

=====  
LC02893  
=====

# STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2006

---

A N A C T

RELATING TO AGRICULTURE AND FORESTRY - INTERSTATE PEST CONTROL  
COMPACT

Introduced By: Senators Sosnowski, Breene, C Levesque, Polisen, and Gibbs

Date Introduced: April 04, 2006

Referred To: Senate Constitutional & Gaming Issues

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 2 of the General Laws entitled "AGRICULTURE AND FORESTRY"  
2 is hereby amended by adding thereto the following chapter:

3 CHAPTER 16.1

4 INTERSTATE PEST CONTROL COMPACT

5 **2-16.1-1. Short title.** -- This chapter may be cited as the "Interstate Pest Control  
6 Compact."

7 **2-16.1--2. Compact enacted.** -- The Interstate Compact on pest control is hereby enacted  
8 into law and entered into with all other jurisdictions in form substantially as follows:

9 Article I

10 Findings

11 The party states find that:

12 (a) In the absence of the higher degree of cooperation among them possible under this  
13 compact, the annual loss of approximately one hundred thirty-seven billion dollars  
14 (\$137,000,000,000) from the depredations of pests is virtually certain to continue, if not to  
15 increase.

16 (b) Because of varying climatic, geographic and economic factors, each state may be  
17 affected differently by particular species of pests; but all states share the inability to protect  
18 themselves fully against those pests which present serious dangers to them.



1 to this compact. The insurance fund shall contain moneys appropriated to it by the party states  
2 and any donations and grants accepted by it. All appropriations, expressly set forth in this  
3 compact, shall be unconditional and may not be restricted by the appropriating state to use in the  
4 control of any specified pest or pests. Donations and grants may be conditional or unconditional,  
5 provided that the insurance fund shall not accept any donation or grant whose terms are  
6 inconsistent with any provision of this compact.

#### 7 Article IV

#### 8 The Insurance Fund, Internal Operations and Management

9 (a) The insurance fund shall be administered by a governing board and executive  
10 committee as hereinafter provided. The actions of the governing board and executive committee  
11 pursuant to this compact shall be deemed the actions of the insurance fund.

12 (b) The members of the governing board shall be entitled to one vote each on such board.  
13 No action of the governing board shall be binding unless taken at a meeting at which a majority  
14 of the total number of votes on the governing board are cast in favor thereof. Action of the  
15 governing board shall be only at a meeting at which a majority of the members are present.

16 (c) The insurance fund shall have a seal which may be employed as an official symbol  
17 and which may be affixed to documents and otherwise used as the governing board may provide.

18 (d) The governing board shall elect annually, from among its members, a chairman, a  
19 vice chairman, a secretary and a treasurer. The chairman may not succeed himself. The governing  
20 board may appoint an executive director and fix his duties and his compensation, if any. Such  
21 executive director shall serve at the pleasure of the governing board. The governing board shall  
22 make provision for the bonding of such of the officers and employees of the insurance fund as  
23 may be appropriate.

24 (e) Irrespective of the civil service, personnel or other merit system laws of any of the  
25 party states, the executive director, or if there be no executive director, the chairman, in  
26 accordance with such procedures as the bylaws may provide, shall appoint, remove or discharge  
27 such personnel as may be necessary for the performance of the functions of the insurance fund  
28 and shall fix the duties and compensation of such personnel. The governing board in its bylaws  
29 shall provide for the personnel policies and programs of the insurance fund.

30 (f) The insurance fund may borrow, accept or contract for the services of personnel from  
31 any state, the United States, or any other governmental agency, or from any person, firm,  
32 association or corporation.

33 (g) The insurance fund may accept for any of its purposes and functions under this  
34 compact any and all donations and grants of money, equipment, supplies, materials and services,

1 conditional or otherwise, from any state, and the United States, or any other governmental  
2 agency, or from any person, firm, association or corporation, and may receive, utilize and dispose  
3 of the same. Any donation, gift or grant accepted by the governing board pursuant to this  
4 paragraph or service borrowed pursuant to paragraph (f) of this Article shall be reported in the  
5 annual report of the insurance fund. Such report shall include the nature, amount and conditions,  
6 if any, of the donation, gift, grant or services borrowed and the identity of the donor or lender.

7 (h) The governing board shall adopt bylaws for the conduct of the business of the  
8 insurance fund and shall have the power to amend and rescind these bylaws. The insurance fund  
9 shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any  
10 amendment thereto with the appropriate agency or officer in each of the party states.

11 (i) The insurance fund annually shall make to the governor and legislature of each party  
12 state a report covering its activities for the preceding year. The insurance fund may make such  
13 additional reports as it may deem desirable.

14 (j) In addition to the powers and duties specifically authorized and imposed, the insurance  
15 fund may do such other things as are necessary and incidental to the conduct of its affairs  
16 pursuant to this compact.

## 17 Article V

### 18 Compact and Insurance Fund Administration

19 (a) In each party state there shall be a compact administrator, who shall be selected and  
20 serve in such manner as the laws of this state may provide, and who shall:

21 (1) Assist in the coordination of activities pursuant to the compact in his state; and

22 (2) Represent his state on the governing board of the insurance fund.

23 (b) If the laws of the United States specifically so provide, or if administrative provision  
24 is made therefor within the federal government, the United States may be represented on the  
25 governing board of the insurance fund by not to exceed three (3) representatives. Any such  
26 representative or representatives of the United States shall be appointed and serve in such manner  
27 as may be provided by or pursuant to federal law, but no such representative shall have a vote on  
28 the governing board or on the executive committee thereof.

29 (c) The governing board shall meet at least once each year for the purpose of determining  
30 policies and procedures in the administration of the insurance fund and, consistent with the  
31 provisions of the compact, supervising and giving direction to the expenditure of moneys from  
32 the insurance fund. Additional meetings of the governing board shall be held on call of the  
33 chairman, the executive committee, or a majority of the membership of the governing board.

34 (d) At such times as it may be meeting, the governing board shall pass upon applications

1 for assistance from the insurance fund and authorize disbursements therefrom. When the  
2 governing board is not in session, the executive committee thereof shall act as agent of the  
3 governing board, with full authority to act for it in passing upon such applications.

4 (e) The executive committee shall be composed of the chairman of the governing board  
5 and four (4) additional members of the governing board chosen by it so that there shall be one  
6 member representing each of the four (4) geographic groupings of party states. The governing  
7 board shall make such geographic groupings. If there is representation of the United States on the  
8 governing board, one such representative may meet with the executive committee. The chairman  
9 of the governing board shall be chairman of the executive committee. No action of the executive  
10 committee shall be binding unless taken at a meeting at which at least four (4) members of such  
11 committee are present and vote in favor thereof. Necessary expenses of each of the five (5)  
12 members of the executive committee incurred in attending meetings of such committee, when not  
13 held at the same time and place as a meeting of the governing board, shall be charges against the  
14 insurance fund.

## 15 Article VI

### 16 Assistance and Reimbursement

17  
18  
19 (a) Each party state pledges to each other party state that it will employ its best efforts to  
20 eradicate, or control within the strictest practicable limits, any and all pests. It is recognized that  
21 performance of this responsibility involves:

22 (1) The maintenance of pest control and eradication activities of interstate significance by  
23 a party state at a level that would be reasonable for its protection in the absence of this compact.

24 (2) The meeting of emergency outbreaks or infestations of interstate significance to no  
25 less an extent than would have been done in the absence of this compact.

26 (b) Whenever a party state is threatened by a pest not present within its borders but  
27 present within another party state, or whenever a party state is undertaking or engaged in  
28 activities for the control or eradication of a pest or pests, and finds that such activities are or  
29 would be impracticable or substantially more difficult of success by reason of failure of another  
30 party state to cope with infestation or threatened infestation, that state may request the governing  
31 board to authorize expenditures from the insurance fund for eradication or control measures to be  
32 taken by one or more of such other party states at a level sufficient to prevent, or to reduce to the  
33 greatest practicable extent, infestation or reinfestation of the requesting state. Upon such  
34 authorization the responding state or states shall take or increase such eradication or control  
35 measures as may be warranted. A responding state shall use moneys made available from the  
36 insurance fund expeditiously and efficiently to assist in affording the protection requested.

1           (c) In order to apply for expenditures from the insurance fund, a requesting state shall  
2 submit the following in writing:

3           (1) A detailed statement of the circumstances which occasion the request for the invoking  
4 of the compact.

5           (2) Evidence that the pest on account of whose eradication or control assistance is  
6 requested constitutes a danger to an agricultural or forest crop, product, tree, shrub, grass or other  
7 plant having a substantial value to the requesting state.

8           (3) A statement of the extent of the present and projected program of the requesting state  
9 and its subdivisions, including full information as to the legal authority for the conduct of such  
10 program or programs and the expenditures being made or budgeted therefor, in connection with  
11 the eradication, control, or prevention of introduction of the pest concerned.

12           (4) Proof that the expenditures being made or budgeted as detailed in item 3 do not  
13 constitute a reduction of the effort for the control or eradication of the pest concerned or, if there  
14 is a reduction, the reasons why the level of program detailed in item 3 constitutes a normal level  
15 of pest control activity.

16           (5) A declaration as to whether, to the best of its knowledge and belief, the conditions  
17 which in its view occasion the invoking of the compact in the particular instance can be abated by  
18 a program undertaken with the aid of moneys from the insurance fund in one year or less, or  
19 whether the request is for an installment in a program which is likely to continue for a longer  
20 period of time.

21           (6) Such other information as the governing board may require consistent with the  
22 provisions of this compact.

23           (d) The governing board or executive committee shall give due notice of any meeting at  
24 which an application for assistance from the insurance fund is to be considered. Such notice shall  
25 be given to the compact administrator of each party state and to such other officers and agencies  
26 as may be designated by the laws of the party states. The requesting state and any other party  
27 state shall be entitled to be represented and present evidence and argument at such meeting.

28           (e) Upon the submission as required by paragraph (c) of this Article and such other  
29 information as it may have or acquire, and upon determining that an expenditure of funds is  
30 within the purposes of this compact and justified thereby, the governing board or executive  
31 committee shall authorize support of the program. The governing board or the executive  
32 committee may meet at any time or place for the purpose of receiving and considering an  
33 application. Any and all determinations of the governing board or executive committee, with  
34 respect to an application, together with the reasons therefor shall be recorded and subscribed in

1 such manner as to show and preserve the votes of the individual members thereof.

2 (f) A requesting state which is dissatisfied with a determination of the executive  
3 committee shall, upon notice in writing given within twenty (20) days of the determination with  
4 which it is dissatisfied, be entitled to receive a review thereof at the next meeting of the governing  
5 board. Determinations of the executive committee shall be reviewable only by the governing  
6 board at one of its regular meetings, or at a special meeting held in such manner as the governing  
7 board may authorize.

8 (g) Responding states required to undertake or increase measures pursuant to this  
9 compact may receive moneys from the insurance fund, either at the time or times when such state  
10 incurs expenditures on account of such measures, or as reimbursement for expenses incurred and  
11 chargeable to the insurance fund. The governing board shall adopt and, from time to time, may  
12 amend or revise procedures for submission of claims upon it and for payment thereof.

13 (h) Before authorizing the expenditure of moneys from the insurance fund pursuant to an  
14 application of a requesting state, the insurance fund shall ascertain the extent and nature of any  
15 timely assistance or participation which may be available from the federal government and shall  
16 request the appropriate agency or agencies of the federal government for such assistance and  
17 participation.

18 (i) The insurance fund may negotiate and execute a memorandum of understanding or  
19 other appropriate instrument defining the extent and degree of assistance or participation between  
20 and among the insurance fund, cooperating federal agencies, states and any other entities  
21 concerned.

22 Article VII

23 Advisory and Technical Committees

24 The governing board may establish advisory and technical committees composed of  
25 state, local and federal officials, and private persons to advise it with respect to any one or more  
26 of its functions. Any such advisory or technical committee, or any member or members thereof  
27 may meet with and participate in its deliberations. Upon request of the governing board or  
28 executive committee an advisory or technical committee may furnish information and  
29 recommendations with respect to any application for assistance from the insurance fund being  
30 considered by such board or committee and the board or committee may receive and consider the  
31 same; provided that any participant in a meeting of the governing board or executive committee  
32 held pursuant to Article VI(d) of the compact shall be entitled to know the substance of any such  
33 information and recommendations, at the time of the meeting if made prior thereto, or as a part  
34 thereof or, if made thereafter, no later than the time at which the governing board or executive

1 committee makes its disposition of the application.

2 Article VIII

3 Relations with Nonparty Jurisdictions

4 (a) A party state may make application for assistance from the insurance fund in respect  
5 of a pest in a nonparty state. Such application shall be considered and disposed of by the  
6 governing board or executive committee in the same manner as an application with respect to a  
7 pest within a party state, except as provided in this Article.

8 (b) At or in connection with any meeting of the governing board or executive committee  
9 held pursuant to Article VI(d) of this compact a nonparty state shall be entitled to appear,  
10 participate, and receive information only to such extent as the governing board or executive  
11 committee may provide. A nonparty state shall not be entitled to review any determination made  
12 by the executive committee.

13 (c) The governing board or executive committee shall authorize expenditures from the  
14 insurance fund to be made in a nonparty state only after determining that the conditions in such  
15 state and the value of such expenditures to the party states as a whole justify them. The governing  
16 board or executive committee may set any conditions which it deems appropriate with respect to  
17 the expenditure of moneys from the insurance fund in a nonparty state and may enter into such  
18 agreement or agreements with nonparty states and other jurisdictions or entities as it may deem  
19 necessary or appropriate to protect the interests of the insurance fund with respect to expenditures  
20 and activities outside of party states.

21 Article IX

22 Finance

23 (a) The insurance fund shall submit to the executive head or designated officer or officers  
24 of each party state a budget for the insurance fund for such period as may be required by the laws  
25 of that party state for presentation to the legislature thereof.

26 (b) Each of the budgets shall contain specific recommendations of the amount or amounts  
27 to be appropriated by each of the party states. The requests for appropriations shall be  
28 apportioned among the party states as follows: one-tenth (1/10) of the total budget in equal shares  
29 and the remainder in proportion to the value of agricultural and forest crops and products,  
30 excluding animals and animal products, produced in each party state. In determining the value of  
31 such crops and products the insurance fund may employ such source or sources of information as  
32 in its judgment present the most equitable and accurate comparisons among the party states. Each  
33 of the budgets and requests for appropriations shall indicate the source or sources used in  
34 obtaining information concerning the value of products.



1 same, but no such withdrawal shall take effect until two (2) years after the executive head of the  
2 withdrawing state has given notice in writing of the withdrawal to the executive heads of all other  
3 party states. No withdrawal shall affect any liability already incurred by or chargeable to a party  
4 state prior to the time of such withdrawal.

5 Article XI

6 Construction and Severability

7 This compact shall be liberally construed so as to effectuate the purposes thereof. The  
8 provisions of this compact shall be severable and if any phrase, clause, sentence or provision of  
9 this compact is declared to be contrary to the constitution of any state or of the United States or  
10 the applicability thereof to any government, agency, person or circumstance is held invalid, the  
11 validity of the remainder of this compact and the applicability thereof to any government, agency,  
12 person or circumstance shall not be affected thereby. If this compact shall be held contrary to the  
13 constitution of any state participating herein, the compact shall remain in full force and effect as  
14 to the remaining party states and in full force and effect as to the state affected as to all severable  
15 matters.

16 **2-16.1-3. Cooperation. - -** Consistent with law and within available appropriations, the  
17 departments, agencies and officers of this state may cooperate with the insurance fund established  
18 by the pest control compact.

19 SECTION 2. This act shall take effect upon passage.

=====  
LC02893  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T  
RELATING TO AGRICULTURE AND FORESTRY - INTERSTATE PEST CONTROL  
COMPACT

\*\*\*

1           This act would require the state to participate in the Interstate Pest Control Compact  
2 which establishes among other things, a pest control insurance fund to finance extra-ordinary pest  
3 control operations.

4           This act would take effect upon passage.

=====  
LC02893  
=====