

M I N U T E S

SPECIAL COMMITTEE ON GOVERNMENTAL ORGANIZATION

June 17, 1975

Committee Present

Representative Robert Miller, Chairman
Senator Wint Winter, Vice-Chairman
Senator Neil Arasmith
Senator Dan Bromley
Senator Paul Hess
Representative Geneva Anderson
Representative Sandy Duncan
Representative Richard Harper
Representative Ralph Bussman
Representative Joe Hoagland

Staff Present

Donald L. Jacka, Legislative Research Department
Bill Wolff, Legislative Research Department
Dr. J.W. Drury, Legislative Research Department
Bob Alderson, Revisor of Statutes' Office

Guests or Conferees

Steve Carter, Student M.P.A. Program
Perry Miller, Committee of Farm Organizations
Sister Mary Noel Walter, Kansas Catholic Conference
Thomas R. Tolley, Division of the Budget
Harold Shoaf, Kansas Electric Coop., Topeka
Ron Servis, Governor's Office
Nancy Claggett, State Treasurer's Office
Fred Hollomon, Administrative Assistant, House Majority Floor
Leader

June 17, 1975

MORNING SESSION

Chairman Miller called the Committee to order and introduced the members of the staff. He then asked a member of the staff to proceed with the discussion planned by the agenda. The Committee's attention was directed toward an outline of past reorganizations in Kansas -- this information is appended as Attachment No. I. It was explained that in 1971 a Commission on Executive Reorganization was created and charged with the task of recommending a plan for reorganization of the state executive branch of government. As the result of the study of this Commission, recommendations were proposed for the creation of eight departmental agencies in a cabinet type government. It was then explained that as a result of the 1971 recommendations the following departments have been established by executive order or legislative action: 1) Administration, 1972; 2) Revenue, 1972; 3) Social and Rehabilitation Services, 1973; 4) Health and Environment, 1974; 5) Corrections, 1974; 6) Economic Development, 1975; and 7) Transportation, 1975. In addition, it was explained that the feasibility of a department of regulatory agencies was studied by an interim committee in 1974, but was held over without action by the 1975 Legislature.

It was explained that the department of agriculture and natural resources was one of the eight departments recommended by the 1971 Commission. The staff then referred to a memorandum concerning the composition of such a department -- this memorandum is appended as Attachment II. It was noted that the commission had recommended that there be four divisions within the proposed department of agriculture and natural resources -- (1) division of agriculture, (2) division of forestry, fish and game (3) division of land and water resources, and (4) division of parks and recreation.

Following the brief initial discussion of the reorganization in Kansas and the Committees present charge under Proposal No. 21, a member of the staff continued with a discussion of the major policy questions facing the Committee. Prefacing this discussion, a few remarks were made concerning the recommendations of the 1971 Commission on Executive Reorganization. It was stated that there is nothing sacrosanct about the Commission's recommendations. As an example it was noted that one department which had been recommended had been divided into three departments upon their enactments. At the conclusion of this

brief aside, the staff noted the first policy question -- what to include in a realistic reorganization in this area. In the discussion of this question, the staff directed the Committee's attention to a chart depicting how other states delegate the responsibilities of the subject areas included in this proposal. A copy of this chart is appended as Attachment III. This chart indicates which agencies are responsible for activities in the broad areas of agriculture, natural resources, fish and game, water resources, and parks. Briefly, it was noted that 14 states house four of the five activities in one department with none of the states accomplishing all five activities in one agency. Further, it was stated that in only two states - Alaska and Rhode Island - are the functions of agriculture combined with the other functions within one department. At this point it was interjected that in neither of these two states is agriculture a predominant industry.

An inquiry was then made as to the number of departments of agriculture which are headed by an elected official. No immediate answer was available to that question but it was felt that there were not too many. The staff did note that there are only two states -- one being Kansas -- in which the members of the Board of Agriculture are elected by the various farm organizations of the state.

In continuation of the first policy question, it was stated that the Committee would have to consider whether various smaller agencies should be included within a proposed reorganization. Specifically, attention was directed toward the Interstate Compact to Conserve Oil and Gas -- historically related to the Corporation Commission --, the Geological Survey -- which is associated with the University of Kansas --, and the Energy Office.

A Committee member then inquired as to the purpose of the Interstate Compact to Conserve Oil and Gas. A member of the staff answered that it was created in 1936 in an effort to pro-rate oil pumping. There was a price-control arrangement at the outset. It was noted that Kansas has been a member for almost 40 years, and it isn't a large item in the budget. Another member of the Committee then asked how many interstate compacts the state has entered into. The answer was that there are probably somewhere between 12 and 25. It was revealed that there is no veto power over most of the compacts. It was explained that a number of the interstate compacts are with a limited number of states and some are bi-state, such as the Kansas City Area Transportation Authority Compact.

At this point in the discussion, a member of the staff directed the Committee's attention to the FY 1976 Budget for the agencies involved in this reorganization. A copy of this memorandum is appended as Attachment IV. The staff outlined the budgets and a number of questions were asked by members of the Committee. As the discussion continued, the staff stated that the proposed department would not be the biggest department in the state -- it would be similar in size to others already created.

Questions were raised by the Committee in connection with the Water Resources Division of the Board of Agriculture and the Water Resources Board. The staff explained that the Water Resources Division of the Board of Agriculture receives requests for water rights and the development of water rights -- an irrigation district, for instance, would be formed under that division. It was then explained that the Water Resources Board takes care of development and planning of water resources in the state. It was added that the Division of Water Resources within the Board of Agriculture is the custodian of water rights, irrigation districts, and rural water districts. It was reiterated that the planning function has basically been assigned to the Water Resources Board. Note was made that federal money in this area is handled by the Farmers Home Administration, and that state money comes through the Board of Agriculture.

Again referring to the budget for the independent agencies of the proposed department, the staff explained that for the fiscal year 1976, the total is approximately \$25,000,000. The figures are those projected before the salary plan revision by the 1975 Legislature. A member of the staff suggested that the budget might be increased by as much as seven to ten percent.

Attention was then turned to individual organizational agency charts in Committee notebooks. These charts show the current agencies and commissions, how they are organized, and the number of employees in each.

Following the discussion of the organizational structures of the various agencies considered for reorganization, the Committee's attention was again directed toward various policy questions which needed to be determined. One question the Committee needed to consider was how specific the statute should be in setting out duties of the Secretary and the various divisions. A member of the staff suggested that many of the smaller boards and commissions will ask for continued statutory authority, instead of having their decision-making duties assigned to the Secretary or division heads. In connection with this, it was noted that in

the creation of the Department of Administration duties were assigned directly to division heads. This fact was noted in relation to the creation of the Department of Transportation where the duties were assigned directly to the Secretary. It was continued that the statute creating the Department of Health and Environment has gone so far as to create sections within divisions. A member of the staff explained that this was done because the duties of the Department of Health were translated into a sectional level in the Department of Health and Environment.

The staff then explained that at a Committee planning session it was suggested that a skeleton bill be drafted for the Committee to examine, at its first meeting. A copy of this bill draft is appended as Attachment V. The policy questions of this preliminary bill must be decided by the Committee. Specifically, it was explained that in the bill draft the present powers and duties of the agencies involved were transferred to the division heads instead of the Secretary. The staff noted that the Committee must decide whether this was the way they wanted such powers and duties to be transferred. It was also noted that the skeleton bill does not create sections, but attaches the various existing boards to the divisions in advisory capacities. The staff suggested that members of the Committee be thinking of these two policy questions in terms of the discussion to follow.

A staff member then referred to the policy question relating to classification of departmental heads. The 1971 Commission on Executive Reorganization made no blanket recommendations on this point but decided instead that the positions in each would have to be decided on their own merits. To illustrate this point it was noted that in the Department of Administration most of the department heads are classified; that in the Department of Revenue the division heads are in unclassified service; and that the Department of Social and Rehabilitation Services they are classified.

The policy question of whether boards and commissions should be advisory or policy-making was discussed. It was noted that the boards in the present reorganization are selected in a variety of ways. It was further questioned that if the boards are advisory, are they going to be advisory to the Secretary, directors of divisions, or section heads?

A question arose concerning the amount of money saved by reorganization already done. A member of the staff stated that he had no way of knowing the fiscal savings of this phase of

reorganization, but stated that savings is a long-range goal of reorganization. He continued that reorganization takes place in two phases, first of all the goal is to create an umbrella in which agencies are consolidated into broad functional areas. Once that is accomplished, the second phase is to go into each department and start consolidating functions and eliminating positions within the departments. It was added that states which have attempted to do everything at one time have had difficulty. The recent trend has been to reorganize in two phases -- first to consolidate and then to analyze to see where money can be saved. A member of the Committee observed that the second phase of this plan has seen its beginning in the Governor's freeze on jobs within all state government. Another step in that direction has been to eliminate any reimbursement to members of advisory boards except for actual expenses incurred while they are meeting. It was added that the thrust so far has been to enhance the power of the Governor and the directness of his authority over all activities. The goal has not been to achieve a clear statement of dollars being saved.

A Committee member noted, in connection with the directness of the Governor's authority, that a department in question -- the Department of Agriculture -- is not now responsible to the Governor or any other elected official, and that the only connection is through funding. He added that it will be difficult to justify to the farm organizations the reorganization of the State Board of Agriculture. He continued that, in spite of this difficulty, the Committee must formulate a plan for reorganization.

A member of the staff informed the Committee that the national trend is to establish all departments of state government more directly responsible to the Governor. The theory is that if the Governor is to get the praise or blame, he should have the responsibility as well. A member of the Committee suggested that the function of program analysis of the various departments -- a legislative function -- would be more easily accomplished if the agencies involved are directly accountable to the Governor.

Upon further discussion, it was revealed that although there was suspect discussion of the Horticultural Society, the 1971 Commission on Executive Reorganization recommended the elimination of only the Board of State Fair Managers. This recommendation was made because of the similarity of the compositions of the Board of State Fair Managers and the State Board of Agriculture.

Following a discussion of the Governor's power of Executive Reorganization Order in this area, and the legislative approval or disapproval of such order, the Chairman recessed the Committee for lunch -- to reconvene at 1:00 p.m.

Afternoon Session

Chairman Miller began the afternoon meeting with an explanation of the plan of study for the interim Committee. He explained that the staff had prepared a bill for presentation and that the Committee would be asked to make suggestions for changes. He continued that this bill would then be sent to interested parties for comments or suggestions at a later date. The Chairman suggested that the first draft be kept within the confines of the Committee, and only the revised copy be released to the public.

A member of the staff stated that he had been given directions at the planning Committee meeting to make four divisions within the Department of Agriculture and Natural Resources. Those divisions are Agriculture; Water Resources; Forestry, Fish and Game; and Parks. This is as the 1971 Commission on Executive Reorganization had suggested. The staff then proceeded to comment on the draft of the bill, section by section.

It was explained that Section 1 sets up a cabinet level Secretary, appointed by the Governor with the consent of the Senate, to serve at the pleasure of the Governor. The salary is to be set by the Governor with the approval of the State Finance Council. It was stated that this is the approach consistently taken in reorganization. The staff then directed the Committee's attention to Section 2 of the bill draft. Section 2 pertains to the Division of Agriculture. It was explained that the Director of Agriculture administers the division, is appointed by the Secretary, and serves at the pleasure of the Secretary. A staff member noted that a policy decision needs to be made whether this position will be classified or unclassified.

Section 3 sets out language concerning effective dates of reorganization. It was explained that this language is consistent with other bills drafted for previous reorganization. The staff explained that it seemed best to create the Secretary and Division heads and allow them to have time to organize before the new department comes into being. The department becomes effec-

tive July 1, 1976, but agencies affected would not be abolished until August 15, 1976. He further noted that 15 agencies are abolished in Section 3. The first seven agencies to be abolished are all part of the State Board of Agriculture. It was noted that these divisions were abolished individually because they were individually statutorially created. As an elaboration of that point, the staff explained that the Legislature, in previous years, had specifically created divisions of the Board of Agriculture by statute, so it seemed necessary to specifically abolish the separate divisions.

The staff then explained that Section 3(b) provides for transfer of powers to the Director of Agriculture. It was stated that, in some reorganization attempts, all powers are transferred to the Secretary and he in turn gives them to divisions. In the Department of Administration, all old powers of the Division of Budget were transferred directly to the present Director of the Budget. The same is true with various other divisions in the Department of Administration.

Referring to Section 3(c), (d), (e) and (f) of the bill draft, the staff stated that this is standard language which is necessary in reorganization bills. It was further explained that this language is necessary to make sure that there is an orderly transition when one agency is abolished and another is established.

Section 4 creates the agriculture advisory board, which is a perpetuation of the present State Board of Agriculture. The draft creates an agricultural advisory board selection committee. The staff explained that this draft allows a close resemblance of the present selection of the State Board of Agriculture. He said there has been some concern about re-structuring the present Board. The question of whom the board will advise is not answered in the bill as presently drafted. It was noted that there remains a policy question of whether this board should be advisory to the Secretary, the Director of Agriculture or both. The staff member suggested that this may be an academic problem, because if the Secretary is appointing the director there should be enough working relationship so that both the Secretary and the Director could receive counsel from the advisory board. In answer to a question from the Committee, the staff stated that the language of Section 4 is nearly the same as present law, with the exception of elimination of some provisos. It was then noted that Section 4(c) contains a grandfather clause, which allows present members of the Board to remain in office until their terms expire.

Section 4(d), (e) and (f) contain standard language of reorganization bills concerning organization of boards. It was noted that the advisory board will use the staff of the Division of Agriculture. The staff observed that presently members of the Board of Agriculture are reimbursed when they meet. It was also noted that there are several statutes which will have to be amended in connection with this bill draft so that they will be brought up to date and in line with present laws.

Section 5 creates an Animal Health Advisory Board to replace the present board. It also grandfathered in present members of the Board. It was stated that policy decision concerning appointment and composition of various boards will need to be made by the Committee. The bill draft leaves them as they are.

Section 6 refers to the State Grain Advisory Commission. It is not abolished, as others have been, because it is already an advisory commission.

At this point, the staff suggested that there are additional advisory boards that would be created using the same pattern if it is acceptable to the Committee. At this point the Committee was advised that another policy question must be dealt with. The question arises whether the Committee wants to create all these different advisory committees, or whether some of them can be consolidated or eliminated. The staff explained that not all of them had been included in the bill draft -- that three had been included as examples.

The staff then directed the Committee's attention to Section 7 of the preliminary draft. It was explained that Section 7 creates the second division which the Commission on Executive Reorganization recommended -- the Division of Forestry, Fish and Game. It was then noted that Section 8 abolishes the Forestry, Fish and Game Commission.

It was then explained by the staff that a blank space is provided after Section 8 for the purpose of creating the advisory commission on Forestry, Fish and Game.

A member of the Committee asked if in the draft bill, salaries of all division heads had been made subject to approval by the State Finance Council. The reply was that, if they are in unclassified positions, approval by the State Finance Council was necessary. Where individuals are in classified positions the salary is set by the Civil Service Commission. It was then noted that the Finance Council does not make all decisions on salaries,

even in unclassified positions. The staff reminded the Committee that until recently in some cases a salary was included in the statute and had to be legislatively changed each year. In recent legislation, instead of prescribing a dollar amount and changing the statute each year, the appointing authority for that office is granted the authority to fix the salary with the approval of the State Finance Council.

Section 9 creates the third division suggested by the 1971 Commission on Executive Reorganization -- the Division of Land and Water Resources. The creation of the director is similar to the other divisions. A question was raised concerning the present duties of the Water Resources Board and the Water Resources Division in the present Board of Agriculture. It was explained that the Water Resources Board is a policy-making body in the sense that they prepare the state water plan. In the sense that they are a policy-making agency, it was noted that they are subject to politics of a type. It was further explained that the Division of Water Resources of the State Board of Agriculture is in a trusteeship position for all of our water rights. Any alteration or acquisition of water rights is pretty much subject to that division's control. The staff continued its explanation by saying that there may be a question raised -- "Should a person's legal right to the use of water be subject to the same decision-making process that the Water Resources Board goes through in a state water plan?" It was explained that the bill draft does put the two Water Resources agencies under the same administrative authority by putting both of them under the Division of Land and Water Resources. The staff member indicated that he thought some legal documents would need to be examined to determine whether either or both of the boards in question can be abolished. The inclusion of both of them in this draft will call the problem to the attention of the Committee and other interested parties. The staff stated that the draft didn't specifically outline the new department, but left it up to the Secretary to organize his own department. It was added that it, may be legally necessary to draft the organization of this department a different way. A member of the Committee suggested that when Committee hearings are held, this problem be explored for clarification purposes. The staff stated that it may also do some more research on the problem.

The Committee's attention was then directed towards Section 10 of the draft. Section 10 abolishes certain boards now in existence and transfers powers to the Director of Water Resources. It was noted that the Committee might find that it isn't necessary to abolish the State Geological Survey, but to

merely attach it to this division. The powers of the Chancellor of the University of Kansas are being taken away by abolishing it.

It was then explained that Section 11 establishes a Division of Parks and Recreation administered by an unclassified person as director.

Section 12 transfers powers of abolished agencies to the new department. Questions were asked by members of the Committee in connection with some of these agencies, and they were referred to information in the Committee notebooks. In answer to a question about the Mined Land Reclamation Board, it was revealed that it had been transferred to the State Corporation Commission in 1974. A member of the staff reminded the Committee that a policy decision will have to be made as to whether various Boards should be included in the new Department of Agriculture and Natural Resources.

Section 13 contains standard language necessary for reorganization efforts. It was explained that this Section provides for the transfer of employees, from existing state agencies which are abolished, to the new department. The date of August 15 is again given for transfer of employees.

Section 14 gives the Secretary power to organize the department as he sees fit. The Committee was reminded that this had been done in other reorganization bills. It was then noted that subsection (b) gives powers to heads of divisions.

The staff then explained that in connection with Section 15 a policy decision needs to be made because there aren't any consistent pattern to draw upon. It was explained that the draft which has been drawn for this Committee provides that the Secretary will appoint the Chief Attorney in the unclassified service, and additional attorneys will be in classified service. This is similar to the procedure set out in the DOT legislation. In the Department of Revenue, with respect to the Alcoholic Beverage Control Division, the attorney is an assistant attorney general. The policy adopted by last year's interim committee was that the Chief Attorney of a department would be an assistant attorney general who would serve as chief attorney at the pleasure of the Secretary. It was noted that this policy was changed during the 1975 Session. The Ways and Means Committee presently has a study concerning state attorneys and will try to develop a policy in that regard.

To clarify the discussion concerning Assistant Attorneys General, the staff stated that last year's interim committee recommended that the Attorney General would appoint one of his assistants to be Chief Attorney for a department. It was noted that the Attorney General feels that he should have control over litigation. On the other hand, agency heads feel that the Chief Attorney makes policy decisions and for this reason they feel they should have control over hiring and firing him. Last year the interim committee tried to reach a compromise -- the Attorney General could appoint, but the Secretary could ask to have him removed from his Department.

The Committee discussion continued to Section 16 which contains standard language providing for the transfers of appropriations and ect. It provides that the Governor, with the approval of the Finance Council, determines conflicts of transfers.

Section 17 provides that the Secretary may create new boards, etc., within his department. It was noted that this is also a policy decision that needs to be made by the Committee -- do they want new boards created?

Section 18 is an effort to preserve legal rights of persons, which might be lost in the transfer of powers.

Section 19 requires the new Secretary to report to the Governor and the Legislature on possible ways to improve the department.

Section 20 provides for location of various offices.

Section 21 provides for payment of moving expenses for certain employees. This, according to the staff, will be another policy question for the Committee's decision.

Section 22 concerns appropriation of funds.

Following the conclusion of Committee discussion of the bill, the staff said that it hoped that some of the policy decisions could be addressed by the Committee during today's discussion so that the re-draft will reflect them.

There followed a discussion concerning fee funds, and at this point, the staff explained that as drafted now the funds designated for various boards will be transferred to the specific board in the new department. It was also noted that the Secre-

tary will have jurisdiction over the funds because he will be responsible for the budget.

A member of the Committee questioned why the Wheat Commission is included in the Department of Agriculture and Natural Resources. The staff answered that the Commission on Executive Reorganization recommended that it be included, but that he had no background on their reasoning without going through their minutes. The Committee member stated he would like to see the Wheat Commission left out of this Department. It was revealed in the discussion that the Wheat Commission receives no state funds, but contributes 20 percent of its income to the State General Fund, as do many other agencies throughout the state.

Another member of the Committee observed that he seemed to remember that the Division of Mined Land and Reclamation had been considered when the Department of Health and Environment had been established. He added that he would like to hear from the Department of Health and Environment on the subject.

In connection with the classification of chief administrative officers, the staff stated that the Commission on Executive Reorganization had suggested that these be left unclassified. There was no objection from the Committee to leaving the bill draft as now written, with those positions unclassified.

The Committee had no objection to the bill draft in relation to the creation of advisory boards out of present policy-making boards which are being attached to the Department of Agriculture and Natural Resources.

In general discussion various problems were addressed. A few of these problems discussed were those of a director of a division having a lower salary than his assistant because the director is in unclassified service and the assistant advances up the scale of civil service classification; legal problems involving the present Park and Resources authority which now has authority to issue revenue bonds; and making the Joint Council on Recreation an advisory board.

A Committee member made a motion that the ten boards that are included in the bill draft -- except the Fair Board -- be left in the bill, but that the authority within the bill allowing the Secretary to create new boards without the approval of the Governor be eliminated. The motion was seconded and after a short discussion, the motion carried.

Another member of the Committee moved that the Joint Council on Recreation be combined with the State Parks and Resource Authority in one advisory board for the Division of Parks and Recreation. The motion was seconded and it carried.

It was also moved that the State Geological Survey be attached to the Division of Water Resources. The motion was seconded and it carried.

The Committee agreed not to include in the present bill draft the Interstate Compact to Conserve Oil and Gas.

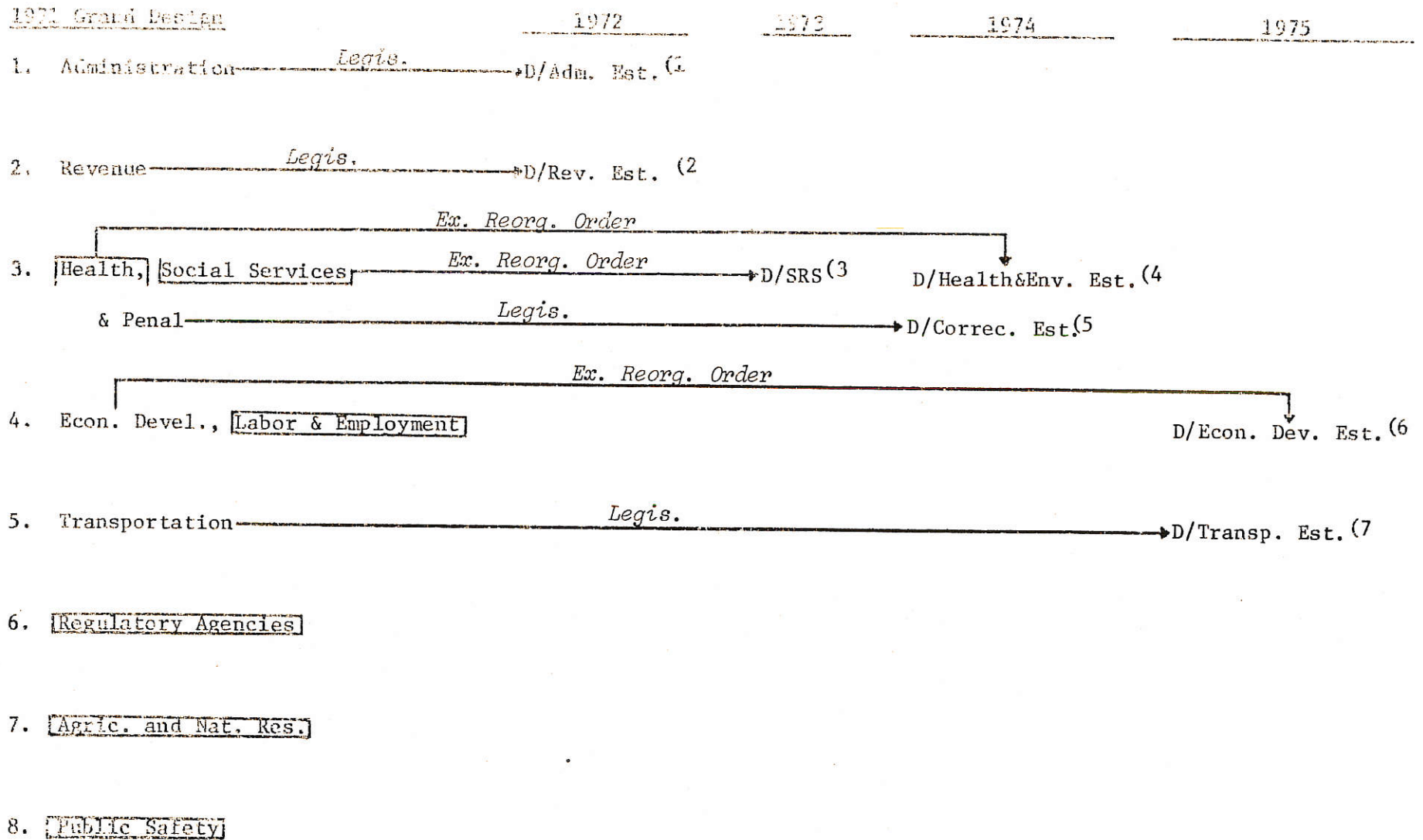
The Committee agreed to meet again on August 5 at 10:00 a.m., and August 6 at 9:00 a.m.; and again on August 19 at 10:00 a.m. and August 20 at 9:00 a.m. The meeting was adjourned by Chairman Miller.

Prepared by Donald L. Jacka, Jr.

Approved by Committee on:

8/6/75
Date

REORGANIZATION IN THE STATE GOVERNMENT



No successful reorganization in this area at the present time.

MEMORANDUM

TO: Special Committee on Governmental Organization

RE: Department of Agriculture and Natural Resources -- 1971
Commission on Executive Reorganization, Report and
Recommendation

B. Agriculture and Natural Resources

A department as proposed in this recommendation would enable the development of a comprehensive agency to provide effective and efficient services at the lowest cost.

Four divisions are proposed:

- (1) Division of Agriculture.
- (2) Division of Forestry, Fish and Game.
- (3) Division of Land and Water Resources.
- (4) Division of Parks and Recreation.

Included as sections in the Division of Agriculture would be the State Fair, the Horticultural Society, Grain Inspection, the Wheat Commission and Animal Health. The grain inspection, wheat, and animal health programs each have advisory groups which should be continued in connection with the operation of those three sections.

The Commission also recommends the Board of State Fair Managers be combined with the State Board of Agriculture. The membership of the two boards is identical, except that the secretary of the Board of Agriculture is a member of the Board of State Fair Managers. No change is suggested in the present method of selecting members of the State Board of Agriculture. The board is now selected by 215 delegates who represent farm organizations with a membership of approximately 200,000. At an annual meeting the delegates elect members of the State Board of Agriculture which in turn selects the secretary of the board.

The Commission gave consideration to recommending that the Horticultural Society might properly be severed from state government altogether but at this time the recommendation is to leave the society as a section within the Division of Agriculture.

The Division of Forestry, Fish and Game would operate as it presently does under the Fish and Game Commission. In any organizational structure where the Forestry, Fish and Game operation is brought into a major department, it must be done carefully so that no federal funds presently received by the commission for its operation would be lost.

Functions relating to land and water resources would be brought together in one division rather than being scattered through several agencies. Land Resources would include the Soil Conservation Committee and the Geological Survey. The latter agency is now under the Board of Regents, operating on the University of Kansas campus and receiving its budget through the university. A more logical placing in terms of organization is that recommended

here. The budget of the Geological Survey would be included in the Department of Agriculture and Natural Resources. Physically, the Geological Survey would remain on campus at the University of Kansas.

The Commission recommends that two units be established in a Water Resources section --- one for operations and one for planning, rather than having water resources operations and planning in two separate agencies as at present.

The Division of Parks and Recreation would operate in a similar fashion to that of the Parks and Resources Authority.

FY 1976 BUDGET (EXCLUDING SALARY PLAN
REVISION COST) AND PERSONNEL TOTALS FOR AGRICULTURAL
AND NATURAL RESOURCES RELATED ACTIVITIES

Divisions	Funding			Positions
	SGF	Other	Total	
A. Division of Agriculture				
1. Board of Agriculture:				
Administration (Inc. Bd. of Ag.	\$ 148,190	\$ 97,117	\$ 245,307	10.4
Promotion and Production Information	270,196	101,198	371,394	26.1
Consumer Protection Dairy Insp. (Inc. Milk Adv. Cttee.	511,716	115,465	627,181	25.0
Meat and poultry Insp.	779,082	966,216	1,745,298	118.0
Other activities	187,904	415,216	603,120	36.2
Insect and plant controls (Inc. Pesticide Adv. Bd.	530,618	175,000	705,618	41.0
Subtotal - Agency	\$ 2,427,706	\$ 1,870,212	\$ 4,297,918	256.7
2. Animal Health:				
Administration (Inc. Animal Health Bd.	90,161	34,687	124,848	6.3
Disease Control	276,361	439,435	715,796	23.0
Brands	-	240,469	240,469	6.2
Subtotal - Agency	\$ 366,522	\$ 714,591	\$ 1,081,113	35.5
3. Grain Inspection:				
Administration (Inc. Grain Advisory Bd.	-	140,912	140,912	8.0
Inspection Stations	-	2,180,788	2,180,788	166.0
Warehouse Licensing	-	287,069	287,069	18.0
Scales Inspections	-	16,791	16,791	1.0
Subtotal - Agency	-	\$ 2,625,560	\$ 2,625,560	193.0
4. Horticultural Society:	11,138	-	11,138	1.0
5. State Fair:				
Operating (Inc. Board of Fair Managers)	79,500	715,867	795,367	15.3
Capital Improvements	204,600	-	204,600	-
Subtotal - Agency	\$ 284,100	\$ 715,867	\$ 999,967	15.3
6. Wheat Commission:				
Administration (inc. Wheat Comm.)	-	177,562	177,562	7.8
Promotion	-	358,590	358,590	-
Subtotal - Agency	-	\$ 536,152	\$ 536,152	7.8
Subtotal - Division	\$ 3,089,466	\$ 6,462,382	\$ 9,551,848	509.3

Divisions	Funding			Positions
	SGF	Other	Total	
B. Division of Forestry, Fish and Game				
1. Operation				
Administration (Inc. F.F. & G. Comm.)	\$ -	\$ 659,534	\$ 659,534	32.5
Promotion and Education	-	411,193	411,193	14.6
Fish and Wildlife Management	-	3,433,349	3,433,349	189.5
Law Enforcement	-	1,151,322	1,151,322	71.0
2. Capital Improvements	-	338,200	338,200	-
Subtotal - Division	-	\$ 5,993,598	\$ 5,993,598	307.6
C. Division of Land & Water Resources				
1. Land Resources:				
Mined-Land Conservation and Reclamation Board	-	7,817	7,817	-
Interstate Compact to Conserve Oil and Gas	-	9,000	9,000	-
Geological Survey	1,552,774	35,000	1,587,774	65.6
Soil Conservation (Inc. Comm.)	532,423	-	532,423	4.0
2. Water Resources:				
Operations				
Water Resources (Div. of Bd. of Ag.)*	1,788,471	100,000	1,888,471	49.0
Arkansas River Commissions				
Colorado - Kansas	3,356	-	3,356	-
Kansas - Oklahoma	2,000	-	2,000	-
Republican River Compact	-	-	-	-
Big Blue River Basin Compact	3,600	-	3,600	-
Planning				
Water Resources Board	1,345,219	33,750	1,378,969	25.0
3. Energy Office	100,319	-	100,319	5.0
Subtotal - Division	\$ 5,328,162	\$ 185,567	\$ 5,513,729	148.6
D. Division of Parks and Recreation				
1. Joint Council on Recreation	-	-	-**	-
2. State Park and Resource Authority				
Operation				
Administration	182,124	\$ 1,877,327***	2,059,451	18.0
Parks	765,735	542,005	1,307,740	84.0
Capital Improvements	132,450	148,450	280,900	-
Subtotal - Division	\$ 1,080,309	\$ 2,567,782	\$ 3,648,091	102.0
	\$ 9,497,937	\$15,209,329	\$24,707,266	1,067.5

*Present
Bd of Ag.
Water Resources
Div.*

* Includes \$1,000,000 for grants to rural water districts.

** Travel expenses of the three at large members and the allocation of the Land and Water Conservation Fund are included within the State Park and Resources Authority Budget.

*** Includes \$1,739,228 for grants to local units of government from Land and Water Conservation Fund.

*Jacka
Number 2
June 17*

_____ BILL NO. _____

By Special Committee on Governmental Organization

AN ACT establishing a department of agriculture and natural resources;

Be it enacted by the Legislature of the State of Kansas:

New Section 1. There is hereby established a department of agriculture and natural resources, which shall be administered under the direction and supervision of the secretary of agriculture and natural resources. The secretary of agriculture and natural resources shall be appointed by the governor, with the consent of the senate, and shall serve at the pleasure of the governor. The secretary shall receive an annual salary to be fixed by the governor with the approval of the state finance council.

New Sec. 2. There is hereby established within and as a part of the department of agriculture and natural resources a division of agriculture. The division shall be administered, under the supervision of the secretary of agriculture and natural resources, by the director of agriculture, who shall be the chief administrative officer of said division. The director of agriculture shall be appointed by the secretary of agriculture and natural resources and shall serve at the pleasure of the secretary. The director of agriculture shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of agriculture and natural resources, with the approval of the state finance council.

New Sec. 3. (a) On August 15, 1976, the following state agencies and offices shall be and are hereby abolished:

- (1) The state board of agriculture provided for by K. S. A. 74-502 and 74-503;
- (2) The office of the secretary of the state board of agri-

culture provided for by K. S. A. 74-503;

(3) The division of markets of the state board of agriculture created by K. S. A. 74-530;

(4) The office of director of marketing established by K. S. A. 74-533;

(5) The office of state dairy commissioner provided for by K. S. A. 75-1401;

(6) The division of weights and measures of the state board of agriculture created by K. S. A. 83-122;

(7) The office of state sealer of weights and measures created by K. S. A. 83-122;

(8) The board of state fair managers provided for by K. S. A. 74-520;

(9) The Kansas animal health board created by K. S. A. 74-4001;

(10) The Kansas animal health department created by K. S. A. 75-1901;

(11) The office of livestock commissioner created by K. S. A. 75-1901;

(12) The Kansas state grain inspection department established by K. S. A. 34-101;

(13) The office of director of the Kansas state grain inspection department established by K. S. A. 75-1701;

(14) The state horticultural society provided for by K. S. A. 2-801; and

(15) The Kansas wheat commission created by K. S. A. 2-2603.

(b) On August 15, 1976, except as otherwise provided in this act, all of the powers, duties and functions of the state agencies and offices enumerated in subsection (a) shall be and are hereby transferred to and conferred and imposed upon the director of agriculture. Except as otherwise provided in this act, the director of agriculture shall be the successor in every way to the powers, duties and functions of said state agencies and offices, in which the same were vested prior to August 15,

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1976. The director of agriculture shall be a continuation of said state agencies and offices, and every act performed under the authority of the director of agriculture shall be deemed to have the same force and effect as if performed by the respective agency or office in which the authority to perform such act was vested prior to August 15, 1976.

(c) Except as otherwise provided in this act, on and after August 15, 1976, whenever any of the state agencies or offices enumerated in subsection (a), or words of like effect, are referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the director of agriculture.

(d) On August 15, 1976, the director of agriculture shall succeed to whatever right, title or interest the state board of agriculture has acquired in any land in this state, and said director shall hold the same for and in the name of the state of Kansas. On and after August 15, 1976, whenever any statute, contract, deed or other document concerns the power or authority of the state board of agriculture to acquire, hold or dispose of land or any interest in land, the director of agriculture shall succeed to such power or authority, and on and after said date, whenever any land or interest in land is acquired, held or disposed of by the director of agriculture, such land or interest shall be acquired, held or disposed of by said director for and in the name of the state of Kansas.

(e) All orders or directives of any of the state agencies or offices enumerated in subsection (a) which are in existence on August 15, 1976, shall continue to be effective and shall be deemed to be the orders or directives of the director of agriculture, until the same are revised, amended, repealed or nullified pursuant to law.

(f) All rules and regulations of any of the state agencies or offices enumerated in subsection (a) which are in existence on August 15, 1976, shall continue to be effective and shall be deemed to be the rules and regulations of the secretary of agri-

culture and natural resources, until the same are revised, amended, repealed or nullified pursuant to law.

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New Sec. 4. (a) On August 15, 1976, there shall be and is hereby created the agriculture advisory board. Said advisory board shall be attached to and within the division of agriculture as a part thereof. Each of the following organizations shall be entitled to select, in the manner provided in this section, one representative to serve as a member of the agriculture advisory board selection committee:

(1) Each county or district agricultural society composed of one or more counties; each state fair or statewide fair; each county farmers' institute;

(2) Each county farm bureau association with a paid-up membership of not less than two hundred (200); 150

(3) Each county farmers' union with a paid-up membership of not less than two hundred (200); 150

(4) Each county grange with a paid-up membership of not less than two hundred (200); 150

(5) Each association of statewide character representing a particular kind or a particular breed of livestock;

(6) Each association of a statewide character for promotion of a farm crop or crops.

In order to be eligible to select a representative as a member on the agriculture advisory board selection committee, each of the foregoing organizations specified in this subsection, whether now organized or hereafter to be organized under the laws of Kansas, shall have duly elected officers, held meetings, and carried on the work as provided for in the constitution and by-laws adopted by said organization, a copy of which constitution and bylaws shall be filed with the director of agriculture, and shall have annually certified these facts and within three days after said election furnished a list of officers so elected to the director of agriculture, in writing on blanks furnished by the director of agriculture, and which shall have made such reports on crop conditions and other matters as are required by

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the director of agriculture. Each person who is to serve as a member of the agriculture advisory board selection committee be duly elected and authorized in writing by the members of the organization such person represents, said authority to be certified to the director of agriculture on or before the first Friday following the second Tuesday of December each year. Except in the case of the persons representing county and district agricultural societies, each member of the advisory board shall be a bona fide farmer or breeder of livestock, except that the director of agriculture shall recognize not more than one association representing a single kind or a single breed of livestock. For the purpose of this section, county fair associations and county agricultural societies shall be construed to be the same type of association, and there shall be but one such fair association recognized in any county, except in counties that have more than one fair association affiliated with the state board of agriculture on July 1, 1976.

County or district agricultural societies shall hold well-balanced agricultural fairs designed to promote education and to encourage the improvement and development of agriculture in a broad and comprehensive way, and when, in the judgment of the director of agriculture, any such society does not conform to adequate standards in its fairs, the director of agriculture may declare forfeited its representation on the agriculture advisory board selection committee, and the place thus vacated may be assigned by the director of agriculture to another society or association that complies with the provisions of this act and holds fairs of acceptable character, and any county or district agricultural society that has failed or fails to hold a fair for two consecutive years shall lose its representation on the agriculture advisory board selection committee, and its place may be taken by another society which shall have fulfilled the requirements of this act. Each county or district agricultural society which shall have held a fair the current year, offered and awarded premiums for the improvement of stock, tillage, crops,

implements, mechanical fabrics and articles of domestic industry, shall make out a statement containing a synopsis of awards, moneys received, assets and liabilities, and an abstract of the treasurer's account, duly signed and certified by its officials. Said statement shall be submitted to the director of agriculture on or before the first Friday following the second Tuesday of December of each year.

(b) It shall be the duty of the agriculture advisory board selection committee to meet at Topeka on the second Wednesday of January of each year, and proceed to elect members of the agriculture advisory board from each agricultural district established in this section. For the purpose of appointment and tenure of office of said advisory board, the state is hereby divided into six agricultural districts, which shall be constituted as follows:

(1) The counties of Nemaha, Brown, Doniphan, Jackson, Atchison, Jefferson, Leavenworth, Marshall, Washington, Shawnee, Pottawatomie, Riley and Clay shall constitute the first district.

(2) The counties of Wyandotte, Johnson, Miami, Franklin, Anderson, Allen, Linn, Bourbon and Douglas shall constitute the second district.

(3) The counties of Crawford, Cherokee, Neosho, Labette, Wilson, Elk, Chautauqua, Cowley and Montgomery shall constitute the third district.

(4) The counties of Greenwood, Chase, Marion, Dickinson, Wabaunsee, Geary, Morris, Lyon, Osage, Coffey, Woodson, Harvey, Sedgwick, Butler and McPherson shall constitute the fourth district.

(5) The counties of Sumner, Greeley, Wichita, Scott, Lane, Ness, Rush, Barton, Hamilton, Kearny, Finney, Hodgeman, Pawnee, Stafford, Edwards, Stanton, Grant, Haskell, Gray, Ford, Kiowa, Pratt, Morton, Stevens, Seward, Meade, Clark, Comanche, Barber, Rice, Reno, Kingman and Harper shall constitute the fifth district.

(6) The counties of Jewell, Mitchell, Lincoln, Ellsworth,

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Russell, Osborne, Smith, Phillips, Rooks, Ellis, Trego, Graham, Norton, Decatur, Sheridan, Gove, Logan, Thomas, Rawlins, Cheyenne, Sherman, Wallace, Republic, Cloud, Ottawa and Saline shall constitute the sixth district.

(c) Members of the agriculture advisory board shall be elected by the selection committee for terms of three years. Persons serving as members of the state board of agriculture on August 15, 1976, shall become members of the agriculture advisory board and shall serve on the advisory board for the remainder of the terms for which they were elected to serve as members of the state board of agriculture.

(d) The agriculture advisory board shall organize annually by electing one of its members as chairman and one as vice-chairman. Regular meetings of the advisory board shall be held monthly, and special meetings of the advisory board may be called by the chairman or by a majority of the advisory board. A quorum of the advisory board shall consist of seven members, and no action may be taken by the advisory board without the affirmative vote of at least seven members.

(e) Meetings of the advisory board shall be open to the public and no meeting or hearing of the advisory board shall be held unless at least seven members of the advisory board are present. Notice of every meeting of the advisory board shall be given to the director of agriculture, and the director shall provide to the advisory board all necessary clerical services. The advisory board shall keep records and minutes of its business and official actions, which shall be filed with the director of agriculture and be open to public inspection.

(f) All vouchers for expenditures and all payrolls of the advisory board shall be approved by the chairman of the advisory board and by the secretary of agriculture and natural resources or a person or persons designated by the secretary. Members of the advisory board attending meetings of the advisory board or attending a subcommittee meeting thereof authorized by such advisory board, shall be paid amounts provided in subsection (e) of

K. S. A. 1975 Supp. 75-3223.

New Sec. 5. (a) On August 15, 1976, there shall be and is hereby created the animal health advisory board. Said advisory board shall be attached to and within the division of agriculture as a part thereof. The animal health advisory board shall consist of seven members of which one member shall be the president of the Kansas livestock association and six members shall be appointed by the governor. The members so appointed shall represent the major species or phases of the livestock industry. Each appointive member shall be selected from a list of three qualified persons for each such appointment submitted to the governor by the board of directors of the Kansas livestock association. The appointive members of the advisory board shall be appointed for a term of three years. Persons serving as appointive members of the Kansas animal health board on August 15, 1976, shall become appointive members of the animal health advisory board, and shall serve for the remainder of the terms for which they were appointed as members of the Kansas animal health board. Whenever a vacancy shall occur on said commission, by reason of the expiration of an appointive member's term of office, the governor shall appoint a successor of like qualifications in the manner and for the term of office prescribed herein. In case of a vacancy in the office of any appointive member of the board before the expiration of his term, the governor shall appoint a successor of like qualifications for the remainder of the unexpired term.

(b) The advisory board shall organize annually by electing one of its members as chairman and one as vice-chairman. Regular meetings of the advisory board shall be held monthly, and special meetings of the advisory board may be called by the chairman or by a majority of the advisory board. A quorum of the advisory board shall consist of four members, and no action may be taken by the advisory board without the affirmative vote of at least four members.

(c) Meetings of the advisory board shall be open to the

public and no meeting or hearing of the advisory board shall be held unless at least four members of the advisory board are present. Notice of every meeting of the advisory board shall be given to the director of agriculture, and the director shall provide to the advisory board all necessary clerical services. The advisory board shall keep records and minutes of its business and official actions, which shall be filed with the director of agriculture and be open to public inspection.

(d) All vouchers for expenditures and all payrolls of the advisory board shall be approved by the chairman of the advisory board and by the secretary of agriculture and natural resources or a person or persons designated by the secretary. Members of the advisory board attending meetings of the advisory board, or attending a subcommittee meeting thereof authorized by such advisory board, shall be paid amounts provided in subsection (e) of K. S. A. 1975 Supp. 75-3223.

Sec. 6. K. S. A. 34-121 is hereby amended to read as follows: 34-121. There is hereby created the state grain advisory commission, ~~hereinafter referred to as the commission, which.~~ On August 15, 1976, the state grain advisory commission shall be and is hereby attached to the division of agriculture of the department of agriculture and natural resources as a part thereof. Said advisory commission shall be composed of five members who shall be appointed by the governor ~~and confirmed by,~~ with the consent of the senate. ~~Of such members, first appointed, two shall serve until July 1, 1954, two until July 1, 1955, and one until July 1, 1956. On the expiration of the term of the five members, first appointed as aforesaid, each succeeding member shall be appointed and shall hold his office~~ Each member of the advisory commission shall serve for a term of three years and until his or her successor shall have been appointed and qualified. Said advisory commission shall at all times be composed of one farmer member, one banker member, one member who is engaged in the business of operating a public terminal grain warehouse, one member who is engaged in the business of operating a local

public grain warehouse, and one member who is a stockholder in a farmers cooperative enterprise. In case of a vacancy ~~in an~~ ~~office of said~~ on the advisory commission, the governor shall appoint a successor to fill the vacancy for the unexpired term. The governor may remove any member of ~~said~~ the advisory commission for cause.

New Sec. 7. There is hereby established within and as a part of the department of agriculture and natural resources a division of forestry, fish and game. The division shall be administered, under the supervision of the secretary of agriculture and natural resources, by the director of forestry, fish and game, who shall be the chief administrative officer of said division. The director of forestry, fish and game shall be appointed by the secretary of agriculture and natural resources and shall serve at the pleasure of the secretary. The director of forestry, fish and game shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of agriculture and natural resources, with the approval of the state finance council.

New Sec. 8. On August 15, 1976, the forestry, fish and game commission created by K. S. A. 1975 Supp. 74-3301 and the office of director of forestry, fish and game commission created by K. S. A. 74-3302 shall be and are hereby abolished, and on said date, except as otherwise provided in this act, all of the powers, duties and functions of the forestry, fish and game commission and the director of the forestry, fish and game commission shall be and are hereby transferred to and conferred and imposed upon the director of forestry, fish and game. Except as otherwise provided in this act, the director of forestry, fish and game shall be the successor in every way to the powers, duties and functions of the forestry, fish and game commission, respectively, in which the same were vested prior to August 15, 1976. The director of forestry, fish and game shall be a continuation of the forestry, fish and game commission and director of the forestry, fish and game commission, respectively, and

every act performed under the authority of the director of forestry, fish and game shall be deemed to have the same force and effect as if performed by the forestry, fish and game commission or director of the forestry, fish and game commission, respectively, in which the authority to perform such act was vested prior to August 15, 1976.

(b) Except as otherwise provided in this act, on and after August 15, 1976, whenever the forestry, fish and game commission, or words of like effect, is referred to or designated by statute, contract or other document, such reference or designation shall be deemed to apply to the director of forestry, fish and game.

(c) Except as otherwise provided in this act, on and after August 15, 1976, whenever the director of the forestry, fish and game commission, or words of like effect, is referred to or designated by statute, contract or other document, such reference or designation shall be deemed to apply to the director of forestry, fish and game.

(d) On August 165^{9/15}, 1976, the director of forestry, fish and game shall succeed to whatever right, title or interest the forestry, fish and game commission has acquired in any land in this state, and said director shall hold the same for and in the name of the state of Kansas. On and after August 15, 1976, whenever any statute, contract, deed or other document concerns the power or authority of the forestry, fish and game commission to acquire, hold or dispose of land or any interest in land, the director of forestry, fish and game shall succeed to such power or authority, and on and after said date, whenever any land or interest in land is acquired, held or disposed of by the director of forestry, fish and game, such land or interest shall be acquired, held or disposed of by said director for and in the name of the state of Kansas.

(e) All orders or directives of the forestry, fish and game commission or the director of the forestry, fish and game commission which are in existence on August 15, 1976, shall continue to be effective and shall be deemed to be the orders or directives

of the director of forestry, fish and game, until the same are revised, amended, repealed or nullified pursuant to law.

(f) All rules and regulations of the forestry, fish and game commission which are in existence on August 15, 1976, shall continue to be effective and shall be deemed to be the rules and regulations of the secretary of agriculture and natural resources, until the same are revised, amended, repealed or nullified pursuant to law.

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Creation of an advisory Commission
on Forestry, Fish, and Game.*

New Sec. 9. There is hereby established within and as a part of the department of agriculture and natural resources a division of land and water resources. The division shall be administered, under the supervision of the secretary of agriculture and natural resources, by the director of land and water resources, who shall be the chief administrative officer of said division. The director of land and water resources shall be appointed by the secretary of agriculture and natural resources and shall serve at the pleasure of the secretary. The director of land and water resources shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of agriculture and natural resources, with the approval of the state finance council.

New Sec. 10. (a) On August 15, 1976, the following state agencies and offices shall be and are hereby abolished:

(1) The division of water resources of the state board of agriculture created by K. S. A. 74-506a;

(2) The state water resources board created by K. S. A. 1975 Supp. 74-2605;

(3) The office of executive director of the state water resources board created by K. S. A. 74-2607;

(4) The mined land conservation and reclamation board provided for by K. S. A. 1975 Supp. 49-404;

(5) The state geological survey of Kansas provided for by K. S. A. 76-322;

(6) The office of state geologist provided for by K. S. A. 76-323; and

(7) The state conservation commission established by K. S. A. 2-1904.

(b) On August 15, 1976, except as otherwise provided in this act, all of the powers, duties and functions of the state agencies and offices enumerated in subsection (a) shall be and are hereby transferred to and conferred and imposed upon the director of land and water resources. Except as otherwise provided in this act, the director of land and water resources shall be the successor in every way to the powers, duties and functions of said state agencies and offices, in which the same were vested prior to August 15, 1976. The director of land and water resources shall be a continuation of said state agencies and offices, and every act performed under the authority of the director of land and water resources shall be deemed to have the same force and effect as if performed by the respective agency or office in which the authority to perform such act was vested prior to August 15, 1976.

(c) Except as otherwise provided in this act, on and after August 15, 1976, whenever any of the state agencies or offices enumerated in subsection (a), or words of like effect, are referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the director of land and water resources.

(d) On August 15, 1976, the director of land and water resources shall succeed to whatever right, title or interest the

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state water resources board has acquired in any land in this state, and said director shall hold the same for and in the name of the state of Kansas. On and after August 15, 1976, whenever any statute, contract, deed or other document concerns the power or authority of the state water resources board to acquire, hold or dispose of land or any interest in land, the director of land and water resources shall succeed to such power or authority, and on and after said date, whenever any land or interest in land is acquired, held or disposed of by the director of land and water resources, such land or interest shall be acquired, held or disposed of by said director for and in the name of the state of Kansas.

(e) All orders or directives of any of the state agencies or offices enumerated in subsection (a) which are in existence on August 15, 1976, shall continue to be effective and shall be deemed to be the orders or directives of the director of land and water resources, until the same are revised, amended, repealed or nullified pursuant to law.

(f) All rules and regulations of any of the state agencies or offices enumerated in subsection (a) which are in existence on August 15, 1976, shall continue to be effective and shall be deemed to be the rules and regulations of the secretary of agriculture and natural resources, until the same are revised, amended, repealed or nullified pursuant to law.

New Sec. 11. There is hereby established within and as a

part of the department of agriculture and natural resources a division of parks and recreation. The division shall be administered, under the supervision of the secretary of agriculture and natural resources, by the director of parks and recreation, who shall be the chief administrative officer of said division. The director of parks and recreation shall be appointed by the secretary of agriculture and natural resources and shall serve at the pleasure of the secretary. The director of parks and recreation shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of agriculture and natural resources, with the approval of the state finance council.

New Sec. 12. (a) On August 15, 1976, the following state agencies and offices shall be and are hereby abolished:

(1) The state park and resources authority established by K. S. A. 74-4503;

(2) The director of the state park and resources authority provided for by K. S. A. 74-4508; and

(3) The joint council on recreation created by K. S. A. 1975 Supp. 74-4528.

(b) On August 15, 1976, except as otherwise provided in this act, all of the powers, duties and functions of the state agencies and offices enumerated in subsection (a) shall be and are hereby transferred to and conferred and imposed upon the director of parks and recreation. Except as otherwise provided in this act, the director of parks and recreation shall be the successor in every way to the powers, duties and functions of said state agencies and offices, in which the same were vested prior to August 15, 1976. The director of parks and recreation shall be a continuation of said state agencies and offices, and every act performed under the authority of the director of parks and recreation shall be deemed to have the same force and effect as if performed by the respective agency or office in which the authority to perform such act was vested prior to August 15, 1976.

(c) Except as otherwise provided in this act, on and after August 15, 1976, whenever any of the state agencies or offices enumerated in subsection (a), or words of like effect, are referred to or designated by statute, contract or other document, such reference or designation shall be deemed to apply to the director of parks and recreation.

(d) On August 15, 1976, the director of parks and recreation shall succeed to whatever right, title or interest the state park and resources authority has acquired in any land in this state, and said director shall hold the same for and in the name of the state of Kansas. On and after August 15, 1976, whenever any statute, contract, deed or other document concerns the power or authority of the state park and resources authority to acquire, hold or dispose of land or any interest in land, the director of parks and recreation shall succeed to such power or authority, and on and after said date, whenever any land or interest in land is acquired, held or disposed of by the director of parks and recreation, such land or interest shall be acquired, held or disposed of by said director for and in the name of the state of Kansas.

(e) All orders or directives of any of the state agencies or offices enumerated in subsection (a) which are in existence on August 15, 1976, shall continue to be effective and shall be deemed to be the orders or directives of the director of parks and recreation, until the same are revised, repealed or nullified pursuant to law.

(f) All rules and regulations of any of the state agencies or offices enumerated in subsection (a) which are in existence on August 15, 1976, shall continue to be effective and shall be deemed to be the rules and regulations of the secretary of agriculture and natural resources, until the same are revised, amended, repealed or nullified pursuant to law.

New Sec. 13. Except as otherwise provided in this act, on August 15, 1976, officers and employees who, immediately prior to said date, were engaged in the performance of powers, duties or functions of any state agency or office which becomes a part of the department of agriculture and natural resources, or the powers, duties and functions of which are transferred to the secretary of agriculture and natural resources or transferred to the chief administrative officer of any division of said department, and who, in the opinion of the secretary of agriculture and natural resources, are necessary to perform the powers, duties and functions of the department of agriculture and natural resources, shall become officers and employees of said department. Any such officer or employee shall retain all retirement benefits and all rights of civil service which had accrued to or vested in such officer or employee prior to August 15, 1976. The service of each such officer and employee so transferred shall be deemed to have been continuous. All transfers and any abolition of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder.

New Sec. 14. (a) The secretary of agriculture and natural resources may organize the department of agriculture and natural resources in the manner the secretary deems most efficient, so long as the same is not in conflict with the provisions of this act or other provisions of law, and the secretary may adopt rules and regulations governing the transaction of all business of the department and the administration of each of the divisions within the department. The chief administrative officer of each division of the department shall perform such duties and exercise such powers as the secretary of agriculture and natural resources may prescribe and such duties and powers as are prescribed by law. Such chief administrative officers shall act for and exercise the powers of the secretary of agriculture and natural resources to the extent authority to do so is delegated by the secretary of agriculture and natural resources.

(b) Except as otherwise provided in this act, and subject to the Kansas civil service act, the chief administrative officer of each division of the department of agriculture and natural resources shall appoint all subordinate officers and employees of such officer's division, subject to the approval of the secretary, and all such subordinate officers and employees shall be within the classified service under the Kansas civil service act. Personnel of each such division shall perform such duties and exercise such powers as the chief administrative officer of the division may prescribe and such duties and powers as are designated by law. Personnel of each division shall act for and exercise the powers of the chief administrative officer of their division to the extent authority to do so is delegated by such administrative officer.

New Sec. 15. The secretary of agriculture and natural resources shall appoint a chief attorney for the department of agriculture and natural resources, who shall be in the unclassified service under the Kansas civil service act. The secretary of agriculture and natural resources also may appoint additional attorneys to full-time positions within the department of agriculture and natural resources. Such additional attorneys shall be in the classified service under the Kansas civil service act and shall be subject to assignment and reassignment of duties within the department of agriculture and natural resources as may be determined by the chief attorney.

New Sec. 16. (a) When any conflict arises as to the disposition of any power, function or duty or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under authority of this act, such conflict shall be resolved by the governor, with the approval of the state finance council, and the resolution of such conflict as provided in this section shall be final.

(b) In all cases where, under the provisions of this act, part or all of the powers, duties and functions of any state agency are divided between the department of agriculture and

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natural resources, or any division thereof, and any other state agency, the department of agriculture and natural resources shall succeed to all property and records which were used for or pertain to the performance of the powers, duties and functions transferred to the secretary of agriculture and natural resources or to the chief administrative officer of any division thereof. Any conflict as to the proper disposition of property or records arising under this section, and resulting from the transfer or abolition of any state agency, or all or part of the powers, duties and functions thereof, shall be determined by the governor, with the approval of the state finance council, and the resolution of such conflict as provided in this section shall be final.

New Sec. 17. The secretary of agriculture and natural resources may create advisory boards, commissions or committees with the approval of the governor, and members of any such boards, commissions or committees shall be appointed by the secretary. Any such advisory board, commission or committee so created shall be within the department of agriculture and natural resources as a part thereof. Such advisory boards, commissions or committees shall consult with and advise the secretary or the chief administrative officer of any division designated by the secretary, with reference to the management, control and operation of any programs under the jurisdiction of the department or any division thereof or with reference to any law administered by the department or any division thereof. Members of any advisory board, commission or committee created under authority of this section attending meetings thereof, or attending a subcommittee thereof, authorized by such board, commission or committee, shall be paid amounts provided in subsection (e) of K. S. A. 1975 Supp. 75-3223. All vouchers for expenditures and all payrolls of each of such advisory boards, commissions or committees shall be approved by the presiding officer thereof and the secretary of agriculture and natural resources or a person or persons designated by the secretary.

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New Sec. 18. (a) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency mentioned in this act, or by or against any state agency mentioned in this act, or by or against any officer of the state in such officer's official capacity or in relation to the discharge of such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this act. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this act.

New Sec. 19. Annually, prior to the convening of each regular session of the legislature, the secretary of agriculture and natural resources shall submit a written report to the governor and to each member of the legislature, containing specific recommendations for possible consolidation or transfer of powers, duties or functions within the department of agriculture and natural resources.

New Sec. 20. The secretary of agriculture and natural resources and the department of agriculture and natural resources shall have offices and facilities in Topeka and such other locations throughout the state as are necessary.

New Sec. 21. The secretary of agriculture and natural resources may pay the necessary moving expenses of certain designated employees that are transferred from one locality to another within the state in accordance with rules and regulations adopted by the secretary.

New Sec. 22. On August 15, 1976, the balance of all funds appropriated and reappropriated to any of the state agencies abolished by this act is hereby appropriated to the department of agriculture and natural resources.

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ATTACHMENT III

State	Agriculture Activities	Nat. Resources Act.	Fish & Game Act.	Water Res. Mgt. Act.	Park Activities	Number of Act in one Dept.
Alabama	Dept. of Ag. & Ind.	<u>Dept. of Conserv.</u>	<u>Dept. of Conserv.</u>	Dept. of Health	<u>Dept. of Conserv.</u>	3
Alaska*	<u>Dept. of Nat. Res.</u>	<u>Dept. of Nat. Res.</u>	Dept. of Fish & Game	<u>Dept. of Nat. Res.</u>	<u>Dept. of Nat. Res.</u>	4
Arizona	Comm on Ag. & Hort.	Land Dept.	Game & Fish Dept.	Water Comm.	St. Parks Bd.	1
Arkansas	St. Plant Bd.	Geological Comm.	Game & Fish Comm.	Soil & Water Cons. Com.	Dept. of Pks. & Tourism	1
California	Dept. of Ag.	Dept. of Conserv.	Dept. of Fish & Game	Water Res. Control Bd.	Dept. of Pks. & Rec.	1
Colorado	Dept. of Ag.	<u>Dept. of Nat. Res.</u>	<u>Dept. of Nat. Res.</u>	<u>Dept. of Nat. Res.</u>	<u>Dept. of Nat. Res.</u>	4
Connecticut	Dept. of Ag. & Nat. Res.	<u>Dept. of Env. Pro.</u>	<u>Dept. of Env. Pro.</u>	<u>Dept. of Env. Pro.</u>	<u>Dept. of Env. Pro.</u>	4
Delaware	Dept. of Ag.	<u>Dept. of Nat. Res. & Env.</u>	<u>Dept. of Nat. Res. & Env.</u>	<u>Dept. of Nat. Res. & Env.</u>	<u>Dept. of Nat. Res. & Env.</u>	4
Florida	Dept. of Ag. & Cons. Ser.	<u>Dept. of Nat. Res.</u>	<u>Dept. of Nat. Res.</u>	<u>Dept. of Nat. Res.</u>	<u>Dept. of Nat. Res.</u>	4
Georgia	Dept. of Ag.	<u>Dept. of Nat. Res.</u>	<u>Dept. of Nat. Res.</u>	<u>Dept. of Nat. Res.</u>	<u>Dept. of Nat. Res.</u>	4
Hawaii	Dept. of Ag.	<u>Dept. of Land & Nat. Res.</u>	<u>Dept. of Land & Nat. Res.</u>	<u>Dept. of Land & Nat. Res.</u>	<u>Dept. of Land & Nat. Res.</u>	4
Idaho	Dept. of Ag.	Dept. of Water Adm.	Dept. of Fish & Game	Water Res. Agency	Dept. of Pks. & Rec.	1
Illinois	Dept. of Ag.	<u>Dept. of Conserv.</u>	<u>Dept. of Conserv.</u>	Dept. of Trans.	<u>Dept. of Conserv.</u>	3
Indiana	Office of Lt. Gov.	<u>Dept. of Nat. Res.</u>	<u>Dept. of Nat. Res.</u>	<u>Dept. of Nat. Res.</u>	<u>Dept. of Nat. Res.</u>	4
Iowa	Dept. of Ag.	<u>Nat. Res. Council</u>	<u>Conserv. Comm.</u>	<u>Nat. Res. Council</u>	<u>Conserv. Comm.</u>	2+2
KANSAS	Board of Ag.	-	Forestry, Fish & Game	Bd. of Ag.	Pks. & Res. Authority	1
				Water Res. Bd.		
Kentucky	Dept. of Ag.	<u>Dept. of Nat. Res.</u>	Dept. of Fish & Wildlife Res.	<u>Dept. of Nat. Res.</u>	Dept. of Parks	2
Louisiana	Dept. of Ag. & Immig.	Dept. of Conserv.	Wildlife & Fisheries Comm.	Dept. of Public Wks.	St. Pks. & Rec. Comm	1
Maine	Dept. of Ag.	-	Inland Fish & Game Dept.	Pub. Utilities Comm.	Dept. of St. Pks. & Rec.	1
Maryland	Dept. of Ag.	<u>Dept. of Nat. Res.</u>	Fisheries Admin.	Water Res. Admin.	<u>Dept. of Nat. Res.</u>	2
			Wildlife Admin.			
Massachusetts	Dept. of Ag.	<u>Dept. of Nat. Res.</u>	<u>Dept. of Nat. Res.</u>	<u>Dept. of Nat. Res.</u>	<u>Dept. of Nat. Res.</u>	4
Michigan	Dept. of Ag.	<u>Dept. of Nat. Res.</u>	<u>Dept. of Nat. Res.</u>	<u>Dept. of Nat. Res.</u>	<u>Dept. of Nat. Res.</u>	4
Minnesota	Dept. of Ag.	<u>Dept. of Nat. Res.</u>	<u>Dept. of Nat. Res.</u>	Water Res. Bd.	<u>Dept. of Nat. Res.</u>	3
Mississippi	Dept. of Ag. & Comm.	-	Game & Fish Comm.	Bd. of Water Commrs.	Park Comm.	1
Missouri	Dept. of Ag.	<u>Conserv. Comm.</u>	<u>Conserv. Comm.</u>	Dept. of Bus. & Admin.	State Park Bd.	2
Montana	Dept. of Ag.	<u>Dept. of Nat. Res. & Cons.</u>	<u>Fish & Game Dept.</u>	Water Res. Division	<u>Fish & Game Dept.</u>	2
Nebraska	Dept. of Ag.	<u>Conserv. & Survey Div.</u>	<u>Game & Parks Comm.</u>	Dept. of Water Res.	<u>Game & Parks Comm.</u>	2
Nevada	Dept. of Ag.	<u>Dept. of Cons. & Nat. Res.</u>	<u>Dept. of Fish & Game</u>	<u>Dept. of Cons. & Nat. Res.</u>	<u>Dept. of Cons. & Nat. Res.</u>	3
New Hampshire	Dept. of Ag.	<u>Dept. of Res. & Ec. Dev.</u>	Fish & Game Dept.	Water Res. Bd.	<u>Dept. of Res. & Ec. Dev.</u>	2
New Jersey	Dept. of Ag.	<u>Dept. of Env. Pro.</u>	<u>Dept. of Env. Pro.</u>	<u>Dept. of Env. Pro.</u>	<u>Dept. of Env. Pro.</u>	4
New Mexico	Dept. of Ag.	-	Dept. of Game & Fish	Off. of St. Engineer	St. Pks. & Rec. Comm.	1
New York	Dept. of Ag. & Mkt.	<u>Dept. of Env. Cons.</u>	<u>Dept. of Env. Cons.</u>	<u>Dept. of Env. Cons.</u>	Off. of Parks & Rec.	3
North Carolina	Dept. of Ag.	<u>Dept. of Nat. & Ecol. Res.</u>	Wildlife Resources Comm.	Dept. of Water & Air Res.	<u>Dept. of Nat. & Ecol. Res.</u>	2
North Dakota	Dept. of Ag.	<u>Nat. Res. Council</u>	Game & Fish Dept.	Water Conser. Comm.	Park Service	1
Ohio	Dept. of Ag.	<u>Dept. of Nat. Res.</u>	Division of Wildlife	Div. of Water Res. Mgt.	<u>Dept. of Nat. Res.</u>	2
Oklahoma	Dept. of Ag.	-	Dept. of Wildlife Cons.	Water Res. Bd.	Tourism & Rec. Dept.	1

Oklahoma	Dept. of Ag.	-	Dept. of Wildlife Cons.	Water Res. Bd.	Tourism&Rec. Dept.	1
Oregon	Dept. of Ag.	Comm. on Nat. Res.	Fish Comm.	Water Res. Bd.	Trans. Dept.	1
Pennsylvania	Dept. of Ag.	<u>Dept. of Env. Res.</u>	Game Comm.	<u>Dept. of Env. Res.</u>	<u>Dept. of Env. Res.</u>	3
Rhode Island*	<u>Dept. of Nat. Res.</u>	<u>Dept. of Nat. Res.</u>	Game Comm.	Water Res. Coord. Bd.	<u>Dept. of Nat. Res.</u>	4
South Carolina	Dept. of Ag.	Development Bd.	Wildlife and Marine Res. Dept.	Water Res. Comm.	Dept. of Pks., Rec. & Tourism	1
South Dakota	Dept. of Ag.	<u>Dept. of Nat. Res. Dev.</u>	<u>Game, Fish&Pks. Dept.</u>	<u>Dept. of Nat. Res. Dev.</u>	<u>Game, Fish,&Pks. Dept.</u>	2+2
Tennessee	Dept. of Ag.	<u>Dept. of Conserv.</u>	Game&Fish Comm.	<u>Dept. of Conserv.</u>	<u>Dept. of Conserv.</u>	3
Texas	Dept. of Ag.	-	<u>Pks.&Wildlife Dept.</u>	Water Rights Com.	<u>Pks.&Wildlife Dept.</u>	2
Utah	Dept. of Ag.	Dept. of Nat. Res.	Wildlife Res. Div.	Water Devel. Bd.	Div. of Pks.&Rec.	1
Vermont	Dept. of Ag.	Nat. Res. Cons. Council	Fish&Game Dept.	Div. of Water Res.	Dept. of Forests&Parks	1
Virginia	Dept. of Ag. & Comm.	<u>Dept. of Cons.&Ec. Dev.</u>	Game&Inland Fisheries Comm	Water Control Bd.	<u>Dept. of Cons.&Ec. Dev.</u>	2
Washington	Dept. of Ag.	Dept. of Nat. Res.	Marine Resources Comm.	Dept. of Ecology	State Park&Rec. Comm.	1
West Virginia	Dept. of Ag.	<u>Dept. of Nat. Res.</u>	Dept. of Fisheries	Dept. of Nat. Res.	<u>Dept. of Nat. Res.</u>	4
Wisconsin	Dept. of Ag.	<u>Dept. of Nat. Res.</u>	Dept. of Game	<u>Dept. of Nat. Res.</u>	<u>Dept. of Nat. Res.</u>	4
Wyoming	Dept. of Ag.	Dept. of Ec. Plan.&Dev.	<u>Dept. of Nat. Res.</u>	Engineers Office	Rec. Commission	1

Summary: Fourteen states have four activities in one Department.
Seven states have three activities in one Department.
Twelve states have two activities in one Department.

* Denotes the two states in which Agriculture is one of the activities.

_____ BILL NO. _____

By Special Committee on Governmental Organization
Re Proposal No. 21

AN ACT relating to the mined-land conservation and reclamation act; abolishing the mined-land conservation and reclamation board; transferring the powers, duties and functions thereof to the secretary of health and environment; amending K. S. A. 1975 Supp. 49-403, 49-405 to 49-417, inclusive, and 49-420 to 49-422, inclusive, and repealing the existing sections; also repealing K. S. A. 1975 Supp. 49-404, 49-419, 49-423 and 49-424.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) On August 15, 1976, the mined-land conservation and reclamation board shall be and is hereby abolished, and on said date, except as otherwise provided in this act, all of the powers, duties and functions of said board shall be and are hereby transferred to and conferred and imposed upon the secretary of health and environment. Except as otherwise provided in this act, the secretary of health and environment shall be the successor in every way to the powers, duties and functions of the mined-land conservation and reclamation board in which the same were vested prior to August 15, 1976. The secretary of health and environment shall be a continuation of the mined-land conservation and reclamation board, and every act performed under the authority of the secretary of health and environment shall be deemed to have the same force and effect as if performed by the mined-land conservation and reclamation board, in which the authority to perform such act was vested prior to August 15, 1976.

(b) Except as otherwise provided in this act, on and after August 15, 1976, whenever the mined-land conservation and reclamation

mation board, or words of like effect, is referred to or designated by statute, contract or other document, such reference or designation shall be deemed to apply to the secretary of health and environment.

(c) All orders or directives of the mined-land conservation and reclamation board which are in existence on August 15, 1976, shall continue to be effective and shall be deemed to be the orders or directives of the secretary of health and environment, until the same are revised, amended, repealed or nullified pursuant to law.

(d) All rules and regulations of the mined-land conservation and reclamation board which are in existence on August 15, 1976, shall continue to be effective and shall be deemed to be the rules and regulations of the secretary of health and environment, until the same are revised, amended, repealed or nullified pursuant to law.

New Sec. 2. Except as otherwise provided in this act, on August 15, 1976, officers and employees who, immediately prior to said date, were engaged in the performance of powers, duties or functions of the mined-land conservation and reclamation board, and who, in the opinion of the secretary of health and environment, are necessary to perform the powers, duties and functions of the department of health and environment, shall become officers and employees of said department. Any such officer or employee shall retain all retirement benefits and all rights of civil service which had accrued to or vested in such officer or employee prior to August 15, 1976. The service of each such officer and employee so transferred shall be deemed to have been continuous. All transfers and any abolition of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder.

New Sec. 3. (a) When any conflict arises as to the disposition of any power, function or duty or the unexpended balance of any appropriation as a result of any abolition or transfer

made by or under authority of this act, such conflict shall be resolved by the governor, with the approval of the state finance council, and the resolution of such conflict as provided in this section shall be final.

(b) The department of health and environment shall succeed to all property and records which were used for or pertain to the performance of the powers, duties and functions of the mined-land conservation and reclamation board. Any conflict as to the proper disposition of property or records arising under this section shall be determined by the governor, with the approval of the state finance council, and the resolution of such conflict as provided in this section shall be final.

New Sec. 4. (a) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency mentioned in this act, or by or against any officer of the state in such officer's official capacity or in relation to the discharge of such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this act. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this act.

New Sec. 5. On August 15, 1976, the balance of all funds appropriated and reappropriated to the mined-land conservation and reclamation board shall be and is hereby appropriated to the department of health and environment.

Sec. 6. From and after August 15, 1976, K. S. A. 1975 Supp. 49-403 shall be and is hereby amended to read as follows: 49-403. (a) "Surface mining" relates to the mining of coal by removing the overburden lying above the natural deposit thereof, and mining directly from the natural deposit thereby exposed.

(b) "Minerals" means coal.

(c) "Overburden" means all of the earth and other materials which lie above a natural deposit of minerals and also means such earth and other material after removal from their natural state in the process of surface types of mining.

(d) "Area of land affected" means the area of land from which minerals and/or overburden is to be or has been removed and upon which the overburden is to be or has been deposited and shall include all lands affected by the construction of new roads or the improvement or use of existing roads other than public roads to gain access and to haul minerals.

(e) "Operator" means any person engaged in surface types of mining who disturbs more than one-fourth acre or who removes or intends to remove more than one hundred (100) tons of minerals or who removes overburden for the purpose of producing minerals.

(f) "Operation" means all of the premises, facilities, roads and equipment used in the process of producing minerals from a designated service mine area and removing overburden for the purpose of producing minerals.

(g) "Method of operation" means the manner by which the surface cut is made, the overburden is placed or handled, water is controlled and other acts are performed by the operator in the process of uncovering and removing minerals.

(h) "Person" means persons, firm, partnership or corporation.

(i) "Reclamation and conservation" means the reconditioning of the area of land affected by surface types of mining under a plan approved by the mined-land conservation and reclamation board.

(j) ~~"Board" means the mined-land conservation and reclamation board as created by this act~~ "Secretary" means the secretary of health and environment.

(k) "Pit" means the place where minerals are being or have been mined by surface mining.

~~(l) "Commissioner" means the chairman of the state corpora-~~

~~tion-commissioner.~~

Sec. 7. From and after August 15, 1976, K. S. A. 1975 Supp. 49-405 shall be and is hereby amended to read as follows: 49-405. (a) The ~~board~~ secretary shall have and exercise the following authority and powers ~~which shall be enforced and administered by the commissioner:~~

~~(a)~~ (1) To adopt and promulgate rules and regulations respecting the administration of this act and in conformity therewith.

~~(b)~~ (2) To encourage and conduct investigations, research, experiments and demonstrations, and to collect and disseminate information relating to surface types of mining and reclamation and conservation of lands and waters affected by surface types of mining.

~~(c)~~ (3) To examine and pass upon all plans and specifications submitted by the operator for the method of operation and for the reclamation and conservation of the area of land affected by said operation.

~~(d)~~ (4) To make investigations and inspections which may be deemed necessary to insure compliance with the provisions and intent of this act.

~~(e)~~ (5) To order the suspension of any permit and order to cease and desist operations for failure to comply with any of the provisions of this act.

~~(f)~~ (6) To order the stopping of any operation that is started without first having secured a permit as required by this act.

~~(g)~~ (7) To conduct hearings under provision of this act and for the purpose of any investigation or hearing, the ~~board or any member thereof~~ secretary may administer oaths or affirmation, subpoena witnesses relevant to the inquiry.

~~(h)~~ (8) To order, after a hearing, an operator to adopt such remedial measures as are necessary to comply with this act.

~~(i)~~ (9) To issue, after a hearing, a final order ~~directing the commissioner to revoke~~ revoking a permit when any remedial

action ordered has not been taken.

~~(j)~~ (b) The attorney general or county attorney, at the request of the ~~board~~ secretary, may secure enforcement of the orders of the board in the district court of Shawnee county, through mandamus or injunction, or by action to compel specific performance of the order. Such proceedings shall be initiated by the filing of a petition in said court, together with a transcript of the record upon the hearing before the ~~commission~~ secretary, and issuance and service of a copy of said petition as in civil actions. The court shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony and proceedings an order or decree, enforcing, modifying and enforcing, as so modified, or setting aside in whole or in part the order of the ~~board~~ secretary.

Sec. 8. From and after August 15, 1976, K. S. A. 1975 Supp. 49-406 shall be and is hereby amended to read as follows: 49-406. (a) ~~After January 1, 1969,~~ No person shall engage in surface types of mining unless such person possesses a valid permit issued by the ~~board~~ secretary designating the area of land affected by the operation. The permit shall authorize the operator to engage in surface types of mining upon the area of land described in such permit and shall be valid for a period of one ~~(1)~~ year from the date of its issuance unless sooner revoked or suspended as herein provided. It shall be the duty of each producer holding a permit within the state of Kansas to file an annual statement setting forth the full amount of coal mined or taken from each source or deposit and to identify the specific source or deposit from which taken. Such statement shall be filed with the ~~board~~ secretary upon forms provided by the ~~board~~ secretary not later than thirty (30) days after the end of each calendar year.

(b) The application for said permit shall include: (1) Two copies of a United States geological survey topographic map on which the operator has indicated the location of the area of land

affected, the course which would be taken by drainage from the area of land affected to the nearest stream or streams to which such drainage would normally flow, the name of the applicant and the date.

(2) The owner or owners of the surface of the area of land to be affected by the permit and the owner or owners, if known by the operator, of all surface area within five hundred (500) feet of any part of the affected area.

(3) The names of all persons with any interest in the coal to be mined.

(4) The source of the applicant's legal right to mine the coal or other minerals affected by the permit.

(5) The permanent and temporary post-office address of the applicant.

(6) Whether the applicant or any person, firm, partnership or corporation associated with the applicant holds or has held any other permits under this act; and, if so, an identification of such permits.

(7) The written consent of the applicant and such other persons, if any, necessary to grant such access to the ~~commissioner and board members~~ secretary or representatives thereof to the area of land affected under application from the date of application until the expiration of any permit granted under such application and thereafter for such time as is necessary to assure compliance with all provisions of this act or any rule or regulation promulgated hereunder.

(c) The application for a permit shall be accompanied by an enlarged United States geological survey topographic map prepared and certified by a professional engineer containing the following: (1) An identification of the area to correspond with the application.

(2) The boundaries of surface properties and names of owners on the area of land affected, and, if known to the operator, adjacent deep mines, and the name of the owner or owners of the surface area within five hundred (500) feet of any part of

the area of land affected.

(3) Be of a scale of not less than four hundred (400) feet to the inch and not to exceed six hundred and sixty (660) feet to the inch.

(4) Show the names and locations of all streams, creeks or other bodies of public water, roads, buildings, cemeteries, oil and gas wells and utility lines on the area to be mined and within five hundred (500) feet of such area.

(5) Show by appropriate markings the boundaries of the area of land affected, the cropline of the seam or deposit to be mined, and the total number of acres involved in the area of land affected.

(6) Show the date on which the map was prepared, the north point and the quadrangle name.

(7) Show the drainage plan on and away from the area of land affected. Such plan shall indicate the directional flow of water, constructed drainways, natural waterways used for drainage, and the nearest streams or tributaries receiving the discharge.

(8) A verified statement by the operator containing the proposed method of operation, grading, reclamation and conservation plan for the affected area including dates and approximate time of completion, and that said operation will meet the requirements of this act, or any rule or regulation promulgated hereunder.

(9) The certification of the maps by the professional engineer shall read as follows: "I, the undersigned, hereby certify that this map is correct and shows to the best of my knowledge and belief all the information required by the surface mining laws of this state." The certification shall be signed and the engineer's seal affixed.

(d) The application for a permit shall be accompanied by a plan of reclamation that meets the requirements of this act, and the rules and regulations promulgated hereunder.

(e) The ~~board~~ secretary shall not approve the application

for a permit to mine where such mining would constitute a hazard to a residence, public building, school, church, cemetery, commercial or residential building, public road, stream, lake or other property. Surface mining operations which remove and do not replace the lateral support shall not, unless approved by the board secretary, approach within fifty (50) feet of property lines, public roads, streams, lakes or other property.

(f) A basic fee of fifty dollars (\$50) plus a fee in an amount to be fixed by the board of not to exceed twenty-five dollars (\$25) for every acre and fraction of an acre of land to be affected shall be paid before the permit required herein shall be issued.

(g) Contemporaneously with and as condition precedent to the issuance of the permit, there shall be filed by the operator with the board secretary a bond payable to the state treasurer, conditioned that the operator shall faithfully perform all requirements of the board secretary in accordance with the provisions of this act and any rules or regulations pursuant thereto. Such a bond shall be signed by the operator as principal, and by a corporate or individual surety approved by the board secretary. The penal sum of such bond shall be determined by the board as not less than three hundred dollars (\$300) nor more than one thousand dollars (\$1,000) for each acre, or fraction thereof, of the area of land affected, with a minimum bond of three thousand dollars (\$3,000).

In determining the amount of the bond within the above limits, the board secretary shall take into consideration the character and nature of the overburden, the future suitable use of the land involved and the cost of reclamation to be required. In a particular instance where the circumstances are such to warrant an exception, the board secretary, in ~~its~~ the secretary's discretion, may reduce the amount of the bond for a particular operation to less than the required minimum.

(h) Where one operator succeeds another at any uncompleted operation, either by sale, assignment, lease or otherwise, the

board secretary may release the first operator from all liability under this act as to that particular operation: Provided, however, That if two or more operators have been issued a permit for the same operation and have otherwise complied with the requirements of the act and regulations promulgated pursuant thereto, the successor operator shall assume as part of his ^{or her} obligation under the act, all liability for the reclamation of the area of land affected by the former operator.

Sec. 9. From and after August 15, 1976, K. S. A. 1975 Supp. 49-407 shall be and is hereby amended to read as follows: 49-407. Within twenty (20) working days after the applicant has filed an application for a permit, the board secretary shall either grant the permit, and so advise the applicant by registered mail, or deny the permit and so advise the applicant by registered mail, setting forth wherein the application does not meet the requirements of this act, or the rules and regulations promulgated hereunder, and the changes or actions that are necessary before such a permit will be granted. Should the applicant object to the determination of the board secretary, he or she may, by written notice, request a hearing by the board secretary. The board secretary shall hold such a hearing within twenty (20) days after receipt of such request and shall notify applicant by registered mail within twenty (20) days after the hearing of its his or her decision. Any person aggrieved by final order of the board secretary may appeal to the district court of Shawnee county, Kansas, ~~by filing with the clerk of said court within thirty (30) days from the date of receipt of the final order~~ in the manner prescribed by K. S. A. 1975 Supp. 60-2101. ~~The appeal shall certify that notice in writing of the appeal with a copy of the appeal has been given to the board at its office in Topeka. The commission shall certify the evidence and its findings to said district court, as its return.~~

Sec. 10. From and after August 15, 1976, K. S. A. 1975 Supp. 49-403 shall be and is hereby amended to read as follows: 49-403. (a) All land affected by surface mining, except

as otherwise provided in this act, shall be graded to a rolling topography traversable by machines necessary for maintenance in accordance with planned use, with slopes having no more than twenty-five percent (25%) grade.

Impoundment is encouraged and water impoundments may be constructed providing measures are taken to prevent undesirable seepage.

All waters in existence on mined land after reclamation is completed shall become public waters to the extent they may be stocked with fish from the state or federal hatcheries and shall be under the law enforcement jurisdiction of the forestry, fish and game commission. The owner of the mined land containing such waters shall retain all other rights consistent with the ownership thereof.

When an abandoned underground mine or acid mine drainage is encountered in the operation, sealing or impoundment or both shall be used to reduce acid pollution.

(b) In addition to the grading requirements of this section, the operator shall perform the following: ~~(a)~~ (1) Cover the face of the coal or other minerals with compacted non-acid bearing and non-toxic materials to a distance of at least two ~~(2)~~ feet above the seam being mined or by a permanent water impoundment.

~~(b)~~ (2) Seal off, as directed in this section, any breakthrough of acid water creating a hazard.

~~(e)~~ (3) Impound, drain or control the flow of all runoff water so as to reduce soil erosion, damage to agricultural lands and pollution of streams and other waters.

~~(d)~~ (4) Grade the overburden, as required by this section, covering the surface of mined lands with soil materials adequate to support plant growth comparable to that originally on the site and provide suitable vegetative cover.

~~(e)~~ (5) Remove or bury all metal, lumber and other refuse resulting from the operation.

~~(f)~~ (c) No operator shall throw, dump, pile or permit the

dumping, piling or throwing, or otherwise placing any overburden, stones, rocks, coal, particles of coal, earth, soil, dirt, debris, trees, wood, logs or any other materials or substances of any kind or nature upon or into any public roads, ways or any other public property, public streams, ponds, lakes or any other public surface or subterranean waters of the state, or any adjacent property owners whose surface area is not included in the application for a permit, or place such materials herein described in such a way that normal erosion or slides brought about by natural physical causes will permit such materials to go upon or into any public roads, ways or any other public property, public streams, ponds, lakes or any other public surface or subterranean waters of the state, or any adjacent property owners whose surface area is not included in the area of land affected as described in the application for a permit.

(d) In order to be considered current, grading shall meet the following time limits: (1) Grading of spoil ridges shall be completed not more than one hundred eighty (180) days after the final placing of the spoil ridges. When more than one seam is to be mined, said information shall be included in the application, and the board may defer reclamation until all seams have been mined. Grading of a spoil ridge that will have an adjacent spoil ridge placed against it shall be completed one hundred eighty (180) days after the placing of such adjacent spoil ridge. When heavy rains or other conditions make grading impracticable, the one hundred eighty (180) day period shall be extended by the length of time such grading is impracticable.

(2) If the surface operation includes auger or punch mining, the grading shall follow the final mining by not more than one hundred eighty (180) days.

(e) When special conditions warrant, the ~~board~~ secretary may provide exceptions to this section upon request.

Sec. 11. From and after August 15, 1976, K. S. A. 1975 Supp. 49-409 shall be and is hereby amended to read as follows: 49-409. After the area of land affected, except access

roads, has been graded and found by the board secretary to meet the requirements of ~~section 8 of this act~~ K. S. A. 1975 Supp. 49-403, as amended, and regulations promulgated hereunder, the operator shall revegetate the affected area described in the application with seeds, plants or cutting of trees, shrubs or grasses, as shall be recommended or approved in writing by the board secretary. Such revegetation shall conform to the approved land-use objectives as stated in the approved plan of reclamation. Such seeding or planting, as required above, shall be carried out in accordance with the revegetation plan which shall be filed with the board secretary before November 30 of the year preceding planting. Such revegetation plan shall include information on the approximate number or kinds of plants or seeds to be used together with such seed or plant recommendations as set forth by the board secretary.

Sec. 12. From and after August 15, 1976, K. S. A. 1975 Supp. 49-410 shall be and is hereby amended to read as follows: 49-410. The board secretary may increase or reduce the area of land affected by an operation under a permit, on application by an operator. ~~An operator may~~ At any time within one ~~(1)~~ year from the date of issuance of the permit, an operator may apply to the board secretary for an amendment of the permit so as to increase or reduce the acreage affected by it. The operator shall file an application and map in the same form and with the same information as required for an original application ~~under this chapter and shall pay, together with~~ a fee of fifty dollars (\$50), and shall file with the board secretary a supplemental bond in the amount to be determined for each acre or fraction of an acre of the increase approved. If the operator sets forth in an application for an increase that such increase is sought because of unexpected or emergency conditions making it necessary or desirable to begin surface mining immediately on the land covered by such application, and such conditions are set forth in such application, the ~~board shall~~ board secretary immediately upon the filing of such application and receipt of sufficient bond as

herein provided shall issue to the operator a temporary permit on the acreage covered by such application, which temporary permit shall expire when the board secretary notifies the operator of its acceptance or rejection. If the board secretary approved a reduction in the acreage covered by the original or supplemental permit, ~~it~~ the secretary shall release the bond for each acre reduced, but in no case shall the bond be reduced below two thousand dollars (\$2,000) or one-half (1/2) of the original amount, whichever is less.

Sec. 13. From and after August 15, 1976, K. S. A. 1975 Supp. 49-411 shall be and is hereby amended to read as follows: 49-411. It shall be the duty of an operator to commence the reclamation of the area of land affected by its operation as soon as possible after the beginning of surface mining of that area in accordance with a plan of reclamation required by article 4 of chapter 49 of the Kansas Statutes Annotated, or acts amendatory thereof or supplemental thereto, and to complete such reclamation within twelve (12) months after the permit has expired, except that grading shall be kept current with the operation as required herein, and no permit or supplement to a permit shall be issued if these practices are not current.

If an investigation indicates that planting so as to provide vegetative cover of an area of land affected by surface mining may not be successful, the board secretary may authorize the operator to defer such planting until the soil has become suitable for such purposes, and a yearly report shall be filed with the board secretary indicating the soil conditions until a successful planting or seeding has been completed. In lieu of planting to provide vegetative cover for the area of land covered by the operator's permit, the board secretary may authorize the operator to do planting to provide vegetative cover for a different area of land. Such different area of land must be land affected by surface mining in the past which has soil that has become suitable for planting, and not less acreage than the land covered by the permit. An application by the operator for

authority to plant a different area of land shall identify the different area and shall be accompanied by a map showing its location, area and boundaries. The application shall be accompanied by the written consent of the owner of the land covered by the permit to release the operator from his ^{or her} obligation to provide a vegetative cover for the land covered by the permit. If the ~~board~~ secretary grants the application for the planting of a different area of land and the planting is carried out in accordance with its orders, the operator shall be relieved of its obligation to provide a vegetative cover for the area of land affected by its operation for which a different area of land has been substituted.

Sec. 14. From and after August 15, 1976, K. S. A. 1975 Supp. 49-412 shall be and is hereby amended to read as follows: 49-412. To facilitate maximum development and conservation of land, it is recognized it may be desirable that reclamation be preplanned for contiguous areas which may contain more acres than will be mined within one ~~(+)~~ year. The ~~board~~ secretary may consider a plan of reclamation wherein the operator may delay certain phases of the required reclamation for an extended period not to exceed five (5) years.

Sec. 15. From and after August 15, 1976, K. S. A. 1975 Supp. 49-413 shall be and is hereby amended to read as follows: 49-413. When the planting of a permit area is completed, the operator shall file a planting report with the ~~board~~ secretary, on a form to be prescribed and furnished by the ~~board~~ secretary, giving the following information: (a) Identification of the operation.

(b) The type of planting or seeding, including mixtures and amounts.

(c) The date of planting or seeding.

(d) The area of land planted.

(e) Such other relevant information as the ~~board~~ secretary may require.

(f) All planting reports shall be signed by the operator.

Inspection and evaluation for vegetative cover shall be made as soon as it is possible to determine if a satisfactory stand has been established. If the ~~board~~ secretary determines that a satisfactory vegetative cover has been established, ~~it~~ the secretary shall then release the remaining bond held on the area reclaimed.

Sec. 16. From and after August 15, 1976, K. S. A. 1975 Supp. 49-414 shall be and is hereby amended to read as follows: 49-414. The ~~board~~ secretary may authorize an operator to defer planting of vegetative cover for an affected area of land. If the operator has carried out on that area of land an approved reclamation plan other than planting, the ~~board~~ secretary may issue to the operator and to his or her surety a release of ~~his~~ the operator's surety bond or other securities held on deposit for each acre of land for which such reclamation has been carried out.

Sec. 17. From and after August 15, 1976, K. S. A. 1975 Supp. 49-415 shall be and is hereby amended to read as follows: 49-415. Within sixty (60) days after the date of expiration of a permit, the operator shall file with the ~~board~~ secretary a report stating the exact number of acres of land affected by the operation, the extent of the reclamation already accomplished by ~~it~~ the operator, and such other information as may be required by the ~~board~~ secretary. The report shall be accompanied by a copy of the map filed with the original application which shall show any revisions made necessary by result of the operation. If the report shows that the operator has complied with the requirements of this act and has carried out a plan of reclamation, the ~~board~~ secretary shall approve the report and the bond filed by ~~it~~ the operator as surety shall be released by the ~~board~~ secretary. If the ~~board~~ secretary does not approve the report, the bond shall not be released until the operator complies with the orders of the ~~board~~ secretary to meet requirements of this ~~chapter act and the act of which this section is~~ amendatory. The operator may, in lieu of providing a suitable

vegetative cover as provided and if all other parts of the plan of reclamation are carried out to the satisfaction of the board secretary, may pay to the board secretary a sum agreed upon by the board secretary, and the board secretary shall approve the report and the bond filed by ~~it~~ the operator as surety shall be released by the board secretary.

Sec. 18. From and after August 15, 1976, K. S. A. 1975 Supp. 49-416 shall be and is hereby amended to read as follows: 49-416. If any of the requirements of ~~this chapter~~ the mined-land conservation and reclamation act or the orders of the board secretary have not been complied with within the time limits set by the board secretary or by ~~this--chapter~~ said act, the board secretary shall cause a notice of noncompliance to be served upon the operator. Such notice or order shall be handed to the operator in person or served by registered mail, addressed to the permanent address shown on the application for a permit. The notice shall specify in what respect the operator has failed to comply with ~~this--chapter~~ the mined-land conservation and reclamation act or the regulations or orders of the board secretary. If the operator has not reached an agreement with the board secretary or has not complied with the requirements set forth by ~~it~~ the secretary within forty (40) days after mailing of the notice, the permit may be revoked by order of the board secretary and the performance bond shall then be forfeited to the board secretary.

When a bond is forfeited pursuant to the provisions of this act, the ~~chairman~~ secretary shall give notice to the attorney general who shall collect the forfeiture.

An operator whose mining permit has been revoked shall not be eligible to receive another permit or to have suspended permits reinstated until he or she shall have complied with all the requirements of this act in respect to former permits issued ~~him~~ said operator: Provided further, That no operator shall be eligible to receive another permit who has forfeited any bond unless the land for which the bond was forfeited can be reclaimed with-

out cost to the state, or until the operator has paid into the ~~land-reclamation~~ mined-land conservation and reclamation fee fund such sum as the ~~board~~ secretary finds is adequate to reclaim such lands.

Sec. 19. From and after August 15, 1976, K. S. A. 1975 Supp. 49-417 shall be and is hereby amended to read as follows: 49-417. In the reclamation of land affected by surface mining for which ~~it~~ the department of health and environment has funds available, the ~~board~~ secretary may ~~avail-itself-of~~ utilize any services which may be provided by other state agencies or by agencies of the federal government, and may compensate them for such services. The ~~board~~ secretary may also receive any federal funds, state funds or any other funds for the reclamation of land affected by surface mining. The ~~board~~ secretary may cause the reclamation work to be done by ~~its-own~~ employees of the department of health and environment or by the employees of other governmental agencies, soil conservation districts, or through contracts with qualified persons. Such contracts shall be awarded to the lowest responsible bidder upon competitive bids after reasonable advertisement. The ~~board~~ secretary and any other agency and any contractor under a contract with the ~~board~~ secretary shall have the right of access to the land affected to carry out such reclamation.

Any funds available to the ~~board~~ secretary and any public works program (both funds and services) may be used and expended to reclaim and rehabilitate any lands that have been subjected to surface mining that have not been reclaimed and rehabilitated in accordance with standards set by ~~this--chapter~~ the mined-land conservation and reclamation act and which are not covered by bond to guarantee such reclamation.

A person or organization having qualifications acceptable to the ~~board~~ secretary may post bond or a cash deposit in a sum determined by the ~~board~~ secretary and assume the liability for carrying out the reclamation plan approved by the ~~board~~ secretary in areas where the mining operation and any necessary grading

have been completed. The ~~board~~ secretary shall then release the bond posted by the operator for such area.

Sec. 20. From and after August 15, 1976, K. S. A. 1975 Supp. 49-420 shall be and is hereby amended to read as follows: 49-420. (a) ~~The mined-land-conservation-and-reclamation board~~ secretary shall remit all moneys received by or for ~~it~~ the secretary from the payment of fees or the forfeiture of bonds to the state treasurer at least monthly. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury. Twenty percent (20%) of each such deposit shall be credited to the state general fund, and the balance shall be credited to the mined-land conservation and reclamation fee fund. All expenditures from the mined-land conservation and reclamation fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the ~~chairman of the mined-land-conservation-and-reclamation-board~~ secretary or by a person or persons designated by ~~him~~ the secretary and may be expended for the administration and enforcement of this act and for reclamation of land affected by open pit, strip pit and surface types of mine operations.

~~(b) On July 1, 1974, the director of accounts and reports shall transfer the balance in the mined-land-conservation-and-reclamation fund existing prior to the effective date of this act to the mined-land-conservation-and-reclamation-fee-fund established by the provisions of this section.~~

Sec. 21. From and after August 15, 1976, K. S. A. 1975 Supp. 49-421 shall be and is hereby amended to read as follows: 49-421. (a) Any person who violates any order of the ~~board~~ secretary issued under the provisions of this act, or any rule or regulation in force pursuant thereto, shall be subject to a fine of not to exceed two hundred fifty dollars (\$250). Each day such order is violated shall constitute a separate offense.

(b) Action pursuant to subsection (a) of this section shall not be a bar to enforcement of this act, rules and regulations in

force pursuant thereto, ~~and~~ or any orders made pursuant to this act, by injunction or other appropriate remedy, and the ~~board~~ secretary shall have power to institute and maintain in the name of this state any and all such enforcement proceedings.

(c) Nothing in this act shall be construed to abridge, limit or otherwise impair the right of any person to damages or other relief on account of injury to persons or property and to maintain any action or other appropriate proceeding therefor.

Sec. 22. From and after August 15, 1976, K. S. A. 1975 Supp. 49-422 shall be and is hereby amended to read as follows: 49-422. Any person aggrieved by any order of the ~~board or commissioner~~ secretary may have judicial review thereof as provided in ~~section 7 of this act~~ K. S. A. 1975 Supp. 49-407, as amended.

Sec. 23. From and after August 15, 1976, K. S. A. 1975 Supp. 49-403 to 49-417, inclusive, and 49-419 to 49-424, inclusive, shall be and are hereby repealed.

Sec. 24. This act shall take effect and be in force from and after its publication in the statute book.

ATTACHMENT NO. II

_____ BILL NO. _____

By Special Committee on Governmental Organization

AN ACT establishing a department of agriculture;

Be it enacted by the Legislature of the State of Kansas:

New Section 1. There is hereby established a department of agriculture, which shall be administered under the direction and supervision of the secretary of agriculture. The secretary of agriculture shall be appointed by the governor, with the consent of the senate, and shall serve at the pleasure of the governor. The secretary shall receive an annual salary to be fixed by the governor with the approval of the state finance council.

New Sec. 2. (a) On August 15, 1976, the following state agencies and offices shall be and are hereby abolished:

(1) The state board of agriculture provided for by K. S. A. 74-502 and 74-503;

(2) The office of the secretary of the state board of agriculture provided for by K. S. A. 74-503;

(3) The division of water resources of the state board of agriculture created by K. S. A. 74-506a.

(4) The division of markets of the state board of agriculture created by K. S. A. 74-530;

(5) The office of director of marketing established by K. S. A. 74-533;

(6) The office of state dairy commissioner provided for by K. S. A. 75-1401;

(7) The division of weights and measures of the state board of agriculture created by K. S. A. 83-122;

(8) The office of state sealer of weights and measures created by K. S. A. 83-122;

(9) The board of state fair managers provided for by K. S. A. 74-520;

(10) The Kansas animal health board created by K. S. A. 74-4001;

(11) The Kansas animal health department created by K. S. A. 75-1901;

(12) The office of livestock commissioner created by K. S. A. 75-1901;

(13) The Kansas state grain inspection department established by K. S. A. 34-101;

(14) The office of director of the Kansas state grain inspection department established by K. S. A. 75-1701;

(15) The state horticultural society provided for by K. S. A. 2-801; and

(16) The Kansas wheat commission created by K. S. A. 2-2603.

(b) On August 15, 1976, except as otherwise provided in this act, all of the powers, duties and functions of the state agencies and offices designated in subsection (a) shall be and are hereby transferred to and conferred and imposed upon the secretary of agriculture. Except as otherwise provided in this act, the secretary of agriculture shall be the successor in every way to the powers, duties and functions of said state agencies and offices, in which the same were vested prior to August 15, 1976. The secretary of agriculture shall be a continuation of said state agencies and offices, and every act performed under the authority of the secretary of agriculture shall be deemed to have the same force and effect as if performed by the respective agency or office in which the authority to perform such act was vested prior to August 15, 1976.

(c) Except as otherwise provided in this act, on and after August 15, 1976, whenever any of the state agencies or offices designated in subsection (a) is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the secretary of agriculture.

(d) On August 15, 1976, the secretary of agriculture shall succeed to whatever right, title or interest the state board of agriculture has acquired in any land in this state, and said

secretary shall hold the same for and in the name of the state of Kansas. On and after August 15, 1976, whenever any statute, contract, deed or other document concerns the power or authority of the state board of agriculture to acquire, hold or dispose of land or any interest in land, the secretary of agriculture shall succeed to such power or authority, and on and after said date, whenever any land or interest in land is acquired, held or disposed of by the secretary of agriculture, such land or interest shall be acquired, held or disposed of by said secretary for and in the name of the state of Kansas.

(e) All orders or directives of any of the state agencies or offices designated in subsection (a) which are in existence on August 15, 1976, shall continue to be effective and shall be deemed to be the orders or directives of the secretary of agriculture, until the same are revised, amended, repealed or nullified pursuant to law.

(f) All rules and regulations of any of the state agencies or offices designated in subsection (a) which are in existence on August 15, 1976, shall continue to be effective and shall be deemed to be the rules and regulations of the secretary of agriculture, until the same are revised, amended, repealed or nullified pursuant to law.

New Sec. 3. (a) On August 15, 1976, there shall be and is hereby created the agriculture advisory board. Said advisory board shall be attached to and within the department of agriculture as a part thereof. Each of the following organizations shall be entitled to select, in the manner provided in this section, one representative to serve as a member of the agriculture advisory board selection committee:

(1) Each county or district agricultural society composed of one or more counties;

(2) Each state fair or statewide fair;

(3) Each county farmers' institute;

(4) Each county farm bureau association with a paid-up membership of not less than two hundred ~~(200)~~;

100

(5) Each county farmers' union with a paid-up membership of not less than two hundred ¹⁰⁰(~~200~~);

(6) Each county grange with a paid-up membership of not less than two hundred ¹⁰⁰(~~200~~);

(7) Each association of statewide character representing a particular kind or a particular breed of livestock;

(8) Each association of a statewide character for promotion of a farm crop or crops.

In order to be eligible to select a representative as a member on the agriculture advisory board selection committee, each of the foregoing organizations specified in this subsection, whether now organized or hereafter to be organized under the laws of Kansas, shall have duly elected officers, held meetings and carried on the work as provided for in the constitution and by-laws adopted by said organization, a copy of which constitution and bylaws shall be filed with the secretary of agriculture. Each such organization shall have certified these facts annually, and within three days after an election of officers shall furnish a list of officers so elected to the secretary of agriculture on forms furnished by the secretary. Each such organization also shall have made such reports on crop conditions and other matters as are required by the secretary of agriculture.

(b) Each person who is to serve as a member of the agriculture advisory board selection committee shall be duly elected and authorized in writing by the members of the organization such person represents, said authority to be certified to the secretary of agriculture on or before the first Friday following the second Tuesday of December each year. Except in the case of the persons representing county and district agricultural societies, each member of the advisory board shall be a bona fide farmer or breeder of livestock, but the secretary of agriculture shall not recognize more than one association representing a single kind or breed of livestock. For the purpose of this section, county fair associations and county agricultural societies shall be construed to be the same type of association, and except in counties that

have more than one fair association affiliated with the state board of agriculture on July 1, 1976, there shall be but one such fair association recognized in any county.

County or district agricultural societies shall hold well-balanced agricultural fairs designed to promote education and to encourage the improvement and development of agriculture in a broad and comprehensive way. When in the judgment of the secretary of agriculture any such society does not conform to adequate standards in its fairs, the secretary may declare forfeited its representation on the agriculture advisory board selection committee, and the place thus vacated may be assigned by the secretary to another society or association that complies with the provisions of this section. Any county or district agricultural society that fails to hold a fair for two consecutive years shall lose its representation on the agriculture advisory board selection committee, and its place may be taken by another society which shall have fulfilled the requirements of this section. Each county or district agricultural society which shall have held a fair the current year, offered and awarded premiums for the improvement of stock, tillage, crops, implements, mechanical fabrics and articles of domestic industry, shall make out a statement containing a synopsis of awards, moneys received, assets and liabilities and an abstract of the treasurer's account, duly signed and certified by its officials. Said statement shall be submitted to the secretary of agriculture on or before the first Friday following the second Tuesday of December of each year.

(c) For the purpose of appointment and tenure of office of said advisory board, the state is hereby divided into six agricultural districts, which shall be constituted as follows:

(1) The counties of Nemaha, Brown, Doniphan, Jackson, Atchison, Jefferson, Leavenworth, Marshall, Washington, Shawnee, Pottawatomie, Riley and Clay shall constitute the first district.

(2) The counties of Wyandotte, Johnson, Miami, Franklin, Anderson, Allen, Linn, Bourbon and Douglas shall constitute the

second district.

(3) The counties of Crawford, Cherokee, Neosho, Labette, Wilson, Elk, Chautauqua, Cowley and Montgomery shall constitute the third district.

(4) The counties of Greenwood, Chase, Marion, Dickinson, Wabaunsee, Geary, Morris, Lyon, Osage, Coffey, Woodson, Harvey, Sedgwick, Butler and McPherson shall constitute the fourth district.

(5) The counties of Sumner, Greeley, Wichita, Scott, Lane, Ness, Rush, Barton, Hamilton, Kearny, Finney, Hodgeman, Pawnee, Stafford, Edwards, Stanton, Grant, Haskell, Gray, Ford, Kiowa, Pratt, Morton, Stevens, Seward, Meade, Clark, Comanche, Barber, Rice, Reno, Kingman and Harper shall constitute the fifth district.

(6) The counties of Jewell, Mitchell, Lincoln, Ellsworth, Russell, Osborne, Smith, Phillips, Rooks, Ellis, Trego, Graham, Norton, Decatur, Sheridan, Gove, Logan, Thomas, Rawlins, Cheyenne, Sherman, Wallace, Republic, Cloud, Ottawa and Saline shall constitute the sixth district.

New Sec. 4. (a) It shall be the duty of the agriculture advisory board selection committee to meet at Topeka on the second Wednesday of January of each year and elect members of the agriculture advisory board from the agricultural districts established in subsection (c) of section 3. Members of the agriculture advisory board shall be elected for terms of three years. Persons serving as members of the state board of agriculture on August 15, 1976, shall become members of the agriculture advisory board and shall serve on the advisory board for the remainder of the terms for which they were elected to serve as members of the state board of agriculture.

(b) The agriculture advisory board shall organize annually by electing one of its members as chairman and one as vice-chairman. Meetings of the advisory board shall be held upon call of the secretary of agriculture or the chairman of the advisory board, or meetings may be called by a majority of the advisory

board. A quorum of the advisory board shall consist of seven members, and no action may be taken by the advisory board without the affirmative vote of at least seven members.

(c) Meetings of the advisory board shall be open to the public and no meeting or hearing of the advisory board shall be held unless at least seven members of the advisory board are present. Notice of every meeting of the advisory board shall be given to the secretary of agriculture, and the secretary shall provide to the advisory board all necessary clerical services. The advisory board shall keep records and minutes of its business and official actions, which shall be filed with the secretary of agriculture and be open to public inspection.

(d) All vouchers for expenditures and all payrolls of the advisory board shall be approved by the chairman of the advisory board and by the secretary of agriculture or a person or persons designated by the secretary. Members of the advisory board attending meetings of the advisory board, or attending a subcommittee meeting thereof authorized by such advisory board, shall be paid amounts provided in subsection (e) of K. S. A. 1975 Supp. 75-3223.

(e) The agricultural advisory board shall consult with and advise the secretary of agriculture, or the chief administrative officer of any division designated by the secretary, with reference to the management, control and operation of any program or law under the jurisdiction or supervision of the department or any division thereof. The advisory board may submit to the secretary proposed rules and regulations for the implementation of any such law, but the secretary shall not be bound by the recommendations of the advisory board.

New Sec. 5. There is hereby established within and as a part of the department of agriculture a division of agricultural inspection. The division shall be administered, under the supervision of the secretary of agriculture, by the director of agricultural inspection, who shall be the chief administrative officer of said division. The director of agricultural inspection

shall be appointed by the secretary of agriculture and shall serve at the pleasure of the secretary. The director of agricultural inspection shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of agriculture, with the approval of the state finance council.

New Sec. 6. (a) On August 15, 1976, there shall be and is hereby created the animal health advisory board, which shall be attached to and within the division of agricultural inspection as a part thereof. The animal health advisory board shall consist of seven members of which one member shall be the president of the Kansas livestock association and six members shall be appointed by the governor for terms of three years. The appointive members shall represent the major species or phases of the livestock industry, and each such member shall be selected from a list of three qualified persons for each such appointment to be submitted to the governor by the board of directors of the Kansas livestock association. Persons serving as appointive members of the Kansas animal health board on August 15, 1976, shall become appointive members of the animal health advisory board and shall serve for the remainder of the terms for which they were appointed as members of the Kansas animal health board. Whenever a vacancy shall occur on said advisory board, by reason of the expiration of an appointive member's term of office, the governor shall appoint a successor of like qualifications in the manner and for the term of office prescribed herein. In case of a vacancy in the office of any appointive member before the expiration of his or her term, the governor shall appoint a successor of like qualifications for the remainder of the unexpired term.

(b) The advisory board shall organize annually by electing one of its members as chairman and one as vice-chairman. Meetings of the advisory board shall be held upon call of the director of agricultural inspection or the chairman of the advisory board, or meetings may be called by a majority of the advisory board. A quorum of the advisory board shall consist of four mem-

bers, and no action may be taken by the advisory board without the affirmative vote of at least four members.

(c) Meetings of the advisory board shall be open to the public and no meeting or hearing of the advisory board shall be held unless at least four members of the advisory board are present. Notice of every meeting of the advisory board shall be given to the director of agricultural inspection, and the director shall provide to the advisory board all necessary clerical services. The advisory board shall keep records and minutes of its business and official actions, which shall be filed with the director of agricultural inspection and be open to public inspection.

(d) All vouchers for expenditures and all payrolls of the advisory board shall be approved by the chairman of the advisory board and by the secretary of agriculture or a person or persons designated by the secretary. Members of the advisory board attending meetings of the advisory board, or attending a subcommittee meeting thereof authorized by such advisory board, shall be paid amounts provided in subsection (e) of K. S. A. 1975 Supp. 75-3223.

(e) The advisory board shall consult with and advise the secretary of agriculture and the director of agricultural inspection with reference to the management, control and operation of any program relating to animal health under the jurisdiction or supervision of the director of agricultural inspection or with reference to the director's administration of any law relating to marks and brands or animal health. The advisory board may submit to the secretary proposed rules and regulations for the implementation of any such law, but the secretary shall not be bound by the recommendations of the advisory board.

Sec. 7. K. S. A. 34-121 is hereby amended to read as follows: 34-121. (a) There is hereby created the state grain advisory commission, ~~hereinafter referred to as the commission,~~ which, On August 15, 1970, the state grain advisory commission shall be and is hereby attached to the division of agricultural

inspection of the department of agriculture as a part thereof. Said advisory commission shall be composed of five members who shall be appointed by the governor ~~and confirmed by~~, with the consent of the senate. ~~Of such members, first appointed, two shall serve until July 1, 1954, two until July 1, 1955, and one until July 1, 1956. On the expiration of the term of the five members, first appointed as aforesaid, each succeeding member shall be appointed and shall hold his office~~ Each member of the advisory commission shall serve for a term of three years and until his or her successor shall have been appointed and qualified. Said advisory commission shall at all times shall be composed of one farmer member, one banker member, one member who is engaged in the business of operating a public terminal grain warehouse, one member who is engaged in the business of operating a local public grain warehouse, and one member who is a stockholder in a farmers cooperative enterprise. In case of a vacancy ~~in an office of said~~ on the advisory commission by reason of the expiration of a member's term of office, the governor shall appoint a successor of like qualifications in the manner and for the term of office prescribed herein. In case of a vacancy in the office of any member before the expiration of his or her term, the governor shall appoint a successor to fill the vacancy of like qualifications for the remainder of the unexpired term. The governor may remove any member of said the advisory commission for cause.

(b) The state grain advisory commission shall organize annually by electing one of its members as chairman and one as vice-chairman. Meetings of the advisory commission shall be held upon call of the director of agricultural inspection or the chairman of the advisory commission, or meetings may be called by a majority of the advisory commission. A quorum of the advisory commission shall consist of three members, and no action may be taken by the advisory board without the affirmative vote of at least three members.

(c) Meetings of the advisory commission shall be open to

the public and no meeting or hearing of the advisory commission shall be held unless at least three members of the commission are present. Notice of every meeting of the advisory commission shall be given to the secretary of agriculture and the director of agricultural inspection, and the director shall provide to the advisory commission all necessary clerical services. The advisory commission shall keep records and minutes of its business and official actions, which shall be filed with the director of agricultural inspection and be open to public inspection.

(d) All vouchers for expenditures and all payrolls of the advisory commission shall be approved by the chairman of the advisory commission and by the secretary of agriculture or a person or persons designated by the secretary. Members of the advisory commission attending meetings of the advisory commission, or attending a subcommittee meeting thereof authorized by such advisory commission, shall be paid amounts provided in subsection (e) of K. S. A. 1975 Supp. 75-3223.

(e) The advisory commission shall consult with and advise the secretary of agriculture and the director of agricultural inspection with reference to the management, control and operation of any program relating to inspection, sampling and weighing of grain under the jurisdiction or supervision of the ^{Secretary} director of agricultural inspection or with reference to any law in chapter 34 of the Kansas Statutes Annotated administered by ^{the} ~~said~~ ^{Secretary} director. The advisory commission may submit to the secretary proposed rules and regulations for the implementation of any such law, but the secretary shall not be bound by the recommendations of the advisory commission.

Sec. 8. From and after August 15, 1976, K. S. A. 1975 Supp. 65-737b shall be and is hereby amended to read as follows: 65-737b. (a) There is hereby established a milk advisory committee, which ~~committee~~ shall consist of ~~six (6) members~~, five ~~(5)~~ members to be appointed by the governor, ~~subject to confirmation by~~ with the consent of the senate, four ~~(4)~~ of whom shall be from among persons who are actively engaged in the milk industry

or members of state or local governmental milk regulatory agencies. ~~The state dairy commissioner shall be an ex-officio member of this committee, but he shall not be entitled to a vote in the committee.~~ The milk advisory committee is hereby attached to the division of agricultural inspection of the department of agriculture as a part thereof. Persons serving as appointive members of the milk advisory committee on August 15, 1976, shall continue to serve as such members for the remainder of the terms for which they were so appointed.

(b) ~~Within thirty (30) days after the effective date of this act, the governor shall appoint the members of said committee as required in subsection (a) of this section and designate the chairman thereof. The appointive members of said committee shall hold their respective offices for a term~~ terms of three (3) years and until their successors are appointed and qualified ~~except that the members of the first advisory committee shall hold their offices for terms as follows: Two (2) for a term of one year, two (2) for a term of two years, and one (1) for a term of three years, and the governor in making the appointments shall designate the term for which each is to serve; and annually thereafter the governor shall appoint successors of like qualifications to fill the vacancies occurring in said advisory committee by reason of the expiration of the terms of service as herein provided. Whenever a vacancy shall occur on the advisory committee by reason of the expiration of a member's term of office, the governor shall appoint a successor of like qualifications.~~ In case of a vacancy on said committee for any other reason, the governor shall appoint a successor of like qualifications for the remainder of the unexpired term.

(c) ~~Said advisory committee shall meet at least once each year and upon call of the director of agricultural inspection or the chairman of the advisory committee, or at the request of the state dairy commissioner meetings may be called by a majority of the advisory committee. The meetings shall be held in Topeka or at a place designated by the chairman. A quorum of the advisory~~

committee shall consist of three members, and no action may be taken by the advisory committee without the affirmative vote of at least three members.

(d) Meetings of the milk advisory committee shall be open to the public and no meeting or hearing of the advisory committee shall be held unless at least three members of the advisory committee are present. Notice of every meeting of the advisory committee shall be given to the director of agricultural inspection, and the director shall provide to the advisory committee all necessary clerical services. The advisory committee shall keep records and minutes of its business and official actions, which shall be filed with the director of agricultural inspection and be open to public inspection.

(e) All vouchers for expenditures and all payrolls of the advisory committee shall be approved by the chairman of the advisory committee and by the secretary of agriculture or a person or persons designated by the secretary. Members of the milk advisory committee attending meetings of such committee, or attending a subcommittee meeting thereof authorized by such committee, shall be paid amounts provided in subsection (e) of K. S. A. 4974 1975 Supp. 75-3223 and amendments thereto.

Sec. 9. From and after August 15, 1976, K. S. A. 1975 Supp. 65-737c shall be and is hereby amended to read as follows: 65-737c. It shall be the duty of the milk advisory committee to advise and assist the ~~state-board~~ secretary of agriculture in the establishment and administration of a statewide system of milk inspection and regulatory services in accordance with the provisions of K. S. A. 1975 Supp. 65-737a,--as-amended. The committee shall ~~periodically~~ periodically evaluate the operation of such system, and shall recommend to the ~~state-board~~ secretary of agriculture changes for improving the efficiency and effectiveness of such system. The advisory committee may submit to the secretary proposed rules and regulations for adoption by the secretary under authority of K. S. A. 65-749, as amended, or K. S. A. 1975 Supp. 65-737a, as amended, but the secretary shall

not be bound by the recommendations of the advisory committee. The committee also shall ~~also~~ advise, assist and make such recommendations as deemed necessary to the secretary of health and environment with respect to the performance of the said secretary's duties under this act.

New Sec. 10. There is hereby established within and as a part of the department of agriculture a division of marketing. The division shall be administered, under the supervision of the secretary of agriculture, by the director of marketing, who shall be the chief administrative officer of said division. The director of marketing shall be appointed by the secretary of agriculture and shall serve at the pleasure of the secretary. The director of marketing shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of agriculture, with the approval of the state finance council.

New Sec. 11. (a) From and after August 15, 1976, there shall be and is hereby created the wheat advisory commission which shall be attached to the division of marketing as a part thereof. The wheat advisory commission shall consist of seven members to be appointed by the governor for terms of two years. Members of the advisory commission shall be residents of this state who are at least twenty-five (25) years of age and have been actually engaged in growing wheat in this state for at least five years immediately preceding their appointment. ~~No more than four members of the advisory commission shall be from the same political party, and~~ ^{eliminated} at least one member of the advisory commission shall be appointed for each of the following six districts:

(1) The counties of Clark, Meade, Ford, Gray, Hodgeman, Haskell, Finney, Seward, Stevens, Grant, Kearny, Hamilton, Stanton and Morton shall constitute the first district.

(2) The counties of Norton, Phillips, Smith, Osborne, Rooks, Graham, Trego, Ellis, Russell, Barton, Rush, Ness, Pawnee and Stafford shall constitute the second district.

(3) The counties of Lane, Scott, Wichita, Greeley, Wallace,

Logan, Gove, Sheridan, Thomas, Sherman, Cheyenne, Rawlins and Decatur shall constitute the third district.

(4) The counties of Edwards, Kiowa, Comanche, Barber, Pratt, Reno, Kingman, Harper, Sumner, Sedgwick and Harvey shall constitute the fourth district.

(5) The counties of Jewell, Republic, Rice, Washington, Mitchell, Cloud, Clay, Lincoln, Ottawa, Dickinson, Ellsworth, Saline, McPherson and Marion shall constitute the fifth district.

(6) The counties of Marshall, Nemaha, Brown, Doniphan, Atchison, Jackson, Pottawatomie, Riley, Jefferson, Leavenworth, Osage, Wyandotte, Shawnee, Wabaunsee, Geary, Douglas, Johnson, Miami, Franklin, Lyon, Morris, Chase, Coffey, Anderson, Linn, Bourbon, Allen, Woodson, Greenwood, Butler, Elk, Wilson, Neosho, Crawford, Cherokee, Labette, Montgomery, Chautauqua and Cowley shall constitute the sixth district.

(b) Persons serving as members of the wheat commission on August 15, 1976, shall become members of the wheat advisory commission and shall serve for the remainder of the terms for which they were appointed to serve as members of the wheat commission. Upon the expiration of any member's term of office, the governor shall appoint a successor of like qualifications, and whenever a vacancy in the membership of the advisory commission shall occur for any other reason, a successor of like qualifications shall be appointed by the governor for the remainder of the unexpired term. [At the discretion of the governor, a member of the advisory commission may forfeit his or her position on the commission for any of the following reasons:

(1) Failure to attend two or more regular meetings of the commission;

(2) ceasing to be a resident of the district from which such member was appointed; or

(3) ceasing to be actually engaged in growing wheat.]

(c) The wheat advisory commission shall organize annually by electing one of its members as chairman and one as vice-chairman. Meetings of the advisory commission shall be held upon

call of the director of marketing or the chairman of the advisory commission; or meetings may be called by a majority of the advisory commission. A quorum of the advisory commission shall consist of four members, and no action may be taken by the advisory commission without the affirmative vote of at least four members.

(d) Meetings of the advisory commission shall be open to the public and no meeting or hearing of the advisory commission shall be held unless at least four members of the advisory commission are present. Notice of every meeting of the advisory commission shall be given to the secretary of agriculture and the director of marketing, and the director shall provide to the advisory commission all necessary clerical services. The advisory commission shall keep records and minutes of its business and official actions, which shall be filed with the director of marketing and be open to public inspection.

(e) All vouchers for expenditures and all payrolls of the advisory commission shall be approved by the chairman of the advisory commission and by the secretary of agriculture or a person or persons designated by the secretary. Members of the advisory commission attending meetings of the advisory commission, or attending a subcommittee meeting thereof authorized by such advisory commission, shall be paid amounts provided in subsection (e) of K. S. A. 1975 Supp. 75-3223.

(f) The advisory commission shall consult with and advise the secretary of agriculture and the director of marketing with reference to the management, control and operation of any program relating to the marketing of wheat or wheat products under the jurisdiction or supervision of the ^{Sec. of Ag.} director of marketing or with reference to the director's administration of any law relating to the marketing of wheat or wheat products. The advisory commission may submit to the secretary proposed rules and regulations for the implementation of any such law, but the secretary shall not be bound by the recommendations of the advisory commission.

New Sec. 12. There is hereby established within and as a part of the department of agriculture a division of agricultural

regulation. The division shall be administered, under the supervision of the secretary of agriculture, by the director of agricultural regulation, who shall be the chief administrative officer of said division. The director of agricultural regulation shall be appointed by the secretary of agriculture and shall serve at the pleasure of the secretary. The director of agricultural regulation shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of agriculture, with the approval of the state finance council.

Sec. 13. From and after August 15, 1976, K. S. A. 2-2429 shall be and is hereby amended to read as follows: 2-2429. (a) The following persons shall constitute the pesticide advisory board: ~~(a)~~ (1) The director of environment; ~~(b)~~ (2) the ~~executive-secretary-of-the-state~~ director of land and water resources board; ~~(c)~~ (3) the director of the ~~forestry, fish and game commission~~ wildlife; ~~(d) the director of the state geological survey of Kansas; (e) the secretary of the state board of agriculture; (f) the executive secretary of the state soil conservation committee; (g) the livestock commissioner of the animal health department;~~ ~~(h)~~ (4) the state geologist; ~~(5) one member appointed by the speaker of the house of representatives; (i) (6) one member appointed by the president of the senate; (j) (7) one member licensed under the provisions of the Kansas pesticide use law to operate ground equipment, to be appointed by the governor; (k) (8) one member licensed under the provisions of the Kansas pesticide use law to operate aerial equipment, to be appointed by the governor; (l) (9) one member from the pesticide industry who manufactures or wholesales pesticides, to be appointed by the governor; and (m) (10) an agricultural user of pesticides, to be appointed by the governor.~~ The members appointed by the governor shall serve for terms of four ~~(4)~~ years and may be appointed for successive ~~(four-(4)-year~~ terms at the discretion of the governor. The governor may remove for cause any member so appointed ~~by him to the board~~ prior to the expira-

tion of such member's term of appointment office.

(a) ~~Vacancies~~ Upon the death, resignation or removal for cause of any member of the board appointed by the governor, the governor shall fill such vacancy, within thirty (30) days ~~of its~~ creation thereof, for the remainder of its term in the manner herein prescribed for appointment to the board.

(b) ~~General powers and duties.~~ The pesticide advisory board is hereby attached to the division of agricultural regulation of the department of agriculture as a part thereof. The advisory board shall advise the secretary of agriculture and the director of agricultural regulation on any or all problems relating to the use, manufacture, transportation, application and restriction of pesticides in the state. The advisory board may submit to the secretary proposed rules and regulations for the implementation of the Kansas pesticide use law, but the secretary shall not be bound by the recommendations of the advisory board.

~~(c) The advisory board established by this section shall at the first meeting to be held ninety (90) days after the effective date of this act select a chairman from among its members. Thereafter, the advisory board shall meet upon the call of the chairman or upon the call of the majority of the members of such advisory board. Seven (7) members shall constitute a quorum to do business. Members of the pesticide advisory board attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, shall be paid amounts provided in subsection (e) of K. S. A. 1975 Supp. 75-3223.~~

(c) The pesticide advisory board shall organize annually by electing one of its members as chairman and one as vice-chairman. Meetings of the advisory board shall be held upon call of the director of agricultural regulation or the chairman of the advisory board, or meetings may be called by a majority of the advisory board. A quorum of the advisory board shall consist of six ^{five} members, and no action may be taken by the advisory board without the affirmative vote of at least six members.

(d) Meetings of the advisory board shall be open to the

public and no meeting or hearing of the advisory board shall be held unless at least six members of the advisory board are present. Notice of every meeting of the advisory board shall be given to the secretary of agriculture and the director of agricultural regulation, and the director shall provide to the advisory board all necessary clerical services. The advisory board shall keep records and minutes of its business and official actions, which shall be filed with the director of agricultural regulation and be open to public inspection.

(e) All vouchers for expenditures and all payrolls of the advisory board shall be approved by the chairman of the advisory board and by the secretary of agriculture or a person or persons designated by the secretary. Members of the advisory board attending meetings of the advisory board, or attending a subcommittee meeting thereof authorized by such advisory board, shall be paid amounts provided in subsection (e) of K. S. A. 1975 Supp. 75-3223.

New Sec. 14. There is hereby established within and as a part of the department of agriculture a division of water resources. The division shall be administered, under the supervision of the secretary of agriculture, by the director of water resources, who shall be the chief administrative officer of said division. The director of water resources shall be appointed by the secretary of agriculture and shall serve at the pleasure of the secretary. The director of water resources shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of agriculture, with the approval of the state finance council.

New Sec. 15. There is hereby established within and as a part of the department of agriculture a division of laboratories. The division shall be administered, under the supervision of the secretary of agriculture, by the director of laboratories, who shall be the chief administrative officer of said division. The director of laboratories shall be appointed by the secretary of agriculture and shall serve at the pleasure of the secretary.

The director of laboratories shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of agriculture, with the approval of the state finance council.

New Sec. 16. Except as otherwise provided in this act, on August 15, 1976, officers and employees who, immediately prior to said date, were engaged in the performance of powers, duties or functions of any state agency or office which becomes a part of the department of agriculture, or the powers, duties and functions of which are transferred to the secretary of agriculture, and who, in the opinion of the secretary of agriculture, are necessary to perform the powers, duties and functions of the department of agriculture, shall become officers and employees of said department. Any such officer or employee shall retain all retirement benefits and all rights of civil service which had accrued to or vested in such officer or employee prior to August 15, 1976. The service of each such officer and employee so transferred shall be deemed to have been continuous. All transfers and any abolition of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder.

New Sec. 17. (a) The secretary of agriculture may organize the department of agriculture in the manner the secretary deems most efficient, so long as the same is not in conflict with the provisions of this act or other provisions of law, and the secretary may establish policies governing the transaction of all business of the department and the administration of each of the divisions within the department. The chief administrative officer of each division of the department shall perform such duties and exercise such powers as the secretary of agriculture may prescribe and such duties and powers as are prescribed by law. Such chief administrative officers shall act for and exercise the powers of the secretary of agriculture to the extent authority to do so is delegated by the secretary of agriculture.

(b) Except as otherwise provided in this act, and subject to the Kansas civil service act, the chief administrative officer of each division of the department of agriculture shall appoint all subordinate officers and employees of such officer's division, subject to the approval of the secretary, and all such subordinate officers and employees shall be within the classified service under the Kansas civil service act. Personnel of each such division shall perform such duties and exercise such powers as the chief administrative officer of the division may prescribe and such duties and powers as are designated by law. Personnel of each division shall act for and exercise the powers of the chief administrative officer of their division to the extent authority to do so is delegated by such administrative officer.

New Sec. 18. The secretary of agriculture shall appoint a chief attorney for the department of agriculture, who shall be in the unclassified service under the Kansas civil service act. The secretary of agriculture also may appoint additional attorneys to full-time positions within the department of agriculture. Such additional attorneys shall be in the classified service under the Kansas civil service act and shall be subject to assignment and reassignment of duties within the department of agriculture as may be determined by the chief attorney.

New Sec. 19. (a) When any conflict arises as to the disposition of any power, function or duty or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under authority of this act, such conflict shall be resolved by the governor, with the approval of the state finance council, and the resolution of such conflict pursuant to this section shall be final.

(b) In all cases under the provisions of this act where part or all of the powers, duties and functions of any state agency are divided between the department of agriculture and any other state agency, the department of agriculture shall succeed to all property and records which were used for or pertain to the performance of the powers, duties and functions transferred to

the secretary of agriculture. Any conflict as to the proper disposition of property or records arising under this section, and resulting from the transfer or abolition of any state agency, or all or part of the powers, duties and functions thereof, shall be determined by the governor, with the approval of the state finance council, and the resolution of such conflict pursuant to this section shall be final.

New Sec. 20. (a) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency mentioned in this act, or by or against any officer of the state in such officer's official capacity or in relation to the discharge of such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this act. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this act.

New Sec. 21. Annually, prior to the convening of each regular session of the legislature, the secretary of agriculture shall submit a written report to the governor and to each member of the legislature, containing specific recommendations for possible consolidation or transfer of powers, duties or functions within the department of agriculture.

New Sec. 22. The secretary of agriculture and the department of agriculture shall have offices and facilities in Topeka and such other locations throughout the state as are necessary.

New Sec. 23. The secretary of agriculture may pay the necessary moving expenses of certain designated employees that are transferred from one locality to another within the state in accordance with rules and regulations adopted by the secretary.

New Sec. 24. On August 15, 1976, the balance of all funds appropriated and reappropriated to any of the state agencies

abolished by this act is hereby appropriated to the department of agriculture.