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State of Colorado

EXECUTIVE CHAMBERS

DENVER

RICHARD D. LAMM
Governor

EXECUTIVE ORDER PROCLAMATION



WHEREAS, an invasion of grasshoppers threatens the destruction of 2.5 million acres of grass and crop lands; and

WHEREAS, this infestation places the economic viability of agricultural communities in Baca, Bent, Cheyenne, Crowley, Custer, Kiowa, Kit Carson, Las Animas, Lincoln, Logan, Morgan, Otero, Phillips, Prowers, Pueblo, Sedgwick, Washington, Yuma, and Weld Counties in serious and imminent jeopardy; and

WHEREAS, immediate preventive action is required to meet this threat; and

WHEREAS, these conditions do create an emergency within the intent of Article 2 of Chapter 28, Colorado Revised Statutes, 1973 as amended;

NOW, THEREFORE, it is found, determined and declared that an emergency exists due to the aforesaid infestation, and such area is declared to be a Disaster Area requiring aid, assistance and relief available pursuant to the provisions of State Statutes.

IT IS HEREBY ORDERED that the Colorado Department of Agriculture immediately plan and implement a grasshopper infestation eradication operation, in cooperation with the affected counties.

IT IS FURTHER ORDERED that the program shall observe the following procedures:

1. Eligibility for participation is limited to the following counties: Baca, Bent, Cheyenne, Crowley, Custer, Kiowa, Kit Carson, Las Animas, Lincoln, Logan, Morgan, Otero, Phillips, Prowers, Pueblo, Sedgwick, Washington, Yuma, and Weld.

Boards of county commissioners are to notify the Commissioner of Agriculture of their intention to participate in this program. The Commissioner is charged with investigating whether a serious grasshopper infestation exists or is imminent in the applicant county. Officers and employees of the Department of Agriculture shall have free access to all public and private lands and premises, and are hereby authorized to enter thereon for the purpose of making such an investigation.

The Commissioner shall report his findings to the Governor. Upon a finding by the Governor that a major grasshopper infestation has occurred or is imminent, the county or that portion of the county shall be declared a disaster area eligible for participation in this program, provided the county has provided reasonable assurance to the Governor of financial participation by local governmental units of the areas affected.

2. The Commissioner of Agriculture shall determine the manner in which the counties participate in this program. Each participating county will be liable for contributing fifty percent of the cost per crop acreage as determined by the Department of Agriculture and one third the cost per acre for range acreage to pay for the extermination of the grasshoppers which are infesting the designated area. The counties, in turn, are to collect these sums from the participating landowners. In the event that the landowners fail to meet their required contributions, the State of Colorado will hold the participating counties liable for the differential.

Counties have 15 days after the commencement of spraying operations to remit their share of the costs to the State Treasurer. All moneys received by the State Treasurer are to be placed in the Disaster Emergency Fund, or any other fund determined by the Colorado General Assembly.

In the event the Federal government fails to participate in the range land program, the landowner share will be fifty percent of the cost per acre as determined by the Department of Agriculture.

No county will be eligible to participate in this program unless and until it has informed the Commissioner of Agriculture of its consent to meet these financial obligations. All administrative costs incurred in collecting these obligations from the landowners are to be born by the participating counties.

The Commissioner may promulgate additional financial rules as he sees fit.

3. The Commissioner of Agriculture is authorized to determine the procedures for designating areas suitable for eradication operations. The Commissioner of Agriculture is authorized to make a determination of priority areas for the implementation of the eradication program.

4. All persons authorized to carry out emergency measures directed under the provisions of this program shall have free access with prior approval of the board of county commissioners to all public and private lands and premises within the specified areas and are authorized to enter thereon and to perform such work, and take such measures as directed without the consent of the owners thereof.

5. Whenever practical, the landowner or tenant shall be notified at least 24 hours prior to the commencement of crop, range land or other spraying operations by radio, newspaper or other means of public communication.

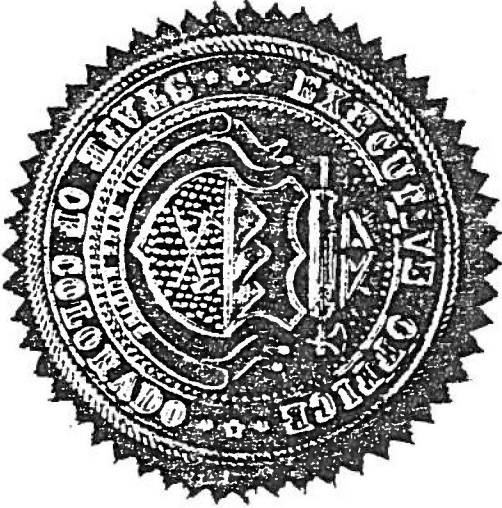
6. By the powers reserved to the Executive in the Emergency Act, those provisions in the Pest Control Statutes relating to grasshopper infestations (35-5-116 to 35-5-121, Colorado Revised Statutes, 1973 as amended) that conflict with the provisions of this Proclamation are hereby waived. Restrictions in these statutes relating to range lands, the requirement of establishing grasshopper control districts, and any other provision that conflicts with the emergency aid plan are declared inoperative.

7. All rulemaking or contracting procedures that would inhibit the Department of Agriculture in responding to the grasshopper infestation are hereby waived. This waiver is limited specifically to actions related to the grasshopper infestation.

8. In any area where landowners and county officials have agreed to meet the terms for designation of treatment set forth by the Department of Agriculture, all landowners in the designated treatment area, regardless of whether they initially consented to participate in the eradication program, will be considered liable for contributions of their share of the eradication program costs. The State of Colorado will hold the counties liable for collecting these funds.

9. The Commissioner of Agriculture is hereby appointed to the Disaster Emergency Council for the duration of the grasshopper infestation crisis.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Executive Seal of the State of Colorado to be hereunto affixed at Denver, Colorado, this Eighth Day of July, A.D., 1978.



A handwritten signature in cursive script, reading "Richard D. Lamm", written over a horizontal line.

Richard D. Lamm
Governor, State of Colorado