

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 a.m./p.m. on February 26, 1991 in room 313-S of the Capitol.

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

Committee staff present:

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

Conferees appearing before the committee:

Ivan Wyatt, Kansas Farmers Union
Dan Cain, Topeka, Kansas
Joyce Wolf, Kansas Audubon Society
Scott Andrews, Sierra Club
Shaun McGrath, Kansas Natural Resources Council
Robin Leach, Farmer
Jan Lyons, Cattle Producer
Dave Murphy, Professional Lawn Care Association of Mid-America
Jarold Boettcher, Boettcher Enterprises, Inc., Beloit
Bernie Hanson, Flint Hills Foods and Kansas Meat Processor Association
Keith Nelson, Kansas Association Wheat Growers
Vernon McKinzie, McKinzie Pest Control
Donald Tannahill, Tridon Lawn Service

The meeting of the Senate Committee on Governmental Organization was called to order at 1:35 p.m. by the Chairman, Senator Lana Oleen, who called for continuation of the hearings, which began the previous day, on SB 164. The allotted Committee time was divided equally for proponents and opponents of the bill by the Chairman.

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

Proponents

Ivan Wyatt, Kansas Farmers Union, was the first conferee to speak in support of SB 164. Mr. Wyatt told the Committee that with the exception of the State Board of Agriculture's regulatory agencies, whose duties are determined by the Legislature, the policy directions of the State Board continue to show signs of the lack of direction in serving the broad spectrum of production agriculture. He cited as examples the reluctance of the Secretary of Agriculture to respond to, or acknowledge the long term decline of net income of Kansas production agriculture and the related present farm policy, the recent USAA study which revealed that eleven percent of the Kansas agricultural producers were in a critical financial position and the Secretary's recommendation that the State Board's FY 1992 budget be increased by 27.8% for operating expenses which reflects a 35.4% increase from the State General Fund. In conclusion, Mr. Wyatt stated that it is imperative that Kansas have an elected Secretary of Agriculture who is answerable to Kansas, its people and their needs. (Attachment 1)

Dan Cain, Shawnee County, also appeared in support of SB 164 and told the Committee that the present system of selection of the State Board of Agriculture and the Secretary of Agriculture is not "up to speed" in dealing and innovating agricultural marketing problems. He pointed out that eighty counties in Kansas lost population, according to the latest state census report, and that these primarily are agricultural counties. He said that if the Kansas agriculture economy could be made viable, the state would not be having the "hot" tax debates and class tax wars that are presently being witnessed. In conclusion, he offered some suggestions for what he

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termed would be positive changes for the Board of Agriculture including the election of the Secretary. (Attachment 2)

The next conferee in support of SB 164 was Joyce Wolf, legislative liason for the Kansas Audubon Council. Ms. Wolf cited a decision by the Division of Water Resources concerning an amendment to SB 23 as an example of an apparent lack of resolve on the part of the State Board of Agriculture to protect the environment. She pointed out that decisions being made by the Secretary and the Board of Agriculture have wide-ranging effects which reach far beyond the agricultural community alone; thus, all Kansans are affected by agricultural policy decisions. Ms. Wolf said that her organization would prefer that the Secretary of Agriculture be appointed by the Governor, but she feels that election of the Secretary, as provided in SB 164, would be a step in the right direction. (Attachment 3)

Scott Andrews, Kansas Chapter of the Sierra Club, told the Committee that his organization supports the passage of SB 164. He noted that the current situation of control by a Board of Agriculture elected by the agricultural industry might be acceptable if the Board's actions only affected the agricultural community, but, he said, they do not for the Board controls a number of programs that affect all Kansans. He cited the Division of Water Resources as an example. He urged that the Board of Agriculture be made directly responsible to all of the people of Kansas. (Attachment 4)

The next conferee to speak in support of SB 164 was Shaun McGrath, Program Director of the Kansas Natural Resources Council. Mr. McGrath told the Committee that SB 164 addresses the present system by which we regulate agriculture in Kansas, the principles of which run counter to the democratic ideals upon which the Constitutions of Kansas and the United States are based. He pointed out that the State Board has often fallen short of the goal to adequately and fairly protect the natural resources of the state within its jurisdiction. Mr. McGrath stated that his organization would prefer a system whereby the Secretary of Agriculture would be directly appointed by the Governor as a cabinet secretary; but it, nevertheless, favors SB 164 over the current system of electing the Secretary. (Attachment 5)

Robin Leach, farmer, told the Committee that many states, such as Iowa, have elected Secretaries of Agriculture. He pointed out that Kansas needs to become a leader in agriculture and that it is time to allow all Kansans and farmers to become eligible to participate in a process which has been restricted to only a handful of citizens. He urged support of SB 164. (Attachment 6)

Submitting written testimony in support of SB 164 were: Vic Studer, Executive Director of the Kansas Rural Center (Attachment 7); Raymond Fowler, Lyon County farmer (Attachment 8); and Jack Staatz, Dickinson County rancher (Attachment 9).

Opponents

Jan Lyons, rancher, appeared before the Committee in opposition to SB 164 and observed that the present process to select the Secretary of Agriculture in Kansas continues to work well. She noted that all farm organizations, commodity groups and agribusinesses elect the delegates to the annual meeting of the Board of Agriculture at which meeting the Board is elected. This Board, she said, in turn selects the nominee for Secretary of Agriculture and the nominee is then confirmed by the Kansas Senate, as provided in recent legislation. She noted that this method of selecting the Secretary demonstrates a chain of accountability back to the grass roots of Kansas. She emphasized that to change this selection process would dilute the effectiveness of agriculture in Kansas and that election of a Secretary by popular vote would invite special interest groups and factions to play a political power game in Kansas. (Attachment 10)

Dave Murphy, Professional Lawn Care Association of Mid-America, also testified in opposition to SB 164. Mr. Murphy told of the way his industry has worked under the authority of the Board of Agriculture and noted that Kansas was the first

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state to enact regulations requiring that all horticultural and structural pesticide applicators have at least a minimum level of training. He stated that the Board of Agriculture is a stable, consistent organization and has a reputation of making professionally based, scientifically correct, consumer responsible decisions without unfair political favoritism. (Attachment 11)

The next conferee appearing in opposition to SB 164 was Jarold Boettcher, Boettcher Enterprises, Inc., Beloit, and a past president of the Kansas Fertilizer and Chemical Association. Mr. Boettcher noted that his company is regulated by the Kansas State Board of Agriculture through the products it sells and the services it provides. SB 164, he said, would substantially alter the current structure and function of the Board and would bring about change which is contrary to the public interest. Mr. Boettcher told the Committee that the only positive statement he has heard about SB 164 by its proponents is that all Kansans are affected by agriculture; therefore, they should have the opportunity to elect the Secretary. He questioned that if this is true, why not elect the Secretary of Transportation since all Kansans drive on the roads, why not elect the Secretary of Commerce since all Kansans are affected by business and why not elect the Secretaries of Health and Environment, Social and Rehabilitation Services or any other department which affects the public interest? (Attachment 12)

Bernie Hansen, representing the Kansas Meat Processor Association, listed the ways his association works with the State Board of Agriculture and urged the Committee to judge the present system of selection of the Secretary of Agriculture on the merits of function and results for the current system continues to work well. He stated that the Board manages resources well, has very few bureaucratic organizational levels and is responsible and accountable. He urged the defeat of SB 164. (Attachment 13)

Keith Nelson, Kansas Association of Wheat Growers, testified in opposition to SB 164 and observed that his association has worked with the Kansas State Board of Agriculture and the Secretary of Agriculture on many occasions. He has come to recognize and appreciate the professional manner in which they perform their tasks. He noted that the Secretary is currently chosen on the strength of qualifications by a group of farmers and ranchers who are duly elected by their peers. He stated that Kansas has been served by outstanding people who have given the industry professional leadership and continuity of policy which would be impossible to get from a politicized system. (Attachment 14)

Also testifying in opposition to SB 164 was Vernon McKinzie, McKinzie Pest Control. Mr. McKinzie discussed the current method of selection of the State Board of Agriculture and observed that election of the Secretary could result in a person with political connections and money being able to "buy" the Secretary's position without regard to knowledge of Kansas agriculture. In addition, he noted that he would be uncomfortable with an election process which allows a newly-elected Secretary to replace all assistant secretaries for if these positions were filled with political appointments, a person without the proper skills could be placed in a position to carry out the intentions of the Legislature and the Pesticide Use law. (Attachment 15)

Donald Tannahill, Tridon Lawn Service, Inc. in Olathe, said that his work requires frequent contact with members of the State Board of Agriculture. He said that from these contacts he has been impressed with the efficiency, dedication, cooperation and professionalism by members of that Board. He observed that the expense of operating under the concept contained in SB 164 can only increase without any guarantee of increasing or even matching the efficiency of service to the people of Kansas. In conclusion, Mr. Tannahill urged the defeat of SB 164. (Attachment 16)

People and organizations submitting written testimony in opposition to SB 164 were: Mike Beam, Kansas Livestock Association (Attachment 17); Dick Weiser, Kansas Termite and Pest Control Association (Attachment 18); Victor Krainbill, Kansas Pork Producers Council (Attachment 19); Tom Naasz, Kansas Fertilizer and Chemical Association, Inc. (Attachment 20); and Elizabeth Taylor, Kansas Water Well Association (Attachment 21).

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Chairman Oleen called the attention of the Committee to a hand-out from Acting Secretary of Agriculture, Gary Hall, concerning environmental protection activities by the Kansas State Board of Agriculture, the KSBA Legal Actions/Newsletter and the Noxious Weed Oil Overcharge Grant Program FY 1990. (Attachment 22) She thanked all conferees for their participation in the hearings on SB 164.

The Committee turned its attention to SB 118.

SB 118 - License maintenance for people in active military service.

The Chairman stated that staff has met with representatives of the health care professions to make changes in SB 118 necessary to make it conform with the Kansas statutes. It has been determined that the Committee needs to make SB 118 a substitute bill.

Senator Doyen moved that SB 118 become a substitute bill and that Substitute for SB 118 be introduced as a Committee bill. Senator Kanan seconded the motion. The motion carried.

Senator Doyen moved that Substitute for SB 118 be recommended favorably for passage. Senator Kanan seconded the motion. The motion carried.

The meeting was adjourned at 2:25 p.m. by Chairman Oleen.

GUEST LIST

COMMITTEE: SENATE GOVERNMENTAL ORGANIZATION

DATE February 26, 1991

NAME	COMPANY / ORGANIZATION	ADDRESS
Jan Lyons		2481 McDowell Ck Manhattan, Ks.
Wenon McKinzie	McKinzie Pest Control	209 Commercial, Emporia
DAVE MURPHY	PROFESSIONAL LAWN CARE ASSOCIATION OF MID-AMERICA	6412 CARTER MERRIAM, KS 66203
Donannahill	TRIDON lawn	11690 Ranney Rd Olathe, KS 66061

STATEMENT
OF
IVAN W. WYATT, PRESIDENT
KANSAS FARMERS UNION
ON
SENATE BILL 164
ELECTION OF KANSAS SECRETARY OF AGRICULTURE
BEFORE
THE SENATE COMMITTEE
ON
GOVERNMENTAL ORGANIZATION
ON
FEBRUARY 25, 1991

MADAM CHAIRPERSON AND MEMBERS OF THE COMMITTEE:

THE STATE BOARD OF AGRICULTURE HAS BECOME AN INSTITUTION THAT HAS LOST ITS WAY.

WE SEE IT SO OFTEN, AN ORGANIZATION, AN INSTITUTION, EVEN NATIONS THAT TRY TO OPERATE IN A VACUUM. EVENTUALLY, WHATEVER THE ENTITY IS, IT LOOSES TOUCH WITH THOSE IT IS SUPPOSED TO SERVE. IT BECOMES A SHRINKING CIRCLE SERVING ONLY THOSE WITHIN THE CLOSING CIRCLE.

WITH THE EXCEPTION OF THE STATE BOARD AGRICULTURE REGULATORY AGENCIES WHOSE DUTIES ARE DETERMINED BY THE LEGISLATURE, THE POLICY DIRECTIONS OF THE STATE BOARD OF AGRICULTURE CONTINUE TO SHOW SIGNS OF THE LACK OF DIRECTION IN SERVING THE BROAD SPECTRUM OF PRODUCTION AGRICULTURE.

THE POSITION OF SECRETARY OF THE STATE BOARD OF AGRICULTURE APPEARS TO THE GENERAL PUBLIC TO HAVE BECOME THE LAUNCHING PAD FOR HIGHER POLITICAL GOALS. ONE SECRETARY HAS ATTEMPTED TO LAUNCH TWO CAMPAIGNS FROM THIS PAD. ANOTHER APPEARS TO BE POSITIONING HIMSELF FOR A SIMILAR LIFT OFF BY TAKING A LEAVE OF ABSENCE FOR A SWING THROUGH THE NATIONAL POLITICAL WORLD AS A "WHITE

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Attachment

HOUSE FELLOW".

I HAVE NO FAULT WITH THESE INDIVIDUALS STRIVING TO FULFILL THEIR POLITICAL GOALS; I ADMIRE THEIR AMBITIONS. HOWEVER, SUCH AMBITIONS SHOULD NOT DISTRACT FROM THE PURSUIT OF FOCUSING FULL ATTENTION ON THE DUTIES OF THE SECRETARY OF THE STATE BOARD OF AGRICULTURE, WHICH BY THE BOARD'S VERY SELECTION AND STRUCTURE CAUSES THE SECRETARY TO FOCUS INWARD TO THE OPINIONS AND WISHES OF A NARROWING FEW.

IT IS ONLY HUMAN NATURE. IF YOU AS MEMBERS OF THIS LEGISLATURE HAD TO ANSWER TO ONLY TWO OR THREE PEOPLE IN YOUR DISTRICT WHO HELD THE FATE OF YOUR EMPLOYMENT, I'M SURE YOUR VIEWS AND FOCUS WOULD BECOME MORE NARROW TOWARD SERVING THEIR INTERESTS. IF A GOVERNOR'S EXISTENCE DEPENDED ON HOW WELL SHE OR HE RESPONDED TO A DOZEN OR SO PEOPLE OF THE STATE, THE GOVERNOR'S INTERESTS AND CONCERNS WOULD CERTAINLY BECOME MORE NARROW TOWARD THE POLITICAL ALIGNMENT OF THAT CIRCLE OF A FEW PEOPLE.

AROUND THE WORLD, THE TREND IS FOR A MORE OPEN FORM OF GOVERNMENT. ALL WE HAVE TO DO IS LOOK AT THE EASTERN EUROPEAN BLOCK OF NATIONS, CALLING OUT FOR OPEN ELECTIONS BY THE PEOPLE, TO ELECT PEOPLE WHO WILL DETERMINE THE DIRECTION OF PUBLIC POLICY.

THERE APPEARS TO BE AN APPARENT ATTEMPT TO ESCAPE ANSWERING TO A FEW PEOPLE. THEREFORE, THE SECRETARIES TO THE STATE BOARD OF AGRICULTURE ARE POSITIONING THEMSELVES TO MOVE INTO THE ARENA OF A PUBLIC ELECTED OFFICE, WHERE THEY ARE IN A POSITION TO RESPOND TO THE GENERAL PUBLIC NEEDS, RATHER THAN BEING DOMINATED BY A CLOSED GROUP OF DIRECTORS.

I WOULD LIKE TO GIVE A COUPLE EXAMPLES OF WHAT I PERCEIVE TO BE A LACK OF BROAD OVERSIGHT ON THE ISSUES OF PRODUCTION AGRICULTURE IN KANSAS. THERE APPEARS TO BE A GREAT AMOUNT OF FOCUS ON THE MARKETING AND PRICING OF THE PRODUCTS OF AGRICULTURE AFTER THEY LEAVE THE FARM. THE ECONOMIC WELL BEING OF THE HANDLERS OF THESE PRODUCTS, THE PROCESSORS, MARKETERS, AND TRADERS HAS BEEN ROBUST OVER THE YEARS. RECENT FINANCIAL FIGURES INDICATE THEY CONTINUE TO INCREASE THEIR ECONOMIC WELL BEING. MEANWHILE, THE PRODUCERS SHARE OF THE

PROFITS IN THE PRODUCTION OF THESE PRODUCTS FALLS FURTHER AND FURTHER BEHIND.

THIS NARROW FOCUS OF ATTENTION MAY BE THE REASON THAT SEVERAL YEARS AGO BY THE STATE BOARD OF AGRICULTURE AT THEIR ANNUAL MEETING PRESENTED THE "O'DAY STUDY" OF THE KANSAS PORK INDUSTRY. THAT STUDY WAS GREATLY FLAWED. THE BOARD NEVER RECALLED THAT STUDY, OR TO THE BEST OF MY KNOWLEDGE EVER ACKNOWLEDGED THE ERRORS OF THE STUDY. NOR WAS IT PUBLICLY ADDRESSED BY THE SECRETARY.

THERE HAS BEEN A GREAT RELUCTANCE OF THE SECRETARY TO RESPOND TO, OR ACKNOWLEDGE THE LONG TERM DECLINE OF NET INCOME OF KANSAS PRODUCTION AGRICULTURE, AND THE RELATED PRESENT FARM POLICY. THIS IS NO DOUBT BECAUSE OF THE INFLUENCE OF THE CLOSED CIRCLE THE SECRETARY MUST ANSWER TO. THE LACK OF BROAD-BASED INPUT INTO THE BOARD OF AGRICULTURE ON THIS ISSUE WAS EVIDENT BY THE RESULTS OF THE RECENT FARM BROADCASTERS' POLL THAT REVEALED 87% OF THOSE PRODUCERS RESPONDING INDICATED A NEED FOR A CHANGE OF DIRECTION FROM THE 1990 FARM BILL.

ANOTHER INDICATION OF A LACK OF DIRECTION IN RECOGNIZING THE ON GOING PROBLEMS OF PRODUCTION AGRICULTURE, IS EVIDENT BY THE RECENT USDA STUDY THAT REVEALED 11% OF THE KANSAS AGRICULTURAL PRODUCERS WERE IN A CRITICAL FINANCIAL POSITION. THIS COMPARES TO OTHER MIDWESTERN STATES, SUCH AS NORTH DAKOTA, THAT HAS SHARED WITH THESE STATES IN DROUGHT, LOW PRICES, ETC. YET ONLY 6% OF THEIR PRODUCTION AGRICULTURE FAMILIES ARE IN FINANCIAL DIFFICULTIES. THIS DIFFERENCE IS GREAT, ESPECIALLY IN LIGHT OF THE FACT THAT KANSAS HAS A MUCH LARGER SEGMENT OF LIVESTOCK PRODUCTION WHICH HAS IN RECENT YEARS ENJOYED A MORE HEALTHY PROFIT MARGIN, IN PART, BECAUSE OF SUBSIDIZED LOW PRICED GRAIN COSTS.

ANOTHER EXAMPLE OF WHY THE PRESENT SELECTION OF THE SECRETARY BY THIS CLOSED CIRCLE OF THE STATE BOARD OF AGRICULTURE HAS BROUGHT ABOUT A LACK OF THE OVERALL UNDERSTANDING OF THE SITUATION OF THE STATE AS A WHOLE, IS THE RECENT STATE BOARD OF AGRICULTURE'S PRESENTATION OF ITS REVISED FISCAL ESTIMATE FOR ITS EXPENDITURES FOR THE UPCOMING YEAR OF 1992.

THESE ARE TOUGH ECONOMIC TIMES FACING THE STATE OF KANSAS AS A WHOLE, SHARED BY BOTH THE RURAL AND URBAN COMMUNITIES WHICH INCLUDES MANY IN PRODUCTION AGRICULTURE. IT IS UNBELIEVABLE IN THESE TIMES THAT THE SECRETARY, UNDER THE DIRECTION OF THE STATE BOARD OF AGRICULTURE, WOULD RECOMMEND AN INCREASE IN THEIR BUDGET FOR 29 NEW POSITIONS, REFLECTING A 27.8% INCREASE FOR OPERATING EXPENDITURES, WHICH REFLECTS A 35.4% INCREASE FROM THE STATE'S GENERAL FUND.

THIS ACTION TO ME, EVEN AS A FARMER, GIVES THE APPEARANCE OF ARROGANCE THAT SAYS TO THE OTHER PEOPLE OF THE STATE THAT THEY HAVE TO GROVEL FOR THEIR NEEDS OF PROPERTY TAX REDUCTION, OF THE FUNDING OF EDUCATION, OF SOCIAL NEEDS, ETC ... BUT WE IN THE STATE BOARD OF AGRICULTURE ARE ABOVE ALL THAT.

THIS IS THE KIND OF IMAGE THAT THE PEOPLE OF KANSAS AGRICULTURE DON'T NEED. I KNOW FOR CERTAIN THAT IS NOT THE BELIEF OR FEELINGS OF THE MEMBERS OF THE KANSAS FARMERS UNION. WE SEE THE BURDEN OF THE FINANCIAL CRISIS OF THE STATE AS ONE WE ALL HAVE TO SHARE.

AS WE SCAN THROUGH THE BOARD'S BUDGET PROPOSAL, WE CONTINUALLY SEE NEW POSITIONS, NEW POSITIONS. MUCH OF THE INCREASES INDICATE, WITHOUT CLOSER EXAMINATION, A DUPLICATION OF ACTIVITIES AND PERHAPS THE MOST VISIBLE AREA OF LARGE INCREASES ARE IN SO-CALLED MARKETING. THERE MIGHT BE A NEED FOR SOME LOCAL MARKETING ASSISTANCE, IF THE STATE CAN AFFORD IT. BUT THERE HAS TO BE A BIG QUESTION ON ANY NEW EXPENDITURES AT THIS TIME, ON CAPITAL OUTLAYS, AND MARKETING OUTLAYS WHICH COULD VERY WELL BE A DUPLICATION OF SERVICES PRESENTLY BEING PROVIDED BY OTHER GOVERNMENTAL AGENCIES OR THE PRIVATE SECTOR.

LARGE INCREASES IN EXPENDITURES CERTAINLY ARE CONTRARY TO WHAT IS GOING ON OUT IN THE AGRICULTURAL COMMUNITY. OUT WHERE AGRICULTURAL PRODUCERS MIGHT LIKE TO MAKE NEW PURCHASES OF MACHINERY ETC., BUT INSTEAD MUST CONTINUE TO MAKE DO WITH WHAT THEY HAVE. BASICALLY, THOSE IN AGRICULTURE IN THEIR OPERATIONS ARE FUNDING ONLY THEIR BASIC NEEDS AND TRYING TO CONTROL ANY FURTHER DETERIORATION OF THEIR SITUATION.

TO THIS PROBLEM, THE BOARD'S RECENT RESPONSE TO THE NEED OF THESE PEOPLE'S SITUATION WAS "CUT FUNDING" OF FACTS. HOWEVER, LATER IN THE BOARD'S BUDGET PROPOSAL, THEY CALLED FOR FULL FUNDING OF FACTS. THEN, YET LATER IN THE BUDGET RECONSIDERATION, THE SECRETARY INDICATED THEY WERE WILLING TO TOTALLY SACRIFICE THE FACTS PROGRAM IN A EFFORT TO SAVE THEIR PROPOSED INCREASES OF 29 NEW POSITIONS AND RELATED EXPENDITURES, WHICH THE BOARD APPARENTLY DEEMED MORE IMPORTANT THAN ASSISTING SOME OF THOSE KANSAS FARM FAMILIES ATTEMPTING TO CONTROL A FURTHER DETERIORATION OF THEIR SITUATION.

THE BOARD AND SECRETARY WERE WILLING TO SACRIFICE THE FACTS PROGRAM DESPITE THE FACT THERE IS FEDERAL MATCHING FUNDS FOR EACH \$1.00 OF STATE FUNDS ALLOCATED TO MAINTAIN THE FACTS PROGRAM.

THE FACTS PROGRAM IS A DAMAGE CONTROL EFFORT TO ASSIST SOME OF THOSE 11% I SPOKE OF EARLIER SUFFERING TRAUMATICALLY, NOT ONLY FINANCIALLY, BUT PHYSICALLY AND EMOTIONALLY FROM THE CRISIS STILL ROLLING ACROSS THE LAND IN PRODUCTION AGRICULTURE.

THIS WILD GIRATION OF POLICY POSITION INDICATES A TOTAL BREAK DOWN IN LEADERSHIP ABILITY WITHIN THE STATE BOARD OF AGRICULTURE.

OVER THE PAST FEW YEARS, THE BOARD'S INCREASING EMPHASIS ON THE AGRI-BUSINESS SECTOR OF AGRICULTURE HAS BROUGHT ABOUT AN ATMOSPHERE IN WHICH THEY MORE READILY RECOGNIZE CORPORATE AGRICULTURAL INTERESTS THAN THEY RECOGNIZE PRODUCTION AGRICULTURE INTERESTS, FARM FAMILY INTERESTS OR EVEN THE RURAL COMMUNITY INTERESTS IN GENERAL.

THEY APPEAR TO NO LONGER REPRESENT THE BROADER INTERESTS OF KANSAS AGRICULTURAL AS A WHOLE.

THIS LACK OF OVERALL INTEREST OF ALL OF THE AGRICULTURAL COMMUNITY, AND LACK OF DIRECTION HAS CAUSED THE BOARD TO APPARENTLY ENDORSE PROPOSED LEGISLATION WITHOUT ADEQUATE RESEARCH OR UNDERSTANDING OF THE ISSUES, BASED SOLELY ON RECOMMENDATIONS OF A CORPORATE POLICY POSITION.

SUCH ACTIONS BY THE LEADERSHIP OF THE BOARD OF AGRICULTURE, PROJECT AN IMAGE OF THOSE OF US IN KANSAS AGRICULTURE AS AN UNCARING LOT, CONCERNED ONLY WITH A PRIVILEGED FEW OF THOSE WITHIN THE CLOSED GROUP.

KANSAS AGRICULTURE CANNOT AFFORD SUCH AN IMAGE TO BE PROTRAYED UPON OUR FELLOW KANSANS.

IT IS IMPERATIVE THAT WE HAVE AN ELECTED SECRETARY OF AGRICULTURE THAT IS ANSWERABLE TO KANSAS, ITS PEOPLE, AND THEIR NEEDS. WE MAY TIE DOWN THE SAFETY VALUE FOR AWHILE LONGER, BY DOING NOTHING, HOWEVER SOONER OR LATER IF WE DO NOTHING TO OPEN UP THE ELECTION PROCESS SO PEOPLE CAN VOTE FOR THE SELECTION OF THOSE WHO SET PUBLIC POLICY, IT WILL BLOW UP IN OUR FACE, JUST AS THE LID HAS FINALLY BLOWN IN EASTERN EUROPE.

THE FARMERS OF THE STATE, THE PEOPLE OF THE STATE DON'T DESERVE THIS SURROGATE BODY, THE STATE BOARD OF AGRICULTURE, SETTING BETWEEN THE PEOPLE AND THE SECRETARY OF AGRICULTURE.

IT IS TIME TO LET THE PEOPLE VOTE AND ELECT A SECRETARY OF AGRICULTURE.

Testimony Dan O. Cain
S.B. 164

Chairman Olson and members of the committee
my name is Dan Cain and I reside here in Shawnee
I own and operate 1800 plus acres in Eastern
K's located in Sn, Dg, Jf and Craig Counties and of
on my own behalf.
I am a World War II Veteran, graduated from
K.S.U. in 1950 with a degree in Agricultural Econ
and marketing.

In 1951 to 1953 I taught a Veterans on the farm
training class at Goodland K's for the Kansas
Board for Vocational Education.
In 1954 I accepted a position as a Marketing Assn
with the marketing division of the Kansas State
Board of Agriculture.

In the mid 50's Kansas Agriculture was
in the throes of a drought and was plagued
with the old perennial problem of commodity
surpluses and disastrous low crop prices.
I was anxious to get to work and begin
working on this age old agricultural problem.
The problem was dealt by using a regulatory approach
in which we implemented various laws on the
books and some new ones were added which
emphasized commodity quality and grading
programs.

These programs did bring about
a quality product to the consumer mainly
in products such as eggs, fruits, and vegetables
of which my work was centered.
However, a commensurate return to the producer
in many cases failed to occur and materialize.

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Telling that the regulatory approach
to enhancing farm prices and farm income
was limited at best and was not
a method that was totally suited
for such a purpose I so informed my
superior ^{in the Board} in a constructive way.
To my chagrin, my constructive criticism was
met with indifference and a lack of
appreciation as to my efforts to solve
agricultural marketing problems.

I heard then the now-famous cliché
"If the wheel aint broke, dont fix it"

As I analyzed the origin and philosophy
of the Kansas Bd of Agriculture and
discovered that it was being run and operated
on an 1872 statute that provides that
the farm organizations pick the Board
and the Secretary I then began to
understand this phenomena at hand.

During my employment with the Board
of Agriculture I observed a clash involving
some of the employees with certain
farm organizations. I left the Board in
January 1969.

Now, let's analyze a state Bd of
Agriculture run by certain farm organizations.

If the farm organization system is successful in attaining adequate and sufficient farm income, the system now by the State Bd of Agriculture, I would heartily endorse this system.

However, the cold facts do not bear success of this system and show that this system is not up to speed in dealing and innovating agricultural marketing problems.

Let's turn to an analysis of our latest state census report. Out of the 105 counties 80 counties lost population and these primarily were agricultural counties and they even brought down some counties that rely heavily on agriculture for their economic mix.

From Troy in Douglas County in the Northeast corner of the state on thru the border counties to St. Francis in Cheyenne County in the far North West corner of the state the decrease in population has been staggering. Let's look at the record.

If we could make Ka Agriculture economically viable and a solid taxpaying entity in this state we wouldn't be having the territorial tax debate and class tax wars that we are witnessing in the state today.

4.

to discard this 1872 horse and buggy B.D. of agriculture relic and get Ks agriculture the states number one industry out in the open and get away from this sterile and infertile system that has not worked and is primarily a regulatory structure run by farm organization.

Its engaged in the scientific cross breeding method which is used by the geneticist that provides hybrid vigor when you cross bred different plant genes.

I respectfully submit to this August body that the system presently used to pick the Secretary of agriculture is a sterile in bred system that is in dire need of cross breeding so as to provide much needed hybrid vigor we need the outside talent of other industrial pursuits and professions to cross bred with our agricultural foundation. from this could be developed vigorous systems and

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the opportunity to utilize methods that have been most economically rewarding to other business and industrial pursuits.

Many people here in Kansas are engaged in professions and jobs that are agribusiness in nature like

Veterinarians, Bakers, cooks, Grocery store clerks, R.R. engineer & train crew transporting grain, D of food plant operator, Tortilla factory owner & workers, meat cutter, Restaurant owners, liquor store operator, Dairy Queen operator, Food snack plant operator, Hired hand & Home Tractor operations, Grain & Flour etc. and many more.

Where are these solid citizens afforded an opportunity to participate in this limited and stultic process.

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In conclusion let me offer these positive changes for the Board of Agriculture

Elect the Secretary of the Ks Bd of Ag
get all facets of Agriculture and
Agri-Business interested and involved
in the betterment and development of
our total Agricultural industry.
(I just named many of those groups)

Get the Kansas Bd of Agric weaned
away from being primarily a regulatory
body.

Transfer a lot of the food regulation
and their testing to the Board of Health
and environment along with other consumer regul
lets make the Kansas Board of
Agriculture a Super Marketing
Agency -

Further Develop the Value added concept
Further Develop the industrial usage of
plentiful and surplus farm commodities.

The Value added concept and the
industrial usage of farm commodities is
not evolving fast enough -

However, it would and could if the Bd of Ag
was made into a Super Marketing Agency
headed by an elected Secretary that
was getting input from all sectors of the
agricultural community

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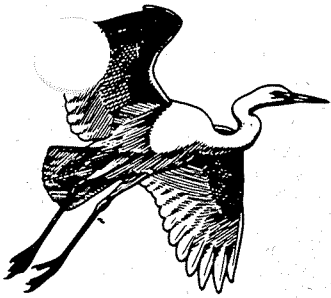
Madame Chairman and members of the committee:

I was an early proponent of the value added concept as the Agri-Business member of the Shaw County Economic Development Council which I have served on for ten years.

I am most grateful that I played a role in this great concept and feel that the Bd of Agrie should devote most of its energy and time bringing this concept to full fruition.

Let's reverse the staggering loss of population that is occurring in our farm belt countries and create a Board of Agriculture that is on the cutting edge of marketing and has an elected Secretary that will put regulatory trivial pursuit on the back burner and replace it with marketing and market developing programs.

Thank You



Kansas Audubon Council

February 26, 1991
Senate Committee on Government Organization

SB NO. 164: ELECTION OF THE SECRETARY OF AGRICULTURE

My name is Joyce Wolf; I am the legislative liason for the 5000 Kansas members of the National Audubon Society who support the wise use and protection of our natural resources.

Previous conferees have quoted the adage "If is isn't broken, don't fix it!" The Council believes that perhaps "broken" like "beauty" may be in the eyes of the beholder. Allow me to explain:

In 1987 when the Environmental Coordination Act was passed, a review process was established for channel changes and for certin water obstruction projects. The review process involves the Division of Water Resources of the State Board of Agriculture and seven other state agencies: KS Department of Health and Environment, Extension Forestry, the Historical Society, KS Department of Wildlife and Parks, KS Corporation Commission, the State Conservation Commission, and the Biological Survey. The water-projects review process is completed by these agencies which send their comments to DWR which, based on those and their own findings, makes the final determination for approval or rejection of the project.

Section 28 of SB 23, currently before this session of the legislature, has been amended to exempt certain kinds of water projects (filling in floodplains) from the Environmental Coordination Act review process. Not only does this amendment emasculate the Environmental Coordination Act, but it violates the riparian and wetland protection sections of the State Water Plan. As best as we can determine, this amendment was agreed to by the Division of Water Resources without consulting the other reviewing agencies for their opinions.

It has been stated that the Board of Agriculture is monitoring and protecting our environment. I offer the DWR decision on SB 23 as one example of the problem we see with the resolve of the Board of Agriculture to protect the environment. This amendment to which DWR acceded, will have serious ramifications for the environmental integrity of riparian corridors in communities throughout Kansas. The Environmental Coordination Act was passed to offer protection to the integrity and environment of the streams and rivers of Kansas. If the DWR is willing to compromise away a vital

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section of the Act, this raises serious questions about how well they are protecting our environment.

Similarly, in regard to other water policy decisions, the fact that there are six areas in the state that have been declared Intensive Groundwater Use Control Areas (IGUCAs) is a clear indication that DWR has permitted our groundwater resources to be over appropriated. Even now there is a seventh area, near Cheyenne Bottoms, which is under consideration for the establishment of an IGUCA. Cheyenne Bottoms is Kansas most important piece of wildlife habitat. It was designated a "Wetland of International Importance" in recognition of the vital role it plays on the central flyway for migratory birds. Allowing the water resources of an area to reach such a critical state so as to place a resource such as the Bottoms at the brink of disaster, hardly qualifies as "protection of our environment."

What we ask is: would these kinds of policy decisions be made by employees of a Secretary of Agriculture who is elected by the entire population of the state? We don't think so. Decisions being made by the Secretary and the Board of Agriculture have wide ranging effects which reach far beyond the agricultural community alone. Each Kansas citizen has a stake in the outcome of decisions that affect the kinds of agricultural practices that are encouraged. We all are dependent on the continued availability of water that meets safe-drinking-water standards, as well as adequate supplies for all beneficial users of water. The vast majority of Kansas land is in agricultural production. We all have an interest in the need to keep topsoil healthy and in place so that we can be assured a supply of healthful food. All Kansans are affected by agricultural policy decisions, therefore, the Kansas Audubon Council supports the direct election of the Secretary of Agriculture.



SIERRA CLUB

Kansas Chapter

Testimony to Senate Government Organization

S.B. 164 - Election of Sec. of Agriculture

I am Scott Andrews representing the 3300 members of the Kansas Chapter of the Sierra Club. We have long believed that the Board of Agriculture should be responsible to all the people of Kansas by becoming a full cabinet agency under the Governor. However, we certainly support this legislation making the Secretary of the Department of Agriculture elected by the citizens of Kansas.

The current situation of control by a board elected by the agricultural industry might be acceptable if the Board's actions only effected the agricultural community, but they do not. The Board controls a number of programs that effect all Kansans. For instance the management of water resources through DWR. Perhaps an even better example of the conflict is in the regulation of pesticides. The Board of Agriculture carries out it's regulatory function with a strong bias towards agricultural industry and insufficient regard for environmental and health concerns. For example, in spite of EPA bans on the use of Capture on irrigated corn, the board, under pressure from its constituent-bosses, has declared "emergency" exemptions eight years in a row. On another chemical (Ambush) it has declared emergencies four years in a row to get around EPA bans.

As a comparison to this situation of control by the regulated industry, would you want the chemical industry to control Health and Environment? Or from a different perspective would you want the Sierra Club to choose the head of KDHE, or for that matter, the Board of Agriculture? We believe the current situation is comparable and submit this conflict of interest should be rectified. There are of course several possible solutions: transfer DWR, pesticide regulation and possibly other programs to other agencies; make Agriculture a cabinet agency under the Governor; or as this bill would do -- make it directly responsible to all the people of Kansas.

The Sierra Club urges you to deal with this regulatory conflict of interest and support the passage of S.B. 164.

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Kansas Natural Resource Council

February 26, 1991

Testimony before the Senate Government Organization Committee

Re: SB 164 Providing for the Election of the Secretary of Agriculture

From: Shaun McGrath, Program Director

My name is Shaun McGrath, and I represent the Kansas Natural Resource Council, a private, non-profit, organization which advocates sustainable resource policies for the state. Our membership is over 850 statewide.

The 17th century political theorist, John Locke, whose writings on democracy inspired the founders of the American republic, wrote in his "Second Treatise of Government" (1690):

"[no] edict of anybody else, in what form soever conceived, or by what power soever backed, can have the force and obligation of a law which has not its sanction from that legislative which the public has chosen and appointed; for without this the law could not have that which is absolutely necessary to its being a law, the consent of the society..."

SB164 before you today quite appropriately addresses the present system by which we regulate agriculture in the state, the principals of which run counter to the very democratic ideals upon which the constitutions of this State and the U.S. are based.

As was described in testimony yesterday, the Kansas State Board of Agriculture was established 119 years ago with the mission of promoting agriculture within Kansas. During its history, the Board, which began as just a "society", has evolved to not only promote agriculture, but to regulate it and many other important natural resources of the state. The Board, whose jurisdiction is statewide, is not answerable to the electorate of Kansas. The Board answers to a very narrowly focused group. And the Secretary of Ag clearly serves the Board.


Some people feel that the Board of Agriculture as currently exists protects adequately and fairly the natural resources of the state within its jurisdiction. Although we would agree that this certainly has always been the goal of the Board, KNRC would argue that the Board has often fallen short of this goal.

A very pertinent example is the current administrative hearing being conducted in Great Bend, to which KNRC is a party. KNRC along with the Audubon Council and the Wildlife Federation asked for an IGUCA to be imposed in the Wet Walnut Creek basin, in order that the Cheyenne Bottoms receive the water it was appropriated in 1948. The hearing is wrought with conflicts of interest.

First, testimony at the hearing has shown that water in the basin was grossly overappropriated, a responsibility of the Board of Agriculture. Secondly, as the alluvial aquifer declined over the last 15 years, a result of that overappropriation, Cheyenne Bottoms senior water right was not met, nor enforced. Enforcement of water rights is the responsibility of the Board of Agriculture. Finally, farm groups including the Farm Bureau are also represented in the hearing. Of course such representation by these groups is very legitimate. However, these groups are the only ones who have direct influence over the Board of Agriculture, an employee of which is administering the hearing.

In a nut shell, the Board of Agriculture is hearing a case against itself to decide whether it must ensure water to a senior water right (which happens to be for non-agriculture purposes), or whether it will continue to favor the agriculture interests, for which it is also responsible to promote.



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Certainly, the Board does not maliciously bias non-agriculture interests. This industry, which represents 8.3% of the Kansas Gross State Product (1986), simply enjoys the unique position of being able to regulate itself. It is laughable, though, when we consider giving other industries such powers: Public Utilities (3.8% GSP); real estate (9.3% GSP); or manufacturing (20% GSP).

Yesterday, there was objection to an elected Secretary based on the experience with Jim Hightower of Texas. The example given was Hightower's promotion of hormone-free beef in Europe. I would like to point out, that during the last two years, I served as the Trade Manager for the Kansas European Office. Recognizing the very simple reality that European consumers do not want hormones in their meat, two weeks before Hightower ever made hormone beef a **political** issue, I wrote a fax to Kansas describing the market potential now available for Kansas beef. Over a year and half's time, I wrote additional faxes having developed a plan with the input and support from representatives of the US Ag Office, the US Meat Export Federation, and the EC General External Relations agency. Not only was the Board of Agriculture unwilling to discuss the idea, they did not even acknowledge my faxes. I would conclude that the Board, in its desire to protect established interests, is opposed to promoting progressive marketing to meet real market demands. As evidence, the \$100 million per year Hilton quota still goes unfilled.

KNRC supports SB164 making the Secretary of Agriculture directly elected by the electorate. We would prefer a system whereby the Secretary would be directly appointed by the Governor as a cabinet secretary, but, nevertheless, we would favor SB164 over the current system.

James Madison's words in the Federalist Paper No.10 were no less correct when he wrote them as they are today, and as they apply to the Kansas Board of Agriculture:

"No man is allowed to be a judge in his own cause; because his interest will certainly bias his judgement, and, not improbably, corrupt his integrity."

DATE: February 26, 1991
BY: Robin Leach

Madam Chairman, Members of the Committee:

It is a pleasure to testify today in support of Senate Bill 164. These kind of opportunities don't appear that often in Kansas and had it not been for Senate Bill 164, I would have had to stay home and take care of the cows.

I quite frankly am somewhat confused by some of yesterday's testimony and begin to wonder if the fire ants have been sent by Secretary Hightower to attack our Southern border.

Madam Chairman many states, such as Iowa, have elected Secretaries of Agriculture and if you visit with farmers in those states, they do not wake up in the morning with wild-eyed fear for their livelihood because some urban person may have voted for the Secretary of Agriculture. I seriously doubt many Kansas farmers worry whether Kansas is selling more tanned hides now than Texas used to.

I did feel better yesterday to be assured that Kansas Agriculture is strong because it is regulated by one of their own "farmers", but then I was reminded, "When did anyone remember when a Kansas Secretary of Agriculture was a farmer?". Until the current acting Secretary, I don't believe that there has been one in the last seventy-five (75) years.

Your committee was informed that the Kansas method of selecting a Secretary of Agriculture is unique because in order

to have input, you must belong to some group who, in turn, nominates somebody to serve on the board who, in turn, appoint's someone Secretary of Agriculture who now must be confirmed by the Senate sometime. This process is not unique in the world, Madam Chairman. They have used this system in the USSR for years.

Madam Chairman, all of the people who serve on our State Board are honorable, well-meaning people who have the best interests of Kansans at heart. However, do they really differ from the majority of the voters in your districts who would have for the first time, the chance to decide who regulates 9 Million Dollars plus all of Kansan's tax dollars? Most Kansan's have strong rural roots through family to Kansas Agriculture and I have never feared their support of a strong Kansas Agriculture economy. In the short time I served in the legislature, I sometimes felt greater fear that the Bills from the Agriculture committee would affect my livelihood more than the poor judgement by urban friends.

In a visit with one of the directors of a division of the State Board recently, I solicited his feelings on hormones in our food supply. I was informed that unless it can be proven harmful by studies basically done by the manufacturers, they would not be able to support banning Bovine Grown Hormone (BGH) from our food chain in Kansas.

Madam Chairman, for whatever reason, we need to become a leader in Agriculture, not a follower. It is time to allow all farmers and Kansans to become eligible to participate in a process which has been restricted to only a handful of citizens.

Secretaries of Agriculture

1. Alfred Gray--attorney, farmer in Wyandotte County.
 2. Major J.K. Hudson--army, businessman, printer...only stayed in job about a year....can't find printed material on whether or not he farmed....later became state printer and editor of the Topeka Capital.
 3. William Sims--Civil War veteran....can't find background, unsure about farming...later became a banker.
 4. Martin Mohler--teacher, homesteaded in Osborne County, dairy farmer.
 5. F.D. Coburn--teacher, farmer and livestock breeder.
 6. Jacob Mohler--grew up on the family dairy farm in Osborne County...worked his entire career for the Board, had been a clerk in the department.
 7. Roy Freeland--agricultural journalist.
 8. W.W. "Bill" Duitsman--Extension agent, superintendent of Ft. Hays Experiment Station.
 9. Harland Priddle--retired military officer, former assistant secretary of the Kansas State Fair.
 10. Sam Brownback--attorney.
- Acting Secretary Gary Hall--farmer.

THE KANSAS RURAL CENTER, INC.

304 Pratt Street

WHITING, KANSAS 66552

Phone: (913) 873-3431

Testimony Before Senate Governmental Organizations
Senate Bill 164
February 26, 1991

Chairman Oleen and Members of the Committee:

I am Vic Studer, Executive Director of the Kansas Rural Center. The purpose of the Rural Center is to increase public awareness of agricultural and rural policy issues by providing education, research and advocacy work sustaining rural communities and family farms. The Rural Center was formed in 1979 out of concern for the demise of family farms, the shrinking of rural towns, and the loss of political power and economic opportunity for people in rural areas. We represent a voice in Kansas agriculture that is not often present in main stream farm organizations. The organization believes a broadly diversified agricultural economy is a necessity, and local ownership or rural resources insures the future vitality of rural communities.

It has long been the policy of the Rural Center to select a means of publicly appointing or electing the Secretary of Agriculture and to upgrade the state's agricultural representative to one of cabinet level. Under the current system, the secretary is elected by delegates to the Board of Agriculture. This board is unique among other states because it is a private organization controlled by a few agricultural interests, yet it administers agricultural regulations for the public with state money. Some have likened it to a classic case of the fox guarding the henhouse. Nevertheless, the system has been intact since 1872, with all previous attempts to change it being squashed by a few farm organizations that have heavily dominated and controlled the board. Kansas agriculture is lagging behind in it's organizational strategy and the time is critical for unity and equal representation for all farmers of the state.

Elimination of this conflict of interest is one of the most compelling arguments for reorganizing the board of agriculture and restructuring it from a governing position to an advisory role. At the same time, there is a great need for an expanded agriculture and water policy and its planning role in state government. The current structure of the board and its lack of accountability to the public prevents and discourages such a role.

The majority of the board's budget comes from all taxpayers in the state, not just the farmers and others who are regulated. Much of the regulation is for consumer protection carried out by a Board representing only the producers. And water rights are controlled by the Board, which means they decide how water is divided between rural and urban interests. This poses a serious dilemma when one entity is allowed to manage and control water while it has no direct responsibility or tie to the governor or any elected official.

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Other states surrounding Kansas are putting time, energy and money into developing a system of sustainable agriculture. Our current agriculture policy is directed away from local marketing, it fails to recognize the value of a farm based rural economy and pays very little attention to small family farms. When ag policy is directed away from sustainable agriculture it has an influence on the research that KSU provides to Kansas farmers. We need new direction for sustainable agriculture in Kansas and the current tighthold on the board of ag does not allow for such progress.

Kansas agriculture is at a crossroads. We need to be rethinking where agriculture is going and be prepared for it as best we can. This can only be done if our elected officials are willing to consider that many points of view concerning agriculture and water issues not only get heard, but also ultimately to see that all views are weighed in forming policy.

In closing, while we support this bill we see some problems with the election of the Secretary of Agriculture. The same farm interests that have a strong financial base in the state may have the strength to sway an election toward the status quo. This once again excludes people without major financial influence in the state. Rather, the Rural Center would support the Secretary of Agriculture being appointed by the governor. This position should be one of cabinet level with direct linkage to the governor similar to most entities of state government that control agriculture, water and the environment. This change in policy will be a first step in providing unity and direction for agriculture in Kansas.

I ask you to vote yes in restructuring the Kansas State Board of Agriculture and consider strongly the advantages of appointing a cabinet level advisor over the election process. Thank you.

SUBJECT: STATE BOARD OF AGRICULTURE SECRETARY

I AM RAYMOND FOWLER A FARMER FROM LYON COUNTY I WANT TO SPEAK IN FAVOR OF SENATE BILL #164. I WANT TO THANK THE COMMITTEE FOR THEIR TIME AND FOR LISTENING TO MY REASONS FOR WANTING TO CHANGE THE WAY THE SECRETARY IS SELECTED. THIS IS THE SECOND TIME I'VE APPEARED BEFORE THE LEGISLATURE ON THIS ISSUE. THE PREVIOUS TIME A LOBBYIST FOR THE TRAIL LAWYERS WAS SERVING ON THE STATE BOARD FROM MY DISTRICT. NOW ONE OF THE STATE BOARD FROM MY DISTRICT IS AN EMPLOYEE OF CONTINENTAL GRAIN COMPANY. SINCE THERE ARE ONLY 12 PEOPLE THAT HIRE THE SECRETARY. THAT GIVES CONTINENTAL GRAIN 50% OF THE VOTES FOR THE SECRETARY OF AGRICULTURE IN OUR DISTRICT AND AT THE VERY LEAST 8 1/3 % OF THE VOTES NEEDED TO HIRE THE SECRETARY OF AGRICULTURE. SINCE IT TAKES ONLY 7 VOTES TO HIRE THE SECRETARY THAT GIVES CONTINENTAL GRAIN ALL MOST 15% OF THE VOTES NEEDED TO HIRE THE SECRETARY OF AGRICULTURE FOR THE GREAT STATE OF KANSAS. HOW COULD THIS COME ABOUT WHEN THE SECRETARY IS PICKED BY FARM ORGANIZATIONS BECAUSE HE BELONGS TO A FARM ORGANIZATION AND IS A FARMER WITH OTHER INTERESTS. YOU NEED NOT BE A FULL TIME FARMER. THE FARMERS LEARNED OVER THE THE YEARS THAT THEY CANNOT CHANGE A SYSTEM AND MOST DO NOT HAVE THE TIME TO SERVE AND WRESTLE WITH THE SYSTEM AND BECAUSE THE DELEGATES ARE MOSTLY PREPICKED BY THE ORGANIZATION THEY REPRESENT AND WHEN THEY COME TO TOPEKA THEY BRING THEIR WIVES ALONG TO SHOP AND BE ENTERTAINED AND THEY CAN WRITE OFF THE EXPENSES AS THE STATE BOARD OF AGRICULTURE DOES PRESENT A WELL ROUNDED PROGRAM. THE CONSIDERATION OF BOARD MEMBERS COULD TAKE

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UP 30 MINUTES OF YOUR TIME ON 2 DIFFERENT DAYS. THAT'S A WHOLE HOUR. THAT MY FRIENDS IS WHAT SOME WANT TO PRESERVE. YES MOST OF US HAVE NEVER MET THE ONES WE ELECT TO HIRE THE SECRETARY OF AGRICULTURE. UNTIL THE DAY BEFORE WE VOTE THEN WE COME TO THE FACT THAT OTHER GROUPS ALSO PICK MEMBERS TO HELP ELECT THE BOARD OF AGRICULTURE, FAIR BOARDS, TERMITE CONTROLLERS, BANKERS ORGANIZATIONS, SEVERAL DIFFERENT COOP GROUPS, AND EVEN EXECUTIVE OFFICERS OF AGRICULTURE RELATED BUSINESSES. NOW WHEN YOU TAKE ALL OF THIS INTO CONSIDERATION WE HAVE HAD NO SCANDALS AT LEAST IN THE LAST TEN YEARS THAT I HAVE BEEN AWARE OF EVEN WITH A LOBBYIST AND CONTINENTAL GRAIN EMPLOYEE ON THE BOARD OF AGRICULTURE AND THAT IS JUST MY DISTRICT. WE HAVE HAD A RETIRED MILITARY OFFICER AS SECRETARY, A PRACTICING ATTORNEY AND AT PRESENT WE HAVE AN ACTING SECRETARY THAT IS A FARMER FOR SURE WITH ALL THIS DIVERSITY THEY HAVE DONE A RESPECTFUL JOB. NOW TO THE POINT OF MY PRESENTATION ONLY HALF OF THE FARMERS BELONG TO A FARM ORGANIZATION ON A GOOD EVENING IN LYON COUNTY ONLY ABOUT 10% OR LESS SHOW UP AT THE FARM BUREAU ANNUAL MEETING, PROBABLY 40% OF THE FARMER UNION MEMBER SHOW UP AT THE ANNUAL MEETING, 30% OF THE PORK PRODUCERS. A GRAND TOTAL OF MAYBE 150 FARMERS FOR ALL OF LYON COUNTY FARM ORGANIZATIONS. BUT ON ELECTION DAY MOST OF OUR FARM PEOPLE GO TO THE POLLS AND VOTE. MOST OF US ARE NOT AFRAID OF HOW OUR CITY COUSINS WILL VOTE ON THE SECRETARY OF AGRICULTURE. MOST OF THEM WILL KNOW MORE ABOUT THE SECRETARY OF AGRICULTURE THAN OUR PRESENT DELEGATES DO. THE CITY COUSIN HAVE A REAL INTEREST IN OUR SECRETARY OF AGRICULTURE THE DEPARTMENT. OVER SEE'S SPENDING OF HUGE AMOUNTS OF MONEY ON PROGRAMS THAT THEY HELP PAY FOR THEY ALSO DEPEND ON LOTS OF SERVICES THAT THE

DEPARTMENT OVERSEES. I TRUST THEM TO VOTE ON EVERYONE FROM
PRECINCT COMMITTEE PERSONS TO THE PRESIDENT. WHY WOULD ANYONE
WORRY ABOUT THEM HAVING A RIGHT TO VOTE ON THE SECRETARY OF
AGRICULTURE IN OUR STATE. THEY MUST LIVE AND WORK HERE TO.

Thank you Chairperson Oleen and members of the committee for the opportunity to appear.

My name is Jack Staats, I ranch in eastern Dickinson County.

After hearing the testimony yesterday, it became apparent that one great disparity was being overlooked.

If I belong to an organization in my county that was 100 members then we are entitled to one delegate to the annual meeting of the State Board of Agriculture. If I belong to an organization in my county with several hundred members, we are still entitled to one delegate. But, if I belong to an organization of less than one hundred members--I have no voice in the selection of a board member. Where is my right of equal representation?

I have been a delegate to the State Board of Agriculture annual meeting for a period of five or six years in the early and mid eighties. I state this so you can see I have had a part in the selection of board members. During these years, there were fewer than forty votes cast from the third district, which is my district and includes 15 counties. As you can see, this system does not give broad representation to the electorate, nor does this system have a direct voice in any selection beyond the state board members--namely, the Secretary of Agriculture.

You can see by the map included with my testimony how the present districts are made up and if you study them but a moment, I am sure you will agree that the number of farms will vary greatly by district. This does not represent equal representation and is probably unconstitutional.

When we elect a county commissioner or a member to either the house or senate, be it at the state or national level, my vote is equal to any other persons vote in that district. Someone yesterday stated "If it isn't broken, don't fix it." I say this system has been obsolete or "broken" for a century.

The time has come to take the selection for the Secretary of Agriculture of the great State of Kansas out of the dark ages and bring it into the 20th century.

I support Senate Bill 164.

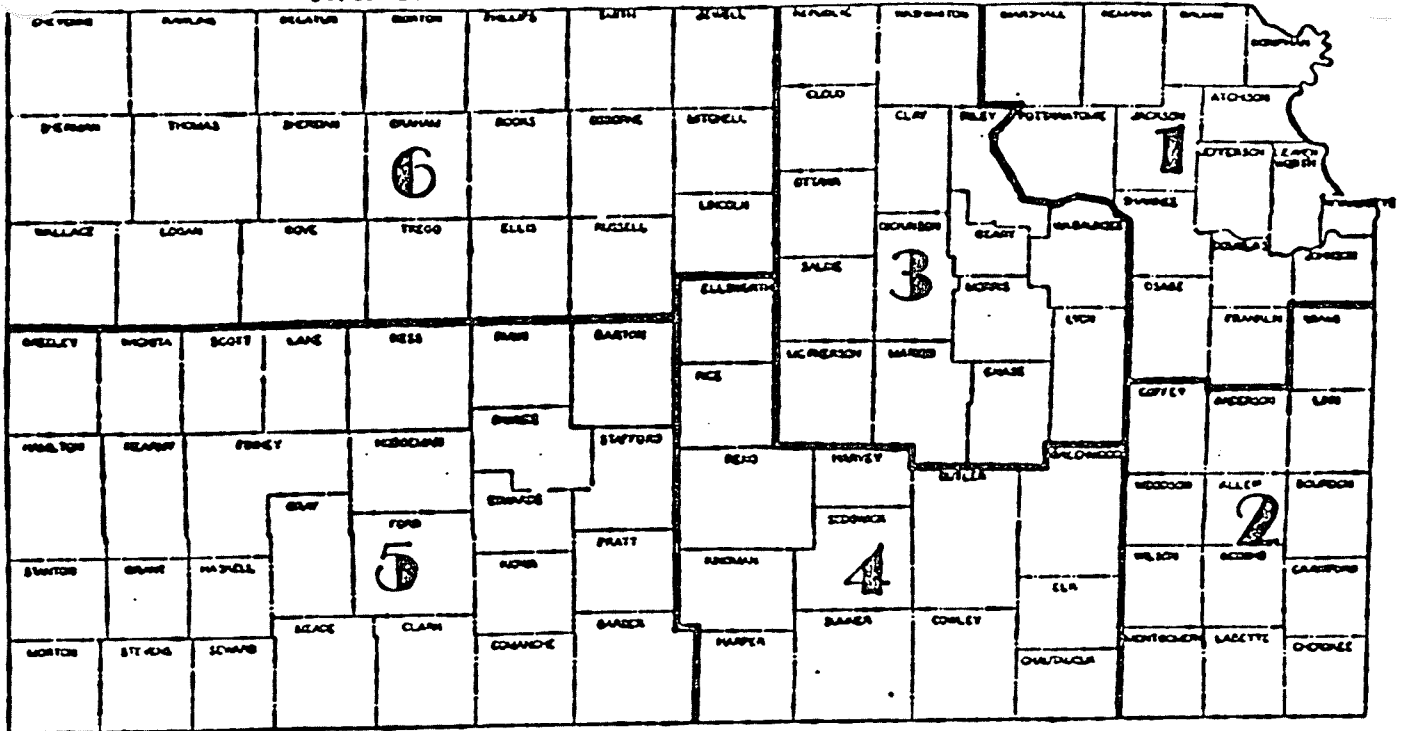
Thank you.

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KANSAS STATE BOARD OF AGRICULTURE



Armstrong
Hamon

Epler
Ferree

Larson
Hall

Bliss
Schlickau

Coen
Roenbaugh

Howell
Mal

District #1

Atchison
Brown
Doniphan
Douglas
Franklin
Jackson
Jefferson
Leavenworth
Marshall
Nemaha
Osage
Pottawatomie
Shawnee
Wyandotte

District #2

Allen
Anderson
Bourbon
Cherokee
Coffey
Crawford
Labette
Linn
Miami
Montgomery
Neosho
Wilson
Woodson

District #3

Chase
Clay
Cloud
Dickinson
Geary
Lyon
Marion
McPherson
Morris
Ottawa
Republic
Riley
Saline
Wabaunsee
Washington

District #4

Butler
Chautauqua
Cowley
Elk
Ellsworth
Greenwood
Harper
Harvey
Kingman
Reno
Rice
Sedgwick
Sumner

District #5

Barber
Barton
Clark
Comanche
Edwards
Finney
Ford
Grant
Gray
Greeley
Hamilton
Haskell
Hodgeman
Kearny
Kiowa
Lane
Meade
Morton
Ness
Pawnee
Pratt
Rush
Scott
Seward
Stafford
Stanton
Stevens
Wichita

District #6

Cheyenne
Decatur
Ellis
Gove
Graham
Jewell
Lincoln
Logan
Mitchell
Norton
Osborne
Phillips
Rawlins
Rooks
Russell
Sheridan
Sherman
Smith
Thomas
Trego
Wallace

LYONS L RANCH

"Your Source for Superior Genetics"

2481 McDowell Creek
Manhattan, Kansas 66502

TO: Governmental Organization Committee

FROM: Jan Lyons

DATE: February 26, 1991

RE: Senate Bill 164

My name is Jan Lyons. I am a rancher who, with my family, lives south of Manhattan and raises registered Angus cattle. In the past ten years, I have been a delegate to the State Board of Agriculture meeting three times. Twice I represented the Kansas Angus Association and once was a delegate representing the Kansas Livestock Association.

I oppose Senate Bill 164. The present process to select the Secretary of Agriculture works and has worked well for over 100 years. All farm organizations, commodity groups, and agribusinesses (including the Kansas Bankers Association) elect delegates to attend the annual Board of Agriculture meeting. These 300 delegates then elect the Board of Agriculture who, in turn, selects the nominee for the Secretary of Agriculture position. The nominee is then confirmed by the Kansas Senate. This is a chain of accountability clear back to the grass roots of Kansas.

All segments of agriculture are represented as delegates. Therefore, a broad base of support exists for the board and the Secretary of Agriculture. To change this process would dilute the effectiveness of agriculture in the state.

Electing the secretary by popular vote would invite special interest groups and factions to play a political power game in our state.

I have a problem with change for the sake of change. Often, the argument is used that everyone else does it this way. To discard a system which works for one which has proven to be fraught with problems is foolish. We in Kansas are proud of our strong agricultural tradition. We are looked to as a leader by other states because we are willing to take the lead and continue a process which is sound for Kansas agriculture and all of Kansas.

JL:s

FRANK, JAN, AMY, DEBBIE & DUANE
913/537-7226

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Testimony of
Professional Lawn Care Association of Mid-America
presented by David S. Murphy

Senate Bill No. 164
February 25 and 26, 1991

Good day. It is an honor to address this distinguished committee.

My name is Dave Murphy. I am a local lawn care business man from Johnson County Kansas. I am here to represent my company, my employees and my customers. I am also here to represent the Professional Lawn Care Association of Mid-America. The members of our association include those lawn and tree care services that are regulated by the Board of Agriculture. Our membership provides in excess of \$30,000,000 of services for our customers, employs over 1500 Kansas residents and services over 150,000 Kansas customers. I am here today, as both a business man and as a representative of this association. I also represent the interest of our members, their customers and their employees to express our opposition to Senate Bill 164.

As a member of the professional lawn care industry, I have worked under the authority of the Board of Agriculture for nearly 20 years. When the U.S. Congress passed the Federal Fungicide, Insecticide and Rodenticide Act nearly 2 decades ago, Kansas was among the first states to comply with the new federal requirements. The Kansas certified pesticide applicator program was the most progressive and strictest of all the states. A position that our industry was proud of.

A few years ago the Board instituted new regulations that were even more progressive. These new regulations require that ALL horticultural and structural pesticide applicators have at least a minimum level of training. Again Kansas was first to enact such progressive, yet well planned regulations to ensure the safety of the professional user of pesticides, the safety of the environment and the safety of the consumer. Only now are other states beginning to do what Kansas was first to do. The federal government will soon require this very thing in all states. Because these regulations were truly responsible to the consumer the environment and industry employees they received great acceptance by our association and our member companies.

Kansas is ahead of the the rest of the country because the Board of Agriculture is a stable, consistent organization. It enjoys its success of industry support because the Board of Agriculture has a reputaion of making professionally based, scientifically correct, consumer responsible decisions without unfair political favoritism.

The stability, diversity and knowledge of issues and needs of

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horticulture, arborculture and floriculture cannot be addressed as well in the context of an election campaign as it has in the past. The Board's history of progressive environmental, consumer and industry worker protection demonstrates the correctness of the board's current structure.

The consumer, your voters, are hardly aware of the rigid training requirements, the testing, the fees, the reporting requirements and, when those fail, the fines handed out to violators of pesticide use laws.

Making the Secretary of Agriculture an elected office will not contribute to the professionalism of that office. Instead it will take a Board that has depended upon a detailed knowledge of dozens of rapidly changing industries, a board that has demonstrated its sincere interest in consumer protection and environmental responsibility and convert that board to a Department that has the interworkings of politics as its driving force. It will reduce the Board of Agriculture to a panel of advisors, taking away expertise and substituting politics.

As the members of this committee know, the decisions of politics are SOMETIMES made not upon what is right or wrong but based upon who you owe. If decisions that require knowledge of precise scientific judgement become clouded by, or worse, dependent on, political expedience or favoritism, the effectiveness of Kansas consumer responsibility, worker protection and environmental protection will take a giant step backwards.

Although the lawn care industry has been more severely regulated in Kansas than in most states, we have strongly supported the tougher regulations. Like the board, we strive for increased professionalism and greater consumer responsibility. We have supported an increasing level of regulation because the regulations are based upon science, sound agronomics and sound environmental policy, not politics. On the other hand we find little use for politically motivated rhetoric of election campaigns. The sciences of horticulture, agriculture and the reality of consumer responsibility have little to do with emotional appeals and flashy slogans.

The current system provides consumer, industry and environmental protection while being responsible to the voting public.

The Professional Lawn Care Association of America, all of its members, its member employees and customers urge you to vote no to Senate Bill 164.

Thank you for the opportunity to address this committee.

Statement by Jarold W. Boettcher

President, Boettcher Enterprises, Inc., Beloit, Kansas

To The Kansas Senate Governmental Organization Committee

Senator Lana O'Leen, Chairperson

Regarding Senate Bill 164

February 26, 1991

My Name is Jarold Boettcher. I am President of Boettcher Enterprises, Inc., of Beloit, Kansas. I am a past President of the Kansas Fertilizer and Chemical Association. I have previously had the opportunity to testify before several committees of the Senate and House on agriculture related issues.

Our Company is regulated by the Kansas State Board of Agriculture through the products we sell and the services we provide - namely seed, fertilizer, agricultural chemicals, custom application and also the scales we use in our business. I have served on several advisory committees to the State Board of Agriculture, helping to revise and update regulations, review the structure and function of the State Board of Agriculture, and to assist in drafting of new regulations such as those recently adopted on containment facilities for bulk fertilizer. I have worked with several of the professional people at the State Board of Agriculture on these projects who are in addition to those directly involved in the inspection and regulatory process of our facilities and records. Senate Bill 164 would substantially alter the current structure and function of the State Board of Agriculture and, in my judgment, bring about change which is contrary to the public interest. I therefore urge you to vote NO on this bill.

The question to ask during debate of this bill is does the current structure of the State Board of Agriculture adequately serve the public interest? If you conclude the answer to this question is "YES", then you should vote "NO" on

Senate Governmental Organization
2-26-91
Attachment 12

Senate Bill 164 and further debate is moot. If your answer is NO, or Maybe, or Don't Know, then you should further ask how Senate Bill 164 would better serve the public.

The only positive statement I have heard about Senate Bill 164 by its proponents is that all Kansans are affected by agriculture and therefore should have the opportunity to elect the Secretary. This statement may be carrying a populist theme to an extreme. Why not elect the head of the Department of Transportation since we all drive on the roads? Why not elect the Secretary of Commerce, since we are all affected by business? Why not the head of KDHE, SRS or any other agency who affects the public interest?

The answer to these questions concerns competency and continuity. For a regulatory agency such as the State Board of Agriculture to function well, it must have competent professional people who have continuity - not just at the lower and middle levels, but also at the division level. Senate Bill 164 would make division directors subject to the political process, possibly to the detriment of the level of professionalism, and probably to the detriment of the public interest.

The Kansas State Board of Agriculture is now broadly representative of those people and groups most directly affected by their activities. The State Board of Agriculture is the envy of many other states. If the system is not broken, we should not try to fix it. The burden of the debate falls on the advocates of Senate Bill 164 who should show: first, what is wrong with the present system by citing specific examples of abuse of the public interest; and second, how Senate Bill 164 would correct these alleged problems. Sometimes despite good intentions, a bad bill gets introduced. Senate Bill 164 is such a bad bill and you should vote NO.

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Subject: Opposition of Senate Bill 164

Date: February 26, 1991

To: Governmental Organization, Senator Lana Oleen, Chairperson

Bernie Hansen appearing as Kansas businessman and representing Kansas Meat Processor Association.

1. Work closely with Land of Kansas program through three companies.
 - A. System has helped our business, serves a need.
 - B. Program has been set up to serve consumer and business.
2. Work with meat inspection program.
 - A. Products are regulated by this program.
 - B. Represent KMPA, work with many plants.
 - C. Program really serves Kansas consumers.
3. Our association has a delegate to the Board of Agriculture System.
 - A. Members feel like have a part in system.
 - B. System serves the entire field of agriculture and Kansas needs.
4. Work with Board of Agriculture through Kansas Agriculture Value Added Center.
 - A. Cooperation has worked very well.
 - B. Results have and continue to be strong with their system.
5. Judge present system on merits of function and results.
 - A. Continues to work well into the 90's.
 - B. Manages resources well, able to perform.
 - C. It's a system of the people responsible and accountable.
 - D. Has very few organizational levels.
 - E. Not broke, don't fix it.

Respectfully Submitted,

Bernard L. Hansen
President
FLINT HILLS FOODS, INC.

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Attachment 13



Kansas Association Of Wheat Growers

"ONE STRONG VOICE FOR WHEAT"

TESTIMONY

SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION
Senator Lana Oleen, Chairperson

Senate Bill 164

Senator Oleen, and members of the committee, I am Keith Nelson, from Pawnee Rock, Kansas. I am currently serving as First Vice President of the Kansas Association of Wheat Growers. On behalf of our members, I want to thank you for giving me the opportunity to testify today in opposition to Senate Bill 164.

Our association has worked with the Kansas Board of Agriculture, and the Secretary of Agriculture on many occasions, and we have come to recognize and appreciate the professional manner in which they perform their tasks. Our members participate in the annual meeting, and in the election of Board members. As our county organizations grow, we will be more and more involved in that process, which we feel is one of the reasons our system is so successful.

One of the strongest criticisms of the United States Department of Agriculture, is that many of the department heads and middle level bureaucrats are so far removed from production agriculture, that they don't understand the industry they are supposed to regulate. In addition, the Secretary as an appointee, must follow the dictates of the President, and is most often in an underdog role in the cabinet.

In Kansas, we are blessed with department heads and staff that know their industry well, and are sincerely dedicated to the state's number one industry. Our Secretary of Agriculture is chosen, on the strength of his qualifications, by a group of farmers and ranchers who are duly elected by their peers. As a result of that system, we have been served by outstanding people who have given the industry professional leadership, and continuity of policy that is impossible from a politicized system.

Kansas' Secretaries of Agriculture, have been recognized across the country for their abilities and achievements. Our current Secretary, Sam Brownback is a perfect example, having been chosen to serve as a White House Fellow. Sam has also taken a leading role in national efforts, such as the program to develop and find markets for value added agricultural products. His predecessors have provided leadership to similar efforts in the past.

An elected Secretary would be chosen solely on the ability to garner votes. A great deal of time would have to be spent planning and conducting a campaign during election years. Continuity of programs would also suffer. We should also point out that changing the status of department heads, as proposed by Senate Bill 164, would replace a system of professional administration with one based on political patronage. That simply doesn't make sense.

As our association's resolution on this issue states, we feel that one important reason for the success of the Kansas Board of Agriculture is that it has never been placed in a partisan political position. We can see nothing to gain and much to lose by such a change.

The last time a change was proposed in the selection process of the Secretary of Agriculture, the common phrase was, "If it ain't broke, don't fix it." Not only is the Kansas State Board of Agriculture not "broke," it is the envy of many other states. The changes proposed in Senate Bill 164 could be accurately compared to modifying a race car that always finishes well ahead of the pack, just to make it more like the other cars.

If there was valid criticism of the way previous Secretaries of Agriculture have served their state, or if the current selection process had resulted in the choice of poor leaders, we might agree that change was warranted. However, our Secretaries have been outstanding public servants who have been a credit to our industry and our state. We obviously have been doing things right.

On behalf of the members of the Kansas Association of Wheat Growers, I urge this committee to kill Senate Bill 164.

KANSAS ASSOCIATION OF WHEAT GROWERS
OFFICIAL RESOLUTION

KANSAS STATE BOARD OF AGRICULTURE

The structure of the Kansas State Board of Agriculture, which dates back to 1872, is governed by farmers, and is devoted to agriculture. In addition to selecting the Secretary of Agriculture, the State Board of Agriculture has been an effective administrative and regulatory body.

The State Board of Agriculture has authority granted by the Legislature, to do those things assigned to it by the Legislature.

The KAWG feels that one important reason the State Board of Agriculture has been successful is because it has never been placed in a partisan political position.

RESOLUTION: The KAWG supports continuation of the present system, which provides for the election of the State Board of Agriculture by agricultural producers, and the appointment of the Secretary of Agriculture by the Board of Agriculture.



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Presented to
SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

by
Vernon McKinzie
Emporia, KS

Thank you for the opportunity to appear before your committee to present comments about Senate Bill 164. My name is Vernon McKinzie from Emporia, Kansas. I own pest control businesses in Emporia, Parsons and Manhattan. I am an elected delegate to the Kansas Board of Agriculture annual meeting representing the Kansas Termite and Pest Control Association. I have been a delegate for the past three or four years, ever since the legislature expanded the delegate representation.

I have participated through the district caucus process at the State Board meetings in the election of three different board members. I can cast an informed vote because I have the opportunity to meet personally and talk with the Board candidates. As you know, the present system of selecting the Secretary of Agriculture assigns responsibility of selection and employment to the elected Board members with Senate approval.

All Board members are required by statute to be directly involved in Kansas agriculture. Board members have the expertise to evaluate candidates for Secretary and hire the most knowledgeable and capable person in agriculture as the Secretary. A general statewide election could result in a person with political connections and money being able to "buy" the Secretary's position, without regard to knowledge of Kansas agriculture. Elections many times become media contests.

As a businessman whose business is regulated by the Plant Health Division of the Board of Agriculture, I would be uncomfortable with an election process that allows the newly elected Secretary to replace all assistant secretaries. The current directors are technical experts in their respective fields. If the positions were filled with political appointments, a person without the proper skills could be placed in a position to improperly carry out the intentions of the legislature and the Pesticide Use Law.

Not only could that be difficult for my business, but it could also weaken the agencies ability to properly enforce the laws and regulations designed to protect the public from illegal acts. I urge your defeat of Senate Bill 164. Thank you.

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TESTIMONY
TO
KANSAS SENATE COMMITTEE
ON
GOVERNMENT ORGANIZATION

Chairman Lana Oleen and members of the Senate Committee on Government Organization - Thank you for giving me this opportunity to speak reference proposed Senate Bill No. 164.

My name is Donald R. Tannahill from Olathe, Kansas. I am Co-owner of TRIDON Lawn Services, Inc.. I am a Certified Commercial Applicator in the State of Kansas, and have been active in the Lawn Care Industry in Kansas since 1979. My membership in organizations associated with the Horticultural Industry includes: Kansas Turfgrass Foundation, Kansas Arborists, Professional Grounds Management Society Of Kansas and the Professional Lawn Care Association of Mid-America.

Working in the Horticultural Industry has required frequent contact with the numerous members of State Board of Agriculture. This association, besides regulatory compliance included serving on several special committees to review proposed laws and regulations.

Efficiency, dedication, cooperation and professionalism - by members of the existing State Board of Agriculture - are some of the impressions I gained from such working

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relationships. Their insight, planning, foresight, initiative and action has taken them to the forefront of the midwest states.

It is most difficult for me to comprehend how the transfer of powers, duties and functions of the State of Board of Agriculture to the proposed Secretary of Agriculture can improve the efficiency and/or competency. Further, it would appear that the expense for operating under the aspects of the Secretary of Agriculture concept can only increase the cost without any guarantee of increasing/or even matching the efficiency of service to the citizens of the State of Kansas.

Another concern of mine is the potentially elected position of the Secretary of Agriculture. The concern includes: (1) Politics (2) Qualifications (3) Dedication to the industry in the years to come and (4) Continuity of the existing duties and responsibilities.

In closing I would like to present the following -

QUOTE

The chief measure of our state's prosperity being derived from the soil, every means should be utilized for encouraging the best development of her agricultural resources ----- . For a quarter of a century our

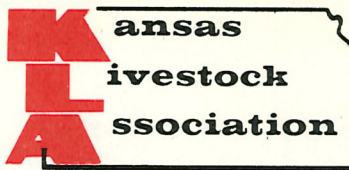
state board of agriculture has carried on work along
this line, with a success unmatched by that of any like
organization elsewhere. -----

Rightly conducted and maintained, as it has been,
entirely aloof from politics, Kansas can have no more
valuable department than this, and it should be
maintained on an equality with the most important.

END OF QUOTE.

This was taken from Governor Stanley's Message to the
Senate and House of Representatives, January 10, 1899.

Although this statement was made over ninety (90) years
ago - I deeply believe that it is still very applicable
today - thus I OPPOSE Senate Bill 164 and recommend that
such proposed Bill not be approved by this committee.



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**STATEMENT OF THE
KANSAS LIVESTOCK ASSOCIATION
REGARDING SENATE BILL 164
PRESENTED TO THE
SENATE GOVERNMENTAL ORGANIZATION COMMITTEE
SENATOR LANA OLEEN, CHAIRMAN
PRESENTED BY
MIKE BEAM, EXECUTIVE SECRETARY
COW-CALF/STOCKER DIVISION
FEBRUARY 26, 1991**

The Kansas Livestock Association (KLA) is a voluntary trade organization with over 10,500 members located in all 105 counties. These members are purebred breeders, commercial cow-calf producers, stocker cattle operators and cattle feeders. Many of these farmers and ranchers are diversified and operate grain and livestock enterprises that complement each other.

Beef cattle production is one of the leading industries in the state. Sales of beef cattle account for approximately 58% of all agricultural cash receipts. Among the 50 states, Kansas ranks 7th in beef cow numbers, 3rd in fed cattle marketings, 3rd in total red meat production and 1st in beef processing and meat exports.

The Kansas Livestock Association (KLA) firmly believes the current process of electing State Board of Agriculture members and selecting the secretary is a sound method and should continue. We feel the process works extremely well and perhaps is the most ideal for maintaining producer input and assuring consumer confidence. KLA opposes Senate Bill 164 and strongly believes it should not be passed out of this committee.

Most agricultural producers shudder at the thought of politicizing the position of Secretary of the Board of Agriculture. The secretary and State Board of Agriculture are responsible for enforcing numerous important agricultural related laws and regulations. Regulating scales, administering the state's seed law, reducing and eliminating noxious weeds, and inspecting state meat plants are all vitally important to the livestock industry. While the Kansas legislature enacts the agency's regulatory

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programs, it seems logical for the chief administrator of these laws to be hired by elected farmers and ranchers. They have a big stake in the success of these regulations.

Proponents of a statewide election for determining the Secretary of Agriculture claim all Kansans ought to have input into the selection of the position. I understand their interest and concern. We must, however, rely on the history and track record of this agency's responsiveness and competence. While many of their programs impact consumers, virtually all affect the livelihood of our state's farmers and ranchers. Agricultural producers are keenly aware that consumer confidence and trust is vitally important in the acceptance of our products. In other words, producers have more to lose than consumers if the agency is not responsive and dedicated in a manner to truly protect the public confidence.

Provisions of SB 164 call for the appointment of undersecretaries to head up the various divisions in the Board of Ag. I'm extremely concerned with making these individuals political, unclassified appointments. They have a duty to enforce the laws passed by the legislature and it could conceivably be uncomfortable for undersecretaries to carry out this mandate if it involved political consequences. For example, the Inspection Division is responsible for inspecting many small locker plants and meat processing facilities. I could envision a secretary with low ratings in the polls calling upon an undersecretary to create attention and media coverage by picking on a meat processor.

To date, the secretary and individuals heading up the divisions work diligently at carrying out their responsibilities. We all know that when an administration changes, there is a certain amount of time for hiring and training new political appointments. This can virtually put a stop to enforcement of agency regulations. Let's not cause a potential shake up every four years with the State Board of Agriculture's ability to provide a constant and an accountable regulatory function.

We feel the current system is special and works extremely well. Passing SB 164 will completely change the look and atmosphere of the State Board of Agriculture and cause it to be more of a political auditorium than a regulatory agency.

KANSAS TERMITE &

PEST CONTROL ASSOCIATION



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Dick Weiser
913-272-2103

President-Elect

Forrest St. Aubin
913-383-1313

Vice-President

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Richard Adams
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Junction City,
Kansas 66441
913-238-8300

February 26, 1991

Senator Lana Oleen
Governmental Organization Committee
Statehouse
Topeka, Kansas 66612

Dear Senator Oleen and members of the Committee:

As president of the Kansas Termite and Pest Control Association I wish to comment on Senate Bill 164. Our Association is composed of nearly 200 member companies who provide services to Kansas citizens for the protection of health and property. We are regulated by the Kansas Pesticide Law which is enforced by the Board of Agriculture through the Secretary and his staff of the Plant Health Division.

The legislature passed legislation a few years ago allowing organizations such as ours to select a delegate to represent us at the Kansas Board of Agriculture annual meeting. We appreciate the opportunity and believe this system works well. Our delegate participates in the annual meeting of the Board and votes to elect members from his district.

We are concerned about allowing the public electoral process selection of the Secretary of agriculture because it could turn into a strictly political popularity contest without regard for the individual's capability or knowledge of agriculture. Someone who has a lot of money and political backing could be elected Secretary without even knowing the difference between herfords and holsteins or soybeans and sunflowers. The present process insures the Secretary will be a person familiar with Kansas agriculture, because he or she is selected by people who earn their livelihood from Kansas agriculture.

We also believe the election, with a possible change every four years, could be disruptive to the staff organization and reduce the efficiency with which the agency now functions.

We urge you to defeat Senate Bill 164 on the grounds it will be a step backwards for Kansas agriculture and could create disarray during the electoral process.

Thank you for your consideration.

Respectfully,

Dick Weiser, President

Senate Governmental Organization

2-26-91

Attachment 18



KANSAS PORK PRODUCERS COUNCIL

2601 Farm Bureau Road • Manhattan, Kansas 66502 • 913/776-0442

February 26, 1991

Senator Lana Oleen
Room 143-N
State Capitol
Topeka, KS 66612

Dear Senator Oleen,

I am writing to you in response to Senate Bill 164. Our organization, which represents those in the pork production business in Kansas, is strongly opposed to S.B. 164. The State Board of Agriculture, under the present system, has been very responsive and helpful to our industry.

Several particular areas of interaction include our coordinated "From the Land of Kansas" program with "Pork - From the Land of Kansas", marketing assistance for those in the breeding stock industry interested in exporting and assistance from the Board in attracting a pork packing plant to Kansas.

In dealing with the State Board on these and other issues, it is important that we have a level of consistency with the programs and program managers. Opening this structure up to the whims of the voters and the resulting political appointments could be a severe detriment to our programs. I've listened with great interest to the arguments for this change and I have yet to understand how the proponents could feel this is a positive move for our state's largest industry. A particular question arises with the proverbial "fox guarding the chicken coop" philosophy with reference to the KCC and utilities, Insurance Commissioner and insurance companies etc. The major difference between these entities and our Board is that the Board of Agriculture does not set prices. I would reiterate once again the success that the Board has had in keeping Kansas agriculture a dynamic industry and would encourage you to defeat any legislation which would compromise the regulatory body of our industry. Thank you for your time and consideration on this matter.

Sincerely,

Victor Krainbill
President
Bern, KS

Sharon Schwartz
President-elect
Washington, KS

Senate Governmental Organization

2-26-91

Attachment 19



KANSAS FERTILIZER AND CHEMICAL ASSOCIATION, INC.

816 S.W. Tyler St. P.O. Box 1517 A/C 913-234-0463 Topeka, Kansas 66601-1517

February 26, 1991

TO: MEMBERS OF THE SENATE GOVERNMENTAL ORGANIZATION
COMMIITTEE

RE: S.B. 164, REGARDING THE SECRETARY OF AGRICULTURE

Dear Senator:

The Kansas Fertilizer and Chemical Association is the professional trade association of the agricultural chemicals industry in Kansas, with approximately 550 member firms. Our industry is highly regulated and many of the laws and regulations affecting our members are administered by the State Board of Agriculture.

We oppose S.B. 164 for two basic reasons. First, having an elected Secretary of Agriculture would mean politicizing the Department of Agriculture. The administration of laws under the responsibility of the Board of Agriculture and the development of regulations relative to those laws are generally very technical in nature. Moving the administration of the laws and the regulatory process more into the political arena would not necessarily provide for the best public policy.

Secondly, the employees of the Board of Agriculture have traditionally been very capable professionals, with excellent technical backgrounds. We have found the Board and its employees to be tough, but fair regulators. Making division chiefs political employees would reduce the level of technical experience and continuity in those key positions.

While our Association has only one delegate to the Board of Agriculture Annual Meeting and does not have representation on the State Board of Agriculture, and while agribusiness interests are not necessarily the same as producer interests in the regulations administered by the Board, we have always found the Board to be open and fair in their deliberations and decisions.

We are highly regulated by the Board of Agriculture. We do not receive favoritism, but fairness. They are tough regulators, and we believe this is in the best interests of our industry in the long term. Politicizing the system could be chaotic. We certainly respect those who introduced

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this legislation as an attempt to allow more affected persons to be involved in the regulatory process. In our opinion, being greatly affected by the Board's activities, the current system is working well and is responsive to any interests which seek to be involved.

We urge you to oppose S.B. 164.

Sincerely,

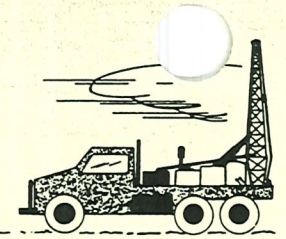
A handwritten signature in cursive script that reads "Tom Naasz". The signature is written in black ink and is positioned to the right of the typed name.

Tom Naasz
President



KANSAS WATER WELL ASSOCIATION

933 Kansas Avenue
Topeka, KS 66612
(913) 354-1605
Fax: (913) 354-4247
An Affiliate of NWWA



Elizabeth E. Taylor
Executive Director

February 26, 1991

TO: Senate Governmental Organization Committee
Senator Lana Oleen, Chair

FR: Elizabeth E. Taylor *ET* Executive Director

RE: Opposition to SB 164

The Kansas Water Well Association appreciates the opportunity to convey our opposition to SB 164. Our membership represents the water well driller, the manufacturers and suppliers and the others interested in the development, protection and conservation of Kansas water.

Our opposition to SB 164 stems primarily from what we see as a further possibility of the position of Secretary of Agriculture becoming a political machine rather than remaining an integral part of the agricultural community. We are concerned that if elected statewide, the Secretary would succumb to the political winds and could be elected with little or no knowledge of water and farming issues. Thus, the industry we represent, which does most of its business in rural parts of the state, would likely not be able to rely on the expertise of the person running the office which governs us.

Thank you for the opportunity to respond to the provisions in SB 164. If we can be of further assistance, please call me or your local water well driller.

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Briefing Paper

Kansas State Board of Agriculture Environmental Protection Activities

Agency Approach: Pesticides and other agricultural chemicals play a major role in production agriculture in Kansas today. All evidence seems to indicate that pesticides and fertilizers will continue to play a major role in crop production in the foreseeable future. Numerous examples exist to indicate that available technology simply does not exist to obtain pest control via other methods.

The Kansas State Board of Agriculture has been, by statutes assigned, provided with the dual charge of protection of the environment from improper pesticide use while at the same time with aiding the citizens in finding solutions to their pest control problems. We also play a strong role in the area of food safety.

In recent years the agency has increased its efforts of enforcement of chemical use statutes while also increasing its biological, regulatory (quarantine), cultural and other pest control activities. The latter can provide opportunities to reduce reliance upon pesticides as the sole pest control tool available. We have also taken an active role in working with farmers and industry users of chemicals in problem prevention.

Water Quality and Non-Point Pollution Efforts: At present the agency is deeply involved with the U.S. Environmental Protection Agency, the Kansas Department of Health and Environment and a variety of other state and federal agencies in the areas of water quality protection and non-point pollution prevention. Intensive work in this area began in 1987 when the Kansas Groundwater Quality

Protection Strategy, developed by the Kansas Department of Health and Environment, gave the State Board of Agriculture the assignment of working to control sources of water contamination potentially arising from agricultural and urban pesticide and fertilizer use. Shortly thereafter, we became involved with the U.S. Environmental Protection Agency, Office of Pesticide Programs, in their national program to prevent contamination of water supplies by pesticides and in an allied program to protect endangered species from pesticide use.

Increased public awareness and public education are always an important part of environmental programs. The Board has been involved in a number of these activities. As an example, the Board of Agriculture cooperated with a number of other agencies and farm groups in sponsoring public meetings for producers in the Blue and Delaware River Watersheds and will be providing a program for Lower Republican River Basin water users on February 28. The Board of Agriculture and various farm organizations also sponsored an "Agriculture and the Environment" display at the 1990 State Fair. The display was sufficiently well received that it appears we may do the same joint effort at the 1991 State Fair.

The Board of Agriculture and the U.S. Environmental Protection Agency are also supporting the U.S. Geological Survey and Kansas State University in investigating the effects of various cultural and soil conservation practices on agricultural chemical use and field runoff. The project is being conducted at the Foster farm site near Rossville in terrain typical of Northeast Kansas. Work is being coordinated through KSU's agronomy field at Silver Lake.

During the 1989 Legislative Session, the Kansas Pesticide Law was amended (Senate Bill 3) to provide authority to the Kansas State Board of Agriculture for the creation and establishment of pesticide management areas. This authority was to be used as necessary to protect designated geographic areas having strategic environmental importance. Critical endangered species habitat sites, watersheds or groundwater recharge areas could be cited as examples of potential pesticide management areas. Because of atrazine levels reported in streams, lakes and rivers in certain areas of N.E. Kansas, the Board recently created the statutory Pesticide Management Area Technical Advisory Committee which will be charged with advising the agency as to proper approach to the problem. Issuance of invitations for potential committee members is now starting.

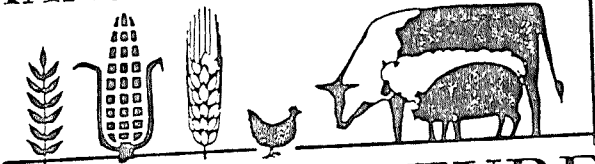
The State Board of Agriculture has also recently put into place new fertilizer containment regulations and is working in concert with the U.S. Environmental Protection Agency on a program to increase the awareness level of suburban homeowners on proper and safe use of lawn fertilizers and pesticides.

Biological Control: Various alternatives have been suggested to use of pesticides, including a return to less rigid standards of food sanitation. However, the preponderance of evidence indicates that improved surveillance of pest populations, more judicious use and improved management of pesticide applications and a better appreciation and practice of the use of biological, cultural and other control methods can significantly reduce the total volume of pesticides needed and provide prevention of environmental contamination and damage. The State Board of Agriculture is quite active in the biological control area. We have released a variety of aphid predators and parasites during the last few years including the large C-7 ladybeetle which has a great deal larger

appetite for pest insects than do our native ladybeetles. We are in the midst of a program to release natural enemies of the Russian Wheat Aphid, and at this point, the program appears to be going very successfully. With support of the Legislature and monies from the Oil Overcharge Fund, we have been distributing in N.E. and N.C. Kansas two different natural enemies of musk thistle and are planning this spring to start release in N.W. Kansas of a natural enemy of Canada thistle. In recent years, the agency has also introduced new natural enemies of the alfalfa weevil, blue alfalfa aphid and pine sawfly, an ornamental pest.

Enforcement: The 1989 Kansas Legislature gave the Board civil penalty authority to enforce the Kansas chemigation and pesticide laws. Regulations were formulated and first actions were initiated on January 1, 1990. To date, the Board has levied penalties on 43 different occasions with fines ranging in amounts from \$300 to \$5,000. Fines assessed for the January 1, 1990 to January 1, 1991 period totaled \$40,960. We have several other civil penalties in progress and are in federal district court with one aerial application business license fined for improper disposal of pesticides. Some other violations are dealt with through criminal cases in the courts or through license revocation or denial proceedings.

KANSAS STATE BOARD



OF AGRICULTURE

9 S.W. 9th St., Topeka, Kan. 66612-1280

NEWS

Public Information Section
(913) 296-3571

April 20, 1990
Carole Jordan (913) 296-3571
Dale Lambley (913) 296-2263

KSBA Settles Legal Actions

The Kansas State Board of Agriculture is responsible for a variety of agricultural and consumer protection laws and programs. The 1989 Kansas Legislature gave the Board civil penalty authority to enforce the Kansas pesticide, chemigation and dairy laws. Some other violations of Board-administered laws are dealt with through criminal cases in the courts.

Actions completed in the first quarter (January 1-March 31) of 1990 follow.

Civil Penalty Cases

--Wayne Weatherly (Wayne's Agricultural Aviation), Ellsworth, fined a civil penalty of \$300 for the misapplication of pesticides.

--Terry Eubank (Western Aero Agriculture, Inc.), Ashland, fined a civil penalty of \$600 for the misapplication of pesticides.

--Dennis A. Matejcek (Circle M Bugbuster), Burden, fined a civil penalty of \$2,000 for failure to provide all information necessary on service statements and failure to provide a proper pesticide treatment. Matejcek did not appear at the evidentiary hearing; a default order was issued. Matejcek has withdrawn his application for a business license which had been before the agency.

--John Kriedamacher (Rid-A-Bug Pest Control), Overland Park, fined a civil penalty of \$1,000 for misapplication of pesticides which later resulted in the deaths of 10 Canadian geese.

--Gale Rundell, Garden City, fined a civil penalty of \$300 for applying pesticides without a business license.

--Ken Bixenman (Great Plains Spraying, Inc.), Colby, fined a civil penalty of \$300 for misapplication of pesticides.

--Leander Johnson (Johnson Exterminating Company), Russell, fined a civil penalty of \$300 for an incomplete treatment of a pesticide application.

--Judy Fabrizio (Big Creek Fertilizer), WaKeeney, fined a civil penalty of \$300 for misapplication of pesticides.

--Terminix International, Wichita, civil penalty complaints involving the applications of pesticides without a business license and a number of violations including improper treatments and misapplication of pesticides. Terminix was fined a civil penalty of \$5,000.

--John R. Kilbride, Shawnee, pesticide commercial applicator license denied because of an allegation that the applicant had been convicted of the felony crime of robbery.

--Joe Dean Pruitt, Wichita, pesticide commercial applicator license denied because of an allegation that the applicant had been convicted of the felony crime of robbery.

--more--

Civil Penalties, add 1

--Surendra Kumar (Lawrence Pest Control, Inc.), Overland Park, fined a civil penalty of \$2,500 because of allegations of misapplication of pesticides, insufficient record-keeping and defrauding a customer.

--Joseph L. Brichat (Bugs "R" Us), Wichita, fined a civil penalty of \$500 for the misapplication of pesticides.

--Rudy Betts (Betts Pest Control, Inc.), Wichita, fined a civil penalty of \$700 for the misapplication of pesticides and incomplete treatments performed.

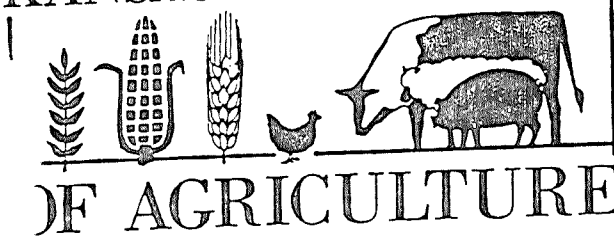
--Frank E. Duncan (All-Right Exterminating Company), Kansas City, Mo., fined a civil penalty of \$700 for the misapplication of pesticides.

--Dal Pribyl (Dal Pribyl Aerial Spraying), Waukomis, Okla., fined a civil penalty of \$300 for failure to provide accurate and complete records.

--Robert R. Izard (Ray's Aerial Spraying), Elk City, Okla., withdrew his application for a pesticide business license after Kansas instituted a license denial case because of his failure to comply with Oklahoma statutes.

--KSBA--

KANSAS STATE BOARD



OF AGRICULTURE

09 S.W. 9th St., Topeka, Kan. 66612-1280

NEWS

Public Information Section
(913) 296-3571

July 19, 1990

Carole Jordan (913) 296-3571
Dale Lambley (913) 296-2263

KSBA Settles Legal Actions

The Kansas State Board of Agriculture is responsible for a variety of agricultural and consumer protection laws and programs. The 1989 Kansas Legislature gave the Board civil penalty authority to enforce the Kansas pesticide, chemigation and dairy laws. Some other violations of agency-administered laws are dealt with through criminal cases in the courts.

Actions completed in the second quarter (April 1-June 30) of 1990 follow.

Civil Penalty Cases

--Jerry Winter (Winter Flying Service), Kanorado, fined a civil penalty of \$2,800 for improper disposal of pesticides. The case is currently pending before Shawnee County District Court on an appeal by the defendant.

--Dennis A. Matejcek (Circle M. Bugbuster), Burden, fined a civil penalty of \$2,000 for failure to provide all information necessary on service statements and failure to provide a proper pesticide treatment. Judgement has been entered against Matejcek in Shawnee County District Court for the above fine.

--Bruce Koehn (Koehn Aerial Application), Tribune, fined a civil penalty of \$500 for operating a pesticide business without a business license.

--Keith Litton (General Pest Control), Cimarron, fined a civil penalty of \$300 for providing pesticide services without a license.

--Frank E. Duncan (All-Right Exterminating Company), Kansas City, Mo., fined a civil penalty of \$700 for misapplication of a pesticide. This company has given up its pesticide business license.

--Jack Hardesty, Ashland, has given up his pesticide business license because of allegations of storing or disposing of pesticides incorrectly.

--Gary L. Davidson (Davidson Ag Service), Kinsley, fined a civil penalty of \$840 for the misuse of pesticides.

--Johnny Crist (J&L Aerial Spraying), Holcomb, fined a civil penalty of \$300 for misapplication of pesticides.

--Orkin Exterminating Company, Wichita, fined a civil penalty of \$500 for incorrectly making a termite treatment recommendation.

--Lane County Feeders, Dighton, fined \$300 for lack of proper chemigation equipment.

--Midway Co-op, Larry M. Yost, president, Osborne, fined a civil penalty of \$400 for the misapplication of pesticides.

Civil Penalties, Add 1

--Hemmert Ag Aviation, Inc., Oakley, Mark Hemmert, president, fined a civil penalty of \$300 for misapplication of pesticides.

--Presto-X Company, Kansas City, Mo., fined a civil penalty of \$500 for the misapplication of pesticides.

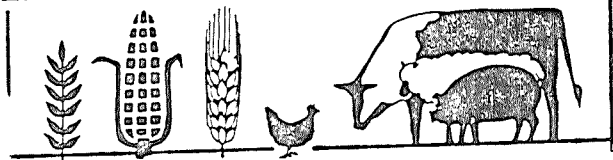
--Arthur F. Stone, Garden City, fined a civil penalty of \$300 for operating a chemigation system without first obtaining a permit.

--Orkin Exterminating Company, Topeka, fined a civil penalty of \$4,600 for misuse of pesticides.

--Orkin Exterminating Company, Hutchinson, fined a civil penalty of \$1,380 for misuse of pesticides.

-KSBA-

KANSAS STATE BOARD



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09 S.W. 9th St., Topeka, Kan. 66612-1280

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October 29, 1990
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Dale Lambley (913) 296-2263

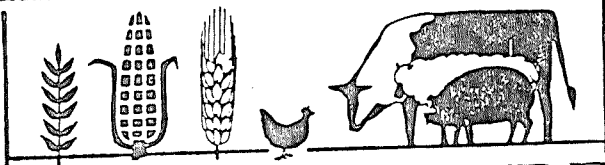
KSBA settles third quarter legal actions

The Kansas State Board of Agriculture is responsible for a variety of agricultural and consumer protection laws and programs and has civil penalty authority to enforce the Kansas pesticide, chemigation and dairy laws. Some other violations of agency-administered laws are dealt with through criminal cases in the courts.

Civil penalty cases completed in the third quarter (July-September) of 1990 follow.

Civil Penalty Cases

- Al Mace (Al's Pest Control), Garnett, fined \$840 for the misapplication of pesticides.
- Bill Richardson (Astro Spraying), Burlington, Colo., fined \$300 for applying pesticides in Kansas without a Kansas pesticide business license.
- Sam Crissman, St. John, fined a \$300 civil penalty for violation of the chemigation law; operating with defective equipment and without a chemigation permit.
- Rickel, Inc., Ness City, fined \$500 for misapplication of pesticides.
- Superior Termite Control, Nevada, Mo., fined \$500 for the misapplication of pesticides.
- Val-Co., Inc., Franklin, Neb., fined \$500 for operating without a Kansas pesticide business license.
- Ellinwood Flying Service, Inc., Ellinwood, fined \$400 for misapplication of pesticides.
- Orkin Exterminating Company, Merriam, fined \$300 for misapplication of pesticides.
- Jelco Pest Control, Baxter Springs, fined \$300 for operating without a pesticide business license.
- A-1 Tree and Lawn Service, Kansas City, Mo., fined \$300 for the operation of a pest control business without a license.
- Wayne Weatherly (Wayne's Agricultural Aviation), Ellsworth, Kan., fined \$3,000 for the misapplication of pesticides.

KANSAS STATE BOARD

OF AGRICULTURE

109 S.W. 9th St., Topeka, Kan. 66612-1280

NEWS

Public Information Section
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January 30, 1991
Carole Jordan (913) 296-3571
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Fourth quarter legal actions announced by Board of Agriculture

The Kansas State Board of Agriculture is responsible for a variety of agricultural and consumer protection laws and programs and has civil penalty authority to enforce the Kansas pesticide, chemigation and dairy laws. Some other violations of agency-administered laws are dealt with through criminal cases in the courts.

Civil penalty cases completed in the fourth quarter (October-December) of 1990 follow.

Civil Penalty Cases

- Woodbury Industries, Inc., St. Joseph, Mo., fined \$500 for applying pesticides in the state without a Kansas pesticide business license.
- Circle Land and Cattle Corporation, Garden City, fined \$2,200 for applying chemicals through irrigation wells without chemigation permits.
- Chester Flying Service, Belleville, fined \$500 for the misapplication of pesticides.

- KSBA -

NOXIOUS WEED
OIL OVERCHARGE GRANT PROGRAM
FY 1990

I. GENERAL INFORMATION

Oil Overcharge Grants were requested and given to 23 counties to perform the work of collecting, releasing or rearing musk thistle head weevil or rosette weevil for control of musk thistle. A total of \$34,648.20 was requested of which \$16,647 was for distribution of weevil, \$14,444.70 was for collection of weevil and \$3,556.50 was for developing or maintaining insectaries. The number of counties requesting grants increased by 1 over last year but the total funds requested was less than the \$40,000 authorized. County Weed Directors learned from last years activities and found more cost effective methods of doing the work. Some counties chose to cooperate by distributing weevil at their own expense which also reduced the total request. An abundance of musk thistle which diluted the weevil population and rapidly fluctuating temperatures during the collection season resulted in few adult weevil being collected. As a result, the alternate plan of collecting and moving weevil infested musk thistle heads was utilized. Rosette weevil, which had migrated from early release sites, were found in Riley and Pottawatomie counties in sufficient numbers for collection and release in 15 counties. Last years release sites were monitored for the presence of weevil and weevil were found in all of the sites.

II. COLLECTION OF WEEVIL

A total of 431 units of weevil were collected by 7 counties. Adult head weevil were collected by pulling infested heads off musk thistle plants and putting as many as possible in a brown grocery bag. Each bag contained at least 1000 weevil. Rosette weevil were collected as adults from bolted musk thistle plants. Two hundred were placed in pint containers for shipment and release. Due to the difference in collection methods, cost comparisons with last years work are not completely valid however the average cost per unit of weevil for 1990 was \$33.51 vs \$72.63 for 1989. This figure is comparable for head weevil that are commercially available and about one third the cost for commercially available rosette weevil.

III. DISTRIBUTION OF WEEVIL

Sixteen counties requested grants to distribute weevil. Nine additional counties received weevil for distribution at their own expense. Counties with grants were the first to receive weevil. The remainder of the weevil collected were made available to counties upon request. The average cost of distribution was \$58.00 per unit which is down from the 1989 average cost of \$77.43. The cost of distribution includes labor and transportation for locating suitable sites, protecting the site by fencing if necessary, obtaining the necessary biocontrol agreement from the landowner and transporting the weevil for release.

IV. ROSETTE WEEVIL INSECTARIES

Established insectaries in Jefferson and Pottawatomie counties were maintained in 1990 and additional insectaries were developed in Jewell and Washington counties. The insectaries in Jefferson and Pottawatomie counties were checked and the weevil were increasing; however, not enough weevil were present for collection. The new insectaries were established further west to spread the rosette weevil over a larger geographical area and to reduce the likelihood of total failure if severe drought or other factors destroyed an insectary. We hope to begin harvesting weevil in 1991 from the first insectaries.

V. ACTIVITIES PLANNED FOR FY 1991

1. Inform counties of the continuation of the program and accept grants
2. Evaluate grants and sign contracts with counties during February and March

VII. PROGRAM PRIORITIES

1. Major emphasis will be placed upon collection and distribution of the rosette weevil
2. Surveys will be made to determine the true distribution of the rosette weevil
3. A survey of previous release sites will be made to evaluate the progress of the biocontrol program.