

Approved: 2-14-95
Date

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson David Corbin at 10:00 a.m. on February 13, 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
Lila McClafin, Committee Secretary

Conferees appearing before the committee:

Senator Jerry Karr
Chris Wilson, Kansas Agricultural Aviation Association, and The Kansas Seed Industry Association
Bill Craven, Kansas Natural Resource Council, Kansas Sierra Club and Common Cause
Tom Tunnel, Kansas Grain and Feed Association & Kansas Fertilizer and Chemical Assn.
Bill Fuller, Kansas Farm Bureau
Joe Lieber, Kansas Cooperative Council
Vernon McKenzie, Kansas Pest Control Association

Others attending: See attached list

Chairperson Corbin called for action on the minutes of February 8 and 9. Senator Morris moved to adopt the minutes of February 8 and 9. Senator Downey seconded the motion. The motion carried.

The hearing on **SB 221 - creating the Department of Agriculture; relating to the appointment of the Secretary of Agriculture; creating an advisory board.**

Senator Karr co-sponsor of the bill testified on its behalf. No written testimony was available.

Staff comparison of current law with Senate Bills introduced in the 1995 Legislative Session to restructure the Kansas State Board of Agriculture, and a comparison of current law with House Bills introduced in the 1995 Legislative Session were distributed (Attachment 1).

Chris Wilson testified in support of the provisions of the bill that allow the Secretary to appoint a few key members of her/ his management team. She supported a bi-partisan state Board of Agriculture appointed by the Governor, which has authority to select the Secretary of Agriculture (Attachment 2).

Bill Craven stated the agencies he represents support the same position as they took on **SB 61** which was heard on February 7. His written testimony is included with the minutes of that day. He responded to questions.

Tom Tunnel testified they support the reorganization of the Department with its existing responsibilities. They opposed the consolidation of the Grain Inspection Department with the Department of Agriculture (Attachment 3).

Bill Fuller testified in opposition to **SB 221**. He said based on a conference telephone call Saturday morning involving state officers, Board of Directors, administration and several staff at Kansas Farm Bureau we were directed to support the concepts outlined in SB 62 (Attachment 4).

Joe Lieber opposed **SB 221**, and particularly the provision that would place the Kansas State Grain Inspection Department in the Department of Agriculture (Attachment 5).

Vern McKinzie opposed **SB 221**. Their association believes it is extremely important for the Agriculture Secretary to be a member of the Governor's Cabinet and appointed by the Governor to serve a four year term.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE, Room 423-S Statehouse, at 10:00 a.m. on February 13, 1995.

The technical staff, including the division directors, should remain as classified staff. And the Board should be an appointed board (Attachment 6).

The hearing on **SB 221** was closed.

The meeting adjourned at 10:58 a.m. The next meeting is scheduled for February 14, 1995.

SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: 2-13-95

NAME	REPRESENTING
Joe Lieber	HS. Co-op Council
BILL FULLER	Kansas Farm Bureau
Tom Tunnell	KS GRAIN & FEED ASSN.
Mike Beam	Ks. Livestock Assn.
Traci Carl	A.P.
Bill Craven	KNRC / Science -
Vern McKinzie	Ks. Pest Control Assn.
Bill Anderson	Water Dist. No. 1 of Jo. Co.
Alan D. Holmes	Division of Budget
Amy Nowell	Intown
Catherine A. Deen	Ks. Vet. Med. Assn.
Carole Jordan	KDofA
Mary Jane Stattelman	KS Farm Bureau
Jamie Clover Adams	KGFA
Jim Allen	Sea board
Chris Wilson	KSIA / KAAA
Shirley Devine	Ks. Dept. of Agriculture
Gary M. Botwell	Grain Inspection
Thomas E. Meyer	Grain INSPECTION

**COMPARISON OF CURRENT LAW WITH SENATE BILLS INTRODUCED IN THE 1995 LEGISLATIVE SESSION
 TO RESTRUCTURE THE KANSAS STATE BOARD OF AGRICULTURE**

Issue	Under Current Structure	Under S.B. 63	Under S.B. 62	Under S.B. 61	Under S.B. 221		
Secretary -- Manner of Selection	Secretary elected by Board.	Elected for two-year term by Board of Agriculture subject to Senate confirmation. (Sec. 20)	Appointed by the Board of Agriculture for two-year term subject to Senate confirmation. (Sec. 8)	Appointed by Governor with confirmation by the Senate. (Sec. 1)	Appointed by Governor with confirmation by the Senate. (Sec. 1)		
Qualifications of Secretary	None.	No specific qualifications.	No specific qualifications.	Demonstrate executive and administrative ability. (Sec. 1)	Demonstrate executive and administrative ability. (Sec. 1)		
Board -- Manner of Selection	Elected by delegates of certain organizations authorized by law.	Popularly elected by districts (10 districts) for a four-year term (Sec. 30), based on State Board of Education districts (which are based on state Senate districts). Vacancy filled in same manner as that for a State Board of Education member. (Sec. 13 and 40) Candidates run on a partisan basis.	Nine members appointed by the Governor subject to Senate confirmation. One from each Congressional district, the remaining at large. (Sec. 1) No more than five from the same political party.	Advisory Board appointed by the Governor. (Sec. 9)	Advisory Board appointed by the Secretary (12 members) for a four-year term. (Sec. 10)		
Qualifications of Board	None.	Resident of the district. (Sec. 1)	No two are to be residents of the same county at the time of appointment. (Sec. 1)	None.	None.		

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 Attachment 1*

Issue	Under Current Structure	Under S.B. 63	Under S.B. 62	Under S.B. 61	Under S.B. 221		
<p>Disposition of Classified and Unclassified Positions</p>	<p>Not applicable. Currently, the Acting Secretary and the agency's attorneys are in the unclassified service. The Assistant Secretary is in the classified service, as well as all other personnel.</p>	<p>Generally, all personnel transfer to the new State Board of Agriculture any abolition of personnel in the classified service is to be in accord with the Civil Service Laws. (Sec. 23) The new Secretary may appoint an Assistant who would be in the unclassified service. (Sec. 21)</p>	<p>Generally, all personnel transfer to the new State Board of Agriculture. Any abolition of personnel in the classified service is to be in accord with the Civil Service Law. (Sec. 11) The new Secretary may appoint an assistant or assistants who would be in the unclassified service. (Sec. 9)</p>	<p>Generally, all personnel transfer to the new Department of Agriculture. Any abolition of personnel in the classified service is to be in accord with the Civil Service Law. (Sec. 5) The new Secretary may appoint assistant secretaries who would be in the unclassified service. (Sec. 2) Each Division would be headed by an Assistant Secretary. (Sec. 4) Each Division head would appoint all employees, subject to the approval of the Secretary. These employees would be in the classified service. (Sec. 4)</p>	<p>Generally, all personnel transfer to the new Department of Agriculture. Any abolition of personnel in the classified service is to be in accord with the Civil Service Law. (Sec. 6) The new Secretary may appoint assistant secretaries who would be in the unclassified service. (Sec. 2) Each Division would be headed by an Assistant Secretary. (Sec. 5) The Chief Engineer and the Director of the Grain Inspection Division would be in the classified service. Each Division head would appoint all employees, subject to the approval of the Secretary. These employees would be in the classified service. (Sec. 5)</p>		

Issue	Under Current Structure	Under S.B. 63	Under S.B. 62	Under S.B. 61	Under S.B. 221		
Rules and Regulations	Authority given to Secretary, Board, and to Chief Engineer.	All rules and regulations of Secretary and Board transfer to State Board created by the bill. (Sec. 22) The rules and regulations of the Chief Engineer are not transferred.	All rules and regulations of Secretary and Board transfer to State Board created by the bill. (Sec. 10) The rules and regulations of the Chief Engineer are not transferred.	All rules and regulations of Secretary and Board transfer to Secretary of Agriculture created by the bill. (Sec. 3) The rules and regulations of the Chief Engineer are not transferred.	All rules and regulations of the Secretary and Board transfer to the new Secretary. (Sec. 3(f)). The bill specifies that rules and regulations of the Chief Engineer continue to be with the Chief Engineer. (Sec. 3(g)). All rules and regulations of the Grain Inspection Department transfer to the new Secretary. (Sec. 4(f)).		
Secretary -- Member of Cabinet	No.	No.	Yes. The Secretary is to be a member of the Governor's Cabinet. (Sec. 8)	Yes. As an executive agency the Secretary would be a member of the cabinet.	Yes. As an executive agency the Secretary would be a member of the cabinet.		
One Person-One Vote Challenge*	Challenged in Federal Court, Under Appeal to 10th Circuit Court.	Most likely meets the one-person, one-vote challenge. Board members are elected from accepted State Board of Education districts, based on current state Senate districts.	Most likely would meet one-person, one-vote challenge.	Most likely would meet the one-person, one-vote challenge.	Most likely would meet the one-person, one-vote challenge.		
State Constitution -- Executive Power Question (Art. 1, Sec. 3)*	See above.	Perhaps a problem with executive power authority.	Executive has direct control of agency through appointment of the Board.	Executive has direct control of agency through appointment of Secretary.	Executive has direct control of agency through appointment of Secretary.		

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Issue	Under Current Structure	Under S.B. 63	Under S.B. 62	Under S.B. 61	Under S.B. 221		
Delegates to the Annual Meeting	Act as an electing body for the Board of Agriculture.	Elected as presently and act as an advisory body to the State Board of Agriculture. (Sec. 48)	The provisions of current law dealing with delegates to an annual meeting are repealed.	The provisions dealing with delegates to an annual meeting are repealed.	The provisions dealing with delegates to an annual meeting are repealed. (Sec. 50).		
Effective Date	Not applicable.	Upon publication in the Statute Book.	Upon publication in the Statute Book.	Upon publication in the Statute Book.	Upon publication in the Statute Book.		
Status of Bill	Not applicable.	Referred to Senate Agriculture Committee.	Referred to Senate Agriculture Committee.	Referred to Senate Agriculture Committee.	Referred to Senate Agriculture Committee.		
Other Notable Aspects					The State Grain Inspection Department would be transferred to the new Department of Agriculture, where it would become a division within the agency. The Director of Division of Grain Inspection must have at least one year of experience in the grain business and should have a working knowledge of the grain industry. The Director of the Division is in the classified service.		

* The notations in the table under these issues will have a final determination made in a court of law. The notations are based upon the outcomes of past court cases. The Kansas Legislative Research Department cannot issue legal opinions.

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**COMPARISON OF CURRENT LAW WITH HOUSE BILLS INTRODUCED IN THE 1995 LEGISLATIVE SESSION
 TO RESTRUCTURE THE KANSAS STATE BOARD OF AGRICULTURE**

Issue	Under Current Structure	Under H.B. 2078	Under H.B. 2137	Under H.B. 2384	Under H.B. 2447		
Secretary – Manner of Selection	Secretary elected by Board.	Elected for a four-year term by the Board of Agriculture. Subject to Senate confirmation. (Sec. 20) The Secretary would be in the unclassified service.	Elected by the Board of Agriculture for a two-year term (Sec. 2(d)). The current Secretary's term would end March 1, 1996 and the new Secretary would be elected by the new board.	Appointed by the Board of Agriculture for two-year term subject to Senate confirmation. (Sec. 8)	Appointed by the Governor with confirmation by the Senate. (Sec. 1).		
Qualifications of Secretary	None.	No specific qualifications.	No specific qualifications.	No specific qualifications.	Demonstrate executive and administrative ability. (Sec. 1).		
Board – Manner of Selection	Elected by delegates of certain organizations authorized by law.	Popularly elected by districts (10 districts) for a four-year term (Sec. 30), based on State Board of Education districts (which are based on state Senate districts) in a non-partisan manner. (Sections 1-12) Vacancy filled by appointment by Governor. (Sec. 13)	Delegates to the annual meeting would nominate not less than four or more than six persons for appointment to the board from each of the current agricultural districts. (Sec.2(a)) Authority is given to the Governor, the Speaker of the House, and the President of the Senate to appoint Board members from a list of nominees. (Sec. 2(c))	Eleven members appointed by the Governor, subject to Senate confirmation. Two from each Congressional district and three at-large. No more than six from any political party. (Sec. 1 (b))	Twelve members on an advisory board elected in the same manner as the previous Board of Agriculture was elected. Members of the previous Board of Agriculture remain as members of the new advisory board until new members are elected and qualified. (Sec. 9).		

1-6

Issue	Under Current Structure	Under H.B. 2078	Under H.B. 2137	Under H.B. 2384	Under H.B. 2447		
Delegates to the Annual Meeting	Act as an electing body for the Board of Agriculture.	The provisions dealing with delegates to an annual meeting are repealed. (Sec. 49)	The provisions dealing with delegates to the annual meeting are modified to allow one delegate from organizations and associations having a voting membership of not less than 100 of a statewide character representing any business or consumers interest which operate under the direction of or are regulated or affected by rules and regulations or actions of the State Board of Agriculture.	The provisions of current law dealing with delegates to an annual meeting are repealed.	The provisions of current law are partially retained to be the electing body for the Advisory State Board of Agriculture. (Secs. 9 and 10).		
Effective Date	Not applicable.	Upon publication in the <i>Kansas Register</i> . (Sec. 50)	Upon publication in the Statute Book.	Upon publication in the Statute Book.	Upon publication in the Statute Book.		
Status of Bill	Not applicable.	Referred to House Agriculture Committee.	Referred to House Agriculture Committee.	Referred to House Agriculture Committee.	Referred to House Agriculture Committee.		
Other Notable Aspects		The attorneys in the Division of Water Resources would be in the classified service under this bill. (Sec. 4b)					

* The notations in the table under these issues will have a final determination made in a court of law. The notations are based upon the outcomes of past court cases. The Kansas Legislative Research Department cannot issue legal opinions.

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Issue	Under Current Structure	Under H.B. 2078	Under H.B. 2137	Under H.B. 2384	Under H.B. 2447		
Qualifications of Board	None.	Resident of the district. (Sec. 1)	None.	No two are to be residents of the same county at the time of appointment. (Sec. 1)	Actively engaged in agriculture for at least five years. Two from each of the six agricultural districts. (Current law -- Secs. 9 and 10).		
Disposition of Classified and Unclassified Positions	Not applicable. Currently, the Acting Secretary and the agency's attorneys are in the unclassified service. The Assistant Secretary is in the classified service, as well as all other personnel.	Generally all personnel transfer to the new State Board of Agriculture. Any abolition of personnel in the classified service is to be in accord with the Civil Service Law. (Sec. 23) The new Secretary of the State Board could appoint assistant secretaries who would be in the unclassified service. (Sec. 21)	This bill does not address personnel transfers.	Generally, all personnel transfer to the new State Board of Agriculture. Any abolition of personnel in the classified service is to be in accord with the Civil Service Law. (Sec. 11) The new Secretary may appoint an assistant or assistants who would be in the unclassified service. (Sec. 9)	Generally, all personnel transfer to the new State Board of Agriculture. Any abolition of personnel in the classified service is to be in accord with the Civil Service Law. (Sec. 5). The new Secretary may appoint an assistant or assistants who would be in the unclassified service. (Sec. 2). Each Division would be headed by an Assistant Secretary. (Sec. 4). Each Division head would appoint all employees, subject to the approval of the Secretary. These employees would be in the classified service. (Sec. 4).		
Rules and Regulations	Authority given to Secretary, Board, and to Chief Engineer.	All rules and regulations of Secretary and current Board transfer to the new State Board of Agriculture. (Section 22) The rules and regulations of the Chief Engineer are not transferred.	This bill does not address rules and regulations of the agency.	All rules and regulations of Secretary and Board transfer to State Board created by the bill. (Sec. 10) The rules and regulations of the Chief Engineer are not transferred.	All rules and regulations transfer to Secretary of Agriculture created by the bill. (Sec. 3). The rules and regulations of the Chief Engineer are not transferred.		

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Issue	Under Current Structure	Under H.B. 2078	Under H.B. 2137	Under H.B. 2384	Under H.B. 2447		
Secretary -- Member of Cabinet	No.	No.	No.	No.	Yes. As an executive agency the Secretary would be a member of the cabinet.		
One Person-One Vote Challenge*	Challenged in Federal Court, Under Appeal to 10th Circuit Court.	Most likely would meet the one-person, one-vote challenge. Board members are elected from accepted State Board of Education districts based on current state Senate districts.	Most likely would not meet the one-person, one-vote challenge. Board members are nominated from delegates to an annual meeting and are based on agricultural districts which are not drawn based on population.	Most likely would meet one-person, one-vote challenge.	Most likely would meet one-person, one-vote challenge.		
State Constitution -- Executive Power Question (Art. 1, Sec. 3)*	See above.	Perhaps a problem with executive power authority.	Perhaps a problem with executive power authority.	Executive has direct control of agency through appointment of the Board.	Executive has direct control of agency through appointment of the Secretary.		



STATEMENT OF

THE KANSAS SEED INDUSTRY ASSOCIATION

AND

THE KANSAS AGRICULTURAL AVIATION ASSOCIATION

TO THE SENATE AGRICULTURE COMMITTEE

SENATOR DAVID CORBIN, CHAIRMAN

REGARDING SENATE BILL 221, CONCERNING THE

DEPARTMENT OF AGRICULTURE

FEBRUARY 13, 1995

Chairman Corbin and Members of the Committee, I am Chris Wilson, speaking today on behalf of the Kansas Agricultural Aviation Association (KAAA) and the Kansas Seed Industry Association (KSIA). KSIA's 200 member firms are involved in the production, processing, sale and distribution of seed in the state. KAAA's 300 members are involved in aviation and the aerial application of crop protection chemicals. Thank you for the opportunity to present the position of these Associations concerning the structure of the state department of agriculture.

Both Associations provide crop production inputs to farmers and ranchers and are regulated by the state department of agriculture. Generally, KSIA members are regulated by the Inspection Division of the department, and KAAA member firms are regulated by the Plant Health Division. These two Associations have identical positions on the structure of the agency.

We support the provisions of S.B. 221 allowing the secretary to appoint a few key members of her or his management team. We believe that in order for the secretary to truly have a team which

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works together to advance her/his goals and objectives, management leaders within the agency must share her/his vision and philosophy for the agency. While we believe that the number of appointees should be relatively small to avoid politicization and promote continuity, we believe that there definitely should be a number of appointed, or unclassified, positions to insure that the secretary is supported, not undermined, by the management staff. While we have the highest regard for key personnel in the agency, our decision to support having some unclassified staff must be based on what we believe to be the best state policy, not personality. A new secretary would not necessarily make changes in those positions, but needs the option to do so.

We are in support of having a bi-partisan state board of agriculture which has authority to select the secretary of agriculture and with rule and regulation authority. We support the board being appointed by the Governor, based on a combination of districts (such as congressional districts) and at-large representation.

We believe a bi-partisan board will provide for greater continuity within the agency. When the agency head is a gubernatorial appointee, changes often occur more frequently. For instance, consider the experience of USDA over the past decade. In ten years, there has been one change in party in power, two years ago. Yet, there have been SIX secretaries of agriculture. Changes often occur mid-term during political administrations.

We believe a board also offers a check and balance system which serves the state well. A recent experience of KAAA illustrates why we believe this is valuable. Last year, the agency decided on March 1 to change its interpretation of a state law which had been in effect for 15 years. Thus, suddenly many of the aerial applicators in the state did not have valid pesticide business licenses or could not renew their licenses. We met with the agency, offering assistance in developing a workable alternative and seeking a period of time to adapt to the new interpretation. We were told "life is not fair", and applicators were grounded, given the alternative of refusing business which is their livelihood during their busiest season because of not having a license, or maintaining a livelihood by flying without a license.

We immediately sought the counsel of the House Agriculture Committee, which the next day passed a bill out of committee with provisions for a workable situation which would restore the

applicators' licenses. The bill passed the Legislature without a single dissenting vote and was readily signed by the Governor. We believe that with a board in place, perhaps the agency would have worked with the industry to resolve the situation before a crisis occurred.

Despite the pleas from legislative leaders and the Governor's office, the agency did not attempt to resolve the situation in a way to maintain service to farmers until forced to do so by the legislation. The Governor's office was told that the aerial applicators didn't need licenses until the season started in mid-May anyway, showing a lack of understanding of farming practices, as the season had been underway since the beginning of March. We believe that a board of individuals from throughout the state would help the agency personnel remain in touch with the countryside, technology, and the industries they regulate.

We relate this experience in no way as a criticism of any individual, but as an illustration of why we believe a board of agriculture broadens the input and expands the decision-making ability of the agency.

Neither KSIA nor KAAA has a position on the provisions of S.B. 221 adding the Kansas Grain Inspection Department to the agriculture agency, since these positions were taken just prior to the introduction of S.B. 221. KSIA shares some members with Kansas Grain and Feed Association, and no doubt we would defer to that Association's judgment.

If there are any questions, I would be glad to respond.

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Mr. Chairman and Members of the Committee, I am Tom Tunnell Executive Vice-President of the Kansas Grain and Feed Association (KGFA). KGFA is the trade association for the grain industry in Kansas. Founded in 1896, the 1200 member firms include country elevators -- both independent and cooperative -- subterminal and terminal elevators, feed manufacturers, grain merchandisers and others who serve the industry. We appear today in opposition to S.B. 221.

The Kansas Department of Agriculture, through the over 70 laws it enforces impacts the daily operation of our businesses. The Department is a regulatory agency charged with implementing both state and federal law. A good share of those laws regulate the firms we represent. For example, they check the accuracy of our large truck scales, certify the fertilizer, feed and seed we sell meets guaranteed analysis and insures our anhydrous ammonia tanks are safe. Consequently, KGFA has a profound interest in the organization of the Department of Agriculture.

S.B. 221 meets the criteria of KGFA policy with regard to the organization of the existing Department of Agriculture. KGFA supports a Secretary appointed by the Governor and confirmed by the Senate. An appointed Secretary would be an equal participant in the Governor's cabinet. The Secretary's presence day in and day out would assure the interests of food production are advocated in other areas of policymaking. Without our "advocate" our interest could well be overlooked in other areas such as tax and trade policy. We support the formation of an advisory board to advise the Secretary in determining policies and plans relating to food production. We support the ability of the Secretary to bring his or her own management team to the Department but would caution against making division heads unclassified.

But more important than the Department of Agriculture to the orderly working of the grain industry in Kansas is the Kansas Grain Inspection Department (KGID). Through the Grain Inspection Division grades are used to trade billions of dollars worth of grain each year. Million dollar sales are transacted based on the grade of the Inspection

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Division and a hand shake. The Warehouse Division examines local elevators much like bank examiners insure the health of a bank. The only difference is an elevator's currency is grain rather than greenbacks. This oversight insures that the farmer's investment remains safe.

There are two reasons KGFA opposes consolidation of the KGID with the Department of Agriculture at this time. First, we must remain cognizant that whatever reorganization scheme the legislature decides is best for the future of food production and all Kansas citizens, it must pass the scrutiny of the Court. We have witnessed what uncertainty can do to a department over the past two years. Linking KGID to this uncertainty is not in the best interests of the grain industry in Kansas. KGFA believes it is better to solve the Department of Agriculture organization question in the most straightforward way possible. This does not include muddying the water with the addition of a new Division. Secondly, the KGID is an integral part of the grain trade in Kansas and should not be treated lightly. If the Legislature would like to move down this road, study and care should be given to all impacts of such a change. It is not something to jump headlong into without careful consideration for the impact on the billions of bushels of grain inspected and regulated by KGID.

In closing, while KGFA opposes S.B. 221 because of the consolidation of the Grain Inspection Department with the Department of Agriculture, we do not oppose the items addressing the reorganization of the Department within its existing responsibilities. I thank you for this opportunity to express our views and would be glad to answer any questions.



PUBLIC POLICY STATEMENT

SENATE COMMITTEE ON AGRICULTURE

RE: S.B. 221 - Establishes a Department of Agriculture; Governor appoints Secretary; Secretary appoints twelve-member Advisory Board; Secretary is confirmed by the Senate; transfers the State Grain Inspection Department to the new Department of Agriculture.

February 13, 1995
Topeka, Kansas

Presented by:
Bill Fuller, Associate Director
Public Affairs Division
Kansas Farm Bureau

Mr. Chairman and members of the committee:

We are here today to comment on S.B. 221 and recommend action on the important issue of a new structure for the Department of Agriculture for Kansans.

My name is Bill Fuller. I am the Associate Director of the Public Affairs Division at Kansas Farm Bureau. We appreciate this opportunity to testify today.

S.B. 221 establishes a Department of Agriculture. The Governor appoints the Secretary who is confirmed by the Senate. The Secretary appoints a 12-member Advisory Board. Also, the State Grain Inspection Department is transferred to the new Department of Agriculture.

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On November 19, 1994, more than 430 delegates, representing the 105 County Farm Bureaus, debated and adopted policy. That policy is attached to our statement. We have promoted that policy before this Committee at the two previous hearings on the issue of a new Department of Agriculture. We again outline the three major provisions of KFB policy:

1. A Board of Agriculture should be established;
2. The Board should select the Secretary; and
3. The Secretary should be confirmed by the Senate.

As we indicated in response to questions from this Committee last week when testifying in opposition to S.B. 61, a very high priority of Farm Bureau is the establishment of the Board with the selection of the Secretary by that Board. S.B. 221 authorizes the Governor to appoint the Secretary and authorizes the Secretary to create an Advisory Board. This process is not compatible with Farm Bureau policy. Farm Bureau has no policy concerning the proposed transfer of the Grain Inspection Department to the new Department of Agriculture.

It is our understanding this hearing today completes hearings by this Committee on Senate bills concerning reorganizing the Department of Agriculture. Further, the Senate calendar indicates committee action will occur tomorrow on this subject. It appears the decision has been made to "stop cutting bait and to go fishin."

We commend the Chairman and the members of this Committee for introducing four Senate bills that explore various organizational structures for the new Department of Agriculture. We have studied and testified before this Committee on S.B. 61, S.B. 62 and today S.B. 221.

Understanding that these three proposals are our options today, Farm Bureau expresses strong support and encourages approval tomorrow of S.B. 62. S.B. 62 meets all three of our general criteria -- establishment of a Board, the Board selects the secretary and Senate confirmation of the secretary. S.B. 62 does fall short of a specific recommendation outlined in KFB policy -- establishing a broad grassroots system in selecting the Board.

An analysis of Farm Bureau policy indicates S.B. 62 achieves many of our members recommendations. KFB policy states:

"We support continuation of all current duties and responsibilities of all existing division within the Board/Kansas Department of Agriculture."

... S.B. 62 continues all existing duties and divisions of the Board and Department.

"We believe the Kansas Legislature should give careful consideration in 1995 to enactment of one of the three alternative methods listed for establishing a State Board of Agriculture:

1. Provide for a broadly-based delegate assembly of agricultural producers and consumers to elect members of the State Board of Agriculture, or
2. Provide a constitutionally permissible procedure for election of the State Board of Agriculture from geographic districts, or
3. Devise a system for members to be nominated by certified producer, consumer and agribusiness organizations. Appointments to be made by the Governor, Senate President and Speaker of the House from this list of nominees."

... this Committee has considered our three recommendations for selecting a Board with the four bills that have been introduced.

"The State Board of Agriculture should continue to select, and the Kansas Senate should continue to confirm the Secretary of the State Board of Agriculture."

... the Board selects the Secretary and the Senate confirms the Secretary in S.B. 62.

Our recommendation to approve S.B. 62 is based upon a conference telephone call Saturday morning involving state officers, Board of Directors, administration and several staff at Kansas Farm Bureau. Careful consideration was given to the legislative options and KFB policy. Staff was directed to express support for the concepts outlined in S.B. 62 and the similar H.B. 2384 to be heard this week in the House Committee on Agriculture. Staff was further directed to protect the interests of production agriculture and assure strong representation for the major agricultural areas of the state.

At the first hearing this Session before this Committee on the issue of reorganizing the Department of Agriculture, we pointed out the farm and ranch members of Farm Bureau wanted to be progressive and pro-active in shaping legislation for establishing both a Department and a Board of Agriculture. We have testified and provided input at all three hearings conducted by this Committee. We express appreciation for your interest and support of positions outlined in Farm Bureau policy.

In closing, we respectfully ask the Committee to support the concepts outlined in S.B. 62 as you begin your deliberations on the work product that advances from this Committee tomorrow. Thank you!

State Board of Agriculture

AG-21

We strongly believe Kansas farmers should take a progressive and pro-active approach in shaping legislation to establish both a Kansas Department and a State Board of Agriculture.

We support continuation of all current duties and responsibilities of all existing divisions within the Board/Kansas Department of Agriculture.

We believe the Kansas Legislature should give careful consideration in 1995 to enactment of one of the three alternative methods listed for establishing a State Board of Agriculture:

1. Provide for a broadly-based delegate assembly of agricultural producers and consumers to elect members of the State Board of Agriculture, or
2. Provide a constitutionally permissible procedure for election of the State Board of Agriculture from geographic districts, or
3. Devise a system for members to be nominated by certified producer, consumer and agribusiness organizations. Appointments to be made by the Governor, Senate President and Speaker of the House from this list of nominees.

The State Board of Agriculture should continue to select, and the Kansas Senate should continue to confirm the Secretary of the State Board of Agriculture.

Testimony on SB 221
Senate Agriculture Committee
February 13, 1995
Prepared by Joe Lieber
Kansas Cooperative Council

Mr. Chairman and members of the committee, I'm Joe Lieber, Executive Vice President of the Kansas Cooperative Council. The Council's membership consists of nearly 200 cooperative businesses having a combined total of nearly 200,000 members.

Even though the Council is on record for supporting the idea of the Governor appointing the Secretary of Agriculture, with confirmation of the Senate, we are opposed to the provision in SB 221 that places the Kansas State Grain Inspection Department in the Department of Agriculture.

We appreciate the legislature's desire to consolidate and streamline government, but we think the timing is wrong for the proposed transfer.

First of all, the Department of Agriculture is currently going through a change of leadership and philosophy. The method for selecting the Secretary of Agriculture has not been determined and still has to pass the scrutiny of the Court. Now would not be a good time to add to the confusion.

Secondly, the Grain Inspection Department is under new leadership. Director Gary Bothwell brings over 30 years experience to the post, and he will be adjusting the organization to prepare it for the 21st century. It would be better to have these changes made before any consolidation.

Again, we appreciate the legislature's desire to cut back government, and possibly in a year or so, we might be back here supporting the proposed consolidation, but not at this time.

Thank you for allowing me to speak with you today. I would attempt to answer any questions.

*Senate Ag Co
2-13-95
Attachments 5*

KANSAS

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February 13, 1995

Comments on SB 221
Presented to Senate Agriculture Committee
From Kansas Pest Control Association
Vern McKinzie, Governmental Affairs Chairman

Thank you for allowing me to comment on SB 221. The Kansas Pest Control Association represents about 150 pest control businesses in Kansas specializing in performing services for roaches, termites, fleas, ants, mice and rats, plus other structural pests. We are regulated by the Kansas pesticide law which is administered by the Board of Agriculture and/or the Secretary.

During the reorganization process we suggest that you give the following items consideration.

1. We believe it is extremely important for the Agriculture Secretary to be a member of the Governor's Cabinet. Therefore appointment by the Governor is our recommendation. We think a four-year term is appropriate.
2. The technical staff, including the division directors, should remain as classified staff. We believe chaos would result if those staff positions were subject to political appointment. We do believe assistants to the Secretary and legal counsel should serve at the pleasure of the Secretary.
3. If a board is put into place, whether advisory or with authority, we think it should be an appointed board, not an elected board.

If the bills before you go to a sub-committee or conference committee, we would make ourselves available to participate in drafting the compromise language, if you like.

If there are questions, I am happy to respond. Thank you.

*Senate Ag Co
2-13-95
attachment 6*