

Approved

Thomas F. Walker
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Representative Thomas F. Walker at
Chairperson

9:00 a.m./~~p.m.~~ on January 21, 1988, 1988 in room 522-S of the Capitol.

All members were present except:

Representative Sebelius - Excused

Representative Peterson

Committee staff present:

Julian Efird - Legislative Research Department

Carolyn Rampey - Legislative Research Department

Mary Galigan - Legislative Research Department

Avis Swartzman - Legislative Research Department

Jackie Breymeyer - Revisor

Conferees appearing before the committee:

Dennis Taylor, Secretary, Department of Human Resources

Rich McKee, Kansas Livestock Association

Wilbur Leonard, Committee of Kansas Farm Organizations

Testimony from Kansas Farm Bureau

Representative Walker called the meeting to order. He told the committee to look over the minutes and they would be acted on at the end of the meeting.

HB 2586 - abolishing the Agricultural Labor Relations Board

Julian Efird, Legislative Research Department gave a short history of the Board.

The Board was established in 1972.

It consists of three members, two of which are appointed by the governor. One member shall be a representative of agricultural employers, one member shall be a representative of agricultural employees and one member a representative of the public. The employer representative is chosen from a list of three nominations submitted to the governor by the state board of agriculture; the employee representative is chosen by the governor from a list of three nominations submitted by the secretary of human resources; the public representative is chosen by the members who have been selected by the governor. If the two board members cannot decide on a public representative within 30 days, the governor will make the appointment.

The Board came into existence as a result of the labor unrest that was occurring in California. It was to establish procedures for the prevention of prohibited agricultural employer/employee organization practices. HB 2586 will transfer the duties and powers of the Board to the Secretary and Department of Human Resources.

Dennis Taylor, Secretary, Department of Human Resources was present to give background information on the Board. He made much the same reference to the Board as did Mr. Efird as to the makeup of the Board. This bill came out of a request from the governor's office. Transferring the Board's functions will not get rid of the Board, it will just go under the Department's jurisdiction. Many committees, commissions, and boards had been looked at to see what could be done to avoid superfluous motions.

Rich McKee, Kansas Livestock Association spoke in opposition to HB 2586. He cited the 'uniqueness' of agriculture. The human resources secretary is not selected for his knowledge of agriculture. There is virtually no cost to the state as the board has probably met only twice in 15 years. (Attachment 1)

Mr. McKee asked the Chairman for permission to speak briefly as regards the attachment submitted by the Kansas Farm Bureau. (Attachment 2) The Kansas Farm Bureau also opposes HB 2586 so that agricultural employers and employees may not suffer undue injuries to the public interest.

Wilbur Leonard, Committee of Kansas Farm Organizations, spoke in opposition to HB 2586 (Attachment 3) He referred to the attached list of 21 organizations he was present to represent. He said that while the bill would not abolish the Board, it does remove from the agency any input from the farming and ranching communities.

The Chairman thanked the conferees and stated that this closed the hearing on HB 2586. Discussion and possible final action will occur at a future date.

The minutes of the previous meeting were approved.

The next meeting is Tuesday, January 26. The meeting was adjourned.



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STATEMENT
OF THE
KANSAS LIVESTOCK ASSOCIATION
IN OPPOSITION OF
HOUSE BILL 2586
BEFORE THE HOUSE GOVERNMENTAL ORGANIZATION COMMITTEE
REPRESENTATIVE THOMAS WALKER, CHAIRPERSON
REPRESENTATIVE ELAINE HASSLER, VICE CHAIRPERSON
PRESENTED BY
RICH MCKEE
EXECUTIVE SECRETARY, FEEDLOT DIVISION
JANUARY 21, 1988

The Kansas Livestock Association (KLA) is a trade organization made up of nearly 10,000 members located in all of the 105 counties. KLA, founded in 1894, has members who are actively involved in numerous aspects of livestock production which include cow-calf/stocker producers, feeders, sheep producers, swine operators and general farming and ranching enterprises.

Good morning. The Kansas Livestock Association opposes House Bill 2586. This proposal would eliminate the agricultural labor relations board.

During the early 1970's, the legislature approved a package of ag labor laws. Included in this package was legislation establishing the Agricultural Labor Relations Board. KLA and other ag groups worked diligently to gain support for this package of ag labor legislation.

The Agricultural Labor Relations Board is comprised of three individuals. One is appointed by the Governor from a list of three individuals nominated by

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the Secretary of Human Resources. This individual is to represent ag employees. The second is appointed by the Governor from a list of three nominees from the State Board of Agriculture. This person is to represent ag employers. The third person is "deemed not to be a representative of either ag employers or ag employees". This person shall be selected and agreed upon by the other two board members. The term of board members is four years and all are eligible for reappointment.

The agricultural labor relations board has not been very active since it's inception. The board has met for two different cases. Once in the mid-seventies and again in 1980. This speaks well for both the ag employers and ag employees in the state of Kansas. In both cases the board performed well. Both cases were resolved without major conflict.

Kansas Livestock Association members would like to maintain the Agricultural Labor Relations Board. Because of agriculture's uniqueness, such a board is beneficial to both parties. Because the board has only met twice in over 15 years, administrative expense is minimal.

For these reasons, the Kansas Livestock Association asks you to oppose House Bill 2586.



PUBLIC POLICY STATEMENT

HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION

Re: H.B. 2586 - Abolishing the Agricultural Labor Relations Board

January 21, 1988
Topeka, Kansas

Presented by:
Paul E. Fleener, Director
Public Affairs Division
Kansas Farm Bureau

Mr. Chairman and Members of the Committee:

My name is Paul E. Fleener. I am the Director of Public Affairs for Kansas Farm Bureau. Mr. Chairman, and Members of the Committee, we come to you today seeking your support for our position which is this: **PLEASE, please** reject H.B. 2586.

Oh, what a hard fought battle it was in 1972 to win the passage of the legislation creating the Agricultural Employment Relations Act.

Yes, on the organizational chart that might be devised by some Political Scientist it might appear to be entirely appropriate to transfer the duties and responsibilities of the Agricultural Labor Relations Board to some other entity. But Mr. Chairman, Members of the Committee, let me describe briefly for you what went into the enactment of this legislation. Let me quote briefly to you from the Public Policy Statement contained in K.S.A. 44-818. That public policy indicated that "the lack of orderly procedures to meet and confer has contributed to certain

problems in the agriculture industry, including secondary boycotts and work discrepancies during critical periods, which promote strife and pose a threat to the public interest and the free flow of commerce."

When this legislation was proposed and debated in the Halls of the Legislature there was a great deal of strife in the area of agricultural labor. There were strikes in the State of California. There were calls for secondary boycotts ... boycotts of table grapes, boycotts of lettuce, boycotts of other highly perishable commodities. The threat existed for strife in the livestock and commodity areas more generally prevalent in the State of Kansas.

The Legislature went ahead to state, in the public policy developed concerning agricultural employment: **"Recognizing the unique nature of the agricultural industry,** it including the public dependence upon its vital products, it is necessary to establish **special** (emphasis added) provisions so that the right to organize and to be represented in meet and confer relationships with agricultural employers may be assured to agricultural employees without undue injury to the public interest."

Mr. Chairman I have reviewed the makeup of your Committee. You have two members on this Committee who served at the time this legislation was enacted. Representative Clarence Love was here. Representative John Sutter was here. Those two members will remember that this legislation was discussed and debated thoroughly. There was created an Agricultural Labor Relations Board in the legislation. It was created, established, and brought into being for a **very special purpose!**

The legislation, which passed the Senate, then the House of Representatives, was vetoed by then-Governor Robert Docking. And following the veto there was an override in both Houses of the Legislature.

Mr. Chairman, the veto override took bipartisan support. But let me tell you how that veto override came to be in the House of Representatives. Then-Representative John Carlin, now former Governor John Carlin, then-Representative Fred Weaver, then-Representative George Wingert, then-Speaker Cal Strowig and others on both sides of the aisle came to the defense of this legislation and **remarkably** overrode the veto of the Governor.

In the Kansas Senate then-Senator Robert F. Bennett, together with his colleagues in the Senate overrode the veto of the Governor. Governor Bennett fought off every conceivable challenge to any constitutional or other questions concerning the legislation and garnered the support to override the veto.

You will hear or perhaps have heard the Agricultural Labor Relations Board has infrequently been used. That's a blessing. That's not a problem. This legislation has been in place since 1972. It is good legislation. The Agricultural Labor Relations Board established by the legislation is an appropriate entity to discuss and to decide any problems which may arise in agricultural employment representation and relations cases.

We urge the Members of this Committee to reject House Bill 2586. It is not necessary to abolish the Agricultural Labor Relations Board. People in this state can be found to serve in the positions created, positions which provide a public service.

Let me quote just briefly again from the Public Policy Statement in K.S.A 44-818. That section says this:

It is hereby declared to be the policy of the State of Kansas to eliminate the cause of certain substantial obstructions to the preflow of commerce by encouraging farmers and agricultural employees represented by employee organizations to resolve labor disputes through meeting and conferring in good faith and to protect the exercise by agricultural workers of full freedom of association, self-organization and designation of representatives of their own choosing for the purpose of negotiating the terms and conditions of their employment.

The legislation creates a "board." That definition means, the Agricultural Labor Relations Board established pursuant to this Act. The duties and responsibilities of the Board are described fully and completely. So too are rights of employees and rights of employers. **An independent Board**, not the Secretary of **any** Governor's Administration should have the responsibility to determine whether employers and employees in agriculture are meeting and conferring in good faith, are acting responsibly, and are protecting the public policy outlined in the preamble to this important legislation.

Mr. Chairman, with everything that is in us we ask, we plead with you to vigorously reject H.B. 2586.

Committee of . . .

Kansas Farm Organizations

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TESTIMONY IN OPPOSITION TO HB NO. 2586

BEFORE THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION

January 21, 1988

Mr. Chairman and Members of the Committee:

I am Wilbur Leonard, appearing for the Committee of Kansas Farm Organizations. The roster of our membership, which numbers 21 state-wide agricultural organizations, is attached to this brief statement. I appreciate the opportunity to appear before this Committee to express the views of our members in opposition to the passage of House Bill No. 2586. We have a firm policy of taking a position on only those legislative issues when we have no dissenting members.

In 1972 the legislature responded to the requests of the agricultural community to establish the agricultural labor relations board. During the 1970's there was considerable activity in Kansas by union organizers, particularly with respect to cattle feeding operations.

The existence of the act and the procedures set forth, in our opinion, led to improved working relations and conditions for agricultural employees generally. Although the mechanism provided was seldom used the fact that an independent board with representation from both employees and employers served as a catalyst in resolving differences.

While this bill substantially preserves the procedural steps in the present act it totally removes from the oversight agency any input from the farming and ranching communities. _____

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That we don't have a backlog of cases before the board should not be taken as proof that issues will not arise in the future. The authors

of this bill apparently share our concern, or they would have proposed that the act be repealed in its entirety.

We're not here to cast aspersions at the secretary of human resources, but we are concerned that all facets of determining agricultural labor problems would be placed in the hands of any one individual.

We believe the state has been served well by the present system and that it should be continued. We respectfully request the Committee to report the bill with the recommendation that it be not passed.

Thank you for your consideration.

- Wilbur Leonard

MEMBERS OF THE COMMITTEE OF KANSAS FARM ORGANIZATIONS

ASSOCIATED MILK PRODUCERS

KANSAS AGRI-WOMEN

KANSAS ASSOCIATION OF SOIL CONSERVATION DISTRICTS

KANSAS ASSOCIATION OF WHEAT GROWERS

KANSAS COOPERATIVE COUNCIL

KANSAS CORN GROWERS ASSOCIATION

KANSAS ELECTRIC COOPERATIVES

KANSAS ETHANOL ASSOCIATION

KANSAS FARM BUREAU

KANSAS FERTILIZER & CHEMICAL INSTITUTE, INC.

KANSAS GRAIN & FEED DEALERS ASSOCIATION

KANSAS LIVESTOCK ASSOCIATION

KANSAS MEAT PROCESSORS ASSOCIATION

KANSAS PORK PRODUCERS COUNCIL

KANSAS RURAL WATER DISTRICT ASSOCIATION

KANSAS SEED DEALERS ASSOCIATION

KANSAS SOYBEAN ASSOCIATION

KANSAS STATE GRANGE

MID-AMERICA DAIRYMEN

KANSAS VETERINARY MEDICAL ASSOCIATION

KANSAS WATER WELL ASSOCIATION