONS, THE DEPARTMENTS, AGENCIES AND OFFICERS OF THIS
9 STATE MAY COOPERATE WITH THE INSURANCE FUND ESTABLISHED BY THE
10 PEST CONTROL COMPACT.

11 (3) PURSUANT TO ARTICLE IV (h) OF THE COMPACT, COPIES OF
12 BYLAWS AND AMENDMENTS THERETO SHALL BE FILED WITH THE
13 COMMISSIONER OF AGRICULTURE.

14 (4) THE COMPACT ADMINISTRATOR FOR THIS STATE SHALL BE THE
15 COMMISSIONER OF AGRICULTURE APPOINTED BY THE GOVERNOR. THE
16 DUTIES OF THE COMPACT ADMINISTRATOR SHALL BE DEEMED A REGULAR
17 PART OF THE DUTIES OF THIS OFFICE.

18 (5) WITHIN THE MEANING OF ARTICLE VI (b) OR VIII (a), A
19 REQUEST OR APPLICATION FOR ASSISTANCE FROM THE INSURANCE FUND
20 MAY BE MADE BY THE COMMISSIONER OF AGRICULTURE WHENEVER IN HIS
21 JUDGMENT THE CONDITIONS QUALIFYING THIS STATE FOR SUCH
22 ASSISTANCE EXIST AND IT WOULD BE IN THE BEST INTEREST OF THIS STATE
23 TO MAKE SUCH REQUEST.

24 (6) THE DEPARTMENT, AGENCY, OR OFFICER EXPENDING OR
25 BECOMING LIABLE FOR AN EXPENDITURE ON ACCOUNT OF A CONTROL OR
26 ERADICATION PROGRAM UNDERTAKEN OR INTENSIFIED PURSUANT TO THE
27 COMPACT SHALL HAVE CREDITED TO HIS ACCOUNT, IN THE STATE

1 TREASURY THE AMOUNT OR AMOUNTS OF ANY PAYMENTS MADE TO THIS
2 STATE TO DEFRAY THE COST OF SUCH PROGRAM, OR ANY PART THEREOF,
3 OR AS REIMBURSEMENT THEREOF.

4 (7) AS USED IN THIS COMPACT, WITH REFERENCE TO THIS STATE,
5 THE TERM "EXECUTIVE HEAD" SHALL MEAN THE GOVERNOR.

6 **35-4.5-102. When compact effective.** THIS ARTICLE AND THE
7 COMPACT CONTAINED HEREIN SHALL TAKE EFFECT ON JULY 1, 2007.

8 **SECTION 8. Effective date.** This act shall take effect July 1,
9 2007.

10 **SECTION 9. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.