

Approved February 28, 1989
Date

MINUTES OF THE Senate COMMITTEE ON Agriculture

The meeting was called to order by Senator Allen at
Chairperson

10:12 a.m./~~p.m.~~ on February 22, 1989 in room 423-S of the Capitol.

All members were present ~~except~~

Committee staff present: Raney Gilliland, Legislative Research Department
Jill Wolters, Revisor of Statutes Department

Conferees appearing before the committee: Wilbur Leonard, Kansas Committee of Farm
Organizations
Rich McKee, Kansas Livestock Association
Paul Fleener, Kansas Farm Bureau

The Chairman called the committee to order and attention to SB 256 and the following to testify as proponents.

Wilbur Leonard gave copies of his testimony (attachment 1) and expressed support for the passage of SB 256. Mr. Leonard explained that his testimony detailed four main points of SB 256, that is, to repeal the sunset provision, to provide for a three member board when a controversy occurs, to provide for the Governor to select the three board members from suggested lists, and to provide for the board to decide a settlement for a dispute instead of continuing with the provision for mediation and arbitration.

Committee discussion included questions about whether the Secretary of the State Board of Agriculture should, alone, decide if a committee needed to be formed to settle a controversy that maybe it should be the Board of the State Board of Agriculture. After questions about if mediation and arbitration should be stricken from the bill, Mr. Leonard answered that the plan was to allow for a dispute to be settled just as quickly as possible. Mr. Leonard answered that he could not quote a dollar cost for a settled dispute but that the cost would continue to be split between the two parties represented in a dispute.

Rich McKee gave the committee copies of his testimony (attachment 2) and expressed support for SB 256.

Mr. McKee, during discussion, stated that his organization had been involved with the plans of SB 256 and that the suggested plan was suggested as a way to streamline the process of settling a dispute.

Paul Fleener expressed support for SB 256 and encouraged passage of the bill to keep in place provisions for an agricultural employment relations board to be in place when any dispute needs to be settled. Mr. Fleener provided a copy of his statement (attachment 3).

During discussion Mr. Fleener requested that however the agricultural employment relations board is selected to keep the provisions such that the board will have to meet quickly and resolve the problem. Mr. Fleener answered that the Governor was in agreement with keeping the board if it is on the provision that it be a board that is formed only when a dispute arises and that as soon as the dispute is settled that the board disband.

The Chairman requested that if anyone had changes to be made that the changes be prepared in amendment form to be ready for committee meeting on February 28.

The Chairman called for committee action on SB 96.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Agriculture,
room 423-S, Statehouse, at 10:12 a.m.~~a.m.~~^{p.m.} on February 22, 1989

Senator Karr made a motion the committee recommend SB 96 favorably for passage. Senator Sallee seconded the motion. Motion carried.

The Chairman requested action on committee minutes.

Senator Sallee made a motion the committee minutes of February 16 be approved. Seconded by Senator Montgomery. Motion carried.

Senator Allen adjourned the committee at 10:55 a.m.

During the last legislative session the entire act was included in a laundry list of 19 stage agencies targeted for abolition. In the closing days of the session the legislature approved a conference committee report to sunset the board, effective June 30, 1989.

Negotiations have been ungoing, during the interim, in an effort to resolve the differences between the executive branch and the various farm groups which have supported the agricultural employment act from its inception. The result is Senate Bill No. 256. The principal points which this bill addresses are:

1. Repeal of the sunset provision;
2. Provision for a 3-member board which would be activated only when a labor controversy arose which would necessitate the intervention of a third party;
3. Provision that the governor would name the board from three lists, submitted to him by the Committee of Kansas Farm Organizations, each list containing the names of at least three persons, representative of agricultural labor, agricultural employers and the public generally. The public member would be designated the chairperson;
4. The procedures for resolving disputes would be simplified by eliminating the provisions for mediation and arbitration. Following a final determination by the board an aggrieved party would have direct recourse to the courts.

The fact that there isn't a backlog of cases should not be used as the basis for abolishing the board. That there is a comprehensive law in place and a tribunal available to adjudicate controversies has had, and we believe will continue to have, a salutary effect on both employees and employers in working out their differences.

We admit that the procedure set forth in the original act is cumbersome and time consuming. We believe that the amendments proposed by this bill retain the spirit and the intent of the law while, at the same time, updating and streamlining its provisions. By leaving the essential machinery in place, by appointing and convening a board only when needed and assessing the cost of all hearings to the parties, justice would be served and there would be little fiscal impact on state funds.

We are convinced that the act serves a valuable safeguard to agriculture in meeting those unique situations which involve labor emergencies and unforeseen circumstances.

I thank each of you for your consideration and I will respond to your questions.

K.S.A. 44-818

AGRICULTURAL EMPLOYMENT

44-818. Agricultural employment relations; declaration of public policy. Experience has demonstrated 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. Recognizing the unique nature of the agricultural industry, including the public dependence upon its vital products, it is necessary to establish special 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.

It is further recognized that agricultural employers should be protected from certain practices engaged in by some labor organizations, their officers and members, which burden or obstruct commerce, thereby preventing the free flow of agricultural products.

It is hereby declared to be the policy of the state of Kansas to eliminate the cause of certain substantial obstructions to the free flow 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.



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Owns and Publishes The Kansas STOCKMAN magazine and KLA News & Market Report newsletter.

STATEMENT
OF THE
KANSAS LIVESTOCK ASSOCIATION
IN SUPPORT OF
Senate Bill 256
AGRICULTURE EMPLOYMENT RELATIONS
BEFORE THE SENATE AGRICULTURE COMMITTEE
SENATOR JIM ALLEN, CHAIRMAN
SENATOR DON MONTGOMERY, VICE CHAIRMAN
Presented by
Rich McKee
Executive Secretary, Feedlot Division
February 22, 1989

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

Good morning! The Kansas Livestock Association supports Senate Bill 256, commonly known as the Agriculture Labor Relations Act.

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

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attachment 2*

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Senate Bill 256

The Agricultural Labor Relations Board has been used twice since its inception. Once in the mid-seventies and again in 1980. The lack of activity speaks well for both ag employees and employers. In both cases the board performed well. Both cases were resolved without major conflict.

Kansas Livestock Association members would like to keep the ag labor laws, including the ag labor board, in place. Because of agriculture's uniqueness, such a board is beneficial to both parties. Administrative expense is minimal as the board would be called upon only on a as needed basis.

For these reasons, the Kansas Livestock Association asks for your consideration in supporting Senate Bill 256. Thank you!



PUBLIC POLICY STATEMENT

SENATE COMMITTEE ON AGRICULTURE

RE: S.B. 256 -- an act concerning agriculture employment relations

February 22, 1989
Topeka, Kansas

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

Mr. Chairman and Members of the Committee:

Thank you very much for the opportunity to make a brief statement on an important piece of legislation - S.B. 256, a bill which would reestablish a mechanism for appointing and utilizing the services of an Agricultural Employment Relations Board.

Mr. Wilbur Leonard of the Committee of Kansas Farm Organizations (CKFO) has given you a very good and thorough history of this legislation, enacted first in 1972. We will not repeat that history except to say farmers and ranchers who are members of the 105 County Farm Bureaus have maintained their interest in this legislation and the topic it covers since prior to the first enactment. We worked closely with former Governor and then-Senator Robert F. Bennett, and with former Governor and then-Representative John Carlin to override the veto of the Agricultural Employment Relations Act when it was before the Legislature in 1972. Overriding that veto gave Kansas the first-in-the-nation legislation on the books creating an

*Senate agriculture
2-22-89
attachment 3*

Agricultural Labor Relations Board and mechanism for settlement of disputes in agricultural employer/employee relations.

S.B. 256 is an effort to redesign the method of naming an Agricultural Employment Relations Board. The previous board had met and acted on only two cases since the legislation passed in 1972. Some have felt the need to total do away with the legislation, others felt perhaps abolishing the board would suffice. We have worked with the present administration and all interested parties to find a compromise which would develop the Board to meet on an as-needed basis to resolve any controversy in agricultural employer/employee relations.

We would be pleased to respond to any questions and to work closely with your committee, Mr. Chairman to develop the most workable and positive piece of legislation possible.