

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Joann Flower at 9:00 a.m. on January 12, 1995, in Room 423-S of the Capitol.

All members were present except:

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

Conferees appearing before the committee: Chris Wilson, Kansas Agricultural Aviation Association

Others attending: See attached list

Chairperson Flower called the meeting to order and asked everyone to review the minutes of January 11. As there were no corrections or additions, they were approved as presented. She stated that when the minutes got longer and more involved, the members would be given ample time to review them.

Chairperson Flower then asked for introduction of bills. Representative McClure stated that she would be reintroducing legislation from last session, with minor changes, concerning the restructuring of the Kansas State Board of Agriculture. Under her bill, members of the board would be elected one from each of ten districts using the same map as the Kansas State Board of Education. Thus members would be elected by population. The ten members would then select the secretary. Introduction of this bill was approved unanimously by the committee.

Chris Wilson, Executive Director, Kansas Agricultural Aviation Association, requested legislation concerning written statements for services of aerial crop chemical application. Legislation passed in 1989 requiring the pesticide applicator to list the rate applied per acre or the percent of concentration of the chemical, or both, has been interpreted differently at different times by different personnel. For clarification they would like the rate of application expressed according to the EPA label, whether in per acre amounts or percent of concentration. The committee voted unanimously to accept this request for legislation. (Attachment 1)

The chair then asked Raney Gilliland and Jill Wolters to give the committee a little background information on the selection of the Kansas State Board of Agriculture and the Secretary of Agriculture. They stated that in the past the board had been selected by various farm organizations, with the board then selecting the secretary. The problem was that not everyone in the state was a member of a farm organization and, therefore, not involved in the process. The Kansas State Board of Agriculture regulates many areas of our lives not directly involved with agriculture; for example, meat and poultry inspection and regulation of gas pumps. This then is a question of equal representation.

The court case was filed in 1992 alleging that the selection process was unconstitutional. The federal district court in Kansas City ruled that it was unconstitutional and since the fall of 1993 the governor has had control of the agency. A number of bills have been introduced in an attempt to correct the problem, including popular election and appointment by the governor of the secretary. In most states the secretary is appointed by the governor.

There are various options to choose from to reorganize the agency. Staff emphasized that the legal question the committee needs to keep in mind in putting together a board is the one person, one vote rule. It is clearly up to the legislature how the board is to be established. However, the judge will look at whatever the legislature decides and oversee its implementation.

Chairperson Flower then asked those guests that weren't in attendance yesterday to introduce themselves.

The meeting adjourned at 9:35 a.m. The next meeting is scheduled for January 17, 1995.



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**REQUEST OF THE
KANSAS AGRICULTURAL AVIATION ASSOCIATION
TO THE HOUSE AGRICULTURE COMMITTEE
REPRESENTATIVE JOANN FLOWER, CHAIR
JANUARY 12, 1995**

Madam Chair and Members of the Committee, I am Chris Wilson, Executive Director of the Kansas Agricultural Aviation Association (KAAA). Our more than 300 members are involved in the aerial application of crop protection chemicals in Kansas.

We respectfully request legislation to make what we consider to be a technical amendment to the statute concerning written statements for services to customers. When legislation was passed in 1989 amending this section of the law, wording included at that time has inadvertently caused confusion over whether the pesticide applicator is required to list the rate applied per acre or the percent of concentration of the chemical, or both.

Administrative memorandums within the department of agriculture have attempted to clarify this issue. However, it has been interpreted differently at different times by different personnel and last year was questioned in a court case. We believe this needs to be clarified and that the chemical applied should be expressed according to the EPA label. If the EPA label gives rates in per acre amounts, rate per acre should be shown. If the EPA label gives rates in percent of concentration, then the percent of concentration should appear on the written statement of service.

Thank you for your consideration of this request. If there are any questions at this time, I will be happy to respond.

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*House Agriculture
Attachment 1
1-12-95*