

Buckman

M I N U T E S

SPECIAL COMMITTEE ON GOVERNMENTAL ORGANIZATION

August 19 and 20, 1975

Room 519 - State House

Members Present

Representative Robert M. Miller, Chairman
Senator Wint Winter, Vice-Chairman
Senator Neil Arasmith
Senator Dan Bromley (August 19 only)
Senator Paul Hess
Representative Geneva Anderson
Representative Ralph E. Bussman
Representative J. Santford Duncan
Representative Richard L. Harper
Representative Joe Hoagland
Representative Charles F. Laird

Staff Present

Donald L. Jacka, Jr., Legislative Research Department
Bill Wolff, Legislative Research Department
Bob Alderson, Revisor of Statutes' Office

August 19, 1975

Conferees and Observers

Dale H. Williams, Southwest Kansas Irrigation Association
Frank Trotman, Southwest Kansas Irrigation Association
R.H. Trostle, Southwest Kansas Irrigation Association
Terri Sculley, Legislative Post Audit
Harold Shoaf, K.E.C.
Floyd O. Coen, State Board of Agriculture, Fair Board Managers
G.O. Gurss, Animal Health Department
Kenneth M. Wilke, Animal Health Department
Keith S. Krause, Kansas Water Resources Board
W.E. Steps, Kansas Water Resources Board
Pat Boyer, Kansas Department of Agriculture
John Meetz, Kansas Livestock Association
Melvern T. Deskaid, N.E.K.A. Vo-Tech
Fred Hollomon, House of Representatives Staff
Chris McKenzie, Division of State Planning and Research

Conferees and Observers (cont'd.)

Perry Miller, Kansas Farm Organization
Ron Service, Governor's Office
Oren D. Holle, N.F.O.
Virg Huseman, Kansas Livestock Association
Paul E. Fleener, Kansas Farm Bureau
Andrew E. Olson, Morris County Farmer, Member Board of Agriculture
Ruth Wilkin, State Legislature
Richard C. Thayer, State Planning and Research
Jack Beauchamp, Department of Agriculture
Bob Gottschalk, Kansas State Fair
Robert Teagarden, State Board of Agriculture
Ruth Groves, League of Women Voters, Topeka

Morning Session

Chairman Robert Miller called the meeting to order with a brief explanation of the purpose of the meeting. He explained that the bill before the Committee has been drafted following the plan of the 1971 report of the Commission on Executive Reorganization; and that the end result of the work of the present Committee can be one of several things. These are to recommend no action; to recommend that the bill as it is be cleared up and passed by the 1976 Session of the Legislature; or to draft a completely new bill. He explained to the conferees that their testimony will greatly affect the decision of the Committee, and he expressed appreciation for their appearances at this meeting.

The first conferee to appear was Mr. Keith Krause, Executive Director of the State Water Resources Board. He read from his prepared statement, which is appended as Attachment I. Following his presentation, a member of the staff noted that he felt Mr. Krause's comments were valid in establishing a structure the way it should be at the outset of reorganization. He explained that the present draft is illustrative only of what the Executive Reorganization Commission recommended. Their suggestion was to first combine agencies; and then to review the agencies in terms of consolidation of programs.

Upon questioning by a member of the staff Mr. Krause said he definitely sees problems in combining the Water Resources Board and the Division of Water Resources of the State Board of Agriculture. The Water Resources Board has a planning function and the Division of Water Resources is regulatory. The Division is short-staffed, and the Board helps them within the scope of the Board's Authority, but it cannot get into the regulatory functions. He added that, if they were separated by a functional process as outlined in his presentation, the problem would be less.

Mr. Krause was then questioned concerning his opinion of where the Geological Survey should be placed in the reorganization process. He said he feels it could remain at Kansas University, but should be placed in the Department of Natural Resources.

The Chairman thanked Mr. Krause upon the conclusion of his presentation.

Dr. Gerald D. Gurss, Kansas Animal Health Department, read from his prepared statement, appended as Attachment II. At the conclusion of his presentation, Representative Duncan asked if he had any objection to the Governor having the option to appoint any member of the public, and not necessarily someone from the list given by the Livestock Association. Dr. Gurss said he felt that members of the Board should represent each phase of the livestock industry, because you can't have input on this type of Board unless you know what is involved. In answer to further questioning, Dr. Gurss said his basic concern with the bill draft is the fact that the Board would lose touch with the industry if it became advisory. The Board currently has the power to hire and fire the Livestock Commissioner (Dr. Gurss).

There was lengthy discussion concerning Dr. Gurss' presentation. It was revealed in that discussion that 65% of the Animal Health Department's budget is revenue money, and the rest comes from the State General Fund. The revenue money, or fee funds are the market fee fund and the brand fee fund. The market fee is collected on selling through the state markets and the brand fund is the fee for branding. There is also a feedlot fund. The disease testing program is under the General Revenue Fund. A reserve is kept in the funds in case of an outbreak of Hog Cholera.

Dr. Gurss was asked to explain general field activities of the Animal Health Department. He said that most of the personnel are in the field, and most of the activity is statutory. Regulations require that every market have a licensed vet present, and there is inspection of feedlots, disposing plants, etc. The local vet does the inspection and the producer pays for it.

When asked if there is any duplication of activities of the Animal Health Board and the Board of Health, Dr. Gurss said there is very little. There is perhaps a little in the waste control of feedlots, and in the moving of exotic breeds into the state. In answer to further questioning, he said that meat inspection is done by the State Board of Agriculture. He stated in answer to another question that his department deals very little with the problem of cruelty to animals. He added that he feels this is a local problem.

The Chairman asked Dr. Gurss if he knew why, historically, the Animal Health Board is not connected with the State Board of Agriculture. Dr. Gurss did not know, but he noted that the field of disease is sometimes involved with personalities, and the more people that are involved the more pressures there are. He admitted that the same argument could be made for meat inspection and other areas. During further discussion, Dr. Gurss said he is not aware of any benefit his department derives from the Geological Survey;

that he has no feeling about the efficiency of a Board as opposed to one person in the decision-making process, but that the present board represents the people and he feels they (the Board) are the back-bone of disease control.

It was revealed that the Animal Health Board employs about 30 people. During a discussion of the budget of the Board, it was revealed that most of the budget is for disease control -- Brucellosis, Tuberculosis, and and Hog Cholera. If there is an outbreak of disease, the Federal Government helps in the expense of arresting it. Dr. Gurss said he feels that any state money used for this purpose should be General Fund money, because these diseases are involved with public health. A Committee member commented that there could be an argument that wheat inspection could also come from General Fund money instead of being paid by the wheat growers.

Further questions by the Committee concerning the source of money used during the Hog Cholera outbreaks brought the observation from Dr. Gurss that there is no source for fighting these outbreaks except from federal money and the State General Fund. The inspection fees at the market cover only what is done at the market. It was agreed that Hog Cholera has no effect upon the health of humans but Brucellosis or Undulant Fever, does affect humans.

Dr. Gurss reiterated that he feels the proposed department is too large, and suggested that perhaps there could be two departments -- one of Agriculture and another of Natural Resources.

A staff member asked Dr. Gurss the purpose of milk inspection done by the Dairy Division of the State Board of Agriculture. Dr. Gurss explained that it is inspected for bacteria count, cleanliness, etc. There is a testing of milk quarterly to determine the possibility of bacilli in the milk. Staff commented that both the Dairy Division and Dr. Gurss' department are interested in protecting the public, and that there may be duplication of inspection at certain points.

The Chairman thanked Dr. Gurss for his presentation and introduced Mr. John Meetz of the Kansas Livestock Association, who indicated his appearance was to give some general observations concerning the proposed reorganization plan. He noted that he is aware of the fact that both forms of government -- the Commission form and the cabinet type -- are successful and effective in serving the public. He stated that the most current resolution concerning executive reorganization was adopted three years ago by the Livestock Association. He read the policy statement made at that time, which reaffirms opposition to any change in organization of state boards. He added that the Association would be giving the subject further study and would probably have a more specific resolution at a later date.

Mr. Meetz noted that his personal concern is that the next step in reorganization, if the proposed bill is passed, is

to consolidate some of the boards and commissions within the Department. He said that the Animal Health Board, for instance, is composed of members from cattle people, swine people, dairy, market and one veterinarian. He feels that this is a good representation of the various phases of the animal industry, and they have some input into the operation of the Board at this point.

Mr. Meetz also noted that he feels it is not simple to draw the line between human and animal diseases, nor to decide whether the regulation of animal diseases is in the public interest.

In connection with the appointment of the Animal Health Board, Mr. Meetz noted that it is now administered by one person, and that the Board is basically advisory. The Board is now appointed by the Governor and there is a direct line of communication there. Under the new proposal, there would be two layers of administration -- first to the Secretary and then to the Governor. He also voiced some concern over the problems of animal diseases becoming political issues in campaigns if the reorganization takes place.

Mr. Meetz explained that the brand program is a complete fee fund program, according to his information. It is primarily an industry program, and he does not see that the public benefits from it. He expressed the opinion that it should be financed by the industry and should be administered by people within the industry.

Mr. Meetz said he felt that the agencies involved in the proposed reorganization have performed well over the years, and he would question any change for the sake of change or conformity. He said if there would be more efficiency by changing the agencies, that is a different matter. He said that, if he were Governor, he would want the cabinet form of government, but as a private citizen he is not sure he wants one person to have that much power. He noted that the present system works pretty well, because the public has in-put and the Legislature controls the purse strings. He wondered if the Legislature would not become secondary to the Governor under the proposed reorganization. The Chairman reminded Mr. Meetz that the Legislature has no in-put into appointing the Secretary of Agriculture, and that accurate statement would be that the Executive Branch gains power, rather than the Legislature becoming secondary. The Governor and the Legislature would become co-equal watchdogs.

Mr. Meetz then commented that it would be difficult to find one man who is knowledgeable about both agriculture and natural resources. He admitted that he did not know where the Geological Survey or the Forestry, Fish and Game Commission should logically fit. He further noted that he had had some experience in Illinois, where there is a similar structure of government as proposed in the draft bill and he would not want to live under that structure as it operates in Illinois.

Representative Duncan asked Mr. Meetz his opinion of changing the wording in the present method of selection of the

Animal Health Board from "The Governor shall appoint from a list provided by the Livestock Association" to "The Governor may . . .". Mr. Meetz said the industry needs to be represented, so his organization would probably oppose it.

After further discussion and questions, Mr. Meetz reiterated that his presentation was meant to raise questions -- not necessarily to be in opposition to the bill.

A staff member commented about Mr. Meetz's concern that the industry be involved in the appointment of the Animal Health Board. He noted that it was his understanding that a regulatory agency was established to protect the public. He stated that the Governor should be involved directly if this is the case. He compared the Animal Health Board with the Kansas Corporation Commission, and asked Mr. Meetz if he would agree that it should be appointed by utilities, truckers and railroads. Mr. Meetz replied that the Animal Health Board does not set prices for goods and services as does the K.C.C. It represents the public from the standpoint of a continued food supply, and in the instances where diseases are both animal and human.

During further discussion, Mr. Meetz said he hoped a Secretary would have some knowledge of agriculture and natural resources and not only have good administrative qualities. Senator Bromley asked Mr. Meetz if he feels that the present system in Kansas is the best one possible. His answer was that there is always room for improvement. He reiterated, however, that the department has served the people well; but that another system could possibly serve them equally as well. In connection with financing the Animal Health Board, he said it is a known fact that the present system has worked, but that there is no assurance that a new structure would serve the needs as well.

After further general questions, the Chairman thanked Mr. Meetz, and the meeting was recessed for lunch.

Afternoon Session

The Chairman called the meeting to order and introduced Mr. Paul Fleener of the Kansas Farm Bureau. He read from a prepared statement which is appended as Attachment III.

Following the presentation, the Chairman asked Mr. Fleener a question in connection with his statement concerning the election processes of the State Board of Agriculture. It was revealed that, at the last Annual Meeting, where members of the Board of Agriculture are nominated, approximately half of the delegates attending were from the Farm Bureau.

Further explanation of the election of the State Board of Agriculture revealed that certain county farm organizations must

have at least 200 members in an individual county in order to send a delegate to the annual meeting of the State Board of Agriculture. Mr. Fleener noted that Farm Bureau members are counted for this purpose whether they are voting members or not. Approximately 30% of the Farm Bureau members are non-voting -- non-farmers. Mr. Fleener said he did not believe any member of the State Board of Agriculture has ever been President of the Kansas Farm Bureau, but that he was not sure about local county organizations. In answer to questioning, Mr. Fleener said the Board of Agriculture is non-partisan in the Republican-Democrat thinking, but that it is probably partisan similar to a fraternal organization or a legislative body selecting a leader.

Mr. Fleener was asked if he felt it fair that, in order to have some in-put into the selection of the State Board of Agriculture, a Kansas farmer must be a member of a farm organization. He answered that he feels most farmers join by choice.

Mr. Fleener had said that, under the present system, there is a certain continuity because partisan politics are not involved. A staff member asked if continuity necessarily brought efficiency. Mr. Fleener answered that it probably did not do so any more than reorganization does.

The staff member asked Mr. Fleener if he felt the people of the state ultimately look to the Governor for solution of problems. Mr. Fleener noted that he felt they looked to him for leadership in most things, and admitted that the Governor has no in-put into developing the Board of Agriculture policy. Mr. Fleener stated, in answer to another question, that the Board of Agriculture is accountable to the people primarily through the Ways and Means Committees of the Legislature reviewing the budget on an annual basis. He also commented that any individual can go to the Board of Agriculture and represent himself if he so desires.

The Chairman thanked Mr. Fleener for his presentation and introduced the next conferee. Mr. Dale Williams, Water Resources Chairman, Southwest Kansas Irrigation Association, read from a prepared statement, which is appended as Attachment IV. There was a short discussion to clarify some of his statements, and the Chairman thanked him for appearing.

Mr. Oren D. Holle, of the National Farmers Organization, appeared for his organization. He offered a suggested change in the method of selecting the members of the State Board of Agriculture. He suggested that several counties could be bulked together so that a total membership of 200 (or 150, if that change is made) could be used for representation at the annual convention for the purpose of selecting the Board.

Mr. Holle said that his organization is satisfied with the present form of state government, and they are concerned that the cabinet form of government might create friction when there is a change of administration. He also expressed the concern that there is too much bureaucracy. At the present time, the agricultural producers have some in-put into the choice of members of the Board of Agriculture because of the method of selection. He said his organization sees no reason for discontinuing this method.

Representative Duncan asked Mr. Holle his opinion concerning leaving the present method of selecting the Board of Agriculture intact, with one member from each district and six members of the general public. Mr. Holle answered that it would seem to be a reasonable compromise. In answer to further questioning, Mr. Holle said the N.F.O. had one delegate at the last convention of the farm organizations. He added that approximately 30% of N.F.O. members belong to other farm organizations. He explained that it is a requirement of the organization that the members be farmers. The Chairman thanked Mr. Holle for his contribution.

Mr. Jack Beauchamp, President of Board of Fair Managers, asked to be heard by the Committee. He expressed concern about the general concensus that the general public is receiving no benefit from decisions made by the Board of Agriculture. He said that the consumer is of prime concern, and that every time a consumer goes to the supermarket he is dealing with the Board of Agriculture, because he is guaranteed a quality product as a result of the Department of Agriculture of the state or federal government.

Chairman Miller then adjourned the Committee until 9:00 a.m. August 20, 1975.

August 20, 1975

Conferees and Observers

Terri Sculley, Legislative Post Audit
Dale H. Williams, Southwest Kansas Irrigation Association
R.H. Trostle, Southwest Kansas Irrigation Association
Frank Trotman, Southwest Kansas Irrigation Association
Sister M. Noel Walter, Kansas Catholic Conference
Perry Muller, Kansas Farm Organization
Debra Krajnak, Division of State Planning and Research
Bob Gottschalk, Kansas State Fair
Pat Boyer, Department of Agriculture
Charles E. Hamon, State Board of Agriculture
Jack Beauchamp, State Board of Agriculture
Floyd O. Coen, Kansas State Board of Agriculture
Robert Teagarden, Kansas State Board of Agriculture
Sister Janet Kennedy, Citizen
Harold Shoaf, K.E.C.
Leslie A. Droge, State Senator
Lloyd Hanna, Jr., Rancher
Nancy Cluggett, State Treasurer's Office
Max H. Bailey, Master of Grange, Delia, Kansas
Dale Lyon, Farmer's Union
Ivan Wyatt, Farmer's Union

Morning Session

Because the Chairman and Vice-Chairman were temporarily delayed, Senator Arasmith called the meeting to order. He introduced the first conferee, Pat Boyer, Assistant Secretary, State Board of Agriculture. Mr. Boyer introduced members of the Board of Agriculture who were present at the meeting. He then read from his prepared statement which is appended as Attachment V. Upon completion of his statement, he suggested that the Committee listen carefully to the views of the farmers and farm organizations, and take them into consideration when making a decision concerning Proposal No. 21.

In subsequent discussion, Mr. Boyer said it is the policy of the Board of Agriculture to try to present unbiased information to the Legislature and not to present opinions. He was asked if any laws now on the books would be changed because of a change in structure of administration. He noted that programs such as MIATCO may suffer because of lack of specific laws involving that organization. When asked why there might be confusion in a reorganization, Mr. Boyer stated that as administration is changed, turmoil is created. One problem is another layer of bureaucracy; or changes in ideas and procedure.

The Chairman asked Mr. Boyer if MIATCO works in cooperation with Great Plains Wheat, and Mr. Boyer answered affirmatively. When asked if something could be gained by having the Wheat Commission within the Department of Agriculture, Mr. Boyer answered that it is a controversial subject. He noted that there may be some advantages, but asked if there were any necessity in combining the two if each is functioning well at the present time. The Wheat Commission is a promotional agency and the Board of Agriculture is 90% regulatory in nature.

Mr. Boyer was asked the relationship between the seed laboratory and the Kansas Crop Improvement Association at Manhattan. He replied that the relationship is very close. He noted that he believes the Kansas Crop Improvement Association is completely privately funded. In answer to further questioning, Mr. Boyer stated that he would have no objection to having six members of the Board of Agriculture representing the general public, rather than segments of agriculture.

Upon being asked to explain how closely the Board of Agriculture works with the Department of Grain Inspection or the Department of Animal Health, Mr. Boyer said that the areas are closely related and that they work very closely. He admitted that there are times when there is not full agreement. He added that although there are some areas of the two agencies that are closely related, he does not think they overlap. Neither does the work of the Board of Agriculture overlap with the Forestry, Fish and Game Commission and the Geological Survey, according to Mr. Boyer. They do work closely in the areas of parks, in noxious weed control, pest control, etc.

When asked the connection between the Department of Agriculture and the Board of Health, Mr. Boyer said the Board of Agriculture inspects meat and poultry until it enters the retail store, and the Board of Health takes over there. The Board of Agriculture might be involved in the hotel and restaurant business when there is a large volume of business. In the dairy industry, the Dairy Division of the Board of Agriculture is responsible for inspection of products and facilities from the farm until they leave the manufacturer's hands and enter the retail store. The relationship between the Department of Agriculture and the State Extension Service at KSU is such that the Extension performs educational functions and the Board of Agriculture performs regulatory functions.

Mr. Boyer was asked why the Dairy Commissioner is in the Department of Agriculture and the Livestock Commissioner is a separate agency. He answered that the Livestock Commissioner deals with animal health and the Dairy Commissioner deals with a livestock product. The Board of Agriculture deals with live animals only in inspection for meat purposes.

It was revealed during the discussion that the State Board of Agriculture budgets \$10,000 each year for the annual convention. Out of this amount, delegates are paid a subsistence of \$10 a day and three cents a mile.

Representative Duncan asked for a list of the delegates who were selected to attend the last convention. Mr. Boyer said he would be glad to get the list for him. There being no more questions, the Chairman thanked Mr. Boyer for his cooperation.

Mr. Bob Gottschalk, Secretary of the Board of State Fair Managers, was the next conferee to appear. He suggested that the Kansas State Fair is unique in that it is the largest single annual gathering of people in the state; it appeals to all walks of life and all ages. He was asked why it is necessary for this board to be elected by farm organizations if that is the case. His answer was that the Board comes from all parts of the state. In answer to a question from the staff, Mr. Gottschalk said that the Board of Agriculture and Fair Board try to coincide meetings since the same people are on both Boards.

A suggestion by the Farm Bureau for a change in the Fair Board was discussed. They have suggested that there could be an Agri-Business Committee and an Industrial Advisory Committee to advise the Board of State Fair Managers. Mr. Gottschalk said he would have to understand the proposal more thoroughly before he could give an opinion. Mr. Beauchamp said he is confused about the phrase "general public" which has been used in the discussions of the Committee. He noted that the State Board of Agriculture consists of bankers, lawyers, farmers, machinery dealers, etc., and he considers them members of the general public.

Mr. Floyd Coen, a member of the Board of Agriculture, said that there was no prerequisite that he be a member of a farm organization before he could become a member of the Board; and no organization has ever told him how to vote when he arrived at the

annual meeting of the Board. He said that there are contested races for election to the Board. When asked if he thought the agricultural districts should be reapportioned to provide better representation on the Board of Agriculture, Mr. Coen said it isn't unbalanced as far as interest is concerned.

Mr. Max Bailey, of the Farmers Grange, read from his prepared statement, which is appended as Attachment VI. He concluded that he is opposed to reorganization, and he further feels that the subject area of agriculture should have a department of its own. In answer to questions, he said there are 22 or 24 counties in Kansas in which the Grange has enough strength to send delegates to the Annual Meeting of the Board of Agriculture. He said he would like to see the membership quota lowered to 150. The Chairman thanked Mr. Bailey for his appearance.

Senator Leslie A. Droge, then appeared on behalf of the Pesticide Advisory Board. He indicated that he feels the present Board of Agriculture is performing well, and cautioned the Committee not to make a change just for the sake of changing.

Senator Droge suggested that there be a study made toward creating a cabinet level liaison office to work for agriculture in the Governor's office. He said that this person may be able to work fast in connection with the recent grain sales, for example. He noted that there is need for one person who is politically oriented but who can represent the views of all people in the state. This could improve the image of agriculture in the state and in the nation.

Senator Droge continued by stating that agriculture is the state's largest industry and that farmers have the welfare of the entire state at heart. He said that if the farmers do well, the entire state economy is in good shape.

One suggestion Senator Droge made, if the bill is passed, is that a monthly meeting of each advisory board is an unnecessary expense. Perhaps they could meet quarterly or annually, with the provision to meet more often if necessary. He noted that the Pesticide Advisory Board, for example, will need to meet more often after the federal law is finally implemented. Then they will need to make recommendations to the legislature to change laws -- but even then it probably will not be necessary to meet monthly.

In response to a question from Senator Arasmith, Senator Droge said he would not envision his suggested cabinet level liaison individual to have authority over the Board of Agriculture. He would be a contact for the Governor and he could consult with the farm organizations; the Governor could send him to Washington in connection with farm problems, etc. If the bill draft is passed, the Secretary isn't going to have time to do some of these extra things. Senator Droge recommended that the liaison man be appointed by the Governor.

In spite of the fact that Senator Droge felt that the Pesticide Advisory Committee has a voice by being in an advisory

capacity, he suggested that some people will lose their feeling of importance if they are considered only advisory, and may lose interest. Following the presentation made by Senator Droge the Chairman introduced the next conferee.

Mr. Lloyd Hanna, of the Southern Star Cattle Company, appeared as an interested rancher and citizen. He noted that Kansas ranks fifth in total cash dollars produced in agriculture. Iowa, California, Texas and Illinois are ranked above Kansas. This state also ranks fourth in total agricultural exports in the states of the union. He said he is in favor of maintaining the Department of Agriculture. He expressed the opinion that if the Department is to represent agriculture it needs to be uplifted and its profile changed. He suggested a change in the makeup of the Board of Agriculture. He said he would re-adjust the agricultural districts to five instead of six, with two members from each district and two members at large from the first Congressional district. With respect to a liaison post, he noted that he would like to see a legislative appointing committee formed to nominate an individual or individuals.

Mr. Hanna continued by stating that he feels the Board of Agriculture as an advisory board would serve as counsel to the Secretary. Although he would like to see a change in their operations. He said he had not heard on radio, television, etc., where the present State Board of Agriculture has taken a stand on any given issue. He said he sees the Secretary as being out meeting, promoting, helping and cooperating with counties on agriculture, as well as representing the state on a national or international level. He said he would change it from Agriculture to Agri-Business if he were making the decision. In answer to a further question, Mr. Hanna said he felt that the Departments of Agriculture and Natural Resources should be separated. He again stressed the need for the Secretary to be a spokesman as well as an administrator, and as a liaison officer with the Governor.

In answer to a question asking for clarification of his position, he reiterated that he is suggesting a change in the way the Secretary of Agriculture is appointed. He said he would like to see him appointed to a four year term, and then he could rise above the political scene. This would also give both urban and rural people a voice in his appointment. He also suggested adding a Consumer Division to the existing divisions.

In discussion with Chairman Miller, Mr. Hanna said he had seen agriculture lose its influence in other states because it has tried to protect its own interests too long. He said he feels the history of agriculture is that it has reacted -- not acted. He said that agriculture needs to take a look into the future and plan accordingly.

The Chairman thanked Mr. Hanna for his remarks and introduced Mr. Dale Lyon, of the Kansas Farmers Union, who read from

prepared testimony, appended as Attachment VII. At the conclusion of his remarks, Mr. Lyon explained that he had taken his summation from Farmers Union policy, and read all the proposals made by the organization. In short, Mr. Lyon said his organization feels that the Governor should be able to run the executive branch of the government. During the ensuing discussion, Mr. Lyon said that his suggestion of a Wheat Marketing Board is no reflection on the present Wheat Commission. He feels they have done a good job. He simply feels that there is need for an organization with more authority.

This concluded the testimony and questioning of Mr. Lyon, and the Chairman recessed the meeting for lunch to reconvene at 1:30 p.m.

Afternoon Session

The meeting was called to order, and by motion of Representative Hoagland, second of Representative Laird, and vote by the Committee, the minutes of the last meeting were approved.

The staff then suggested to the Committee that they had three choices to make concerning Proposal No. 21 before them. They can decide to make no change in the present law; they can create a Department of Agriculture and Natural Resources similar to that in the bill draft; or they can divide the two concepts and create two separate departments -- one of Agriculture and one of Natural Resources. It was suggested that the Committee might decide on one of these three alternatives, or one suggested by the Committee itself. After that decision has been made, other policy decisions can be considered.

By unanimous consent, the Committee decided to continue with some kind of reorganization proposal.

The motion was made by Representative Harper and seconded by Representative Bussman to divide the departments of Agriculture and Natural Resources and make two departments -- a Department of Agriculture and a Department of Natural Resources. The motion carried.

Senator Winter offered and Senator Arasmith seconded the motion to omit the Geological Survey from the bill. The motion carried, with one "nay".

Representative Hoagland made the motion that the Secretary of Agriculture and the Secretary of Natural Resources be given discretion of creating advisory boards as they need them. The motion included the idea that the Secretary would appoint the members of the boards, but the Governor would have to give approval to the creation of such boards.

Following Mr. Hoagland's motion there was a lengthy discussion concerning advisory boards, and the precedent which had been set in former reorganization bills. One concept was that existing boards be abolished as far as the policy-making powers are concerned, and that they be established intact as advisory boards. Mr. Lyons' testimony suggested the creation of seven agricultural districts composed of 15 counties each, and have one member from each district appointed to each of the advisory committees. Questions arose concerning certain boards which must follow federal guidelines. It was revealed that there has been no standard firmly established in former reorganization bills. The staff noted that the Committee had made a decision early in the summer to draft the bill leaving boards as they are at the present time, except for policy-making authority. Following the discussion, the motion by Mr. Hoagland died for lack of a second.

Representative Duncan offered and Representative Hoagland seconded the motion that advisory boards be given power to develop their own rules and regulations; and that the Secretary of each Department under consideration in Proposal No. 21 be given the power to review those regulations and adopt them; and that the advisory boards not be given veto power. That power would be wholly in the hands of the Secretary. The motion carried, but it was not unanimous.

Representative Hoagland moved that the advisory committees meet upon call of the Secretary. The motion died for lack of a second.

Representative Duncan offered and Senator Arasmith seconded the motion that advisory committees meet on call of the Secretary, or on call of the Chairman of the Committee, or on call of a majority of members of the respective committee. The motion carried, with one "nay".

Following a lengthy discussion of pros and cons, and of language in former reorganization bills, Senator Arasmith moved and Representative Harper seconded the motion that boards included in the present proposal which are now policy-making be given veto power over a decision of the Secretary by a majority vote. The motion was defeated.

There was explanation by staff members concerning the location of the various divisions within the two proposed Departments. Following a discussion of these problems, Representative Duncan offered a motion which was seconded by Representative Harper to keep the Water Resources Division of the State Board of Agriculture within the Department of Agriculture and to place the present Water Resources Board within the Department of Natural Resources. The motion carried.

Representative Duncan moved that the powers and duties of agencies now existing be transferred to Divisions rather than to the Secretary. The motion died for lack of a second.

Senator Hess offered and Representative Hoagland seconded the motion that powers, duties and functions of agencies being abolished by the bills be transferred to the respective Secretaries of the new departments. The motion carried.

Senator Arasmith offered and Representative Harper seconded the motion that division heads be in unclassified service. The motion carried.

Representative Duncan made a motion which was seconded by Senator Arasmith to change the name of the proposed Forestry, Fish and Game Division to Fish and Wildlife division, and that the Director of such division remain in the offices of the Forestry Fish and Game Division at Pratt, along with the remainder of the Division.

There was discussion concerning the Board of Fair Managers and its place within the reorganized Department of Agriculture, but no motion was made.

A motion was offered by Representative Duncan and seconded by Representative Harper to abolish and transfer the powers and duties of the Mined Land Reclamation Board to the Department of Health and Environment. The motion carried.

A motion was offered by Senator Hess and seconded by Representative Hoagland to abolish and transfer the Energy Office established by the 1975 Legislature to the Department of Natural Resources. The motion carried.

Senator Hess moved that the State Historical Society be placed in the Department of Natural Resources. The motion was seconded by Representative Hoagland. After discussion, the motion lost.

Representative Duncan moved to change wording with respect to the Governor's appointments to the Animal Health Advisory Board to read "may" appoint instead of "shall" appoint from a list of three names submitted by the Livestock Commission. The motion died for lack of a second.

The Committee requested that the staff explore the idea of a Wheat Advisory Board, as suggested in Mr. Lyon's testimony. This would include finding out whether any other states are presently involved in such a concept.

It was decided that the staff will have new drafts of bills available for consideration at the next meeting -- these drafts to incorporate the recommendations made at this meeting. It was also decided to ask Mr. Niles Miller, of the State Historical Society, to appear with information concerning his agency, so that the Committee can decide if it should be attached to a department during the reorganization process.

The next meeting dates will be September 23 and 24.
Chairman Miller adjourned the Committee until that time.

Prepared by Donald L. Jacka, Jr.

Approved by Committee on:

Sept 22, 1975
(date)

REPORT TO THE SPECIAL COMMITTEE ON GOVERNMENTAL ORGANIZATION

am Dr. Gerald D. Gurss, Livestock Commissioner of Kansas. At the quarterly meeting of the Animal Health Board held on August 1, 1975, Proposal 21 was reviewed and discussed by members of the Board and personnel of the Department. I was instructed by members of the Board to present their comments, along with some of my own comments, with reference to this proposal; however, the comments are primarily those of the Animal Health Board.

The following is a brief history of the present Animal Health Department relative to its creation and function: The livestock industry was fortunate that someone, along about 1900, decided that certain animal diseases needed to be recognized, regulated and controlled if the industry was going to survive. Kansas created such a Department in 1905; today, the Kansas Animal Health Department administers this function. The Department, as it exists today, was created by legislative action in 1969 by combining two agencies--the Kansas Brand Commissioner and the Kansas Livestock Sanitary Commissioner. This legislative action also created the Animal Health Board, along with designating and defining their responsibilities. This Department is a separate agency in state government and is charged with administering the livestock laws, rules and regulations in the State of Kansas. To the best of my knowledge, the duties performed by this agency are not duplicated by any other agency of state government. The functions of the Department are administered by the Livestock Commissioner, under the supervision of the Animal Health Board, which is composed of 7 members appointed by the Governor. Each appointive member is selected from a list of three active, qualified persons submitted to the Governor by the Board of Directors of the Kansas Livestock Association--the members so appointed represent the feed lot industry, the cow and calf industry, the dairy industry, the swine industry, the public livestock market industry, the Kansas Veterinary Medical Association, and the 7th position being filled by the current President of the Kansas Livestock Association. *Same in new proposal.*

The activities administered by this Department are: Administration, Tuberculosis, Brucellosis, Livestock Markets, Disposal Plants, Licensed Feed Lots, Other Diseases (such as Hog Cholera, Scabies, Exotic Newcastle Disease and Equine Infectious Anemia), Livestock Market Brand Inspection, Brand Recording and Field Operations, County Option Brand Inspection and Animal Welfare (pet shops, animal dealers, pounds, etc.)

In addition to their economic importance to the livestock industry, many of these activities have public health significance--such as tuberculosis, brucellosis, psittacosis and encephalitis.

The effectiveness of a good animal health program depends on sound scientific programs implemented as new knowledge and new techniques become available. It is important that the input from the different phases of the livestock industry be provided through the Board if the Department's activities are to function in a desirable manner. Continuity is also very essential if the desired goals are to be achieved. Disease control and eradication goals are not accomplished easily--it takes several years before they are reached.

Discussion of Proposal 21 will be primarily directed to those sections related to the Animal Health Department. The purpose of this hearing is to review the recommended proposal and the drafted proposed legislation to determine what effect it has on the Animal Health Department, Board and the Office of the Livestock Commissioner in regard to its structure and its functions. Also, these hearings should assist in determining if these proposals and changes have a beneficial effect; do they provide better and effective services to the State of Kansas and the Industry in which they are directed? The sections of the proposal which relate to the Animal Health Department are as follows:

New Sec. 1 creates the Department of Agriculture and Natural Resources; New Sec. 2 establishes within the Department of Agriculture and Natural Resources a Division of Agriculture which is to be administered under the direction of the Secretary of Agriculture and Natural Resources by a Director of Agriculture.

New Sec. 3, subsection (a) abolishes the Animal Health Department, the Animal Health Board and the Office of the Livestock Commissioner; subsection (b) provides that all of the powers, duties and functions of the Animal Health Department and the Office of the Livestock Commissioner be transferred to the Director of Agriculture. Subsections (e) and (f) provide that all existing orders, rules and regulations shall continue to be effective.

New Sec. 5, subsection (a) creates the Animal Health Advisory Board, attaching it to the Division of Agriculture and provides for the method in which the Board shall be selected and their term of office. Subsections (b) and (c) directs the method in which the Advisory Board is organized and sets forth the number of meetings and the number of members necessary for a quorum.

In effect, this proposal creates two levels of administration that have not previously existed in the Animal Health Department. As stated previously, the present Animal Health Department is under the supervision and direction of the Animal Health Board and the Governor.

The committee should be aware that several states operate their Animal Health Departments under approximately the same administrative and governmental structure as Kansas; they should also be aware that several states operate their Animal Health Departments as a division of the State Department of Agriculture. Probably none of these states operate in exactly the same manner; however, the services that they provide are closely related--their duties and functions will be determined by the size and services requested and needed by the livestock and related industries. However, records indicate that the Kansas Animal Health Department for the past many, many years has provided, and continues to provide effective, efficient and economical services--we do not take a back seat to any state--no matter what governmental structure their Animal Health Department might be.

New Sec. 5 of the proposal reduces the power, duties and responsibilities of the Animal Health Board. This Board is the lifeline and backbone of the Department. All information coming from specific meetings and committees of all the different phases of the industry are funneled through this Board. The Board feels that the proposal moves them farther from the administration and decisions when they act only in an advisory capacity.

The Board was also concerned with the recommendations in the proposal creating the four divisions under the Department of Agriculture and Natural Resources. They recognize that these four divisions are related to a certain degree in many respects; however, it was their opinion that the committee should review and consider the possibility of dividing this comprehensive agency into at least two or more sections.

In summary, it is the opinion of the Board that the proposal does not produce any changes that would provide for any substantial benefits or advantages to the Animal Health Department or to the Industry.

Position Statement
on the
Proposed Kansas Department of Agriculture and Natural Resources
to the
Special Committee on Governmental ~~Re~~organization
August 19, 1975
by
Keith S. Krause, Executive Director
Kansas Water Resources Board

The Kansas Water Resources Board does not oppose the creation of a more efficient and less costly unit of government whether it be by consolidation or other means. The decision to create a different type of a unit of government whether it be called a Department of Agriculture and Natural Resources or by another name is a legislative decision. The Kansas Water Resources Board has an interest in that decision inasmuch as it affects the manner in which it carries out its responsibilities and affects the recipients of those activities. The Kansas Water Resources Board would prefer to remain as it is presently constituted.

There has been a general recognition in Kansas since 1917 that planning is an essential part of water resources development. The flood and droughts of the 50's indicated that planning was not getting proper attention.

By 1954, the severe drought, combined with the increased water demand, caused the State Finance Council in July 1954 to create the Kansas Water Resources Fact Finding and Research Committee with instructions to assemble and analyze the data concerning the availability of fresh water with data estimates up to the year 1975. The 1955 Legislature responded by creating the Water Resources Board; seven men appointed by the Governor with appropriate staff and assigned to it many of the same duties described in the 1917 act creating the Kansas Water Commission. *X Constitutional amendment in 1958 concerning State getting involved in water resources.*

It is axiomatic in governmental circles that a planning function, no matter how important it may be, is secondary to a regulatory function which demands immediate administrative attention. It was the intent of the 1955 Legislature

that planning would not be inundated with administrative responsibilities but instead would be given the visibility it needed to get on with an important job. The creation of the Board to oversee the planning function is a means by which public representation can have a direct input into the planning operation. The Kansas Water Resources Board, and other Boards for that matter, were established in somewhat a similar way and for similar purposes. As a result, a system of public representation by appointed persons together with the legislative branch of government produced a strong and stable system of governmental agencies in Kansas even though it has the effect of being a fourth branch of government.

It is recognized, of course, that in such a system a Governor finds it difficult to carry out his own policies or those of his party in a responsive fashion even though he may have been elected on the basis of a platform approved by the majority of the people of the State of Kansas.

There are commendable items in both the existing system as well as in the proposed new system. In a changeover there will, of course, be tradeoffs. The state will be trading off one system of public representation for another system which is presumably more responsive to the policies and programs of the Governor of the State. The Boards absorb a great deal of political heat which, under the proposed organization, will have to be absorbed by the Governor and Secretary.

While we note that the objective of the proposed reorganization legislation is to promote efficiency and savings, I think it could be said with equal validity that both systems seek the same objectives. The bill as it is presently drafted may prove to be more costly than the present system and no more efficient, however, it is believed that realistic revisions in the draft proposal could be made in such a way as to reduce some of the inefficiency which would result from the adoption of the present draft. I refer specifically to

the requirement that advisory boards meet monthly when most of them now meet much less often. In the case of the Kansas Water Resources Board, we are required by law to hold regular meetings four times a year with special sessions perhaps two per year as needed. The present cost of each meeting is approximately \$1,000 so there would be a 100 percent increase in the cost of Board meetings to meet the mandates of the bill as presently drafted. I believe the real question before the Committee and the Legislature of the State of Kansas is whether or not the citizens of Kansas will benefit and this, of course, is a decision which can only be made by the Legislature.

The structure of an organization is important. Reorganization for most agencies and the personnel is a traumatic experience. During my career with the federal government, I had the misfortune to become involved in four reorganizations. Reorganizations are disruptive procedures even when handled well. Communication systems, that is, working relationships between personalities must be reestablished and new relationships developed before agencies can effectively work together. For example, it will probably be necessary to amend both state and federal statutes concerning the Kansas representation on ~~five~~^{four} interstate compacts as the result of any reorganization. In addition to this, many other statutory changes will be required to make them compatible with any change in the present relationship between the Kansas Water Resources Board and the Division of Water Resources, State Board of Agriculture. Forward motion, that is the conduct of creative and productive work, is likely to be slowed materially while the internal affairs of the organization are straightened out. A number of state governments have been reorganized in recent years. It usually takes from three to five years before they become reestablished and are functioning as they did prior to the reorganization period. Some states have made the reorganization change in one step, others have made it in three or four steps. The latter may take even longer to become reestablished and functional.

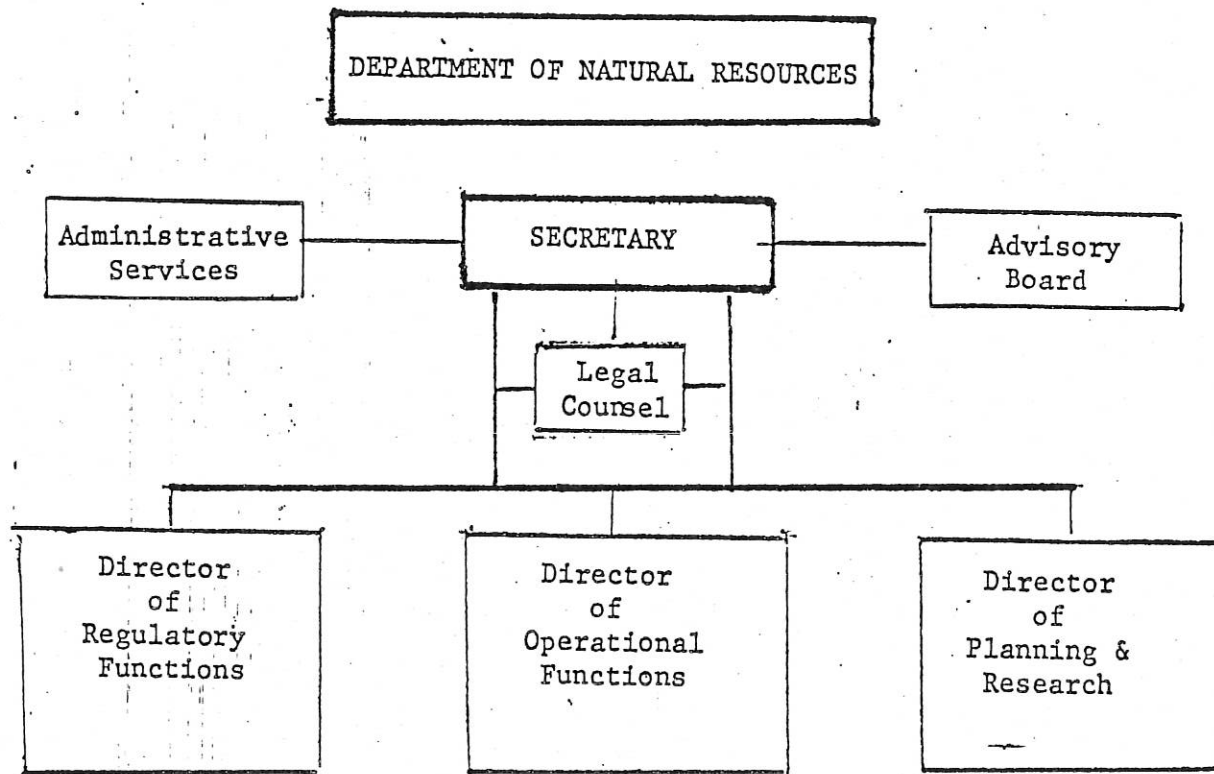
It is noted that the draft proposal indicates the establishment of a department consisting of 13 boards, commissions, or agencies. The agencies would, to a large extent, retain their present structure and responsibilities. The boards presently governing the agencies would become advisory thereto, some even retaining certain administrative responsibilities such as holding hearings and making direct recommendations to the Secretary. This becomes a loose jointed amalgamation of agencies under a Secretary, whom I believe would have great difficulty in trying to reshape the reorganization into a cohesive and responsive governmental unit. Therefore, he would likely have to call for another reorganization within a year or two in order to provide the kind of cohesiveness needed to achieve the objectives of the act. He would be forced to take one, two or perhaps as many as four steps in getting the organization into a structural format with which he could work effectively. Quite a number of states have undertaken this route only to find after six to eight years that they still have not accomplished what was originally intended. The states of Ohio and New York are examples of this approach. While it may be more acceptable to the voter of the State of Kansas to approach reorganization as indicated in the draft, experiences indicated that the one step process, while politically sensitive, may prove to be far less costly to the Kansas taxpayer in money and services. A one step process would revamp the group of agencies considered in this amalgamation into a monolithic organization from the very beginning by legislative action. For example, two departments, a Department of Natural Resources and a Department of Agriculture could be established -- the organizations which are basically oriented to agriculture in the Department of Agriculture and those to natural resources in the Department of Natural Resources. But instead of establishing them as subordinate agencies as depicted in the draft, their responsibilities and authorities might be redistributed through statutory revision.

For example, the Department of Natural Resources might consist of three divisions; a Division of Regulatory Functions, a Division of Operations, and a Division of Planning and Research. The Secretary of such a department would be assisted by an office of Legal Counsel and an office of Administrative Services. If the Secretary wished or the legislature mandated it, an advisory committee could be established for the entire department. An organization along these lines may possibly save the taxpayers of the State of Kansas money. However, as indicated, it would be prone to sever most of the prior relationships between the agencies and agency clientele for a period of time. It is quite likely that a three to five-year period for reestablishment will be required. However, at the end of that period the organization will be functional and performing in a responsible manner.

It is my personal opinion that the latter type of an organization is where a reorganized department will eventually end if it is to be more than a perfunctory change. The question is how do you get to that particular end. Again, it is my personal opinion that if the legislature is willing to take the time to prepare the necessary legislation, the one step approach is to be preferred over the two or three or four step approach.

The opinions expressed here today are those of the Executive Director of the Kansas Water Resources Board and do not reflect any official action taken by the Water Resources Board. The Board feels that it has been responsive and has been achieving the goals set forth in its legislative charter. It recognizes the need for review and adjustments periodically. It would prefer to remain as presently organized but does recognize that recommendations have been pending for several years relative to the reorganization of state agencies and in that context does not oppose the review being made at the present time.

The opportunity to appear before the Committee and present this statement is appreciated. I will be pleased to respond to questions or to provide further information if desired.



Agencies which might be included in this reorganizational proposal include:

Division of Water Resources, State Board of Agriculture
 Forestry, Fish and Game Commission
 Geological Survey
 Joint Council on Recreation
 Mined Land Board
 Park and Resources Authority
 Soil Conservation Commission
 Water Resources Board

Statement to the
SPECIAL COMMITTEE ON GOVERNMENTAL ORGANIZATION

Presented by

Paul E. Fleener, Director
Public Affairs Division
KANSAS FARM BUREAU

Tuesday, August 19, 1975

MR. CHAIRMAN and members of the Special Committee:

Thank you very much for this opportunity to present a statement on behalf of Farm Bureau members in Kansas relative to the proposal to establish a Department of Agriculture and Natural Resources.

Farm Bureau members have long had an interest in the topic which you are presently studying. We want to give you the current policy position of Farm Bureau members in Kansas. But before doing that, it seems to us appropriate to put executive reorganization into something of an historical perspective.

On March 28, 1957, there was published in the official state paper, Senate Joint Resolution 1, a resolution relating to the selection of a Legislative Economy and Efficiency Committee. The thrust of the resolution was this: The increased costs of state government had become a matter of deep concern to the people of the state; the increased costs of state government were becoming a heavy burden upon the people of our state; the number of state employees was mounting, there appeared to be duplicity and overlapping of certain services, and there was serious question "about many of our state agencies operating in an economical and efficient manner to the best interests of our people."

The "whereas" statements indicated that the best interests of the people would be served if the legislature had full and complete information about programs, activities, administrative policies and practices of the various departments and agencies of the state. Citizens were demanding the utmost economies in state expenditures and efficiencies in state functions.

It was therefore resolved that a seven-member committee--three senators and four representatives--should be created to study economy and efficiency in state government. The Committee was directed to make an interim report to the 1958 budget session of the legislature, and submit its final report and recommendations to the 1959 Session of the Legislature.

The Committee created by the adoption of SJR 1 was "impoverished and directed to make a study and inquiry in such manner as it may deem advisable of any official, officer, board, commission, agency, or department of the state government. . ."

Of historical, as well as perhaps current significance, the Committee authorized to employ legal counsel or request the attorney general to act as its legal counsel, "except that the attorney general may be excluded in the event any inquiry is made concerning the conduct of his office, and he may be refused access to the records of the Committee relating to matters pertaining to his office."

The Committee was given subpoena powers, and the services and facilities of the Kansas Bureau of Investigation were available to the Committee.

In January of 1959, the Legislative Committee on Efficiency and Economy did make a report and recommendations to the Kansas Legislature. As controversial as any of the Committee recommendations were those relating to state agricultural agencies. The recommendations were so controversial, in fact, that practically no action was taken on them by the 1959 Legislature.

The Efficiency and Economy Committee made seven specific recommendations for consolidation and reorganization of state agricultural agencies. Those recommendations, in a nutshell, are as follows:

1. Membership of the Board of Agriculture should include public members and appointments should be made by the Governor.
2. A consolidated central administrative office should be established for all services now operating under the State Board of Agriculture and for those agencies whose responsibilities would be transferred to the State Board of Agriculture.
3. A Field Service Division should be established to coordinate all field activities relating to state agricultural agencies.

4. The duties of the (then) present Dairy, Control, Noxious Weed, and Weights and Measures Divisions should be integrated into the operations of an Administrative Division, a Field Service Division, and a Marketing, Promotion and Service Division.
5. Inspection of dairy products should be transferred from Dairy Division to the Food and Drug Division of the State Board of Health.
6. The Livestock Sanitary Commission, Brand Commission, The Entomological Commission, The Horticultural Society, and the State Board of Fair Managers should be abolished and their functions transferred to the State Board of Agriculture.
7. The operation of the Board of Agriculture Laboratory should be transferred to the Board of Health.

As previously indicated, there was practically no action on these recommendations in the 1959 Session of the Kansas Legislature.

In 1960, the Legislative Research Department of Kansas Farm Bureau did a study of the proposals put forth by the Legislative Committee on Economy and Efficiency. That study resulted in the following statement, which was to guide the legislative agents of Kansas Farm Bureau:

"We believe that Kansas farmers and most Kansas citizens do not wish to change the present method of electing the State Board of Agriculture, or do anything to impair its efficient and non-partisan operation."

A Commission on Executive Reorganization created by the 1970 Legislature made an exhaustive study of all executive departments in Kansas, and submitted recommendations for consolidation or for a change in organization. Prominent citizens, legislators, and other persons in government served on the Commission. State agricultural agencies, of course, came under critical examination by the Commission.

It was discovered by the Commission that the Kansas method of electing a State Board of Agriculture and employing the administrative head of the State Department of Agriculture is unique. Since New Jersey abolished its

State Board of Agriculture in 1947 no other state has a system like that of Kansas with an election of the members of the State Board of Agriculture.

We will not take your time to elaborate on that election process. It is essentially the same as your draft proposal in new section 4(a), suggests for the Agriculture Advisory Board.

You're presently studying a bill which is "a working draft to illustrate the recommendations of the 1971 Commission on Executive Reorganization." We have attempted to indicate to you that Farm Bureau members in Kansas have been cognizant of, and in fact have been studying similar recommendations predating by some 12 years, those on which your draft is based, and have continued to study similar recommendations including those of the Commission on Executive Reorganization. Farm Bureau members in Kansas have had a policy position on Executive Reorganization periodically since 1960 and annually since 1970.

Kansas may be about the only state where the chief executive of the state has no direct voice in naming the State Board of Agriculture or its chief administrative officer. One result of this system is that tenure of the Secretaries of the State Board of Agriculture in Kansas extends over a period of years as compared with other states where the chief administrative officer of the State Department of Agriculture is a political appointee.

Kansas has had only seven secretaries of the State Board of Agriculture in 104 years. Five of those secretaries served during the first 44 years, and there have been only two in the past 61 years. Our members believe that the stability and continuity of the Kansas system is a great asset to agriculture.

The attitude of Farm Bureau members in Kansas, as regards executive reorganization in general, and the State Board of Agriculture in particular, is reflected in the policy position adopted at the last annual meeting of voting delegates, in December, 1974. That policy position is as follows:

State Board of Agriculture

The present Kansas method of electing a State Board of Agriculture, which board employs the administrative head of the State Department of Agriculture, is unique among the states. We believe a close study of the history of the Department of Agriculture in Kansas will reveal that agriculture, and indeed the whole state, has been well served because the Department has never been placed in a partisan political position. For that reason we will support a continuation of the present system.

While we support the existing method of electing members of the State Board of Agriculture, we believe there should be a limitation on the length of time or number of terms any member may serve. We favor statutory language to limit to three (3) the number of consecutive three-year terms a person may serve on the State Board of Agriculture.

Presently, members of the State Board of Agriculture constitute the State Board of Fair Managers. We commend the members for their service in this capacity. It is our belief that the Board would be well served by the creation of an Agribusiness and Industry Advisory Committee which could assist in planning and developing fairs to depict and represent agriculture and the industries which support agriculture.

As indicated, the above is our current policy position regarding the State Board of Agriculture. Mr. Chairman, and members of the Committee, you know that the policy positions we present to you are developed by the members after study of the issues. Even now, our members are reviewing the same kind of material and the same proposals you are studying. Farm Bureau members know that you have under consideration "a study concerning the feasibility of the establishment of a Department of Agriculture and Natural Resources." They are seeking to determine, after study, whether they continue to support the present process of electing a State Board of Agriculture, or whether they favor the creation of the Department of Agriculture and Natural Resources--as your draft proposal would create--or whether they might favor the creation only of a Department of Agriculture headed by a Secretary.

It is not for me to second guess what the membership of this organization will decide. I have attempted to portray for you the position they now hold and the rationale for that position. Today, we cannot support the creation of a Department of Agriculture and Natural Resources. If the position of the membership changes, we will be only too happy to report that change--that new position to you.

We thank you for the opportunity to present this statement on behalf of Farm Bureau members in Kansas. If there are questions from Committee members, Mr. Chairman, we would be happy to respond.

SOUTHWEST KANSAS IRRIGATION ASSOCIATION, INC.
P.O. Box 254
ULYSSES, KANSAS 67880

STATEMENT BY: Dale H. Williams
Chairman
Water Resources Committee
Southwest Kansas Irrigation Association

To: Special Committee on Governmental Organization

The Southwest Kansas Irrigation Association, Inc., is an agricultural water-users organization representing fourteen (14) southwest counties of Kansas. Its present membership exceeds 700 dues paying members, qualified under its constitution. Dues subscription is voluntary and is paid annually by both water-users and non-water-users who are supportive of its purposes and goals.

The association is incorporated under Kansas Statute and has been a viable and active organization for the past twenty (20) years. It is supportive of the Kansas Irrigation and Water Resources Association and maintains representation in national associations of mutual interest.

Under separate enclosure, we are submitting to the committee a copy of our constitution and by-laws, a listing of our present officers and committee members for your review and for filing with the Legislative Research Council. Our directors number twenty-one (21) from the area and are elected at an annual meeting.

We wish to thank the Interim Committee for extending the privilege of our appearance.

Chairman Miller, additionally we wish to respond to your request and information that appeared in the media release to the Topeka Daily Capital August 14, 1975. Your release of the hearing dates was greatly appreciated.

Mr. Carl Thurow of Hugoton, chairman of our Legislative committee, was not able to be present today, so in lieu, the water resources committee chairman of Southwest Kansas Irrigation Association is making its presentation. Both of these committee functions are overlapping. Mr. Thurow will be with us in the future.

The views presented are those of the Association and are representative of other members who are present--Mr. Ray Trostle, Johnson, Kansas, and Mr. Frank Trotman, Ulysses, our recently employed executive secretary-- and myself.

We address our views directly to the present function of the Division of Water Resources, State Board of Agriculture, and the Kansas Water Resources Board and its reorganization under Proposal 21.

We oppose reorganization in the manner set forth in Proposal 21.

Water use development, water administration, management of available supplies, wise and conservative uses of these supplies, planning and seeking additional supplies for future needs, verifying research and educational use programs, all require a stable, long-range program of continuity and planning.

Many of us as agricultural water users have personally experienced the growth and increase of uses of this diminishing resource. With increased use and demands for additional development, long-range goals and continuity of these goals are more important than ever before.

Agri-water use has developed a stable and reliable production program of diversification that has complimented the entire economy throughout the state. The public is now aware of the impact this resource has upon the state and is very supportive of beneficial management practices.

Under a cabinet-type reorganization, the administration and planning of this resource would come under threat of impasse through unrelated interests. The structure of agri-water related use cannot survive the "here today, gone tomorrow" exposure that this type of reorganization affords the industry. In effect, that structure mandates a stable administration acting with assuredness.

One immediate example of concern, it required eight (8) years for the agri-water user industry, along with our Water Resource agencies, to develop a viable, workable plan

for the benefit of Kansas and the water-users. This plan was built from rapport long established with our resource agencies. We knew then, with increasing demands from the groundwater aquifer, that management with long-range planning and goals was vital for the continued use and development. Thus, the Groundwater Management District Act was formulated.

Under the act, the water user further obligates himself to the State of Kansas. He finances the activities of the district, accepts self-imposed area regulation, could assist and recommend in policy-making rules, but only with the approval of the Chief Engineer.

Kansas historically maintains a stable administration in the Division of Water Resources. Under Proposal 21, we have no choice of selection of a Chief Engineer. Who would we then obligate ourselves to?

The vital key and solution to the groundwater problem, within the concept of the program, was to directly involve the water-user with his problem. Problems developed by an area are best solved by that area with unanimity.

Presently, two (2) groundwater management districts have been formed, three (3) other districts are well in process of being formed. 1976 could have seen most of the Ogallala aquifer in the western third of the state under a sound and feasible management plan. Seventy-five percent (75%) of the groundwater extraction is from the aquifer.

Three (3) years ago, in meeting, we brought the the attention of our chief engineer, the lag of appropriation right was in excess of five (5) years. We asked for currentness of process of application within a reasonable length of time. We recommended an increase of filing fee to \$50 for waterright application. This was to create additional funds for personnel completing field investigations before approval of an application of right could be made. Presently, their process of an application, if properly filed by the individual, is less than six (6) months. Thirty (30) day capability of that division will soon be effective.

We would hope and would like to think that all state agencies and divisions could use these two (2) entities of government as a model for serving the people of Kansas. The inner-agency cooperation between these agencies is commendable. It would be extremely challenging to the reorganized resource units to meet the achievements and objectives of our existing Water Resource Administration and planning agency.

STATEMENT PREPARED FOR THE
SPECIAL INTERIM COMMITTEE ON GOVERNMENTAL ORGANIZATION

Mr. Chairman, Members of the Special Interim Committee on Governmental Organization and staff, I am Pat Boyer, Assistant Secretary of the Kansas State Board of Agriculture.

On behalf of the Kansas State Board of Agriculture, and its staff, I take this opportunity to express our sincere thanks to you for this opportunity to present testimony.

A group of prominent farmers and ranchers met in Topeka in 1857, and formed the Kansas Agricultural Society to promote agriculture and its kindred arts. The Society's goal was to not only improve Kansas agriculture, but also to attract immigrants to the state. Then in 1872, the Kansas Legislature established the Kansas State Board of Agriculture from the structure of the Kansas Agricultural Society (K.S.A. 74-501). This was the official beginning of this department as a government agency. At that time, three basic duties were assigned this department by the Legislature. Those duties were: (1) to hold an annual meeting to disseminate information on agriculture and for those delegates attending the annual meeting, to elect from their ranks members to the Board of Agriculture; (2) to gather and disperse statistical information pertinent to agriculture; and (3) to administer those acts assigned the department by the Kansas Legislature.

From 1872 to the present, this department has grown from a handful of men to one that now has nine divisions, two laboratories and approximately 300 employees, involved in efficient administration of over 50 different laws; all of which have been assigned the department by the Kansas Legislature. Let us briefly review, in chronological order of formation, the nine divisions and their responsibilities.

In 1872, the Central Office was set up as the administrative office for all activities of the Board of Agriculture. This office is involved in budgeting, personnel, publication of reports, and reviewing, counseling and directing division activities. Central Office also acts as a source of agricultural data and information for the executive and legislative

J. Opdenick

branches of government, both state and nationally.

The Statistical Division was next to become a reality. In 1873, the Kansas State Board of Agriculture entered into a cooperative venture with the United States Department of Agriculture to set up a crop and livestock reporting service. Today, this is probably one of the better known divisions, and is responsible for Kansas crop and livestock reports.

Following a devastating grasshopper plague in the late 1890's the need for a state entomologist to conduct insect surveys and promote eradication ^{and control} procedures became apparent. The result was formation of the Entomology Division in 1907. Currently, this division administers five laws dealing with nurseries and their dealers, insect surveys, insect and plant disease quarantines, apiary inspection, pest control and grain certification for domestic and foreign shipment.

The Control Division was established in 1923. At that time, laws dealing with commercial livestock feeds and the manufacture and sale of fertilizers were transferred to the Board of Agriculture. The Control Division also administers those laws regulating agricultural seeds, chemicals and livestock remedies. [Honest Labeling]

In 1925, the Dairy Division was created when the State Dairy Law was transferred to the State Board of Agriculture. Since that time it has been given the responsibility of administering four acts designed to regulate conditions under which milk and milk products are produced and processed for human consumption.

Largest in Administration

Water Resources Division was developed in 1927 by combining the duties of the Kansas Water Commissioner and Kansas Irrigation Commissioner. Today, twenty-three different laws are administered by this division. Briefly, these laws cover items such as water rights, approval of plans for dams, levees, and stream channel changes, overseeing of interstate water compacts, reviewing formation of groundwater management districts, approving grants to rural water districts, approving plans for organization of watershed and irrigation districts and approval of plans for water storage dams for tax reduction.

Then the Legislature, in 1937, passed the Noxious Weed Law which created the Weeds and Pesticides Division. Two laws are presently administered by the division, along with supervision of county weed programs and adopting official methods for control and eradication of noxious weeds.

Two divisions, Marketing and Weights and Measures, were established in 1947 when the Kansas Marketing Law was passed, and the responsibility for weights and measures work was transferred from the University of Kansas to the Board of Agriculture. The Marketing Division is presently responsible for three laws, promotion of Kansas agricultural products aiding the expansion of domestic markets and for the past six years, has been instrumental in the development and success of MIATCO. MIATCO is the Mid-America International Agriculture Trade Council, a twelve state organization designed to promote new and enhance old foreign markets for midwest agricultural products. *No buying or selling - put buyer and seller together.*

The Weights and Measures Division is responsible for six laws centering around certification of any product sold or traded by length, mass and/or volume. This division performs such services as certifying scales for accuracy, checking package weights and fluid measures, and testing propane gas meters and linear measures.

1969 saw the passage of the Kansas Meat and Poultry Inspection Act. The Meat and Poultry Inspection Division was developed to administer this program, which calls for the regulation of conditions under which livestock and poultry are slaughtered and processed for human consumption. In addition, antemortem, postmortem and processing inspection of livestock and meat products is required. There are approximately 300 meat packing and processing plants in Kansas today that are under state inspection.

Backing up briefly, a Seed and Chemical Laboratory was built in 1953 and in 1971 a Weights and Measures Laboratory was established. The Chemical Laboratory conducts chemical analysis of samples taken by inspectors in the Dairy, Meats, Weeds and Pesticides and Control Divisions. The Seed Laboratory is responsible for seed purity and germination test weed seed identification and plant identification. The weights laboratory is the repository

for state standards of mass, length and volume and the calibration of weights, volume and linear measures.

-9 [NINE]

That briefly covers the various divisions in the Board of Agriculture and their functions. Now, with your permission, I will present a similar accounting of how the Board membership and delegate structure developed from its beginning in 1872 to the present.

As stated at the beginning of this presentation, the Kansas Agricultural Society was formed in 1857 by a group of concerned, prominent farmers and ranchers. This Society was the forerunner of the Kansas State Board of Agriculture as we know it today. Then in 1872 the Kansas Legislature passed legislation (K.S.A. 74-501) establishing the Kansas State Board of Agriculture. Kansas was the first state in the nation to establish such a department as a branch of state government. Let me hasten to add at this point that being the oldest does not necessarily mean we are the best; but, biased as I may be, I think Kansas does have one of the most highly respected departments of agriculture in the United States today. It may be of interest to note the second state to form a Department of Agriculture was New Jersey. Their department was structured very similar to the one in Kansas. Additionally, New Jersey has underwent two governmental reorganization plans, but has left their department of agriculture as it was established.

1873 saw the Act (K.S.A. 74-501) that created the Board of Agriculture amended. This amendment established a prerequisite for those organizations sending a delegate to the annual meeting of the Board. The prerequisite required that an organization submit a crop report from their area in order to be eligible to send a delegate to the above mentioned annual meeting.

For the next 34 years, there were no further changes made in the Board or delegate structure. Then in 1917, the Legislature, through extensive amendments, overhauled the delegate arrangement to the annual meeting. At this legislative session, the majority of the organizations now recognized to send delegates were designated (each state fair or

Statewide fair; each county farmers' institute; each county farm bureau; each association of statewide character representing a particular kind or a particular breed of livestock and each association of statewide character for promotion of a farm crop, or crops; whether now organized or hereafter to be organized under the laws of Kansas) and the Board structure was also established. The number of Board members was tied to the number of Congressional Districts in Kansas, with two members to be elected from each. As there were eight Congressional Districts in Kansas at that time, the number of Board members was set at sixteen. The length of term for Board members was set at three years and were staggered so that not all Board members would be up for re-election at the same time.

In 1931, the Legislature added another amendment to K.S.A. 74-501. At this time, the requirement was established that a county farm organization must have a membership of 250 or more to be eligible to send a delegate to the annual meeting. Also, County Granges and County Farmers Unions were added to the list of organizations eligible to send a delegate to the annual meeting.

The same year Congress lowered the number of Congressional Districts in Kansas from eight to seven, thus automatically lowering the number of Board members from sixteen to fourteen. Again in 1941, Congress lowered the number of Kansas Congressional Districts. This time from seven to six, and the result was a lowering of Board members from fourteen to twelve.

Twelve years later, 1953, the Kansas Legislature revised the membership requirements for participating county farm organizations. The new requirement stated that for a county farm organization to be eligible to send a delegate to the annual meeting, they had to have a membership of at least 200, as compared to the original 250. Although this requirement number has been reviewed several times since 1953, the 200 requirement has not been changed by the Legislature.

1961 saw the number of Kansas Congressional Districts lowered to five. This would have lowered the number of Board members from twelve to ten; however, the Board asked the

gislature to designate the former six Congressional Districts as "Agricultural Districts". The Legislature did comply with this request, and the number of Board members was then set at twelve, regardless of changes in Kansas Congressional Districts.

Through the years the department has been in a constant process of change in its duties and responsibilities. Since the development of experiment stations, farm organizations and commodity groups, the functions have shifted to three principal areas, as designated by the Legislature: (1) the promotion of agriculture and agricultural products; (2) the responsibility for a number of agricultural services, such as — inspection and grading of certain agricultural products; and (3) most important, administration of over 50 laws, passed by the Legislature and assigned to this department.

Since the growth and development of farm organizations and commodity groups this agency has ceased to delve into policy on national farm programs, or other policy matters. That is considered to be a role of farm organizations and commodity groups. Additionally, research and education matters are left to the experiment stations, universities and extension service.

You may also be interested in reviewing the activities and responsibilities of the Board members: (1) the Board sets those policies in the manner and methods of performing the duties and responsibilities assigned to this department by the Legislature; (2) they meet quarterly to hear and discuss reports from the nine divisions and their committees; (3) the Board is divided into ten committees, one for each division and one as a general policy committee — these committees meet on a quarterly basis and are subject to call between regular sessions; (4) the Board approves the department's budget, prior to its submittal to the Governor and the Legislature; (5) the Board approves selection and hiring of chief administrative personnel; (6) the Board approves employee salary adjustments within Civil Service limitations; (7) the Board reviews and adopts regulations where authorized or directed, as they pertain to the laws assigned this department. (8) *Advisory to the Department because they know "grass roots."*

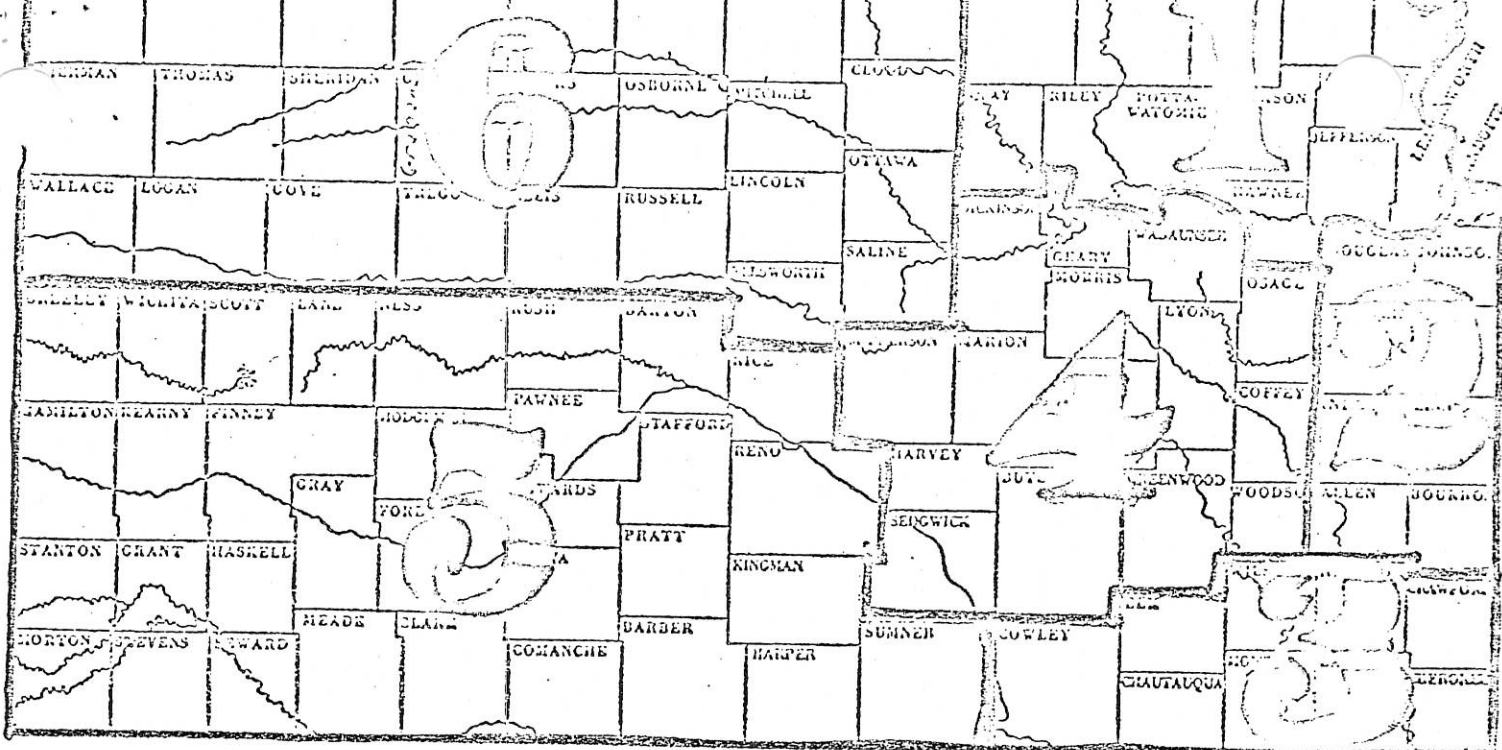
The executive and legislative branches of government have had, and may fully expect

continue to have, full and complete cooperation from this department and its employees

This department is answerable, not only to its Board members, but to the Governor and the Legislature as well. The Governor and Legislature have direct control over the budget. In addition, this department has, and will continue to fully comply with orders, directives, requests and other directions received from the Governor and the Legislature. Because the Secretary of Agriculture is not appointed by the Governor does not mean the Secretary or the department, is or has been uncooperative with the executive, legislative and judicial branches of government or other agencies.

It is my suggestion, at this time, that this committee observe carefully the recommendations of the various farm organizations on Proposal 21. Farmers and ranchers, many of whom belong to the farm organizations and commodity groups that elect delegates to the Board of Agriculture Annual Meeting, that elect the Board members, are the very people that are affected by the laws we regulate. Therefore, this department should be responsive to the needs of farmers and ranchers in the administration of regulatory acts affecting them.

Let me end by saying that a change in order to affect a more efficiently operated state government that is more responsive to the desires and needs of Kansans is good and necessary; but, a change merely for the sake of change, can, while creating the illusion of progress, actually produce confusion, inefficiency and demoralization.



<u>District #1</u>	<u>District #2</u>	<u>District #3</u>	<u>District #4</u>	<u>District #5</u>	<u>District #6</u>
Hamon Keas	Beauchamp Teagarden	Buchele Reinhardt	Douglass Olson	Coen Oswald	Steeple Wilson
Atchison Brown Clay Doniphan Jackson Jefferson Leavenworth Marshall Nemaha Pottawatomie Riley Shawnee Washington	Allen Anderson Bourbon Douglas Franklin Johnson Linn Miami Wyandotte	Chautauqua Cherokee Cowley Crawford Elk Labette Montgomery Neosho Wilson	Butler Chase Coffey Dickinson Geary Greenwood Harvey Lyon Marion McPherson Morris Osage Sedgwick Wabaunsee Woodson	Barber Barton Clark Comanche Edwards Finney Ford Grant Gray Greeley Hamilton Harper Haskell Hodgeman Kearny Kingman Kiowa Lane Meade Morton Ness Pawnee Pratt Reno Rice Rush Scott Seward Stafford Stanton Stevens Sumner Wichita	Cheyenne Cloud Decatur Ellis Ellsworth Gove Graham Jewell Lincoln Logan Mitchell Norton Osborne Ottawa Phillips Rawlins Republic Rooks Russell Saline Sheridan Sherman Smith Thomas Trego Wallace

Pat Boyer

CONSTITUTION

SOUTHWEST KANSAS IRRIGATION ASSOCIATION

ARTICLE 1. NAME AND OFFICES.

The name of this organization shall be the Southwest Kansas Irrigation Association, and it shall be incorporated as a non-profit and non-stock corporation under the laws of Kansas. The office of the association shall be at such place or places within the territory to be served by the association as may be designated by the Board of Directors.

ARTICLE 2. OBJECTS AND PURPOSES.

The objects and purposes of this association are to promote, foster, and encourage the intelligent and economical operation of irrigated land within the territory of the association, and to do all lawful things deemed necessary or proper to accomplish such purposes . including but not limited to the following:

(a) To initiate, sponsor, and promote research to determine the amount of water available for irrigation purposes, the source of underground water, the rate the same is replenished or recharged, and all other factors pertaining to the available supply of water for irrigation purposes.

(b) To assist the members of the association in obtaining the most satisfactory fuel for irrigation power at reasonable rates.

(c) To initiate, sponsor, and promote research to determine the most profitable crops which can be raised on irrigated land.

(d) To sponsor the formulation of a general water policy which will be for the best interests and will promote the welfare of the majority of the members of the association.

(e) To obtain and furnish such information and reports to the members of the association as are deemed helpful or of value to them in connection with irrigation.

(f) To take such action as is deemed necessary or advisable to protect the rights and promote the welfare of the members of the association in all matters which are of mutual interest and benefit to a majority of the members in connection with irrigation.

(g) To promote the general interest and activities of the members of the association in the improvement of irrigation practices for their mutual benefit and welfare and for the development of the most profitable and permanent system of irrigation that is possible.

(h) To sponsor the study of legislation, tax matters, rules and regulations of any duly constituted authority which may affect the irrigated lands, equipment, power and water resources of the members of the association.

ARTICLE 3. TERRITORY

The territory to be served by this association shall consist of the counties of Meade, Seward, Stevens, Morton, Stanton, Grant, Haskell, Gray, Ford, Finney, Kearny, Hamilton, Wichita, and Scott, in the State of Kansas.

ARTICLE 4. MEMBERSHIP

(a) Any owner, tenant, or operator of irrigated land within the territory of the association may become a member of the association upon the payment of dues and filing with the Secretary or the Treasurer a signed statement describing the irrigated land so owned or operated, and the mailing address of such person.

(b) Any member whose mailing address is within the association territory and who owns or operates irrigated land in any other county or counties within such territory may designate the county of his residence or any county in which he owns or operates such land as the place where he will be entitled to vote at county meetings of members of the association, and such designation may not be changed more than once each year.

(c) Any non-resident member shall be entitled to designate only one county in which he is an owner or operator of irrigated land as the county in which he will be entitled to vote at county meetings, and such designation may not be changed more than once each year.

(d) Any person associated with or having an interest in the future irrigation development in any of the territory served by this association may become an associate member upon the payment of dues and filing with the Secretary or the Treasurer a statement describing said interest, and the mailing address of such person.

ARTICLE 5. DUES.

The annual dues of all members shall be \$15.00 per person for each irrigation owner and/or operator and for each associate member, and shall be payable to the Treasurer of the association on or before January 1 of each year. Except that annual membership dues shall be \$20.00 if not paid until after September 1 of each year.

ARTICLE 6. CONTRIBUTIONS

Any member of the association or any other person, firm, or corporation interested in the objects and purposes of this

association may contribute to the association any amount in excess of the annual dues, to be used for the same purposes as dues.

ARTICLE 7. EXPULSION OF MEMBERS

Any member may be removed from membership for acts and conduct prejudicial to the association by a majority vote of the members present and voting at any annual meeting or at any special meeting called for that purpose.

ARTICLE 8. Management

The affairs and business of the association shall be conducted and managed by the Board of Directors; provided, that the Board of Directors by majority vote may delegate, temporarily, in part or in total, the management of the affairs and business of the association to an Executive Committee consisting of the elected officers and two (2) additional members to be elected annually from the Board of Directors by the remaining directors, and seventy five percent (75%) of the members of the Executive Committee shall constitute a quorum.

ARTICLE 9. DIRECTORS.

The Board of Directors shall consist of one designated member from each county in the association territory having ten (10) or more paid up members, and one (1) director at large for each county in the association territory having twenty (20) or more paid up members, such directors to be selected by the members of the respective counties present and voting at the annual meeting; provided, that not more than one director at large shall be from the same designated county. The directors shall hold office for one year and until their successors are elected. Vacancies in the Board of Directors may be filled by the remaining members at any regular or special meeting of the Board.

ARTICLE 10. OFFICERS.

The Board of Directors shall elect from among their members a President and Vice President, and shall appoint a Secretary and a Treasurer. The Secretary and Treasurer may be the same person and need not be a member of the Board of Directors, but must be a member of the association.

ARTICLE 11. BOND OF TREASURER

The Treasurer shall furnish and maintain a surety bond in such amount and on such conditions as is designated by the Board of Directors.

ARTICLE 12. COMPENSATION.

No part of the net earnings of the association shall inure to the benefit of or be distributed to the Members,

Directors, Officers, or other private persons except that the Board of Directors shall be authorized and empowered to pay reasonable compensation for services rendered, including a reasonable compensation of actual expenses incurred by the Directors of the association in the performance of their duties. The amount of compensation to be paid to the Secretary and/or Treasurer or to any other employes of the association shall be determined by the Board of Directors. This association shall not participate in, or intervene in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these articles this association shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the purposes of this corporation.

ARTICLE 13. MEETINGS; NOTICE.

The Board of Directors shall meet at least quarterly each year, and more often at the call of the President or a majority of the members of the Board, at such places and times within the territory of the association as are designated by the President or a majority of the members of the Board, and a majority of the members of the board shall constitute a quorum. The members of the association shall meet annually, and more often on the call of the President or a majority of the members of the Board of Directors, at such place and time within the territory of the association as is designated by the President or a majority of the members of the Board, and five percent (5%) of the members shall constitute a quorum. Notice of the time and place of the annual meeting or any special meeting of the members shall be mailed to each member at least seven (7) days before the date of such meeting. Notice of any special meeting of the members shall specify the purpose or purposes of such meeting and the business conducted as such special meeting shall be limited to the purpose or purposes stated in such notice.

ARTICLE 14. VOTING.

Each member shall be entitled to one vote on any question at the annual or special meetings, regardless of the amount contributed in dues or otherwise. Voting for members of the Board of Directors shall be by ballot, and voting on any other question shall be by standing count. The majority of those present and voting at any meeting of the Board of Directors or at any meeting of the members shall decide any question voted upon except the amendment or repeal of this constitution.

ARTICLE 15. BOOKS AND RECORDS.

The books and records of the association shall be kept by the Secretary and the Treasurer and shall be available for inspection by any member of the association at all reasonable times. Annual financial reports shall be prepared and furnished to all members of the association.

ARTICLE 17. AMENDMENT.

This constitution may be altered or amended by a vote of two-thirds (2/3) of the members present and voting at any annual meeting of the association or at any special meeting called for such purpose.

Adopted this 13 day of October, 1955, in regular meeting at Ulysses, Kansas.

AS AMENDED January 28, 1967 and January 29, 1972 in annual membership meetings at Ulysses, Kansas.

Attest:

H. Hobble, Jr.
Milam T. Jones

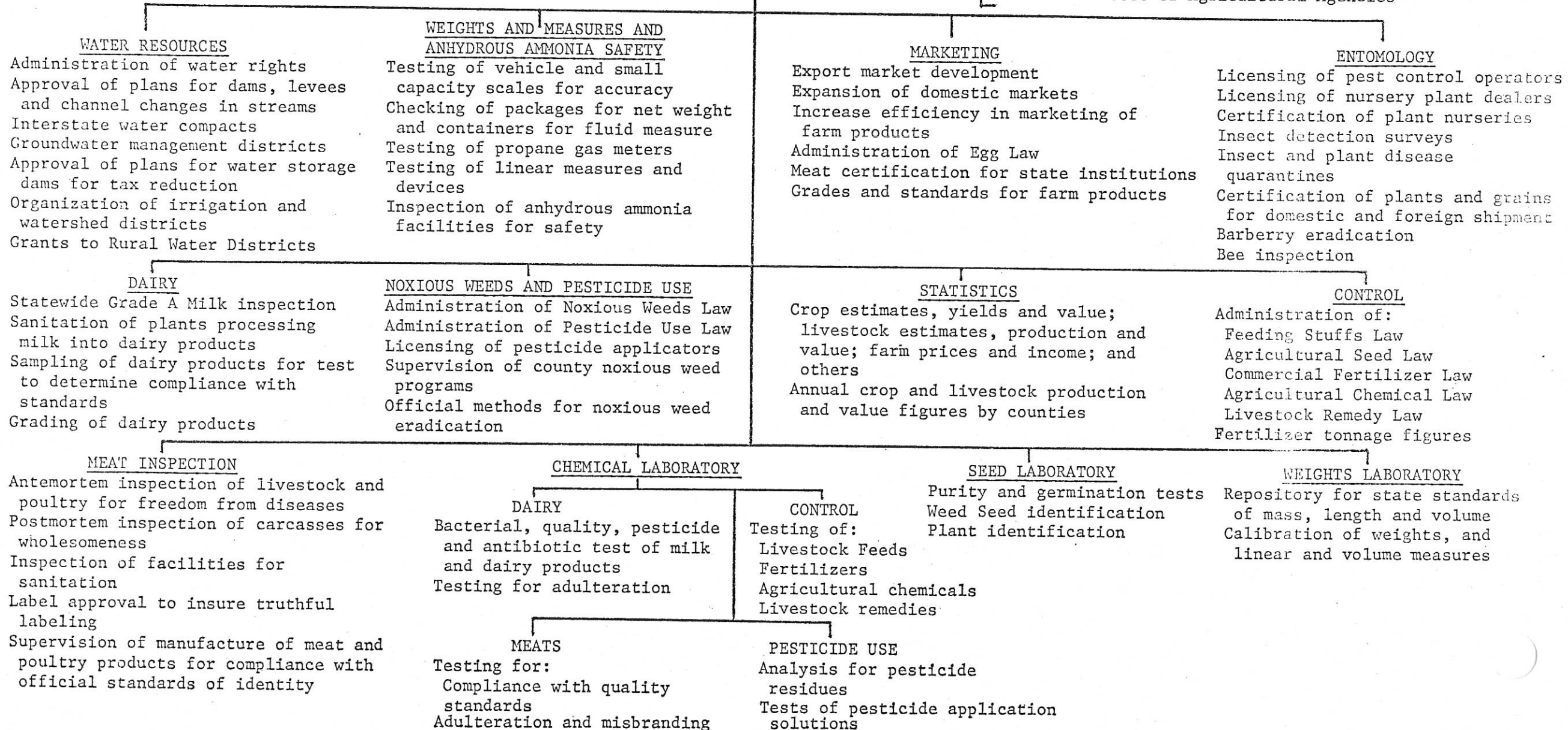
FUNCTIONS OF THE
KANSAS DEPARTMENT OF AGRICULTURE

Kansas Safety Council
 State Conservation Comm.
 Bd. of State Fair Mgrs.
 Pesticide Advisory Bd.
 Mid-America International Agri-Trade Council
 National Association State Depts. of Agriculture
 Midwest Association State Depts. of Agriculture
 13-Member National Agricultural Advisory Committee
 to the Federal Environmental Protection Agency
 Kansas Livestock Industry Council
 Kansas Mandatory Fuel Allocation Committee
 Kansas Committee of Agricultural Agencies

Budgeting—accounting—personnel—information—
 population—county fairs—administrative services—
 promotion of Kansas agriculture and products—
 legal services—publication of reports

Secretary — Member of
 CENTRAL OFFICE

DIVISIONS



LAWS ADMINISTERED BY THE DEPARTMENT OF AGRICULTURE

CENTRAL OFFICE

1. County Fair Laws. K.S.A. 2-125 et seq.
2. State Fair K.S.A. 2-201 et seq.
3. Annual Enumeration of Inhabitants. K.S.A. 11-101 et seq.
4. Soil Drifting. K.S.A. 2-2001 et seq.

DAIRY DIVISION

1. Dairy Laws. K.S.A. 65-701 et seq.
2. Frozen Dessert Act. K.S.A. 65-720 et seq.
3. Filled Dairy Products Act. K.S.A. 65-725 et seq.
4. Grade A Milk Inspection. K.S.A. 65-737 et seq.

CONTROL DIVISION

1. Commercial Feeding Stuffs. K.S.A. 2-1001 et seq.
2. Commercial Fertilizer. K.S.A. 2-1201 et seq.
3. Agricultural Seed. K.S.A. 2-1415 et seq.
4. Agricultural Chemicals. K.S.A. 2-2201 et seq.
5. Livestock Remedies. K.S.A. 47-501 et seq.

WEIGHTS AND MEASURES

1. Anhydrous Ammonia Safety. K.S.A. 2-1212 et seq.
2. Binder and Baler Twine. K.S.A. 2-1801 et seq.
3. Ice Cream Weight Per Gallon. K.S.A. 65-733 et seq.
4. Weights and Measures. K.S.A. 83-101 et seq.
5. Liquefied Petroleum Gas Meters. K.S.A. 83-143 et seq.
6. Labeling of Packages as to Net Weight. K.S.A. 83-150 et seq.

WEED AND PESTICIDE DIVISION

1. Noxious Weed Law. K.S.A. 2-1301 et seq.
2. Pesticide Use Law. K.S.A. 2-2413 et seq.

ENTOMOLOGICAL DIVISION

1. Apiary Inspection Act. K.S.A. 2-411 et seq.
2. Barberry Eradication. K.S.A. 2-712 et seq.
3. Plant Pest Act. K.S.A. 2-2112 et seq.
4. Pest Control Act. K.S.A. 2-2401 et seq.
5. Powers and Duties. K.S.A. 74-511 et seq.

MARKETING DIVISION

1. Labeling Agricultural Products. K.S.A. 2-2301 et seq.
2. Egg Law. K.S.A. 2-2501 et seq.
3. Marketing Law. K.S.A. 74-530 et seq.

STATISTICAL DIVISION

1. Agricultural Statistics. K.S.A. 74-504a et seq.

WATER RESOURCES DIVISION

1. City Flood Control Act. K.S.A. 12-635 et seq.
2. Flood Plain Law. K.S.A. 12-734 et seq.
3. Obstructions in Flow of Surface Waters. K.S.A. 24-105 et seq.
4. Construction and Repair of Levees. K.S.A. 24-126
5. Drainage District. K.S.A. 24-401 et seq.
6. Drainage District. K.S.A. 24-601 et seq.
7. Drainage District. K.S.A. 24-616 et seq.
8. Watershed Development. K.S.A. 24-901 et seq.
9. Watershed Districts. K.S.A. 24-1201 et seq.

10. Irrigation Districts. K.S.A. 42-701 et seq.
11. Powers of Chief Engineer. K.S.A. 74-506a, b et seq.
12. Irrigation Investigation. K.S.A. 74-509 et seq.
13. Dams and Other Obstructions in Streams and Changing the Course, Current or Cross Section. K.S.A. 82a-301 et seq.
14. Stream Cleaning Act. K.S.A. 82a-307 et seq.
15. Dams Built Under Conservation Program. K.S.A. 82a-312 et seq.
16. Water Storage Law. K.S.A. 82a-405 et seq.
17. Plans for Farm Ponds. K.S.A. 82a-411 et seq.
18. Republican River Compact. K.S.A. 82a-518
19. Arkansas River Compact. (Kansas-Colorado) K.S.A. 82a-520
20. Arkansas River Basin Compact, Kansas-Oklahoma. K.S.A. 82a-528
21. Rural Water Supply Districts. K.S.A. 82a-601 et seq.
22. Rural Water District. K.S.A. 82a-612 et seq.
23. Groundwater Management Act. K.S.A. 82a-1020 et seq.

MEAT AND POULTRY INSPECTION DIVISION

1. Meat and Poultry Inspection Act. K.S.A. 65-6a18 et seq.



MAX A. BAILEY, MASTER
PHONE: 913-771-3822

KANSAS STATE GRANGE

POST OFFICE BOX 24
DELIA, KANSAS 66418

Patrons of Husbandry

Mr Chairman,

The Kansas State Grange desires to make a brief statement of its views on Governmental Reorganization and especially the Department of Agriculture.

The Grange in Kansas is a 104 year old rural family fraternity. While it is frequently looked on as a general farm organization comprised of mainly producers of food and fiber and while it has its roots imbedded in the farming communities, it's leaders and members are also interested in the welfare of the State of Kansas and in other segments of State Government. More over, while tied together by interest in agriculture and other resources the development of rural areas which services will be available on a par with metropolitan areas their interest covers a wider field.

Therefore, the Grange is more than a farm organization. It's purpose is to serve the many interests of the rural communities within the state. Thus, policies and programs of the Grange encompass a broad array of circumstance affecting the lives of both rural and urban Americans. They result from member action generated by total community interest.

So today, I am reporting on action taken by delegates of several past Kansas State Grange Sessions in regards to the State Board of Agriculture and Government Reorganization.



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The Grange is a 19,000 plus member organization which has opposed in the past, abolishing the present structure of the State Board of Agriculture and more so in particular this past session when this governmental reorganization action came into being and was being discussed.

We the Grange, support the present structure of the State Board of Agriculture because the Board of Directors are elected people who are interested in the future of rural and urban America and the consuming public. These Directors are elected by representatives who attend the State Board of Agriculture Meeting and represent Farm Organizations from over the State of Kansas.

The Kansas State Grange feels Agriculture itself has enough sufficient importance that it should have a department of its own and be maintained by personnel with first hand experience and knowledge of the industry itself. We do not deplore the decisions that have been set forth such as Markets and Marketing of Agriculture Products, State Dairy Commission, Weights and Measures and Sealer of Weights and Measures, Livestock Commission, Grain Inspection, Poultry and Meat Inspection and facilities there of, Kansas Wheat Commission, State Horticulture Society and other segments pertaining to agricultural related business. We maintain the idea they should be left in the structure that they are now in and maintained in the same manner or fashion as in past years



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in order to keep it from becoming a political football each election time. We definitely feel each segment of our industry within the State of Kansas should be allowed if able, to stand within their own merits and definitely should not be tied to one another as a department within Kansas Government. We definitely feel with such action as set forth in this bill, it could be a bonanza in the cost of operation of such plan. We definitely must take a look at the cost for value received and if such program is to benefit the taxpayers of Kansas because it is you and I who will be paying the bills. We must also realize that if any new programs are added to either the old structure or the new cost of operation will have to be allowed and provided for.

We are bitterly opposed to any more Agencies being controlled by the Government either State or Nationally or any new Agency being formed and favored for the control of others. Our Government was founded on the theory of Government of the people, by the people and for the people. We have lived with this with much success for the past 200 years and therefore we feel it is very foolish to change to a government of the people for the people controlled by a very few people.

Gentlemen, let me remark, The National Grange itself recognized as early as 1876 the need for a National Department of Agriculture and this became a reality in 1889 after a long single handed fight in gathering new adherents for the support of such. Why? Because the agriculture



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industry was then known to be the backbone of any strong nation. This same thing proves true today, be it State or Nation. We only have four God given natural resources in the world in which new wealth can be obtained from, they are Agriculture, Forestry, Fishery and Mining. So let's not jepordize one for the other by tieing them all together as each is of equal importance to themselves.

Mr. Chairman and Committee Members, The Grange is opposed to Governmental Reorganization because it pustu the power in the hands of so few in which the general public or the individual has no recourse for action for their own public or private interest when more agencys are initiated. This we believe you must all realize after the action taken this past winter within the Kansas State Government.

We are also opposed to the Metro and reginnal type government which is being put before the citizens of this state and nation today in a quiet sort of way. It again is putting the power in the hands of a few without any recourse for others who have become involved. We must become aware of these facts and be on guard of such movements if we are to maintain our free enterprise system of government.

Mr. Chairman, we also strongly oppose the removing of the State Fair Board (at Hutchinson) from the Department of Agriculture supervision, as this is the only strictly State Agriculture Fair within the state. The general public has in the past years experienced the down fall of another grant fair within the state when the agriculture



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industry was prived out of showing because of lack of interest from the Board of Directors for Agriculture. Why have another repeat performance by loading the board of non-interested and appointed personnel?

Mr. Chairman and Committee Members: I want to thank you for this opportunity. It has been a pleasure to present to you the views of the Kansas State Grange on Governmental Reorganization and that of the Department of Agriculture within the State of Kansas.

Faternally yours,

Max A. Bailey, Master
Kansas State Grange

A Statement before
The Special Committee on Governmental Organization
of the Kansas Legislature

by

The Kansas Farmers Union

Prepared and Delivered by

Dale Lyon

President, Kansas Farmers Union

Athol, Kansas 66932

Room 519, Capitol Building

August 20, 1975

Mr. Chairman, Members of the Committee:

I am Dale Lyon, President of the Kansas Farmers Union. I am also a livestock and grain farmer and reside in Smith County.

Our testimony here today will be with reference to a bill draft to create a department of agriculture and natural resources which was developed to illustrate the recommendations of the 1971 Commission on Executive Reorganization.

It is a pleasure to appear and testify on such a progressive sounding proposal. Yet, after reading and studying the draft, we are a bit apprehensive since this draft really doesn't change anything very much except create a new echelon of appointive offices which will serve at the pleasure of the governor.

The Legislature doesn't often have such an opportunity to reform the executive branch of our government in such a sweeping and complete manner as is possible within the purview of the charge you are considering today. We encourage you to make those changes.

Our testimony then is -- we believe -- constructive to that end.

We believe the proposed Department of Agriculture and Natural Resources is too broad and all encompassing. As proposed the department will have too many conflicts within, too many areas to cover, and the result will be overkill on the one hand and neglect on the other.

(More)

The Kansas Farmers Union proposes instead -- a Department of Agriculture -- A department of the Interior -- and the establishment of a Wheat Marketing Board -- as an alternative and in addition to the proposal before you.

We believe that the proposed Division of Forestry, Fish and Game and the proposed Division of Parks and Recreation ought to have the attention of a cabinet level official, and we suggest the title of the Department of the Interior and the creation of the office of Secretary of the Interior with similar status and powers as other cabinet level officials.

These areas do not seem to us to be of the same nature as agricultural production, marketing, regulation and promotion.

We believe that there should be created a Department of Agriculture with a Secretary of Agriculture appointed by the governor.

We recommend the secretary serve at the pleasure of the governor and be a bona fide Kansas farmer at the time of his appointment.

The State Board of Agriculture should be abolished. Even a cursory examination of the present board, the manner of its selection and the cost of its selection should satisfy anyone here that it is an anachronism and a very expensive one at that. There are some 20 counties which cannot send farm organization representatives to the annual meeting if the farm organization is bona fide since approximately that many counties do not have a total of 200 farmers per county.

There should instead be established an Agriculture Advisory Board which would be made up of the chairmen of the following commissions -- most of which are provided for in the working draft mentioned prior to now:

1. State Fair Commission
2. Pesticide Commission
3. Animal Health Commission
4. Grain Commission
5. Water Resources Commission
6. Milk Commission
7. Land Use Commission
8. Mined Land Reclamation Commission
9. Agricultural Transportation Commission

The Secretary of Agriculture would, of course, be the chairman of the Agriculture Advisory Board.

Seven of the above nine commissions are provided for in the working draft although the names vary. We would suggest in these seven commissions certain consistencies which seem to be lacking now.

1. One would be a consistency of name. Where some are advisory boards, some committees and some commissions -- we suggest commissions.

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2. Another would be a consistency of districts and, therefore, number of members on the commission. We suggest seven identical districts of 15 each and consequently seven members on each commission.

3. Each commission should organize itself annually and elect a chairman from its number.

4. All commission members should be appointed by the governor.

5. There should be no more than four members of any commission which belong to the same political party.

6. In every case where it is appropriate all members of each commission should be bona fide farmers producing the crop for which the commission is established.

7. The governor must not be bound or asked to consider for membership on any commission a member of any private organization. The proposal in the working draft that the Animal Health Commission members be dictated by a named commodity group is reprehensive. The purpose of government is to serve the public interest, if you please, and not the vested interest of a private organization under any circumstances.

Further, the charges that partisan politics -- which can get involved when such bodies are appointed by the governor -- are detrimental is pure baloney. The governor is accountable for the effectiveness of the executive branch of government and, therefore, should have the authority to direct its course. The Farmers Union believes the government ought to reflect the desire of the voters as it is recorded on election day. Anything less is not democracy.

While the names of the various commissions we have proposed are somewhat different than those in the working draft they are identifiable and self-explanatory.

We have proposed two commissions which are not in the working draft as such.

1. The State Fair Commission which we propose would be made up as follows: It should have eleven members, seven of which would be appointed from the seven 15 county districts we proposed earlier and should be members or officers of county fair associations. Four members should be appointed by the governor from the state at large to represent industrial exhibitors. This commission would assume the approximate charge which is now assumed by the present State Fair Board.

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2. Agricultural Transportation Commission. This would be a new commission and would be established and organized the same way as we suggested for most of the commissions within the Department of Agriculture.

Agriculture is by far Kansas' largest industry and its greatest financial asset, both in gross income to the people and revenue to the state. Many of the problems Kansas farmers have today -- very costly problems -- relate to gradual and devastating deterioration of the true farm to market roads in Kansas -- the railroads. Other transportation problems relate to poor-county farm to market roads, numerous unbelievably bad bridges and, of course, many other factors too numerous to mention here.

We believe it is high time the state of Kansas took stock of its true assets -- most of which is agriculture -- and the problems related to agriculture and began to systematically develop a much higher degree of efficiency in relation to agriculture where it is appropriate for the state to do so.

Thus -- we believe the governor, the Department of Agriculture and the legislature ought to have an on-going up-date of the transportation situation in agriculture and suggestions to improve it.

An Agriculture Transportation Commission within the new Department of Agriculture seems to us to be a first appropriate step.

There are of course, too many matters to take up in detail here in relation to this proposal in this small amount of time. Let me, however, raise two brief points which are of some concern as a matter of philosophy.

We note that the Water Resources Advisory Board as proposed provides that an attorney must be a member. We oppose this. Being an attorney is, in and of itself, no qualification for advising the Director of Agriculture on Water policy. Attorneys can be hired when and if needed.

Again on the Mined Land Reclamation Advisory Board as proposed in your draft, you have designated the Chairman of the Kansas Corporation Commission as Chairman. It would seem to us that that body as proposed should be quite capable of organizing itself without any dictation by statute. Membership on the Kansas Corporation Commission does not lend itself to expertise on matters of land reclamation.

Our final recommendation with regard to the creation of a Department of Agriculture is that the present Kansas Wheat Commission be abolished and that in its place there be created a Wheat Marketing Board which would not come under the purview or control of the Department of Agriculture.

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First, however, and related to the foregoing proposal, the proposed Grain Commission should have a different composition. The working draft proposal presently calls for a five member commission, only one of which is required to be a farmer. The Grain Commission should be increased to seven as we have recommended for all such commissions and at least four of those members should be bona fide farmers with at least two members producing wheat as a major source of income. One member should produce feed grain (corn or milo) as a major source of income, and one member should be a major producer of soybeans.

I can't imagine the need or the desire to have a banker member on a Grain Commission as is now indicated in your working draft proposal for a Grain Commission.

Although these various commissions have widely varying powers, it is inconceivable to us that any of them should be anything other than citizen commissions. As we have indicated earlier, technical experts can be hired if and when needed.

The most honest advocates of any business or profession is someone engaged in that profession or business for a living.

The Wheat Marketing Board which we propose would be a successor to the present Kansas Wheat Commission, but would have greatly increased authority.

Its composition would be bona fide wheat farmers, elected from the seven districts of 15 counties each which we have proposed earlier. Their electors would be limited to those wheat farmers who actually do contract wheat with the Wheat Marketing Board for export and do, in fact, market wheat through the auspices of the Kansas Wheat Marketing Board.

The Wheat Marketing Board would organize itself annually and elect its own chairman. It would hold staggered elections so that changes of board membership would be gradual. Elections would be held in each district each three years, but a convention would be held annually in each district and also on a statewide basis in which each wheat contractor may participate. These conventions would be held to furnish direction for the Wheat Marketing Board.

The initial financing of the Wheat Marketing Board's operations and the continuing administration costs would be handled through an extension of the present voluntary mill levy on marketed wheat in Kansas. This should be raised from two mills to at least five mills. Thus on a 400 million bushel

crop the Wheat Marketing Board would receive roughly two million dollars, less whatever a small administrative fee for the state and that which farmers ask to have refunded.

The principal financing of the marketing of export wheat from Kansas, however, would obviously be from an assessment per bushel on marketed contract wheat. All contracting would be voluntary.

The Kansas Wheat Marketing Board would be authorized to deal only in wheat for export and it would deal with authorized exporting corporations, cooperatives and the United States Department of Agriculture. The Wheat Board would have no authority to extend credit to people contracting wheat and could only contract for wheat from bona fide producers. It could contract for no wheat from each producer in excess of the projected percentage of Kansas wheat which goes into export for that crop year. Such as may be estimated by state or federal agencies by the 15th day of July each year. That is -- if a farmer normally raised 4000 bushels of wheat and the Crop and Livestock Reporting Service estimated that 75% of Kansas wheat would go to exports, the farmer could contract no more than 3000 bushels with the Wheat Marketing Board.

All farmers who contract wheat with the Wheat Marketing Board would receive the same price for the grain with the exception made for differentials in quality, freight and handling. Contracts would be for a minimum of eleven months and each contractor would receive the amount of compensation from each sale in direct relation to the percentage of his contracted wheat is to the total contracted wheat under the control of the Kansas Wheat Board.

Of course, this proposal to establish a Kansas Wheat Marketing Board to facilitate the pooling by producers of the hard red winter wheat raised in Kansas for export will raise questions -- legal and otherwise. Of this we are sure.

It is a proposal in the midst of wheat marketing chaos as a first step toward a solution of a long standing problem.

It is a proposal to establish a vehicle -- non political in nature -- free of control by moneyed interests -- which can give farmers a handle on theirs and Kansas' economic life blood which is foreign cash to fuel our generally prosperous Kansas economy.

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This proposal to establish a Kansas Wheat Marketing Board will cause the hand wringers to cringe. It will cause the "free marketeers" so shout "government control." The Board of Trade will have conniptions. Even some coops will oppose it.

Everyone who advocates power for themselves and none for the farmer will join the chorus.

Let them -- all we farmers want is a fair price for what we produce just as wage earners want fair wages and business wants fair profits.

We are tired of those who demagogue the food issue by making the farmer the whipping boy.

The Kansas Farmers Union has made some sound proposals as a step in the direction of solving some long standing and serious problems.

We commend these proposals to this committee.

Thank you.

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