

Approved March 11, 1991
Date

MINUTES OF THE Senate COMMITTEE ON Governmental Organization

The meeting was called to order by Senator Lana Oleen at
Chairperson

1:35 ~~am~~/p.m. on February 25, 1991 in room 313-S of the Capitol.

~~All~~ members ~~were~~ present ~~except~~: Senators Oleen, Doyen, Francisco, Kanan, Moran, Strick and Vidricksen.

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department
Fred Carman, Revisor of Statutes
Mary Allen, Committee Secretary

Conferees appearing before the committee:

Gary Hall, Acting Secretary, State Board of Agriculture
Senator Jerry Karr, Kansas Senate
LeRoy Bower, Kansas National Farmers Organization
Jay Armstrong, State Board of Agriculture
Richard Porter, Emporia, Kansas
Patty Clark, Chautauqua Hills Jelly Company

The meeting of the Senate Governmental Organization Committee was called to order at 1:35 p.m. by the Chairman, Senator Lana Oleen.

Senate Bill 164 - An Act providing for election of the secretary of agriculture.

Chairman Oleen called on Raney Gilliland, Kansas Legislative Research Department, to present background information on the State Board of Agriculture and the Secretary of Agriculture. Mr. Gilliland discussed the history of the State Board which had its inception in 1857 as the Kansas Agricultural Society and which became the Kansas State Board of Agriculture in 1872. He gave information concerning changes and attempted changes in the statutes through the years which concerned the State Board and/or the Secretary. In conclusion, he noted that currently, the Secretary of Agriculture is elected at the Board's annual meeting for a term of two years. (Attachment 1)

At the Chairman's request, Acting Secretary of Agriculture Gary Hall briefed the Committee on the present method of selecting the Secretary of Agriculture. Secretary Hall discussed the composition and method of election of the Kansas State Board of Agriculture and observed that the members are elected for a term of three years. He noted that the State Board members select a nominee to be Secretary of Agriculture for a term of two years and that the nominee, due to a recent statute, is subject to Senate confirmation. In addition, Secretary Hall discussed the funding, budgeting and rules and regulations of the State Board. (Attachment 2) The Secretary provided a list of 1991 Annual Meeting Delegates for the Kansas State Board of Agriculture. (Attachment 3)

Chairman Oleen called on staff to brief the Committee on the provisions of SB 164. Fred Carman, Revisor of Statutes, said that SB 164 provides for the abolishment of the present State Board of Agriculture on January 11, 1993. Further, the bill establishes a Secretary of Agriculture to be elected in 1992, to serve from January 11, 1993 for a term of two years after which time the Secretaries of Agriculture would be elected for four year terms. The bill provides that the powers of the present State Board of Agriculture are transferred to the elected Secretary of Agriculture. The State Board would continue to be elected as it is presently, but it would serve only in an advisory capacity. Additionally, the bill provides that the Secretary may organize the Department as he or she desires and may appoint assistant secretaries. Mr. Carman pointed to drafting errors in the bill on pages 6 and 7 and noted that the words "state auditor" appear. Those words, he said, should be stricken and the words "Secretary of Agriculture" should be inserted in lieu thereof.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Governmental Organization,
room 313-S, Statehouse, at 1:35 ~~am~~ p.m. on February 25, 1991

The Chairman called for testimony on SB 164 and provided for equal time for both proponents and opponents.

Proponents

Senator Jerry Karr, principal sponsor of SB 164, appeared before the Committee in support of the bill. After reviewing the bill's provisions, Senator Karr noted that the present Kansas Board of Agriculture is primarily a regulatory agency that is controlled by a special interest board. He believes that the present structure of the Secretary and the Board makes it nearly an autonomous organization with little accountability to the Legislature or to the general public. He said that the most direct method of assuring accountability is to provide for the direct election of the Secretary of Agriculture. (Attachment 4)

A second conferee in support of SB 164 was LeRoy Bower, President of the Kansas National Farmers Organization. Mr. Bower characterized the State Board of Agriculture as a 19th-century institution which may have worked well in the later 1880's and early 1900's but "is not for this age". He said that the Board is a supporter of agribusiness interest over the interest of farmers and consumers. In conclusion, Mr. Bower stated that election of a Secretary of Agriculture by popular vote would foster a more open dialogue of issues. (Attachment 5)

Opponents

Jay Armstrong, President of the Kansas State Board of Agriculture, appeared before the Committee in opposition to SB 164. After introducing the members of the Board present, Mr. Armstrong pointed out that agriculture in 1991 remains the state's largest industry. He stated that the Board believes that the current structure and method of selecting the Secretary of Agriculture provides a strong voice for agriculture, a valid open forum for agriculture and protects an atmosphere which allows the voice of agriculture to be heard. Mr. Armstrong listed representation and continuity as the two stalwarts which make the State Board of Agriculture the envy of every state agricultural industry in this nation. He pointed out that information on the current Board and the history and background of the Board's members are attached to copies of his testimony. (Attachment 6)

Richard Porter, farmer and cattleman from Emporia, also testified in opposition to SB 164. He observed that passage of this bill would harm Kansas agriculture because there would be less continuity as the Secretary of Agriculture and other personnel could change every four years and there would be more political influence on the Board. He further noted that the Board, and thus the Secretary, are presently elected by representatives of Kansas agriculture which representatives have a great interest in having a strong agricultural economy. (Attachment 7)

The final conferee in opposition to SB 164 was Patty Clark, Chautauqua Hills Jelly Company. Mrs. Clark pointed out that the rural population in Kansas is declining while the urban centers are undergoing population growth with the result that the rural representation and power base in the decision making and policy formation bodies of the state is receding. She observed that under the current system, the Secretary of Agriculture is selected by a representative body; however, if the Secretary were to be elected, as provided in SB 164, agriculture would again lose out to the urban population segment. Mrs. Clark also expressed concern that election of the Secretary creates the possibility of a change in that position every four years. (Attachment 8)

Chairman Oleen announced that letters in opposition to SB 164 have been received from Nancy Kantola, Legislative Agent for the Committee of Kansas Farm Organizations (Attachment 9) and Joe Lieber, Executive Vice-President of the Kansas Cooperative Council (Attachment 10).

The Chairman thanked the conferees for their participation in the hearing on SB 164. After stating that the hearing on this bill would continue the next day, she adjourned the meeting at 2:28 p.m.

GUEST LIST

COMMITTEE: SENATE GOVERNMENTAL ORGANIZATION

DATE February 25, 1991

NAME COMPANY / ORGANIZATION ADDRESS

NAME	COMPANY / ORGANIZATION	ADDRESS
Patty Clark	Farmer Rancher & Chautauqua Hills Jelly Co	Rt 1, Lawrence, Ks
Jay Livingston	Ks BOA	Muscotah, Ks
Rich Porter	Porter Farms	Readers, Ks
Jay Hall	Sec. of Agriculture	Topeka, Ks.
Jerry Ham	Senate	Emporia

MEMORANDUM

Kansas Legislative Research Department

Room 545-N -- Statehouse
Topeka, Kansas 66612-1586
(913) 296-3181

February 22, 1991

STATE BOARD OF AGRICULTURE AND SECRETARY

The first Kansas Agricultural Society was organized in 1857 in Topeka. The purpose of the society was to promote the improvement of agriculture throughout the State of Kansas. However, the first members of this Society were not, by profession, exclusively farmers. Many members listed their professions as legislators, public officials, military officers, businessmen, and professional men. Most members were from the Topeka vicinity. As part of its functions, the Society conducted state fairs and published statistical information. In 1862, the Society was designated a nonprofit corporation by the Kansas Legislature. The purpose of the Society, as set forth in the statute and its own constitution was "to promote the improvement of agriculture in Kansas." Membership was open to any citizen of the state upon payment of an annual membership fee of \$1. From this time until the next significant change in 1872, the Kansas Agricultural Society held state fairs and annual meetings and published statistical information used for the betterment of agriculture in Kansas.

In 1872, the Kansas Agricultural Society's executive committee became the Kansas State Board of Agriculture. The desire for additional financial support led the movement for status as a regular governmental agency. An 1872 law designated organizations eligible to send delegates to the annual meetings of the Kansas State Board of Agriculture. In addition, the Legislature provided offices in the Capitol for the Board and appropriated \$35,000 to pay the cost of awards at the state fairs. Beginning in 1874, it became legislative policy to grant annual appropriations to the State Board of Agriculture. By this date (1874), most delegates to the annual meetings of the State Board of Agriculture were representing district and county agricultural societies. The main activities of the Board were promotion of immigration to Kansas and education of farmers in improving farming techniques.

The 1873 Legislature amended the law to require that crop reports be made by the organizations permitted to send delegates to the annual meetings as a prerequisite for participation. Since that time, the Secretary of the Board has been directly involved in the collection and compilation of this type of information.

By the early 1900s, a need for some appropriate body or agency to administer regulation involving agriculture had become apparent. The Board, however, had neither the appropriate facilities nor the necessary staff to inspect feed, commercial fertilizer, livestock remedies, and other such commodities used by farmers. Thus, the Legislature assigned these duties to the Experiment Station in 1907.

Senate Governmental Organization
2-25-91

Attachment 1

As was the case in Kansas, experiment stations throughout the country were established under the direction of the land-grant institutions in each of the states or territories by the Hatch Act of 1887. By law, part of their duties were to promote scientific investigations and experiments on the principles and applications of agricultural science. In this respect, the Experiment Station at Kansas State College was much better equipped than the State Board of Agriculture to handle the regulatory duties.

Even though the Kansas Legislature had turned regulatory functions over to the Experiment Station, it continued to officially assign them to both the Experiment Station and the State Board of Agriculture. By 1919, duplication of the activities of the two bodies had become a problem. It became general state policy for colleges to administer educational extension work and for the State Board of Agriculture to administer regulatory functions. As a result, the process of turning agriculturally related regulatory functions over to the State Board of Agriculture began.

The 1917 Legislature made extensive amendments to the law regarding the State Board of Agriculture's annual meeting delegate selection procedure. The present structure of delegate representation is similar to that created in 1917. Representation was given to each state fair or statewide fair; each county farmers' institute; each county farm bureau; each association of statewide character representing a particular kind or particular breed of livestock; and each association of statewide character organized for promotion of a farm crop, or crops, whether then organized or to be organized under the laws of Kansas. In 1917, two members of the State Board were selected from each of the eight Kansas Congressional Districts. Thus, the Board consisted of 16 members.

Between 1900 and 1925, three attempts were made to create an integrated Department of Agriculture. These attempts were made in 1917, 1921, and 1923. Each time, the delegates to the annual meeting of the State Board of Agriculture and the Legislature rejected such efforts.

In 1931, the designated delegate statute was amended to require that county farm organizations have a membership of 250 in order to be eligible to send a delegate to the annual meeting of the Board. Previously there had been no minimum membership requirement. Other amendments included the addition of county granges and county farmers' unions to the list of organizations permitted to send delegates. Finally, the number of State Board members was reduced from 16 to 14, since the number of Kansas Congressional Districts had been reduced from eight to seven.

The number of Kansas Congressional Districts was reduced from seven to six in 1941. Correspondingly, the number of members on the State Board of Agriculture was reduced from 14 to 12.

In 1953, the designated delegate statute was revised to allow county farm bureaus, county farmers' unions, and county granges having a membership of 200 or more to send one delegate to the annual meeting of the State Board.

In 1961, the number of Kansas Congressional Districts was reduced from six to five. Desiring to maintain a membership of 12, the State Board of Agriculture designated the Congressional Districts then in effect as "Agricultural Districts." Two Board members are elected from each of the six "Agricultural Districts," regardless of any change that may occur in the number of Congressional Districts.

The Governor's Commission on Governmental Organization in 1971 made the recommendation that a Department of Agriculture and Natural Resources be established. The Commission's recommendation was to include in this Department four divisions. The divisions proposed were: Agriculture; Forestry, Fish, and Game; Land and Water Resources; and Parks and Recreation. The recommendation was not implemented.

Two bills were introduced in the 1974 Legislative Session which related to the State Board of Agriculture. H.B. 1767 (1974) would have reduced the number of paid-up members required in order to send a delegate to the State Board's annual meeting. The reduction would have been from 200 to 50 and would have applied to county bureaus, county farmers' unions, and county granges. The other bill was 1974 S.B. 699, which would have changed the composition of the State Fair Board. Instead of the State Fair Board being comprised of 12 members of the State Board of Agriculture, it was proposed to have six members from the State Board and six members appointed by the Governor. Neither of these bills left their original committee, but both issues were brought up for consideration in the 1974 interim.

As a result of 1974 interim consideration, 1975 S.B. 5 was introduced in the 1975 Session. This bill, as originally proposed, would have reduced the membership requirement to 150 for delegate representation at the annual meeting for county farm bureaus, county farmers' unions, and county granges. Further, the bill would have permitted each statewide organization to send one delegate from each agricultural district in which it had 150 members or more. The bill would have also permitted organizations not having 150 members in any one district, but having 150 members statewide, to send one delegate to represent the district in which he or she resided. The bill underwent many amendments, but never reached the Governor.

In the 1975 interim, the Special Committee on Governmental Organization was directed to determine the feasibility or desirability of establishing a cabinet level Department of Agriculture and Natural Resources. However, the Committee decided to recommend to the 1976 Legislature that a Department of Agriculture and a Department of Natural Resources be established. The proposed Department of Agriculture would have had a secretary appointed by the Governor and would have conducted the activities presently performed by various agencies, boards, and commissions in the area of agriculture. The proposed implementing legislation (1976 H.B. 2730), assigned to the House Committee on Governmental Organization, was eventually stricken from the Calendar.

In 1979, the Special Committee on Agriculture and Livestock was directed to conduct a review and analysis of the statutory provisions for selection of the delegates to the annual meeting of the State Board of Agriculture and consider the method of selection, qualifications, and duties of the Secretary of the State Board of Agriculture. The Committee recommended that no change be made in the manner in which the Secretary of the State Board of Agriculture is selected. The Committee did recommend that the base, from which delegates to the annual meeting of the State Board of Agriculture are selected, be broadened to represent more Kansas farmers. To do this, the Committee recommended that: (1) current minimum membership requirements be reduced from 200 to 100; (2) the Kansas Livestock Association be permitted to send one delegate from each of the counties in which it has 100 members or more; and (3) each of the nine Kansas Co-op Council districts be permitted to send a delegate. Further, the Committee recommended that six new "Agricultural Districts" be established based on the number of farms in Kansas counties, with two members of the State Board elected from each "Agricultural District." This bill, 1980 H.B. 2745, died on General Orders in the Senate. A similar bill, 1980 H.B. 2312, died in the House Agriculture and Livestock Committee.

In 1981, the Special Committee on Confirmations recommended that the Secretary of the State Board of Agriculture be made subject to Senate confirmation through the introduction of 1982 S.B. 496. The section requiring confirmation of the Secretary of the State Board of Agriculture was deleted from the legislation before its passage.

In 1982, the Senate Agriculture and Small Business Committee introduced S.B. 634. This bill eventually was signed by the Governor. It amended Kansas statutes which permit various farm organizations to send delegates to the annual meeting of the State Board of Agriculture. The bill lowered the membership requirement for county farm organizations to 100 voting members. County Kansas Livestock Associations and county National Farmers Organizations were added to other county farm organizations which may send delegates. Also, each of the nine Kansas Co-op Council Districts was permitted to send a delegate. The bill further authorized a delegate from each county through a petition process. The petition would have to be signed by 150 farmers or producers who are not members of the farm organizations authorized to send a delegate or, if they are members, they must belong to organizations which have fewer than 100 voting members. Finally, the bill redefined the six "Agricultural Districts" from which the members of the State Board of Agriculture are elected. These districts were redefined according to the number of farms in the counties.

The changes made in 1982 were encompassed in K.S.A. 74-502 and 74-503. These statutory provisions permitted a delegate to be sent to the annual meeting of the State Board of Agriculture from: each county or district agricultural society (now construed as county or district fair associations); each state fair or statewide fair; each county farmers' institute; each county farm bureau association with a voting membership of not less than 100; each county farmers' union with a voting membership of not less than 100; each county grange with a voting membership of not less than 100; each of the nine Kansas Co-op Council districts with member co-ops composed of producer membership of not less than 100; each county having 100 voting members of the Kansas Livestock Association; each county national farmers' organization with a voting membership of not less than 100; each association of statewide character representing a particular kind or a particular breed of livestock; and each association of a statewide character for promotion of a farm crop or crops. In addition, a delegate is permitted from each county through a petition process. The petition would have to be signed by 150 farmers or producers who are not members of the farm organizations authorized to send a delegate or, if they are members, they must belong to organizations which have fewer than 100 voting members. The 12 members of the State Board are elected by the delegates at annual meetings held every year. State Board of Agriculture members are elected for three-year terms.

In 1986, Governor John Carlin introduced Executive Reorganization Order (ERO) No. 21. The ERO would have replaced the State Board of Agriculture with an executive branch Department of Agriculture. The Department of Agriculture would have been administered under the direction and supervision of a Secretary of Agriculture who would have been appointed by the Governor, with the consent of the Senate. The Secretary of Agriculture would have been able to appoint, with the consent of the Governor, an assistant secretary or secretaries of Agriculture. These appointees would have served at the pleasure of the Secretary of Agriculture. A 12-member Kansas Agriculture Commission would have replaced the 12-member State Board of Agriculture. The Commission members would have continued to have been selected in the same manner as State Board of Agriculture members currently are.

In 1987, S.B. 3 was introduced, approved by the Legislature, and signed by the Governor. This bill made additional modifications to the statutes regulating what groups may send a delegate

to the annual meeting of the State Board of Agriculture. The provisions of this bill, among other things, permitted each statewide nonprofit association, with membership of not less than 100, representing a specific industry in agribusiness to send a delegate to the annual meeting of the State Board of Agriculture. In addition, the bill lowered the number of required signatures on a petition process delegate from 150 to 100; required newly-elected secretaries of the Board to be confirmed by the Senate; reduced the number of Kansas Co-op Council district delegates from nine to eight to conform with that organization's new structure; added each county Kansas Association of Wheat Growers organization with a voting membership of not less than 100 to send a delegate to the annual meeting; and clarified in statutes that any reference to the Board of State Fair Managers now means the State Fair Board. The bill also permitted voting at the annual meeting either in caucus or general assembly to be conducted by voice vote, show of hands, or, if requested, by secret ballot. These provisions were incorporated into K.S.A. 74-502 and 74-503.

Also in 1987, S.B. 119 was introduced and referred to the Senate Agriculture Committee. The bill died in the Senate Agriculture Committee on June 3, 1988. The bill would have required the State Board of Agriculture to nominate three persons for appointment to the Office of Secretary of Agriculture. The list of nominees would have been sent to the Governor, and the Governor would have been required to select one of those persons as Secretary, subject to confirmation by the Senate. All the duties and powers of the State Board of Agriculture would have been transferred to the Secretary of Agriculture, as created by the bill.

Currently, the Secretary of the State Board of Agriculture is elected at the annual meeting, for a term of office of two years.

The Secretary of the State Board of Agriculture has the responsibility of administering the seven divisions of the Department of Agriculture: the Central Office; the Inspections Division; the Marketing Division; the Water Resources Division; the Plant Health Division; the Laboratory Division; and the Statistical Division, which is operated in conjunction with the Crop and Livestock Reporting Service of the United States Department of Agriculture. For FY 1990, the Kansas State Board of Agriculture was responsible for the administration of nearly \$15.1 million in state general funds, federal funds, and fee funds. A list of the statutes that the State Board of Agriculture administers is included in Attachment I (document provided by the State Board of Agriculture).

There have been ten secretaries of the State Board since the first in 1871. Of these, J. C. Mohler, who served from 1914 to 1950, a total of 36 years, had the longest period of service. Currently, Gary Hall is Acting Secretary of the State Board of Agriculture.

SOURCES

James W. Drury, *The Government of Kansas*, (Lawrence: The Press of Kansas, 1970) pp. 295-317.

Edwin O. Stene, Kansas State Board of Agriculture, (Lawrence: University of Kansas Publications, Governmental Research Series No. 5, 1948).

Kansas State Board of Agriculture, unpublished records.

H. C. Sanders, ed., *The Cooperative Extension Service*, (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1966).

Kansas State Board of Agriculture, *Kansas Agriculture -- 59th Annual Report, 1975-1976*, p. 9.

LAWS ADMINISTERED BY THE KANSAS STATE BOARD 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. Windblown Dust and Soil Erosion Act - K.S.A. 2-2001 et seq.
4. Annual Meeting - K.S.A. 1990 Supp. 74-502 et seq.
5. Location of Agency Office - K.S.A. 74-505
6. Miscellaneous Personnel Matters - K.S.A. 74-505b
7. Acceptance of Reports in Lieu of Affidavits - K.S.A. 74-505c
8. Emergency Farm Credit Relief Act - K.S.A. 74-541 et seq.
9. FACTS Program - K.S.A. 74-544 et seq.
10. Contracts and Grants - K.S.A. 74-550
11. Miscellaneous Personnel Statutes - K.S.A. 75-3149 et seq.

INSPECTIONS DIVISION**Office of Control**

1. Commercial Feeding Stuffs Act - K.S.A. 2-1001 et seq.
2. Commercial Fertilizer Act - K.S.A. 2-1201 et seq.
3. Fertilizer Research Fund - K.S.A. 1990 Supp. 2-1221
4. Fertilizer Containment Act - K.S.A. 1990 Supp. 2-1226 et seq.
5. Agricultural Seed Act - K.S.A. 2-1415 et seq.
6. Kansas Soil Amendment Act - K.S.A. 2-2801 et seq.
7. Agricultural Liming Materials Act - K.S.A. 2-2901 et seq.
8. Livestock Remedies Act - K.S.A. 47-501 et seq.

Office of Dairy Inspection

1. Dairy Laws - K.S.A. 65-701 et seq.
2. Frozen Dessert Act - K.S.A. 1990 Supp. 65-720a - 65-720d
3. Grade A Milk Law - K.S.A. 1990 Supp. 65-737 et seq.
4. Dairy Civil Penalties - K.S.A. 1990 Supp. 65-770
5. Dairy Commissioner Statute - K.S.A. 75-1401

Office of Egg Inspection

1. Egg Law - K.S.A. 2-2501 et seq.

Office of Meat and Poultry Inspection

1. Food Advertising and Sales Practices Act - K.S.A. 1990 Supp. 50-901 et seq.
2. Meat and Poultry Inspection Act - K.S.A. 65-6a18 et seq.

Office of Weights and Measures

1. Anhydrous Ammonia Safety Act - K.S.A. 2-1212 et seq.
2. Liquefied Petroleum Gas Act - K.S.A. 83-143 et seq.
3. Weights and Measures Act - K.S.A. 83-201 et seq.
4. Large Capacity Scale Testing and Service Company Act - K.S.A. 1990 Supp. 83-301 et seq.
5. Motor Vehicle Fuel Device Testing and Service Act - K.S.A. 1990 Supp. 83-401 et seq.
6. Oil Inspection - K.S.A. 1990 Supp. 55-422 et seq.
7. Gasoline Transport Regulations (Weights and Measures) - K.S.A. 55-512

MARKETING DIVISION

1. Agricultural Products Labeling Act - K.S.A. 2-2301 et seq.
2. Kansas Grain Commodities Act - K.S.A. 2-3001 et seq.

3. Powers and Duties - K.S.A. 74-530 et seq.
4. Registered Trademarks - K.S.A. 1990 Supp. 74-540a et seq.
5. Grape Growing and Wine Making Advisory Program - K.S.A. 74-551

PLANT HEALTH DIVISION

1. Apiary Inspection Act - K.S.A. 2-411 et seq.
2. Barberry Eradication Act - K.S.A. 2-712 et seq.
3. Noxious Weed Law - K.S.A. 2-1314 et seq.
4. Plant Pest Act - K.S.A. 2-2112 et seq.
5. Agricultural Chemicals - K.S.A. 2-2201 et seq.
6. Kansas Pesticide Law - K.S.A. 2-2438a et seq.
7. Pesticide Dealer Registration - K.S.A. 1990 Supp. 2-2469
8. Pesticide Management Districts - K.S.A. 1990 Supp. 2-2470 et seq.
9. Kansas Chemigation Safety Law - K.S.A. 1990 Supp. 2-3301 et seq.
10. Transfer of Duties of State Entomological Commission - K.S.A. 74-515a 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, Repair, and Maintenance of Levees - K.S.A. 24-126

5. Drainage District - K.S.A. 24-656 et seq.
6. Watershed District - K.S.A. 24-901 et seq.
7. Watershed District - K.S.A. 24-1201 et seq.
8. Storage of Irrigation Water - K.S.A. 42-313
9. Irrigation Districts - K.S.A. 42-701 et seq.
10. Creation of Division of Water Resources - K.S.A. 74-506a et seq.
11. Powers of Chief Engineer - K.S.A. 74-509 et seq.
12. Dams and Other Obstructions in Streams and Changing the Course, Current or Cross Section - K.S.A. 82a-301 et seq.
13. Stream Cleaning Act - K.S.A. 82a-307 et seq.
14. Dams Built Under Conservation Programs - K.S.A. 82a-312 et seq.
15. Environmental Coordination Act - K.S.A. 82a-325 et seq.
16. Water Storage Law - K.S.A. 82a-405 et seq.
17. Republican River Compact - K.S.A. 82a-518
18. Arkansas River Compact (Kansas-Colorado) - K.S.A. 82a-520
19. Arkansas River Basin Compact (Kansas-Oklahoma) - K.S.A. 82a-528
20. Big Blue River Compact (Kansas-Nebraska) - K.S.A. 82a-529
21. Rural Water Supply Districts - K.S.A. 82a-601 et seq.
22. Rural Water Districts - K.S.A. 82a-612 et seq.
23. Water Appropriation Act - K.S.A. 82a-701 et seq.
24. Groundwater Management Act - K.S.A. 82a-1020 et seq.
25. Intensive Groundwater Use Control Area - K.S.A. 82a-1036 et seq.
26. State Water Plan Storage Act - K.S.A. 82a-1301 et seq.
27. Water Assurance Program Act - K.S.A. 82a-1330 et seq.
28. Water Transfer Act - K.S.A. 82a-1501 et seq.
29. Multipurpose Small Lakes Program - K.S.A. 82a-1601 et seq.

Briefing

Senate Bill 164

Election of the Secretary of the State Board of Agriculture

By

Secretary Gary Hall

February 25, 1991

Senate Governmental Organization
2-25-91
Attachment 2

The state of Kansas is divided into six districts. Two members of the twelve member Kansas State Board of Agriculture are elected from each district at the annual meeting held in Topeka in January each year. Board members are elected for a term of three years and the terms are staggered so that not all board members are elected at the same time.

Board members are elected by an assembly of delegates representing various organizations authorized by statute. Each organization elects its own delegate to the annual meeting of the Kansas State Board of Agriculture. K.S.A. 1990 Supp. 74-502 governs the qualifications for delegates who attend the annual meeting of the Kansas State Board of Agriculture. The following organizations may send one delegate:

- 1) Each county or district agricultural society
(county fair);
- 2) Each state fair or statewide fair;
- 3) Each county farmers institute;
- 4) Each county farm bureau association having a voting membership of not less than 100;
- 5) Each county farmer's union having a voting membership of not less than 100;
- 6) Each county grange having a voting membership of not less than 100;
- 7) Each of the eight Kansas co-op council districts with member co-ops having a producer membership of not less than 100;
- 8) Each county in which the Kansas Livestock Association (KLA) has a voting membership of not less than 100;

- 9) Each county national farmer's organization having a voting membership of not less than 100;
- 10) Each county Kansas Association of Wheat Growers (KAWG) organization with a voting membership of not less than 100;
- 11) Each association of statewide character representing a particular kind of breed of livestock;
- 12) Each association of statewide character for the promotion of a farm crop or crops; and
- 13) Each non-profit association of statewide character for the promotion of or representing a specific industry in agribusiness having a voting membership of not less than 100 (Agribusiness means a supplier of goods or services used in the farming operation.)

In addition, K.S.A. 1990 Supp. 74-502(b) authorizes a delegate to be sent by petition from each county. The petition must meet the following requirements:

- 1) The petition must be signed by at least 100 qualified electors of the county, who are agricultural producers or landowners;
- 2) Signers must be qualified to vote in ASCS elections;
- 3) No person may sign more than one petition; and
- 4) No signer can be a voting member of any county farm bureau, farmer's union, grange, national farmers organization, county unit of the Kansas Livestock Association or county unit of Kansas Association of Wheatgrowers if the organization has 100 or more voting members.

K.S. A. 1990 Supp 74-503 requires the annual meeting to be held in Topeka on the second Wednesday of January each year and for a period of not to exceed three days.

A. Board Members.

- 1) Two members are elected for each of the six districts established by statute;
- 2) Terms are for 3 years
- 3) Terms are staggered so that not all the Board members are elected at the same time;
- 4) Board members elect a president; vice-president, and treasurer, each for a term of one year;
- 5) Board members select a nominee to be secretary for a term of two years and is subject to Senate confirmation.

The agency receives appropriations from both the state general fund and from special revenue funds established by the legislature to support administrative programs assigned by the legislature to the agency. The agency is subject to the same budgetary processes and accounting procedures that apply to other state agencies. All expenditures are governed by state government procedures. Spending authorizations are subject to legislative approval in the same manner as other state agencies.

The agency follows the statutory procedure established by K.S.A. 77-415 et seq. for the adoption of rules and regulations. the procedure includes:

- A. Drafting the regulation;
- B. Obtaining approval from the Department of Administration of the language and style of the regulation;
- C. Obtaining approval from the Attorney General that the regulation is authorized by statute;

- D. Publishing a notice of public hearing on the regulation in the Kansas Register and allowing a period of at least 30 days for public comment prior to the hearing;
- E. If significant changes are not made at the public hearing the regulation is then adopted by the Board;
- F. The regulation and statutorily required supporting documents are filed with the Secretary of State;
- G. The regulation is then reviewed by the standing Legislative Committee on Administrative Rules and Regulations.

KANSAS STATE BOARD OF AGRICULTURE
Annual Meeting Delegates

Year 1991

ORGANIZATION	D I S T R I C T S						Total
	I	II	III	IV	V	VI	
Board Members	2	2	1	2	2	2	11
County Fairs	9	11	13	7	11	7	58
County Farm Bureaus	15	13	15	13	27	21	104
County Farmers Unions	2	1	5	2	1	2	13
County Granges	2	2	0	0	0	0	4
State Fair	0	0	0	1	0	0	1
County Livestock Assn.	0	1	3	2	3	1	10
County Wheat Growers Assn.	0	0	0	2	0	0	2
STATEWIDE ORGANIZATIONS							
American White Wheat Producers	0	0	0	1	0	0	1
Associated Milk Producers	0	0	1	0	0	0	1
County Weed Directors Assn of KS	0	0	0	1	0	0	1
Holstein-Friesian Assn. of KS	0	0	1	0	0	0	1
KS Agri-Women	0	0	0	1	0	0	1
KS Agricultural Aviation Assn.	0	0	0	0	1	0	1
TOTAL	30 *	30 *	39 *	32 *	45 *	33 *	209 *
	** 24	** 22	** 33	** 22	** 28	** 21	** 150

* Total number allotted

State Governmental Organization
Attachment 3

KANSAS STATE BOARD OF AGRICULTURE

Annual Meeting Delegates

Year 1991

ORGANIZATION	DISTRICTS						Total
	I	II	III	IV	V	VI	
KS Angus Assn.	0	0	1	0	0	0	1
KS Assn of Conservation Dist.	1	0	0	0	0	0	1
KS Assn of Nurserymen	0	0	1	0	0	0	1
KS Assn of Wheat Growers	0	0	1	0	0	0	1
KS Ayshire Breeders Assn	0	0	1	0	0	0	1
KS Christmas Tree Growers Assn	1	0	0	0	0	0	1
KS Coop Council District #1	1	0	0	0	0	0	1
KS Coop Council District #2	1	0	0	0	0	0	1
KS Coop Council District #3	0	0	0	0	0	1	1
KS Coop Council District #4	0	0	0	0	0	1	1
KS Coop Council District #5	0	0	0	0	1	0	1
KS Coop Council District #6	0	0	0	0	1	0	1
KS Coop Council District #7	0	0	1	0	0	0	1
KS Coop Council District #8	0	1	0	0	0	0	1
KS Corn Growers Assn	0	0	1	0	0	0	1
TOTAL	4 *	1 *	6 *	0 *	2 *	2 *	15 *
	4 **	0 **	5 **	0 **	2 **	2 **	13 **

KANSAS STATE BOARD OF AGRICULTURE

Annual Meeting Delegates

Year 1991

ORGANIZATION	D I S T R I C T S						Total
	I	II	III	IV	V	VI	
KS Crop Improvement Assn	0	0	0	1	0	0	1
KS Dairy Herd Improvement Assn	0	0	0	0	1	0	1
KS Electric Cooperatives Inc	1	0	0	0	0	0	1
KS Fertilizer & Chemical Assn	0	0	0	0	1	0	1
KS Gelbvieh Assn	0	1	0	0	0	0	1
KS Grain & Feed Assn	0	0	1	0	0	0	1
KS Grain Sorghum Producers Assn	0	0	0	0	1	0	1
KS Grape Growers & Winemakers Assn	0	0	0	1	0	0	1
KS Hereford Assn	1	0	0	0	0	0	1
KS Honey Producers	1	0	0	0	0	0	1
KS Interbreed Dairy Cattle Council	0	0	1	0	0	0	1
KS Jersey Cattle Club	0	0	1	0	0	0	1
KS Livestock Assn	0	0	1	0	0	0	1
KS Meat Processors Assn	1	0	0	0	0	0	1
KS Polled Hereford Assn	0	0	1	0	0	0	1
TOTAL	4 *	1 *	5 *	2 *	3 *	0 *	15 *
	**	**	**	**	**	**	**
	3	0	5	2	3	0	13

* Total number allotted

** Number that registered

KANSAS STATE BOARD OF AGRICULTURE

Annual Meeting Delegates

Year 1991

ORGANIZATION	D I S T R I C T S						Total
	I	II	III	IV	V	VI	
KS Pork Producers Council	0	0	1	0	0	0	1
KS Poultry Assn	0	1	0	0	0	0	1
KS Seed Dealers Inc.	0	0	0	0	1	0	1
KS Sheep Assn	0	0	0	1	0	0	1
KS Simmental Assn	0	0	1	0	0	0	1
KS Soybean Assn	0	1	0	0	0	0	1
KS Termite & Pest Control Assn	0	0	1	0	0	0	1
KS Thoroughbred Assn	0	0	1	0	0	0	1
KS Veterinary Medical Assn	0	0	0	1	0	0	1
KS Young Farmers	1	0	0	0	0	0	1
Master Farmer/Master Farm Homemaker	0	0	0	0	0	1	1
National Farmers Organization	0	0	0	0	0	1	1
State Assn of KS Watersheds	0	1	0	0	0	0	1
	1	3	4	2	1	2	13
	1	3	4	1	1	2	12
TOTAL	39 *	35 *	54 *	36 *	51 *	37 *	252 *
	** 32	** 25	** 47	** 25	** 34	** 25	** 188

* Total number allotted

** Number that registered

State of Kansas

Senate Chamber

GERALD "JERRY" KARR
SENATOR, SEVENTEENTH DISTRICT
CHASE, LYON, MARION, MORRIS,
OSAGE COUNTIES
R.R. 2 BOX 101
EMPORIA, KANSAS 66801



COMMITTEE ASSIGNMENTS
MEMBER: ASSESSMENT & TAXATION
INTERSTATE COOPERATION
LEGIS. & CONG. APPORTIONMENT
LEGIS. BUDGET COMM.
EDUCATION
STATE BUILDING CONSTRUCTION
LEGIS. COORDINATING COUNCIL
STATE FINANCE COUNCIL

Office of Democratic Leader

STATE CAPITOL
TOPEKA, KANSAS 66612-1565
913-296-3245

**STATEMENT BY SENATOR GERALD "JERRY" KARR
BEFORE THE SENATE GOVERNMENTAL ORGANIZATION COMMITTEE
CONCERNING SENATE BILL 164
AN ACT PROVIDING FOR THE ELECTION OF THE
SECRETARY OF AGRICULTURE
FEBRUARY 25, 1991**

Thank you, Madame Chairperson, for the opportunity to appear before your committee to introduce Senate Bill 164.

Since the formation of the Kansas Board of Agriculture in 1872, there have been adjustments in the selection process for the Secretary of Agriculture. The trend of those changes has been to allow broader participation of farm organization members in selecting delegates to the Board of Agriculture convention. Those delegates in turn select the Board and the Board selects the Secretary of Agriculture. Under current law, the Secretary still is selected by the Board for a two year term and is confirmed by the Kansas Senate.

Senate Bill 164 is direct and straightforward. It would make the Kansas Secretary of Agriculture a statutorily elected public official. A Kansas Department of Agriculture would be established with the elected Secretary at its head. The department would assume all duties and responsibilities of the existing state Board of Agriculture. The Board would be retained as an advisory body.

*Senate Governmental Organization Committee
2-25-91
Attachment 4*

The present Kansas Board of Agriculture is primarily a regulatory agency that is controlled by a special interest board. There is little opportunity for oversight of the agency. In fiscal year 1991, the Board of Agriculture received more than \$9.3 million from the state general fund with another \$2.58 million from fees of programs it administers. An additional \$1.9 million is received by the grain commissions under the control of the Board. Finally, the Board will receive approximately \$1.9 million in federal funds in FY 1991.

The present structure of the Secretary and Board of Agriculture is nearly an autonomous organization with little accountability to the legislature or the general public. We have seen the position of Secretary used as a political training ground for higher elective office.

The Board of Agriculture is responsible for many consumer-related programs, yet the average consumer has no voice in choosing the head of the agency.

I am interested in working with the Board of Agriculture to make it more accountable to the general public. But the most direct method of assuring accountability is to provide for the direct election of the Secretary of Agriculture.

Thank you and I will be glad to answer any questions.

Thank you, Senator Oleen and the Members of the Senate Government Organization Committee.

I am LeRoy Bower, President of the Kansas National Farmers Organization and a diversified farmer near Pittsburg, Ks.

We support the concepts of Senate Bill 164, namely the popular election of the Secretary of Agriculture.

I have been on the Kansas NFO Board since 1968 and the Kansas NFO President since 1988. We have long recognized the need for a change.

I am critical of the State Board Of Agriculture and its present system of selecting delegates to the annual convention. This is a 19th century institution that may have worked well in the late 1800's and early 1900's. But is not for this age. In fact, today, it appears to represent a 19th. Century Club. It has close control of operations--a supporter of agri business interest over the interest of farmers and even over the consumer interest.

The disadvantage to the present system are: Very little or no public discussion of the issues--delegates come away from annual convention with poor attitudes that nothing can be done, special interests takes precedence over farmers, seems to promote the get bigger or get out syndrome, and they continue to promote the removing of the restrictions on Corporate Farming.

What are the advantages of electing a Secretary of Agriculture by popular vote. It would foster more of an open dialog of issues, issues are made in public and debated, broader grass roots support, would serve and represent all of Agriculture and be accountable to

the public. Issues like the Market price of wheat--market price of other commodities and the free trade agreements need to be debated--understood and what there effects are upon communities, small towns and even states. What kind of system is best for Kansas and the Nation--Is it one with people or one with machines.

LeRoy Bower, President

Kansas NFO

R. # 5, Box 388

Pittsburg, Ks. 66762

316 643 5391

February 25, 1991
TESTIMONY TO THE SENATE GOVERNMENTAL ORGANIZATION COMMITTEE
ON SENATE BILL NO. 164

MADAM CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I AM JAY ARMSTRONG, PRESIDENT OF THE KANSAS STATE BOARD OF AGRICULTURE, A FARMER AND AGRI-BUSINESSMAN FROM MUSCOTAH, KANSAS. I WOULD LIKE TO THANK YOU FOR THE OPPORTUNITY TO TESTIFY TODAY, REPRESENTING THE BOARD'S POSITION OF SUPPORTING THE PRESENT METHOD OF ORGANIZATION IN THE SELECTION OF ITS SECRETARY OF AGRICULTURE AND IN OPPOSING SENATE BILL NO. 164.

BUT BEFORE I DO, I WOULD LIKE TO INTRODUCE THE BOARD MEMBERS WHO ARE HERE WITH US THIS MORNING. (INTRODUCE BOARD.)

THIS IS AN EMOTIONAL ISSUE. IT'S EMOTIONAL BECAUSE IT STRIKES AT THE THING THAT MEANS THE MOST TO THOSE OF US IN AGRICULTURE: OUR LIVELIHOOD.

OUR BOARD, IN JANUARY, JUST HELD ITS 120TH ANNUAL MEETING. IN THOSE 120 YEARS, KANSAS AGRICULTURE HAS GONE FROM HORSEPOWER, TO STEAMPOWER, TO DIESEL POWER, AND NOW TO A NEW AGE OF ELECTRONICS AND BIOTECHNOLOGY THAT IN THE FUTURE WILL REQUIRE A REGULATORY SYSTEM THAT WILL BE QUITE DIFFERENT THAN WHAT WE NOW HAVE. DURING THESE PAST 120 YEARS, THE BOARD OF AGRICULTURE HAS MAINTAINED AND KEPT PACE WITH THE CHANGES IN AGRICULTURE, AND I HAVE NO REASON NOT TO BELIEVE THAT IN THE NEXT 120 YEARS, IT WILL CONTINUE TO DO THE SAME IF LEFT IN ITS PRESENT STRUCTURE.

AGRICULTURE IN 1991 REMAINS THE STATE'S LARGEST INDUSTRY. WE BELIEVE THE CURRENT STRUCTURE AND METHOD OF SELECTING THE SECRETARY OF THE BOARD OF AGRICULTURE PROVIDES WHAT OUR STATE'S LARGEST INDUSTRY DESERVES AND NEEDS THE MOST. IT PROVIDES A STRONG VOICE FOR AGRICULTURE, IT PROVIDES A VALID OPEN FORUM FOR AGRICULTURE, AND IT PROTECTS AN ATMOSPHERE WHICH ALLOWS THE VOICE OF

*Senate Committee on Governmental
Organization*
2-25-91
Attachment 6

AGRICULTURE TO BE HEARD.

FOR 120 YEARS THIS BOARD HAS REGULATED AND PROMOTED THIS STATE'S LARGEST INDUSTRY WITHOUT INCIDENT, WITHOUT SCANDAL, AND WITHOUT EVEN THE HINT OF IMPROPRIETY. ITS CONTINUED ACCOMPLISHMENTS ARE MYRIAD IN NUMBER.

EVEN THE NUMBERS BEAR THIS OUT. IN MY LIFETIME I CAN REMEMBER WHEN TEXAS WAS NO. 1 IN BEEF; TODAY, IT'S KANSAS. I CAN REMEMBER WHEN TEXAS WAS NO. 1 IN GRAIN SORGHUM PRODUCTION; TODAY, IT'S KANSAS. JUST TWO YEARS AGO, NEBRASKA WAS NO. 1 IN BLUE COWHIDES PRODUCED; TODAY, IT'S KANSAS. IN PRACTICALLY ALL AREAS CONDUCIVE TO OUR STATE'S NATURAL RESOURCES, WE ARE MOVING UP IN RANK. I BELIEVE THE BOARD OF AGRICULTURE PLAYS AN IMPORTANT ROLE IN THOSE TRENDS.

IN RECENT HISTORY ALONE, OUR EXCELLENT RECORD GAVE REASON FOR THE LEGISLATURE TO TRANSFER THE REGULATION OF TWO EXISTING PROGRAMS TO OUR AGENCY --THE HEAD HOUSE SCALE PROGRAM AND PETROLEUM MEASUREMENT PROGRAM. IMMEDIATELY THE FORMER WAS MADE SELF-SUPPORTING. IN THE LATTER, LAST FALL IN CONJUNCTION WITH THE ATTORNEY GENERAL'S OFFICE, WE DISCOVERED NUMEROUS VIOLATIONS AGAINST KANSAS CONSUMERS.

OUR SECRETARY, ALONG WITH THE LT. GOVERNOR AND "MISS KANSAS," JUST GOT BACK FROM JAPAN, WHERE THEY HELPED THE DIAEI SUPERMARKET CHAIN, ONE OF THE WORLD'S LARGEST DEPARTMENT STORE CHAINS, PROMOTE KANSAS BEEF AS A HIGH-VALUE, DESIRABLE PRODUCT FOR JAPANESE CONSUMERS.

IN THE PAST FOUR YEARS, OUR LIVESTOCK MARKETING PROGRAM HAS INTRODUCED KANSAS BEEF BREEDERS TO MEXICAN BUYERS, AND SALES FROM THIS EFFORT ARE AT ABOUT \$2 MILLION AND GROWING.

WE'VE HEARD A LOT ABOUT NON-FOOD USES OF AGRICULTURAL PRODUCTS. IT WAS UNDER THE DIRECTION OF THE KANSAS STATE BOARD OF AGRICULTURE THAT MUCH OF WHAT WE SEE IN THE 1990 FARM BILL REGARDING NON-FOOD USES CAME FROM THE RECOMMENDATIONS OF A TASK FORCE THAT WAS ORIGINATED BY OUR BOARD. BECAUSE OF

THIS, KANSAS HAS AN EXCELLENT CHANCE OF RECEIVING A REGIONAL CENTER FOR COMMERCIALIZING NEW USES FOR AGRICULTURE PRODUCTS THAT WAS PROVIDED FOR IN THE 1990 FARM BILL. WHAT'S MORE, BECAUSE OF OUR EFFORTS, THE NON-PROFIT NEW USES COUNCIL THAT WAS FORMED BY NATIONAL AGRICULTURAL INTERESTS LOCATED ITSELF HERE IN KANSAS.

WHEN WE LOOK AT THE 120 YEARS THE KANSAS STATE BOARD OF AGRICULTURE HAS EXISTED AND SEE HOW IT HAS ADAPTED TO THE CHANGES IN AGRICULTURE, AND THE ACCOMPLISHMENTS THAT HAVE COME FORTH THROUGH ITS EFFORTS FOR KANSAS AGRICULTURE, IT HAS TO RAISE THE QUESTION, "WHAT IS IT ABOUT THIS PROCESS THAT MAKES IT WORK SO WELL?" I THINK THERE ARE TWO STALWARTS THAT MAKE IT THE ENVY OF EVERY STATE AGRICULTURAL INDUSTRY IN THIS NATION: REPRESENTATION AND CONTINUITY.

REPRESENTATION

THE FRAMERS OF THE KANSAS STATE BOARD OF AGRICULTURE HAD A WISDOM THAT KNEW THAT THOSE WHO WATCH OVER THEMSELVES PROLIFERATE NOT BECAUSE OF WHAT THEY CAN GET AWAY WITH, BUT BECAUSE THE QUALITY AND THE NEED TO GUARANTEE SAFETY ARE INDISPENSABLE TO THE PROGRESS OF AN INDUSTRY THAT PROVIDES THE GOODS AND SERVICES THAT PEOPLE--THEIR CUSTOMERS--USE.

THOSE FRAMERS ALSO KNEW THE MEMBERSHIP COULD NOT BE ELITE. YOU HAVE HEARD SECRETARY HALL EXPLAIN HOW OUR DELEGATES ARE ELIGIBLE. FOR THOSE ACROSS KANSAS WHO WANT TO TAKE A MORE ACTIVE PART IN KANSAS AGRICULTURE, THEY MAY DO SO BY JOINING AN ELIGIBLE GROUP OR ORGANIZATION, OR THEY MAY FORM THEIR OWN GROUP AS PRESCRIBED BY LAW.

ALSO, SO THAT NO ONE GROUP COULD CONTROL THE KANSAS STATE BOARD OF AGRICULTURE, MEMBERSHIP OF STATE-WIDE ORGANIZATIONS WERE LIMITED TO JUST ONE DELEGATE PER ORGANIZATION. THE MAJORITY OF OUR DELEGATES REPRESENT COUNTY GROUPS AND FAIRS THAT ARE AUTONOMOUS AND SOVEREIGN TO THEIR OWN THINKING, AND FOR ANYONE TO SUGGEST OTHERWISE, WOULD BE AN INSULT TO THEM.

EVEN THOSE WHO DO NOT WISH TO TAKE AN ACTIVE PART ARE REPRESENTED BY THEIR ELECTED OFFICIALS. NOT A DOLLAR IS SPENT OR A REGULATION ENDORSED BY THE STATE BOARD OF AGRICULTURE UNLESS THE LEGISLATURE APPROVES IT. WHAT'S MORE, THE SECRETARY'S POSITION MUST BE CONFIRMED BY THE SENATE.

CONTINUITY

THE FRAMERS OF THE STATE BOARD OF AGRICULTURE, WHICH WAS FORMED DURING THE POPULIST MOVEMENT OF THE LATE 1800'S, WERE NOT ONLY CONCERNED ABOUT MAINTAINING A GRASSROOTS REPRESENTATION IN THE AGENCY, BUT ALSO KNEW THAT THE STALWART OF ANY INDUSTRY WAS TO BE CONSISTENT IN ITS REGULATIONS AND KEEP ITS MISSION WELL DEFINED AND DURABLE.

THE POLITICAL WINDS THAT THIS BILL WOULD TURN LOOSE WILL WHISK AWAY THE STABILITY AND CONTINUITY DEPENDED ON BY THOSE WHO PROVIDE THE GOODS AND SERVICES FROM FARMGATE TO THE FOOD PLATE.

I MENTIONED EARLIER OUR EFFORTS WITH THE DIAEI SUPERMARKET CHAIN IN THE PROMOTION OF KANSAS BEEF. WE HAVE STARTED A RELATIONSHIP THAT WILL NEED TO BE BUILT ON THROUGH YEARS OF COMMITMENT. WE ARE IN HOPES THAT THROUGH THIS RELATIONSHIP, THAT DIAEI SUPERMARKET CHAIN WILL HELP US IN TEST MARKETING OTHER KANSAS PROCESSORS' PRODUCTS TO HELP THEM MAKE THE DECISION ON WHETHER TO ENTER THE INTERNATIONAL MARKETPLACE. IT WILL NEVER BE ACCOMPLISHED IF, WITH EACH SECRETARIAL CHANGE, UNINFORMED FACES ARE THROWN AT OFFICIALS OF THIS SUPERMARKET CHAIN.

THE LIVESTOCK SALES TO MEXICO I MENTIONED EARLIER COULD BE SQUELCHED IF A SECRETARY WAS ELECTED ON A CAMPAIGN THAT BEEF IS NOT A GOOD FOOD. JIM HIGHTOWER OF TEXAS PROVED THIS TO BE A POSSIBILITY.

JUST LOOK AROUND AT OTHER STATE AGENCIES AND NOTICE THE CHAOS THAT COMES WITH ADMINISTRATION CHANGES. OURS IS DEPENDABLE, NEVER SECOND GUESSING, AND WHEN YOU ARE IN THE FOOD BUSINESS, OR ANY BUSINESS FOR THAT MATTER, THOSE ARE THE

TENETS THAT SAY INVEST.

THAT IS WHAT THE CURRENT BOARD OF AGRICULTURE BRINGS TO KANSAS...JOBS, ECONOMIC DEVELOPMENT AND, OF COURSE, A LARGER TAX BASE.

IN CLOSING, THERE IS ONE OTHER THING THAT WE IN AGRICULTURE HAVE DONE, AND THAT IS WE HAVE BACKED UP OUR COMMITMENT WITH DOLLARS. NEARLY HALF OF OUR BUDGET IS FEE FUNDED. WHAT'S MORE, WE HAVE RECENTLY STARTED ASSESSING CIVIL PENALTIES TO THOSE WHO DO NOT OBEY OR ABIDE BY THE RULES AND REGULATIONS WE PUT FORTH.

FOR 120 YEARS THIS TIME-HONORED PROCESS THAT IS THE ENVY OF THE NATIONS' STATE AGRICULTURAL DEPARTMENTS HAS MET THE TEST. NEITHER I, NOR DOES OUR BOARD, UNDERSTAND WHY IT SHOULD CHANGE. . YOUR FOOD IS SAFE, YOUR WATER PURE AND AVAILABLE, YOUR MEASURING DEVICES BALANCED, YOUR MEAT LOCKERS SANITARY AND HEALTHY, YOUR ENVIRONMENT MONITORED AND PROTECTED, YOUR PACKAGE PRODUCTS TESTED AND WEIGHED, AND THE LIST GOES ON CONSISTENTLY WITHOUT CRISIS OR FEAR. ARE THE REASONS FOR THIS BILL WORTH THE CHAOS TO FIX SOMETHING THAT'S NOT BROKE? I CERTAINLY HOPE NOT.

I WOULD LIKE TO READ TO YOU A MOTION THAT WAS PASSED BY THE DELEGATES AT OUR LAST ANNUAL MEETING, JUST ABOUT EIGHT WEEKS AGO.

WHEREAS, THE KANSAS STATE BOARD OF AGRICULTURE HAS SELECTED ITS SECRETARY THROUGH THE DELEGATES AND BOARD MEMBERS OF THE KANSAS STATE BOARD OF AGRICULTURE; AND WHEREAS, KANSAS AGRICULTURE HAS PROVEN FOR 120 YEARS TO BE A LEADING STATE IN U.S. AGRICULTURE: THE DELEGATE BODY OF THE KANSAS STATE BOARD OF AGRICULTURE RECOMMENDS TO THE BOARD TO SUPPORT THE CURRENT SELECTION PROCESS OF THE KANSAS SECRETARY OF AGRICULTURE.

THIS MOTION PASSED UNANIMOUSLY--NOT ONE ABSTENTION, NOT ONE NAY; BUT THE MOST IMPORTANT THING TO REMEMBER IS THAT THESE DELEGATES WERE NOT PAID STAFF OR POLITICAL APPOINTEES, BUT RANK AND FILE MEMBERS WHO TRY TO MAKE A LIVELIHOOD FOR THEMSELVES AND THEIR FAMILIES THROUGH AGRICULTURE.

SOME OF THE PEOPLE YOU WILL HEAR WHO ARE PROPONENTS OF THIS BILL, RANK AND FILE DELEGATES, VOTED FOR THE AFOREMENTIONED MOTION JUST EIGHT WEEKS AGO.

THE FRAMERS OF THE KANSAS STATE BOARD OF AGRICULTURE, 120 YEARS AGO, KNEW WHAT WAS GOOD FOR KANSAS AND ITS AGRICULTURE. LET'S KEEP THE KANSAS DEPARTMENT OF AGRICULTURE WHAT IT IS TODAY--A STRONG VOICE FOR OUR STATE'S LARGEST INDUSTRY, A VALID AND OPEN FORUM FOR KANSAS AGRICULTURE, AND AN EFFECTIVE REGULATOR AND WATCHDOG FOR KANSAS AGRICULTURE AND KANSAS CONSUMERS.

KANSAS STATE BOARD OF AGRICULTURE

1991

OFFICERS

President Jay Armstrong
Vice President Thayne Larson
Treasurer Art Howell
Secretary Gary Hall (Acting)

MEMBERS

<u>District</u>	<u>Organization Represented at Initial Election</u>	<u>Name</u>	<u>Term Expired</u>
1	Not a Delegate*	Jay Armstrong	1993
1	Nemaha County Farm Bureau	Vic Krainbill	1994
2	Cherokee County Farm Bureau	Alvin Epler	1992
2	Woodson County Farm Bureau	Altis Ferree	1994
3	Not a Delegate*	Thayne Larson	1992
3	Kansas Livestock Assn	Ralph Rindt	1994
4	Elk County Farm Bureau	F. E. Bliss	1993
4	Reno County Fair	Lois Schlickau	1992
5	Morton County Fair	Floyd O. Coen	1993
5	Pratt County Fair	Bob Moore	1994
6	Kansas Simmental Assn	Art Howell	1993
6	Not a Delegate*	William Mai	1992

* Non-delegates may be elected to the State Board of Agriculture upon proper motion and second and election by voting members.

DELEGATES ATTENDING ANNUAL MEETING OF KANSAS STATE BOARD OF AGRICULTURE*

Year	State Fair	County Fairs	County Farm Bureaus	County Granges	County Farmer's Union	County NFO	Institutes	Co-op Council	County KLA	Statewide Organizations	TOTAL
1977	1	32	89	10	7	-	1	-	-	16	156
1978	1	40	81	11	5	-	-	-	-	17	155
1979	1	25	71	8	4	-	1	-	-	16	126
1980	1	35	80	5	4	-	-	-	-	21	146
1981	1	27	88	5	5	-	-	-	-	23	149
1982	1	24	73	6	5	-	-	-	-	21	130
1983	1	28	91	5	15	1	-	9	9	20	179
1984	1	24	85	6	12	1	-	9	9	32	170
1985	1	29	85	4	14	1	-	8	3	21	166
1986	1	35	89	7	14	-	-	7	5	35	193
1987	1	37	94	5	11	-	-	8	7	27	190
1988	1	35	82	4	10	-	-	8	8	30	178
	State Fair	County Fairs	County Farm Bureaus	County Granges	County Farmer's Unions	County NFO	County WGA	Co-op Council	County KLA	Statewide Organizations	TOTAL
1989	1	34	91	5	9	-	2	5	7	33	187
1990	1	30	92	5	8	-	3	4	5	35	183
1991	1	32	79	3	9	-	2	7	7	37	177

*Numbers do not include Board of Agriculture Members.

1990	Potential	Actual
Farm Bureau	105	92
Fair Associations	62	30
Farmers Unions	13	8
Granges	5	5
County KLA	6	5
County WGA	3	3
State-Wide Organizations	<u>52</u>	<u>40</u>
Sub-Total	141	91
TOTAL (including Farm Bureau)	246	183

1991	Potential	Actual
Farm Bureau	104	79
Fair Associations	58	32
Farmers Unions	13	9
Granges	4	3
County KLA	10	7
County WGA	2	2
State-Wide Organizations	<u>50</u>	<u>45</u>
Sub-Total	137	98
TOTAL (including Farm Bureau)	241	177

Kansas State Board of Agriculture

1991

John "Jay" Armstrong

John "Jay" Armstrong, 37, has lived and farmed near Muscotah all his life. He was elected to represent district one in 1987 and selected to be treasurer of the Board in January 1989. He became president in 1990 when Gary Hall resigned to accept the position of Acting Secretary. Armstrong is the manager of Armstrong Farms, a grain, cattle and agribusiness operation including custom applicators, a grain elevator, farm chemical, seed and fertilizer business in Atchison County. At Kansas State University, Armstrong earned a bachelor's degree in agricultural economics. He also is a graduate of the Harvard Agribusiness Seminar. He has served as president of the Delaware Watershed District and was a former National Farm Bureau Discussion Meet winner. His memberships include the Kansas Soybean Association, Farm Bureau, Corn Growers, Kansas Livestock Association, Kansas Grain and Feed Dealers and the Fertilizer and Chemical Association. When he was elected to the Board, he was not a delegate.

F. E. Bliss

A member of the Kansas State Board of Agriculture since 1981, F.E. Bliss, 60, was re-elected to a three-year term in 1987. He has held all the offices of the Board of Agriculture, representing district four. Farming for 35 years, Bliss has spent the last 20 years near Longton as a Quarter Horse breeder and running a cow-calf operation. Besides farming and ranching, he is a realtor and auctioneer. Formerly of Arkansas City, Bliss earned a bachelor's degree in animal husbandry from Oklahoma State University. He is a former 4-H Club Agent and Agricultural Extension Agent. His memberships include the Kansas Livestock Association, Elk County Farm Bureau and the Kansas Quarter Horse Association. He was a delegate from the Elk County Farm Bureau when he was elected to represent district four.

Floyd O. Coen

Floyd O. Coen, 65, joined the Board in 1972. He represents district five. Born in Morton County and residing near Elkhart, he has farmed in Kansas for some 45 years. He raises grain and livestock; including registered Brown Swiss and Polled Hereford cattle. Coen is a former president of the Board, the state Brown Swiss and Polled Hereford organizations and a director of the Garden City Experiment Station. He is active in the State Fairs Association, is a former state legislator, and currently is active in the Kansas Silver Haired Legislature. His other memberships include the Kansas Farm Bureau, county Extension Council, former state 4-H Advisory Council and past school board member. He has received the 4-H Alumni Award, Bankers Award for Soil Conservation, and was named a Master Farmer in 1976. He joined the Board as a delegate from the Morton County Fair Association.

Alvin Epler

Representing district two, Alvin Epler, 55, has farmed near Hallowell for some 50 years. Joining the Board in 1982, Epler is a past president, vice-president and treasurer of the group. He was elected to another three-year term in January 1989. Engaged in diversified grain and soybean farming, backgrounding and cattle feeding, Epler has received awards for soil conservation and been named an Honorary FFA member. He is a member of the Kansas Farm Bureau, a long-time 4-H leader, member of the board of the Farmers' Co-op, FFA advisory committee member and Southeast Kansas Farm Management Board member. He was a delegate from the Cherokee County Farm Bureau when he joined the Board.

Altis G. Ferree

Re-elected to a three-year term on the Kansas State Board of Agriculture in 1991, Altis G. Ferree, 57, Yates Center, represents district two. Ferree joined the Board in 1976 and held the offices of vice-president and president. He has been a Woodson County resident and farmer for 37 years. His memberships include the Kansas Farm Bureau and the Kansas Livestock Association. He is a past recipient of the Farm Bureau Leader of the Year and Distinguished Service awards. He operates a diversified farm and is engaged in agribusiness activities. He was a delegate from the Woodson County Farm Bureau when first elected to the Board.

Art Howell

Art Howell, a Simmental breeder from Lincoln, joined the Board January 11, 1990. He represents district six. Howell, 55, a retired registered civil engineer, was president of the Kansas Simmental Association and is also a member of the National Simmental Association. He was county engineer in several areas of the state during his career. He also is a Lincoln city councilman, and president of the North Central Health Planning Council. He represented the Kansas Simmental Association when he was chosen as a Board member.

Victor Leigh Krainbill

Victor L. Krainbill, 46, joined the Board of Agriculture in 1991. He represents district one. A Sabetha native, he has farmed in the state for 22 years. He is a past Kansas Master Pork Producer and past president of the Kansas Pork Producers Council. His memberships include the Nemaha County Rural Water District #1, Kansas Pork Producers Council, Kansas Livestock Association; and Nemaha County Farm Bureau. He was elected to the Board as a delegate from the Nemaha County Farm Bureau.

Thayne A. Larson

Thayne A. Larson of Scandia was elected to serve district three in January 1989. He currently is vice president of the Board. Larson is a Republic County native who has been in the farming and cattle feeding business for 17 years. He earned a bachelor's degree in agricultural economics from Kansas State University and is a member of the Kansas Livestock Association and Kansas Farm Bureau. He was not a delegate when he was elected to the Board.

William V. Mai

William V. Mai, 53, Sharon Springs, has been a member of the Kansas State Board of Agriculture since 1983. He has held the position of treasurer, vice-president and president. He was elected to another term in January 1989. Representing district six, Mai has farmed near Sharon Springs for some 30 years. Mai earned a bachelor's degree in biological science from Bethany College. He is a member of Farm Bureau, the Kansas Livestock Association, Kansas Association of Wheat Growers, the American White Wheat Producers Association and Kansas Corn Growers. His farming operation includes wheat, corn and certified seed production. He also is a sales representative for Garst Seed Company. He formerly was a member of the Kansas Corn Commission and a member and chairman of the Wallace County Extension Council Board. He has received the Bankers Award for Soil Conservation and was named a Farm Bureau Leader of the Year in 1976. Mai was not a delegate when he was elected to the Board.

Bob. L. Moore

Bob L. Moore, 56, joined the Board in 1991, representing district five. Moore, of Iuka, has farmed in the state for 35 years. He earned a degree in animal husbandry from Kansas State University. He is a former school board member, former president and member of the Ninnescah Rural Electric Board, former president and member of the Kansas Rural Electric Cooperative, and member of the Pratt County Fair Association. He was a member of the Master Farmer Class of 1989, Outstanding Farmer of Pratt County in 1961, and earned the county's soil conservation award in 1966. He represented the Pratt County Fair at his election to the Board.

Ralph H. Rindt

Ralph H. Rindt, a lifetime Kansas farmer from Herington, joined the Board in 1991. He is 50 years old and represents district three. He is engaged in hog and cow/calf production in his farming operation. Rindt earned a bachelor's degree from McPherson College and a master's from Emporia State University. He is a member and past president of the Kansas Pork Producers Council, and a member of the Kansas Livestock Association, Farm Bureau, Kansas Swine Seminar, and the International Meat and Livestock Committee. He was a delegate from the Kansas Livestock Association when he joined the Board.

Lois Schlickau

Elected 1988 and 1989 president of the Kansas State Board of Agriculture, Lois Schlickau, Haven, was the first female president and the first two-term president of the Board since 1918. She is 57. Representing district four, Schlickau and her husband, George, have operated Schlickau Herefords near Haven for more than 30 years. She attended Hutchinson High School and holds an Associate of Arts degree from Hutchinson Community College. The family farming operation includes wheat, alfalfa, soybeans, corn, milo and Registered Herefords. Schlickau is a director and past president of the Kansas Hereford Auxiliary, director of Kansas Agri-Women, a member of Farm Bureau and the 4-H Advisory Board. She has also been an active spokesperson for agriculture, particularly the beef industry. She was the recipient of the first annual "Outstanding Hereford Woman" award from the American Hereford Auxiliary in 1985. Schlickau was a delegate from the Reno County Fair Association when she joined the Board.

History and Background Information

Kansas State Board of Agriculture

Prior even to statehood, a group of farmers and ranchers met in Topeka in 1857 to form a society to promote agriculture and its kindred arts. The goal of the Kansas Agricultural Society was not only to improve Kansas agriculture, but also to attract immigrants to the state.

In 1872, the Kansas Legislature established the Kansas State Board of Agriculture from the structure of the Kansas Agriculture Society (K.S.A. 74-501)--the official beginning of this department as a governmental agency. At that time, three basic duties were assigned to the department by the legislature. Those duties were:

- 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.
- To gather and disperse statistical information pertinent to agriculture.
- To administer those acts assigned to the department by the Kansas Legislature.

From 1872 to the present, this department has grown from a handful of employees to one that now has six divisions of work, two laboratories, and more than 300 employees involved in efficiently administering some 70 different laws, all of which have been assigned to the department by the Kansas legislature.

In 1872 the **central office** was formed as the administrative office for all activities of the Board. This office is involved in budgeting, personnel, public information, policy analysis, and reviewing and directing agency activities. The central office also acts as a source of agricultural data and information for the executive and legislature branches of government, both statewide and nationally. The central office also administers the Farmers Assistance, Counseling and Training Service for rural Kansans.

The **statistical division** was formed in 1873 when 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 1890s the need arose for a state entomologist to conduct insect surveys and promote eradication procedures. The result was the formation of the **entomology division** in 1907; that division was combined with the weed and pesticide division to form the **plant health division** in reorganization in the 1980s.

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. That division was combined into a reorganized **division of inspections** in the 1980s.

In 1925 the **dairy division** was created when the state dairy law was transferred to the Board of Agriculture. It later received responsibility of administering acts designed to regulate conditions under which milk and milk products are produced and processed for human consumption. It also became a part of the **division of inspections** in the 1980s.

The **water resources division** was developed in 1927 by combining the duties of the Kansas Water Commissioner and the Kansas Irrigation Commissioner. Today 29 different laws are administered by this division. Among these laws are ones dealing with such items as water rights, approval of plans for dams, levees and stream channel changes, overseeing of interstate water compacts, reviewing formation of groundwater management districts, and many others.

The passage of the noxious weed law in 1937 created the **weed and pesticide division** to supervise county weed programs and assist in adopting official methods of control and eradication of noxious weeds. This division today is part of the **plant health division**.

Two divisions, **marketing** and **weights and measures**, were established in 1947 when the Kansas marketing laws was passed the responsibility for weights and measures work was transferred from the University of Kansas to the Board of Agriculture. The marketing division is responsible for the promotion of Kansas agricultural products and aiding the expansion of international and domestic markets.

The **weights and measures division** was responsible for laws centering around certification of any product sold or traded by length, mass or volume. Now a part of the **division of inspections**, this program certifies scales for accuracy, checks package weights and other types of measures. This program maintains its own metrology laboratory.

The Kansas Meat and Poultry Inspection Act was passed in 1969 and the **meat and poultry inspection division** developed the same year to administer the program calling 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 are required. There are approximately 300 meat packing and processing plants in Kansas today under state inspection. This program is now part of the **division of inspections**.

A seed and chemical laboratory was built in 1953 and operated for many years as a part of the control division until it became the **division of laboratories**. In the laboratory, chemical analysis of samples taken by inspectors in the dairy, meats, weed and pesticide and control programs is conducted. Another portion of the laboratory is the seed laboratory, responsible for seed purity and germination tests, weed seed identification and plant identification.

Major reorganization of the respective divisions of the Kansas State Board of Agriculture occurred in the mid-1980s. In an effort to consolidate activities of similar nature, the inspection functions of dairy, weights and measures, control, eggs and meat and poultry were combined into a single **division of inspections**. In 1985, in an effort to consolidate the management of activities regarding the safe application of chemicals, the weed and pesticide and entomology divisions were combined into a new **plant health division**. At the same time the laboratories division was established to clearly identify a unit responsible to the other divisions within the agency but with a single management director to oversee all activities.

The **Farmers Assistance, Counseling and Training Service** was assigned to the department in 1985. FACTS provides a hot line referral system for farmers and rural Kansans who need assistance. The office is located on the KSU campus and operated cooperatively with KSU Extension.

Board Membership and Delegate Structure

When the Kansas State Board of Agriculture was established in 1872 by the legislature, it was the first state in the nation to establish such a department as a branch of state government. The second state to form a similar department was New Jersey, which also used a similar structure.

In 1873 the act was amended to establish 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 to be eligible to send a delegate.

The next 34 years went by without further structural changes. Then in 1917, the legislature made extensive amendments to overhaul the delegate structure to the annual meeting. Most organizations still recognized to send delegates to the meeting were designated at that time. They included each state fair or statewide fair; each country farmers institute; each county farm bureau; each association of statewide character representing 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. The board structure was established, tying the number of board members to the number of Congressional districts, with two board members from each district. At that time there were eight districts and 16 board members. The term length was set at three years, staggered so that not all of them would be up for reelection at the same time.

In 1931, the law again was amended so that a county farm organization was required to have a membership of 250 or more to be entitled to send a delegate. County granges and farmers unions were added to the list of eligible organizations.

Congressional districts also changed that year so the number of board members was reduced to 14; in 1941, further reduction of districts took the number down to 12.

Further membership requirement revision came about in 1953 when the legislature said that a county farm organization could be eligible to send a delegate with a membership of 200 rather than 250. That membership limitation did not change until 1982, when it was lowered to 100. In that same legislative package, other organizations, such as the Kansas Co-op Council districts and Kansas livestock associations, were included and a delegate-at-large provision through petition also was approved.

1961 saw the number of Congressional districts lowered to five, but the Board asked the legislature to designate the six former districts as "agricultural districts" to maintain the representation by 12 board members.

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.

Those functions are:

- The promotion of agriculture and agricultural products.
- The responsibility for a number of agricultural services, such as inspection and grading of certain agricultural products.
- And the administration of some 70 laws passed by the legislature and assigned to the department.

The activities and responsibilities of the board members are to:

- Set policies in the manner and methods of performing the duties and responsibilities assigned to the department by the legislature.
- Meet quarterly to hear and discuss reports from the divisions and their committees.
- Divide into committees for divisions of work and meet on a quarterly basis or as needed between regular sessions.
- Review and approve the department's budget prior to its submission to the Governor and the legislature.
- Approve selection and hiring of chief management personnel, including the Secretary.
- Review and adopt regulations, where authorized or directed, as they pertain to the laws assigned to the department.
- Serve as members of the Board of State Fair Managers.

Statement by Richard Porter

Senate Bill 164

February 25, 1991

My name is Richard Porter. I farm and raise cattle 20 miles north east of Emporia. I have been a delegate to the Kansas State Board of Agriculture annual meeting. Twenty-five years ago my mother was a state senator. I know all too well that laws and policy can be made for political expediency and not for the good of an industry.

I am a strong supporter of my state senator, Jerry Karr, but I am here to respectfully disagree with this bill. This bill could harm Kansas agriculture.

Agriculture is Kansas' largest industry. If agriculture is harmed then the entire Kansas economy will also be harmed.

Why will this bill harm Kansas agriculture and therefore, the Kansas economy?

First, there will be less continuity because every four years the state secretary of agriculture could change. The new secretary could then change several unclassified assistant secretaries. These assistant secretaries would include the six division heads.

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Under the existing system there have only been 10 secretaries in the last 120 years and many of the key people and division heads have been there for many years.

Second, there would be more political influence on the Board of Agriculture. How independent will the Division of Inspections or Division of Water Resources be if their director must gear the division's actions to survive the next election.

I fear they may have to play up to the animal rights fringe groups to get publicity or take actions to appease large corporate interests to get campaign funds.

Then our scales of justice would not be held by a blindfolded lady anymore.

Or say, we elect a Jim Hightower as they did in Texas whose political base is people who often oppose the interests of agriculture.

Jim Hightower cost me money. The USDA was hanging tough with the European Community on the American use of hormones in beef exported to Europe. Then Hightower proposed to Europe that hormone free beef be certified by his department and shipped directly to

Europe. This undercut the USDA in its negotiations with Europe. It also fanned the publicity in the American press about beef

hormones. American cattlemen were incensed at his actions. What followed was a very costly and divisive election which finally got Hightower out of office.

I shudder to think of what effect a situation such as this would have on Kansas agriculture.

This leads into the third point. The board, and thus the secretary, are elected by representatives of Kansas agriculture. Who else has a greater interest in having a strong agricultural economy? Farmers are more willing to go along with costly rules, like the noxious weed law, for example, if farmers feel their own people enforcing them.

Merely because the board is now elected by farmers one cannot claim that the board has gone easy on farmers. For example, until 3 years ago I had an anhydrous ammonia bulk plant. When the safety rules for such a plant became too expensive for me to comply with the law, I sold off the tanks and now buy from an elevator at a higher price.

The existing system has worked well. Under it, Kansas Agriculture has prospered. I have heard comments from farmers in

other states who wish their state's ag departments were like Kansas.

What problems have there been with the existing system? I don't know of any problems or scandals. I am not against change, but if I change something, I want to make it better. There are so many pressing problems facing the Kansas legislature. I don't see why we need to make major modifications in this system that will be a step backwards.

Good afternoon and thank you for this opportunity to testify before your committee.

I'm Patty Clark - my husband and I farm and ranch on a third-generation farmstead in Montgomery and Chautauqua Counties in southeast Kansas. We have a 300-head commercial cow herd, have raised hogs in confinement farrow to finish and raise wheat, milo, corn, soybeans and alfalfa. I also am the Sales Director for Chautauqua Hills Jelly Company in Sedan - one of over 300 "Land of Kansas" trademark companies receiving assistance with marketing from the Kansas State Board of Agriculture. This I feel, gives me two perspectives from which to speak.

My remarks will be brief and concise - and if they seem blunt - please forgive me. But my stance against making the Secretary of Agriculture in this State a publicly elected position runs very strong.

First - as our most recent census indicates, the rural population is declining - while the urban centers of Kansas are undergoing population growth.

Therefore, the logical result is that our representation and power base in the decision-making and policy formation bodies of this state is receding - while simultaneously, the strength of the urban voice is growing.

Under our current system, the Secretary of Agriculture is selected by a representative body, comprised of individuals well-versed in agriculture and all it's related industries.

If this position were to become an elected one, we in agriculture would once again lose out to the urban segment simply as a result of majority versus minority.

To be blunt, as a producer, I do not wish to entrust the selection of the Secretary of Agriculture to those who have only a vague idea of the industry from which I derive a living. Those who do not understand production techniques, marketing strategies, ag statistics and their analysis, government regulations, potential export markets, etc. etc.

I certainly have more confidence in the selection process being handled by my counterparts - farmers, ranchers, and agribusinessmen who know this industry and understand it's long-term needs and directions.

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Second - as a farmer and rancher, I deal with risks and variables every day. From weather to changes in the prime lending rate to what is happening in the Persian gulf and how it will affect the price I pay for fuel, fertilizer and other petroleum related products that are critical to the profit or loss of my operation.

What I don't need is one more variable - that being the possibility that the Secretary of Agriculture could change every four years - and with that change at the helm - potential changes in structure and policy that may alter me approach to the day-to-day process of raising crops and livestock. We need some constants, some consistency, and some continuity in our business. And the system, as it now stands, gives us that.

As I said, I also work off the farm as Sales Director for a small gourmet jelly manufacturer in Southeast Kansas. We work very closely with the Marketing Division of the KSBA, which clearly receives it's direction from the Secretary and the entire Board.

They assist us in gaining entry into new markets, public relations, publicity, labeling, regulation and procurement of raw products and machinery. This assistance has been invaluable.

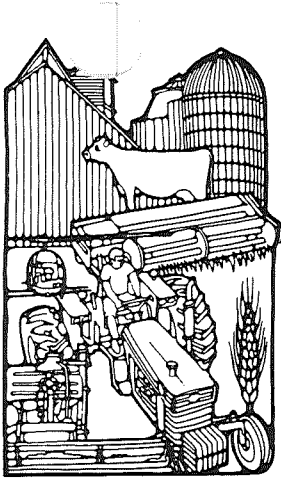
In fact, I leave for San Diego on Thursday for the International Fancy Food Show sponsored by the NASFT (National Association of the Specialty Food Trade). Not only did the KSBA help us to gain membership into this prestigious organization, but they have coordinated our participation, along with four other Land of Kansas companies, in this international exposition. This gives our company and it's products exposure we could not have acheived on our own.

It is clearly possible, that such assistance could be eliminated should an elected individual, whose marketing priorities and level of understanding of the value-added concept, not be in tune with those of us in agricultural production and manufacturing.

As a beef producer, we have seen our domestic market share shrink - and the potential of foreign markets is rising as a bright spot on the horizon.

I know that the Secretary has been actively involved in creating an export market with Mexico for beef and other Kansas food products. Again - continuity - when dealing with potential foreign markets is of the utmost critical importance. Changing horses, every four years, could hamper or impede the process that has been initiated under the current system.

Finally - I wish not to sound negative - but to end on a positive note. Our current approach to the hiring of the Secretary of Agriculture position works well for Kansas. It gives those of us in the agricultural industry a strong voice in the selection procedure - which is as it should be. Other states have adopted policy changes to allow there Ag Secretary or Commissioner to become an elected official and the results have been disastrous. To quote an old adage - that truly pertains to this situation - "If it isn't broke - don't fix it".



Committee of Kansas Farm Organizations

STATEMENT OF POSITION OF THE COMMITTEE OF KANSAS FARM ORGANIZATIONS

RE: S.B. 164

Nancy E. Kantola
Legislative Agent
3604 Skyline Parkway
Topeka, KS 66614
(913) 273-5340

Committee on Governmental Organization

February 25, 1991

Committee of Kansas
Farm Organization Members

Associated Milk Producers, Inc.

Kansas Agri-Women Association

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 and
Chemical Association

Kansas Grain and Feed
Dealers Association

Kansas Livestock Association

Kansas Meat Processors
Association

Kansas Pork Producers Council

Kansas Rural Water
Districts Association

Kansas Seed Industry Association

Kansas Soybean Association

Kansas State Grange

Kansas Veterinary Medical
Association

Kansas Water Well Association

Mid America Dairymen, Inc.

Madam Chairman, Members of the Committee: I am Nancy Kantola, Legislative Agent for the Committee of Kansas Farm Organizations. Our group is comprised of twenty-one member organizations. We require a unanimous vote to take a position on an issue.

We have in the past, and continue to oppose the attempts to change the selection process for the secretary of agriculture. We oppose it no matter which political party is in power in administration or in the legislature. The nonpartisan nature of the administrative duties of the secretary of agriculture makes the current selection process successful today as it did 100 years ago.

You probably get tired of hearing "If it ain't broke...." but that is undoubtedly the cliché most mentioned when a discussion of this issue arises. We are not against progress nor do we fear change. We simply oppose putting this office, so important to agriculture and the consumers who are protected by its regulatory duties, so vital to the economic development and international trade in Kansas; into a position where voters who have no concept of the qualifications needed to oversee this important function would depend on a media campaign to decide them.

There is a very democratic process in place to select the board of agriculture; and these men and women work to select the best person available to hire as secretary.

Our system is the envy of other states with our stability of administration, ongoing programs to promote agricultural products and scandal free regulatory divisions. It happens to be very economical as well, as the user fees are supported by those regulated. Fair and honest regulation is less likely to be resisted than if it is perceived to be political.

We hope this committee will seriously consider the gains and losses to the state that this bill would create. We urge you to kill it in this committee to keep it from becoming a divisive issue in this already intense legislative session.

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COOPERATIVE COUNCIL

SUITE 615, 700 KANSAS AVENUE, TOPEKA, KANSAS 66603
PHONE 913 233-4085

BOARD OF DIRECTORS

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Executive Vice President

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Junior Strecker
Scott City

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Ken Heaton
Holton

Dale Heckman
Yates Center

Gerald Jennison
Wichita

Larry Preuss
Beattie

Bruce Schwyhart
Wichita

Alan Stewart
Goodland

Bill York
Andale

DATE: February 25, 1991

TO: Senate Government Organization Committee

FROM: Joe Lieber, Executive Vice President, Kansas Cooperative Council

RE: SB164

The Kansas Cooperative Council is a trade organization of nearly 200 cooperatives who have as their members nearly 200,000 Kansas farmers and ranchers.

The Council is opposed to SB164 because we feel that the Kansas State Board of Agriculture is doing a good job in representing Kansas agriculture and protecting Kansas consumers.

The Council has worked closely with the State Board of Agriculture and feel its views and philosophy generally represent those of Kansas agriculture.

Its inspection branches have also done an outstanding job in testing and regulating Kansas products that are sold to the consumer.

We feel the current system is working and would like it to continue.

Thank you.

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