

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Joann Flower at 9:00 a.m. on February 16, 1996, in Room 423-S of the Capitol.

All members were present except: Representative McClure - Absent

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

Conferees appearing before the committee:
Dean Garwood, retired, Department of Agriculture
Mary Jane Stattelman, Chief Legal Counsel, Department of Agriculture

Others attending: See attached list

Revised minutes of the February 14 meeting were distributed. Chairperson Flower asked members to call the secretary with any corrections or additions before 5:00 p.m. today or they would be considered approved as presented.

Continuation of hearing on HB 2984 - Allowing the secretary of agriculture to contract with private entities in regard to the plant pest act; allowing the secretary to join the interstate pest control compact.

Dean Garwood, former Director of the State Board of Agriculture Entomology Division, testified in support of **HB 2984**. For 25 years he was in charge of administration and enforcement of the Kansas Plant Pest Act. He stated that he had attempted to get approval for Kansas to join the Interstate Pest Control Compact several times during his tenure as director. He provided the committee with background information on pest control in Kansas and the United States. He stated that eradication of a newly established pest is always expensive. By joining the Interstate Pest Control Compact, Kansas can expect to receive financial help with any justifiable eradication program needed in the state. He stated that Kansas can also use the compact to ensure the eradication of a pest in another state if it poses a threat to Kansas. (Attachment 1)

During discussion it was clarified that the approximately \$28,000 membership fee is a one time fee that can be paid out over six years. The compact cannot assess its members, but can ask for additional funds if needed. However, it was pointed out that the compact is very sound financially, and that unless there was an extreme emergency, they would not be asking the state for additional money.

This concluded the hearing on **HB 2984**.

Hearing on HB 2982 - Powers and duties of the secretary of agriculture.

Chairperson Flower opened the hearing on **HB 2982** by asking Jill Wolters, Revisor of Statutes, to brief the committee on the bill. Ms. Wolters reported that this bill was requested by the Secretary of Agriculture asking for general authority in the statutes to make and enter into contracts and agreements to fulfill the duties and responsibilities of the office of secretary. Secretaries of Transportation, Commerce and Housing, and SRS have these powers.

Mary Jane Stattelman, Chief Legal Counsel for the Department of Agriculture, appeared in support of **HB 2982** giving the Secretary of Agriculture general authority to enter into contracts. She said this bill would give the secretary the authority to take actions necessary to fulfill the duties and responsibilities which have been given to the agency in the statutes without going into each act and amending the statutes of each

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE, Room 423-S Statehouse, at 9:00 a.m. on February 16, 1996.

program. Current statutes do not prohibit the secretary from entering into contracts or other agreements, but they do not specifically authorize this activity either. She said that this bill would restrict the secretary to only doing such things as are authorized by the specific statutes, it does not change the programs or the secretary's scope of authority. (Attachment 2)

Chairperson Flower closed the hearing on HB 2982.

The meeting adjourned at 9:45 a.m. The next meeting is scheduled for February 20, 1996.

TESTIMONY OF DEAN GARWOOD

on
House Bill No. 2948

February 15, 1996

For 25 years from 1963 to 1988 I was in charge of administration and enforcement of the Kansas Plant Pest Act. During most of that time I was Director of the State Board of Agriculture, Entomology Division. I retired from state service in 1988.

I should establish at the outset that the term plant pest as it is used in plant protection work includes weeds and plant diseases as well as insect pests.

With two exceptions, all of the major agricultural and ornamental plant pests we deal with in Kansas are of foreign origin. The two exceptions are the grasshoppers and the chinch bug. All other weeds, insects and plant diseases that have been serious problems in the past or are a problem at present entered the state from other parts of the world.

We know that many hundreds of insects, weeds and plant diseases organisms are waiting in their native habitats to enter the United States. Efforts to prevent these potentially serious pests and diseases from entering Kansas are being carried out continually by federal and state plant protection officials.

The initial effort to prevent the entry of a new pest involves requiring that all imported commodities that might carry such a pest be inspected and certified to be pest free before they are shipped to the United States. In case a pest has escaped the inspection in the originating country, an inspection of the imported material is performed at the point of entry into this country. In spite of these efforts a pest occasionally gets through.

The pests that we now have to deal with escaped detection upon entry into the country and became firmly established before they were located. Federal and state plant protection people are continually looking for new pests so that steps can be taken to attempt achievement of eradication. If these pests had been located and eradicated when they first found a toe hold in the country, we would not have to deal with them now.

The eradication of a newly established pest is always expensive and the state in which the new pest is found is often unable to finance the needed eradication work without outside help. The Interstate Pest Control Compact was established to provide assistance to a state needing financial help to eradicate such a pest.

By joining the Interstate Pest Control Compact Kansas can expect to receive financial help with any justifiable eradication program needed in the state. Kansas can also use the compact to insure the eradication of a pest in another state if it is felt that the pest poses a threat to Kansas by petitioning the compact to support that

*House Agriculture
Attachment 1
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states eradication effort.

The alternative to eradication of a new pest is to learn to live with it. It is much less expensive to deal with the pest before it becomes widely established. How much is it costing for us to live with the alfalfa weevil, musk thistle, soybean cyst nematode, Dutch elm disease and the numerous other imported pest now found in the state?

I urge you to adopt House Bill 2948.

Thank you for your kind attention. I will be pleased to answer questions.

STATE OF KANSAS



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KANSAS DEPARTMENT OF AGRICULTURE

TESTIMONY

TO THE

HOUSE AGRICULTURE COMMITTEE

by

Mary Jane Stattelman, Chief Counsel

Presented February 15, 1996

Re: House Bill No. 2982

Good morning, Chair Flower and Members of the Committee. My name is Mary Jane Stattelman and I am Chief Legal Counsel for the Kansas Department of Agriculture. I am happy to be here today to present information to you about House Bill No. 2982.

Currently, the secretary of agriculture does not have a general authorizing statute or the general authority to enter into contracts. All of the powers of the secretary are fragmented throughout the statutes as they relate to the various programs under the jurisdiction of the agency.

This bill gives the secretary the authority to take actions which are necessary to fulfill the duties and responsibilities which have been given to the agency pursuant to the statutes without going into each act and amending each program's statutes. In reviewing the numerous statutes that apply to the department of agriculture, the statutes do not prohibit the secretary from entering into contracts or other agreements, but unfortunately they do not specifically authorize this activity either.

The passage of this language would enable the secretary do such things as contract for a hearing officer. Currently, we are being assisted by an assistant attorney general when her schedule allows, and by an employee of the agency who must put aside his full time duties to address our need for a hearing officer. This language would also allow the secretary to contract with individuals whose skills may be helpful, but who the agency does not need on a full-time basis (i.e. computers, weights and measures technology).

Please note that even with this new language, the secretary would be restricted to only doing such things as are authorized by the specific statutes, so this would not change the programs or the secretary's scope of authority. Furthermore, this bill contains similar language to that which is found in the authorizing statutes of other cabinet level secretaries.

Thank you for the opportunity to appear before you regarding this matter. I will be glad to answer any questions you may have regarding HB 2982.