

Approved: 3-12-96
Date

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE

The meeting was called to order by Chairperson David Corbin at 10:00 a.m. on March 8, 1996 in Room 423-S of the Capitol.

All members were present except: Quorum was present.

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

Conferees appearing before the committee:
Julie King, Kansas Department of Agriculture
Jeff Wagaman, Department of Administration
Bill Fuller, Kansas Farm Bureau
Tom Sims, Kansas Department of Agriculture

Others attending: See attached list

HB 2982 - Powers and duties of the Secretary of Agriculture

Fiscal note on **HB 2982** was distributed.

Chairperson Corbin opened the hearing on **HB 2982**. He called on Julie King from the Kansas Department of Agriculture.

Julie King said the bill had been introduced to add a general authority provision to the Secretary of Agriculture's authorizing statute. She gave some examples to illustrate the need for a general authority provision (Attachment 1).

Jeff Wagaman offered an amendment that would include the Secretary of Agriculture in the list of cabinet members eligible to opt out of KPERS and into the deferred compensation plan (Attachment 2). He presented a balloon copy of the amendment (Attachment 3).

Senator Morris moved to adopt the amendment. Senator Downey seconded the motion. Motion carried.

Bill Fuller supported the bill. They believe HB 2982 relates to and provides an opportunity for promoting more rural economic development for Kansas (Attachment 4).

The hearing was closed on **HB 2982**. Chairperson called for discussion or action on the bill.

Senator Steffes moved that **HB 2982** be passed as amended. The motion was seconded by Senator Morris. Motion carried.

HB 2984 - concerning plant pests; relating to the Secretary of Agriculture's ability to become a member of the Interstate Pest Control Compact.

Fiscal note on **HB 2984** was distributed.

The Chairperson opened the hearing on **HB 2984**. He called on Tom Sims, with the Kansas Department of Agriculture.

Tom Sims said passage of this bill would allow Kansas to become a member of the Interstate Pest Control Compact. As a member of the compact they would be ineligible under their insurance fund to request funds to eradicate plant pests. Responding to a question Mr. Sims said the membership fee has been included in the Governor's budget (Attachment 5).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE Room 423-S-Statehouse, at 10:00 a.m. on March 8, 1996.

Governor's budget (Attachment 5).

Written testimony supporting the bill from Vernon McKinzie, Government Affairs Chairman, Kansas Pest Control Association was distributed (Attachment 6).

The hearing was closed on **HB 2984**. Chairperson called for discussion or action on the bill.

Senator Sallee moved **HB 2984** be passed. Senator Downey seconded the motion. Motion carried.

The meeting adjourned at 10:40 a.m.

The next meeting is scheduled for March 12, 1996.

STATE OF KANSAS



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KANSAS DEPARTMENT OF AGRICULTURE

TESTIMONY
TO THE
SENATE AGRICULTURE COMMITTEE

by

Julie King, Attorney

Presented March 8, 1996

Re: House Bill No. 2982

Good morning, Chair Corbin and Members of the Committee. My name is Julie King. I am an attorney for the Kansas Department of Agriculture, and I am pleased to be here this morning to present information about House Bill No. 2982.

House Bill 2982 would add a general authority provision to the Secretary of Agriculture's authorizing statute. General authority provisions allow cabinet secretaries a measure of flexibility to take actions which, although not explicitly authorized by statute, are clearly necessary to carry out the duties of the office or the intent of statutes.

Such provisions appear in the authorizing statutes of other state agencies. The adoption of a similar provision for the Department of Agriculture is necessary to reflect the agency's shift from an advisory board to a full fledged, cabinet-level department.

The following examples illustrate the need for a general authority provision.

- The Department has training needs in several important areas, including computer operators, weights and measures inspectors, and plant protection program staff. The latter have not received updated technical training since 1981. A general authority provision will allow the secretary to arrange for outside training on a short-term basis without having to hire additional, full-time staff experts.
- In the Fall of 1995, the Department was notified of an outbreak of greecian foxglove, a plant which is lethal to cattle if ingested. The secretary, the cattle industry, and the landowner who discovered the outbreak all agreed that the plant should be eradicated

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before it had a chance to spread. However, existing statutes did not authorize agents of the secretary to control plants on private property (even with the landowner's consent), nor did they allow the secretary to contract with the landowner to control the plant on his own.

EXAMPLES OF EXISTING GENERAL AUTHORITY PROVISIONS

Department of Transportation

K.S.A. 68-404. Powers and duties of the secretary of transportation. "...to perform such other acts and duties and exercise such authority as will give the provisions of this act and other laws relating to the secretary of the department of transportation full force and effect;..."

Department of Commerce

K.S.A. 74-5005. Powers and duties of department. "...to do other and further acts as shall be necessary and proper in fostering and promoting the industrial development and economic welfare of the state;..."

Department of Social and Rehabilitation Services

K.S.A. 39-708c. Powers and duties of secretary of social and rehabilitation services. "...The secretary shall perform any other duties and service necessary to carry out the purposes of this act and promote social welfare in the state of Kansas, not inconsistent with the state law."

**TESTIMONY BEFORE THE
SENATE AGRICULTURE COMMITTEE
March 8, 1996, 10:00 a.m., Room 423-S**

**By
Jeff Wagaman, Department of Administration
Concerning House Bill 2982**

Thank you for the opportunity to testify to offer an amendment to H.B. 2982.

Mr. Chairman, I thank you for your willingness to allow me to offer this balloon amendment.

K.S.A. 1995 Supp. 74-4911f provides that certain "state officers" may opt out of membership in the Kansas Public Employees Retirement System (KPERs), and lieu of participating in the KPERs system, may elect to participate in a deferred compensation plan to which the employing agency contributes an amount equivalent to 8% of the employee's salary. This balloon amends the definition of "state officer" to clarify that the Secretary of Agriculture is included as a "state officer" for purposes of the 8% deferred compensation plan.

This legislation is essentially a technical amendment arising from passage of legislation last year. The 1995 Legislature provided for the creation of a Kansas Department of Agriculture, headed by a Secretary of Agriculture who is an unclassified employee appointed by the Governor and a member of the Governor's Cabinet. K.S.A. 1995 Supp. 74-4911f establishes the 8% deferred compensation plan and identifies by title all other members of the Governor's Cabinet in its definition of "state officers" who are eligible for the program. The new Secretary of Agriculture is not listed with the other cabinet members in the definition. The proposed amendment would include the Secretary of Agriculture in the list of cabinet members eligible to opt out of KPERs and into the deferred compensation plan.

The Department of Administration discovered this omission this summer during routine research. I appreciate your allowing me to offer this amendment.

I would be happy to stand for questions.

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attachment 2*

HOUSE BILL No. 2982

By Committee on Agriculture

2-8

10 AN ACT concerning the secretary of agriculture; relating to the powers
11 and duties thereof.

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. In addition to the specific powers and duties conferred
15 upon the secretary of agriculture by the laws of this state, the secretary
16 is hereby authorized to:

17 (a) Make and enter into contracts and agreements of every nature
18 necessary or incidental to the execution of the laws relating to the de-
19 partment of agriculture; and

20 (b) ~~to do other acts and things necessary and proper to~~ foster and
21 promote the development and economic welfare of the agricultural in-
22 dustry of the state.

23 Sec. ~~2~~ This act shall take effect and be in force from and after its
24 publication in the Kansas register.

; concerning employee retirement benefits; amending K.S.A. 1995 Supp. 74-4911f and
repealing the existing section

Sec 2. K.S.A. 1995 Supp. 74-4911f is hereby amended to read as follows: 74-4911f. (a)
Subject to procedures or limitations prescribed by the governor, any state officer may
elect to not become a member of the system.

(b) (1) Any such state officer described in subsection (a) who is a member of the Kansas
public employees retirement system, on or after the effective date of this act, may elect to
not be a member by filing an election with the office of the retirement system. Each state
officer filing such election may withdraw the state officer's accumulated contributions
then on deposit with the system in the same manner as prescribed in K.S.A. 74-4917 and
amendments thereto for employees upon termination.

(2) Any state officer who has filed an election and received a refund of contributions
shall be entitled to again become a member of the system upon the filing of proper notice
in such form as prescribed by the system and upon the making of a single lump-sum
payment in an amount equal to all withdrawn contributions, plus interest at a rate
specified by the system.

(c) Subject to limitations prescribed by the secretary of administration, the state agency
employing any employee who has filed an election as provided under subsection (a) or
(b) and who has entered into an employee participation agreement, as provided in K.S.A.
75-5524 and amendments thereto for deferred compensation pursuant to the Kansas
public employees deferred compensation plan shall contribute to such plan on such
employee's behalf an amount equal to 8% of the employee's salary, as such salary has
been approved pursuant to K.S.A. 75-2935b and amendments thereto or as otherwise
prescribed by law.

(d) As used in this section and K.S.A. 74-4927k and amendments thereto, "state officer"
means the secretary of administration, secretary on aging, secretary of commerce,
secretary of corrections, secretary of health and environment, secretary of human
resources, secretary of revenue, secretary of social and rehabilitation services, secretary
of transportation, secretary of wildlife and parks, superintendent of the Kansas highway
patrol, secretary of agriculture, state grain inspector, executive director of the Kansas
lottery, executive director of the Kansas racing commission, president of the Kansas
development finance authority, state fire marshal, state librarian, securities
commissioner, adjutant general, members of the state board of tax appeals, members of
the Kansas parole board, members of the state corporation commission, any unclassified
employee on the staff of officers of both houses of the legislature and any unclassified
employee appointed to the governor's or lieutenant governor's staff.

(e) The provisions of this section shall not apply to any state officer who has elected to
remain eligible for assistance by the state board of regents as provided in subsection (a)
of K.S.A. 74-4925 and amendments thereto.

Sec. 3. K.S.A. 1995 Supp. 74-4911f is hereby repealed.

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Attachment 3*



PUBLIC POLICY STATEMENT

Senate Committee on Agriculture RE: HB 2982 - Expanding the Powers and Duties of the Secretary of Agriculture

March 8, 1996
Topeka, Kansas

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

Chairman Corbin and members of the Committee.

My name is Bill Fuller. I am the Associate Director of the Public Affairs Division for Kansas Farm Bureau. We appreciate this opportunity to express support for HB 2982.

HB 2982 authorizes the Secretary of Agriculture to make and enter into contracts and agreements and permits the Secretary to promote the development and economic welfare of the agricultural industry in Kansas.

The farm and ranch members of the 105 county Farm Bureaus in Kansas adopted the following policy at the 77th Annual Meeting of Kansas Farm Bureau:

"We believe the Kansas Department of Agriculture should be the lead agency in promoting and administering rural development programs."

We believe HB 2982 relates to and provides an opportunity for promoting more rural economic development for Kansas. Thank You!

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3-8-96
Attachment 4*

STATE OF KANSAS

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KANSAS DEPARTMENT OF AGRICULTURE

TESTIMONY

TO THE

SENATE COMMITTEE ON AGRICULTURE

by

Thomas Sim IV
Plant Protection Administrator

Presented March 8, 1996

Re: House Bill 2984

Good morning Senator Corbin and Members of the Committee. My name is Tom Sim and I am the Plant Protection Administrator in the Division of Plant Health. I am pleased to be here to present information to you about House Bill 2984.

The passage of this bill would allow Kansas to become a member of the Interstate Pest Control Compact. This compact is an organization of states that have joined together to bridge the economic and jurisdictional void between state governments and between state and federal government to more adequately address the realities of dynamic plant pest infestations or outbreaks for which no other appropriate federal or state control mechanism exists. The Council of State Governments assisted in the development of the compact in the early 1960's and it became operative in 1968 when five states became members. Since then, 25 states and Puerto Rico have become members of the compact. However, none of our adjacent neighboring states are members. The attached map visually indicates the status of each state with regard to the compact.

The compact operates an insurance fund to which member states may request funds to eradicate plant pests that become established within their borders. Membership fees consists of a \$2,000 base fee plus a percentage of the value of the state's agricultural and forest crops and products. The value of animals and animal products are not included. Kansas' membership fee will total \$28,714 according to the latest information from the compact's executive director. The compact allows states to take up to six years to fulfill their financial obligation. However, states pledging membership may apply for pest control funds immediately.

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Membership in the compact will fill a void in the state's regulatory plant pest control efforts. The Plant Pest Act authorizes the secretary to carry out eradication programs. However, no funds have been appropriated for that purpose. Instead, funds appropriated for other functions have been redirected to prevent the spread of serious pests. Property owners have also borne significant expenses in some instances.

We are currently conducting an eradication program on a potentially serious weed. Grecian foxglove (Digitaria lanata) is known to occur on about 20 acres near Fredonia in Wilson County. This plant produces digitalis, a cardiac stimulant, which can cause death if ingested. It has the potential to cause considerable harm to both humans and livestock if it is allowed to spread. Membership in the compact will allow Kansas to complete this eradication project without additional funds beyond those required to join the compact.

Future eradication projects will be totally funded by the compact without additional state funds being necessary.

A number of safeguards help ensure soundness of the fund. First, member states are required to maintain their existing regulatory pest control programs at normal levels. Second, the fund earns significant investment income. Third, an insurance fund base of \$1,000,000 has been established by fund managers. Finally, compact bylaws authorize the acceptance of gifts from private entities and the compact is actively seeking industry donations.

As of June 30, 1995 the insurance fund held total assets of \$1,059,648.79. There were no liabilities. The fund's financial summary between July 1, 1994 and June 30, 1995 indicates \$80,545.12 in interest income and \$14,441.00 in dues income.

The compact's operating expenses for the period July 1, 1995 through June 30, 1996 are budgeted at \$15,900 which is the same as fiscal years 1994 and 1995. Actual expenses for fiscal years 1994 and 1995 were \$9,465.73 and \$9,365.22, respectively.

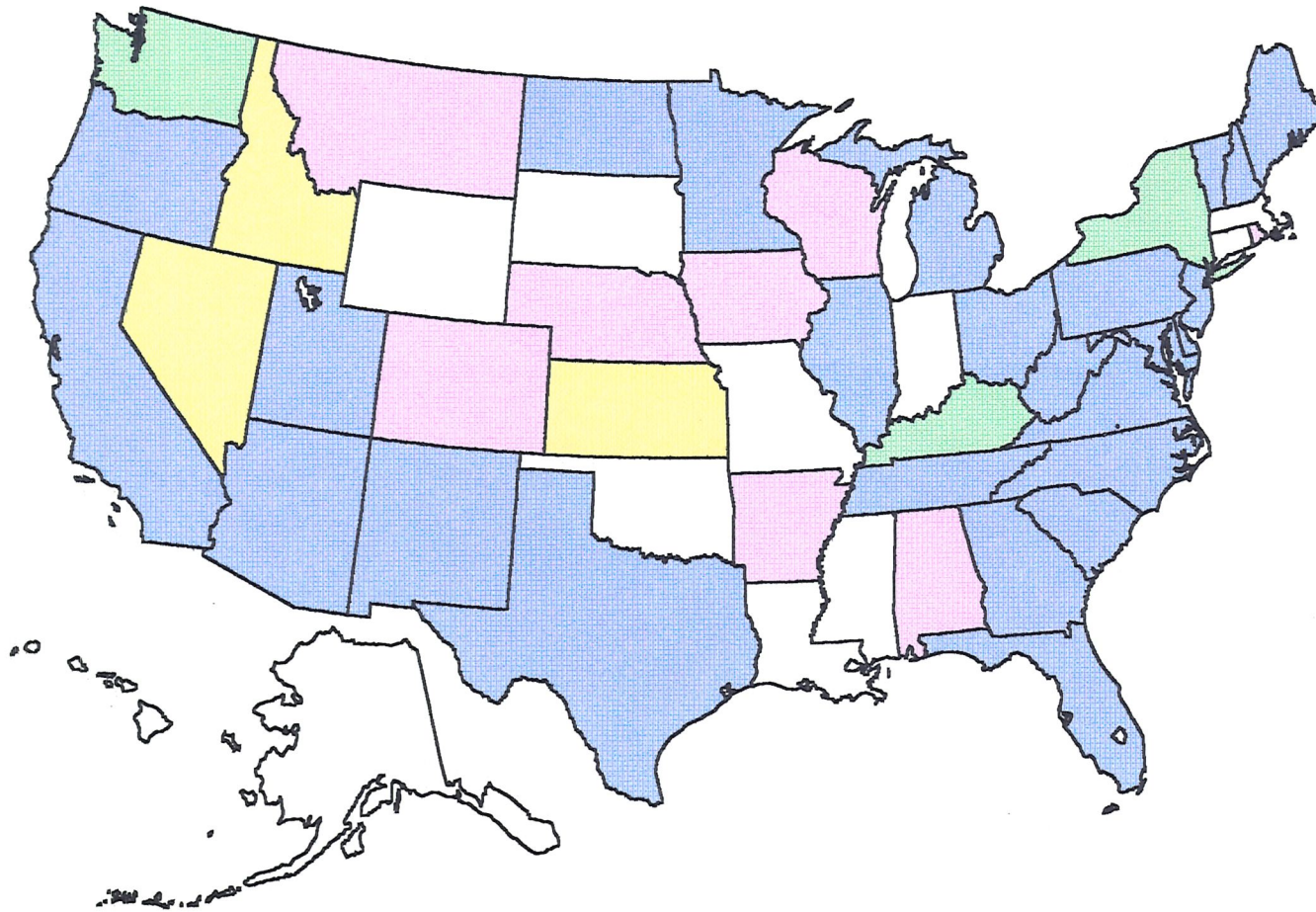
Thank you for your consideration in this matter and for allowing me to present this information. I will try to answer any questions you might have.

Interstate Pest Control Compact

1995 Status of Each State

IPCC Status

- member
- committed to join
- requesting authority
- interested
- no interest



01/30/96

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KANSAS

PEST CONTROL ASSOCIATION

INC



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**COMMENTS TO THE SENATE AGRICULTURE COMMITTEE
SENATOR DAVID CORBIN, CHAIRMAN**

from

**KANSAS PEST CONTROL ASSOCIATION
VERNON MCKINZIE, GOVERNMENT AFFAIRS CHAIRMAN
RE: HOUSE BILL 2982**

March 7, 1996

The Kansas Pest Control Association supports H.B. 2982 because current law prohibits the Secretary of Agriculture from entering into contracts for services with any private contractor.

We believe H.B. 2982, if enacted, would permit the Secretary to enter into contracts with private training sources for the examination, training and certification for pesticide applicators. Many such services now exist in the form of manufacturers and suppliers education and training, plus training and certification programs available from trade associations.

Such authority would provide the opportunity for quicker and better training of pesticide applicators, and would save the Department's staff time and reduce their costs. Record keeping would continue to be handled by the Department to assure the private training and certification contractor was performing properly.

I appreciate the opportunity to present written comments to you. The Kansas Pest Control Association spring recertification workshop currently is being held in McPherson, and I must be there.

Thank you for your consideration. Please support H.B. 2982.

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Attachment 6*