

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Joann Flower at 3:30 p.m. on February 15, 1999, in Room 423-S of the Capitol.

All members were present except:

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

Conferees appearing before the committee:

Allie Devine, Secretary, Kansas Department of Agriculture
Chris Wilson, Director of Member Services, Kansas Seed Industry Association (written only)
Steve Frost, Executive Director, Southwest Kansas Groundwater Management District
John Kabus, Director, Shawnee County Noxious Weed Division
Richard Wenstrom, President, Water Protection Association of Central Kansas
Susan Roenbaugh, former State Representative, landowner and irrigator
Sharon Falk, Manager, Big Bend Groundwater Management District No. 5 (written only)

Others attending: See attached list

Chairperson Flower asked committee members to review the minutes of February 8. If there were corrections or additions, members were asked to contact the committee secretary before 10:00 a.m., February 16, or they will stand approved as presented.

Hearing on HB 2253 - Classification of certain employees in the Department of Agriculture.

Chairperson Flower opened the hearing on **HB 2253** and asked Raney Gilliland, Legislative Research Department, to brief the committee on the bill. Raney stated that **HB 2253** was introduced at the request of the Secretary of the Department of Agriculture and that there was a similar bill introduced in the Senate. He explained that this bill would declassify a number of program manager positions in the Department of Agriculture; however, this bill would not affect the classified status of any person currently employed in these positions. The unclassified status as prescribed by this legislation would apply only to persons appointed on or after the effective date of this act. Raney explained that for consistency, a technical amendment would be necessary on page 4, line 32, adding the word *state* before dairy commissioner.

Allie Devine, Secretary, Kansas Department of Agriculture, said that **HB 2253** is about accountability – assuring that the people assigned to administer the laws of the state are accountable to all of the people of the state. She said this bill is not about the personalities or performance of people currently holding these positions. She explained that placing these positions in the unclassified service would provide the secretary and governor with more flexibility in the hiring of candidates; oversight in the day to day operations; and, if necessary, termination of service. Ms. Devine, quoting the courts, said that the people who have the power to make decisions that directly impact another person's life or livelihood, should be held directly accountable for those decisions. She said the managers in the Department of Agriculture make those types of decisions every day. (Attachment 1)

Chris Wilson, Director of Member Services, Kansas Seed Industry Association, submitted written testimony in support of **HB 2253** to declassify policy level personnel in the Department of Agriculture. She stated that for the Secretary to effectively manage the agency, the policy personnel need to be accountable to her. The Kansas Seed Industry Association believes accountability is a positive thing and should be encouraged in state government. (Attachment 2)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE, Room 423-S Statehouse, at 3:30 p.m. on February 15, 1999.

Steven Frost, Executive Director, Southwest Kansas Groundwater Management District, testified that it was because of the Director's respect and confidence in the current Secretary of Agriculture that their board is inclined to support her recommendations in **HB 2253**. He encouraged the committee's deliberate and cautious consideration of the proposals embodied in this legislation. Mr. Frost stated that their testimony was one of concern over the ultimate direction and disposition of the policy of water, and water politics, in Kansas. (Attachment 3)

John Kabus, Director, Shawnee County Noxious Weed Division, testified that Shawnee County would support any legislation that improves the efficiency and accountability of state employees that work with and regulate the Shawnee County Noxious Weed Department. He requested that **HB 2253** be amended to require state resources be allocated for county noxious weed supervisors' salaries and to hold the State of Kansas accountable for its commitment to noxious weed control. (Attachment 4)

Richard Wenstrom, President, Water Protection Association of Central Kansas, appeared in opposition to **HB 2253** as this bill would declassify the position of Chief Engineer and the chief administrative officers within the Division of Water Resources. He said that by keeping the Chief Engineer position classified has resulted in science-based analysis, property rights less subject to political considerations, and long-term consistency in the administration of our state's water laws. He proposed that the bill be tabled and an interim study be conducted to consider what other states and the Federal government are doing in similar situations. (Attachment 5)

Susan Roenbaugh, former State Representative, landowner and irrigator, testified in opposition to **HB 2253** as she felt it would put too much power in the hands of the Secretary of Agriculture making these positions strictly political appointees. She strongly opposed declassifying the position of Chief Engineer in the Division of Water Resources. She said that the water laws in Kansas are extremely good; the rules and regulations have been fair and implemented fairly; and there are and have been checks and balances. (Attachment 6)

Sharon Falk, Manager, Big Bend Groundwater Management District No. 5, submitted written testimony in opposition to **HB 2253**. The District opposes changing the position of the Chief Engineer in the Division of Water Resources to an unclassified position. She stated that placing this position in the political arena could cause major changes in programs as administrators change; that consistent, unbiased leadership is required to effectively administer Kansas water law. (Attachment 7)

Chairperson Flower closed the hearing on **HB 2253**.

Action on HCR 5017 - Concurrent Resolution by Agriculture urging Congress to direct the EPA to cease implementation of new restrictions for certain grain fumigants and ensure that allowances on such grain fumigants are reliable.

Chairperson Flower asked Doug Wareham, Vice President, Government Affairs, Kansas Grain and Feed Association, to review the association's suggested amendments to **HCR 5017**. Staff recapped the proposed amendments to the bill: on page 2, line 17, change the word *phosphide* to *phosphine*; on page 1, line 38, and page 2, line 3, strike the word *gas*; and add the Office of the President of the United States and the Administrator of the Environmental Protection Agency to the list of individuals being sent a copy of the Resolution.

Representative Freeborn moved to adopt the suggested amendments to HCR 5017. Representative Weiland seconded the motion. The motion carried.

Representative Freeborn moved to recommend HCR 5017 be adopted as amended. Seconded by Representative Johnson, the motion carried.

The meeting adjourned at 4:45 p.m. The next meeting is scheduled for February 17, 1999.

STATE OF KANSAS

BILL GRAVES, GOVERNOR
Alice A. Devine, Secretary of Agriculture
901 S. Kansas Avenue
Topeka, Kansas 66612-1280
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KANSAS DEPARTMENT OF AGRICULTURE

TESTIMONY
TO THE

HOUSE AGRICULTURE COMMITTEE

HB 2253

by

Secretary Allie Devine
Kansas Department of Agriculture
February 15, 1999

Good morning Madam Chair and members of the committee.

This bill is about accountability. It is about assuring that the people assigned to administer the laws of the state are accountable to all of the people of the state. This bill is not about the personalities or performance of people currently holding the positions today. This bill specifically states that the unclassification of the positions will not take place until there is a vacancy, unless the incumbent elects to move into the unclassified service. The noxious weed director, the chief engineer, and the dairy commissioner are mentioned because they are the only program manager positions currently outlined in statute. Obviously, these changes will not be sudden. The changes will take place over many years as managers leave employment of the department.

Our constitution provides for three branches of government--legislative, judicial, and executive. The publicly-elected legislature establishes the laws. The judicial branch interprets the laws. The executive branch, led by the publicly-elected Governor, administers these laws. To assist in the administration of the laws, delegations of authority are made to the various departments or agencies. This provides for a system of checks and balances, to assure that no one branch exceeds its authority and that the government is accountable to the people.

In 1992 the structure of the Board of Agriculture was challenged because the procedures for the election of the board who administered the laws of the state affecting all Kansans did not provide accountability, through voting rights, to all of the people of the state. The court held the following:

"Statutory system for election of State Board of Agriculture by delegates from private agricultural associations violated "one person, one vote" rule under equal protection clause, in light of Board's authority to affect residents' daily lives so that exception from rule for governmental units having limited focus did not apply; Board governed quality of meat and dairy products consumed in state, accuracy of scales used for consumer goods,

Equal Opportunity in Employment and Services

*House Agriculture Committee
February 15, 1999
Attachment 1*

rights to divert and use water, and use of pesticides on residential lawns, city parks and farmlands."

In 1995, the legislature responded by passing K.S.A. 1997 Supp. 74-560 which created a Department of Agriculture within the executive branch to be administered under the direction and supervision of the secretary of agriculture, who is in the unclassified services. The law also created a board of agriculture, appointed by the governor, that serves in an advisory capacity to the governor and secretary to review and make recommendations on department legislative initiatives, and proposed rules and regulations, except those of the chief engineer, prior to their submission to the secretary of administration. Upon the vacancy of the secretary, the board nominates three new individuals to the governor for appointment as secretary. The appointment must be confirmed by the Senate. The checks and balances are in place to assure that the department, and its leadership, is accountable to the people of the state.

Under K.S.A. 75-2935 and 74-561 the secretary is authorized to appoint an assistant secretary or secretaries who are unclassified and whose salary is approved by the governor. In addition, the secretary is authorized to appoint a personal secretary, a special assistant, a public information officer, and a chief attorney for the department. Attached is a chart of management level positions in the department of agriculture. It states who the current manager is and whether the position is unclassified or classified. Also attached is a listing of the proposed positions to be unclassified and their responsibilities. There is also a listing of current unclassified positions. Of the 35 unclassified positions within Agriculture only 6 are in management positions. The remainder are attorneys or special project positions because the program's funding or existence is limited.

In this bill, I am requesting that you further institutionalize accountability in the department of agriculture. The Governor has repeatedly stated that we serve ALL Kansans. As manager of the department I have the responsibility to assure that those responsible for program management follow and administer the law; protect the fiscal and personnel resources of the department; and serve the public. Placing these positions in the unclassified service provides the secretary and governor with more flexibility in the hiring of candidates; oversight in the day to day operations; and, if necessary, termination of service.

Many of the management positions of the department require managerial experience and technical expertise. To attract this type of person we need to pay market rates. The classified system does not always permit that flexibility. Timing is also an issue in the hiring of management. Sometimes it is critical to move quickly to assure leadership is provided in a program. For example, when the manager of the meat inspection program resigned in the midst of a critical and intense review by USDA, I needed to hire someone with expertise and experience quickly to place immediate stability and leadership in the program. I used an unclassified temporary position to accomplish this. It worked, but it is not a permanent solution.

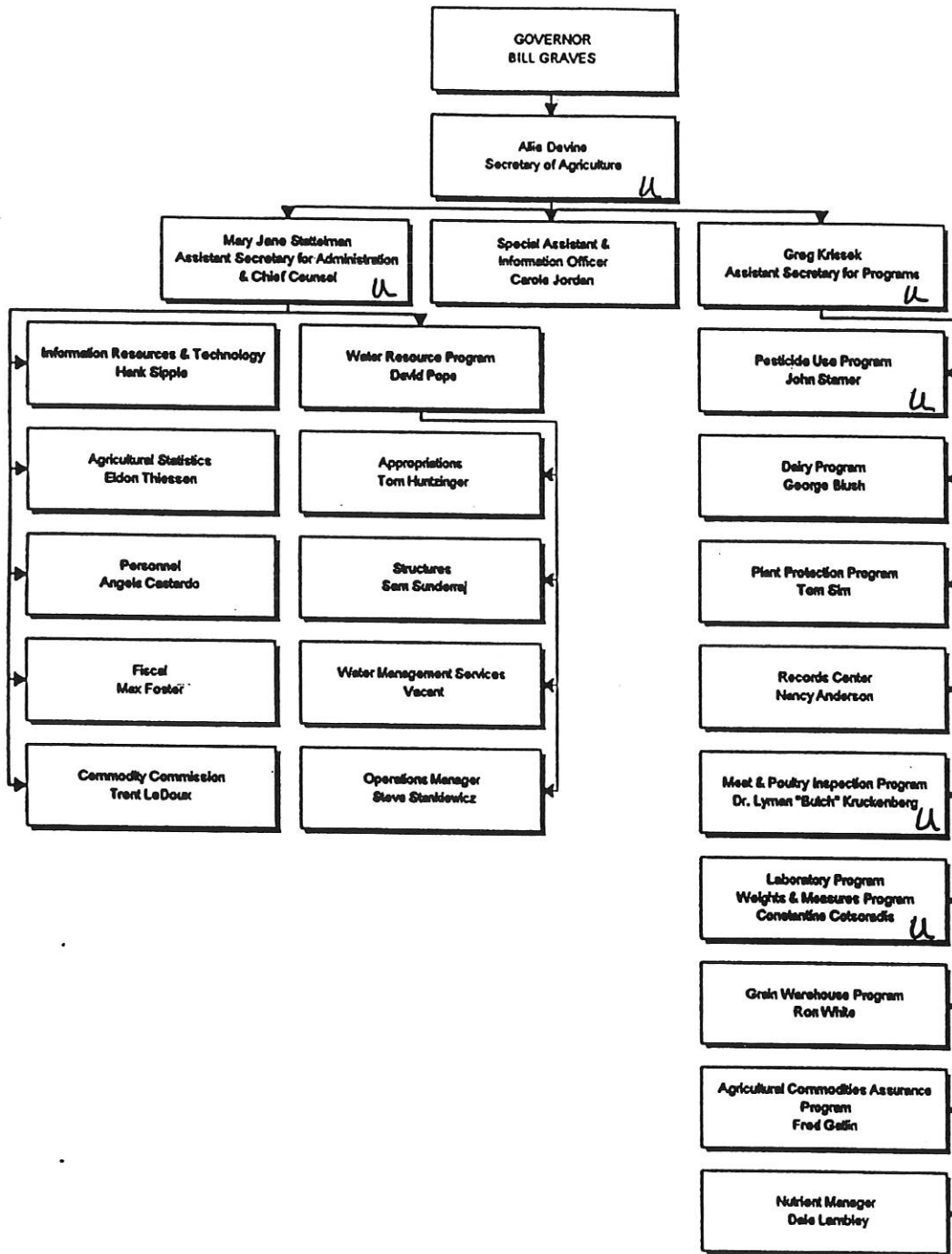
The unclassified system provides a financial incentive for individuals to perform. The Governor allocates and approves the salary increases. In the classified system satisfactory work is rewarded the same as exceptional work. We have many dedicated and hardworking people

servicing in both the classified and unclassified system who deserve compensation for their efforts. I would encourage the legislature to develop a reward system for exceptional performance by classified employees. In the meantime, this bill would allow flexibility to at least one sector of employees.

Finally, I would like to return to the concept of accountability. As an employee in the unclassified service you know that you must be accountable EVERY DAY lest you can be gone the next. This inspires performance. We entrust the managers of departments with the fiscal and personnel resources, and the regulatory power of the state. This trust places responsibility and considerable discretion and latitude in these individual's hands for affecting customer's and citizens livelihoods. These individuals must be well-qualified technicians and MANAGERS. The accelerating pace of change in technology and business demands, not to mention public health and consumer protection issues regulated by KDA, that managers be flexible, have interpersonal skills, and ability to motivate and direct staff. The department chief executive must be able to direct this staff and expect quick response, especially in times of crisis, to implement executive branch responsibilities that are expected to occur by the public.

By approving the budget of the department the legislature has placed a fiduciary responsibility on the management. Fiduciary responsibilities carry the maximum requirement for accountability. With regard to personnel, managers must continuously challenge employees to perform to their maximum capacity. If the management is not excited, enthusiastic responsive, productive and continuously seeking high standards--who will? Finally, I believe, as the court stated, that the people who have the power to make decisions that directly impact another persons life or livelihood, should be held directly accountable for those decisions. The managers of the department of agriculture make these types of decisions every day. For this reason, I encourage you to support HB 2253.

DEPARTMENT OF AGRICULTURE ORGANIZATIONAL CHART



PROGRAM MANAGERS
(Proposed to be Unclassified)

TITLE

PUBLIC SERVICE EXECUTIVE II/PERSONNEL DIRECTOR (#K068217)

Performs human resources management and administrative management actions by directing this department's comprehensive personnel operations.

PUBLIC SERVICE EXECUTIVE III/FISCAL (#K0103260)

This position is assigned to maintain a comprehensive accounting program and administer the agency's accounting and budgetary system for effective fiscal control.

PUBLIC SERVICE EXECUTIVE II/PUBLIC INFORMATION (#K0048932)

Plans, organizes and directs the agency's public information program. Functions as the agency spokesperson to provide the department's position on major policies or issues.

POLICY AND PROGRAM ANALYST (#K0076307)

Performs analysis tasks for senior agency managers regarding the development of policy and programs designed to help the agency reach its goal of maintaining a viable agricultural sector while protecting the Kansas environment and the health, safety and welfare of its citizens.

INFORMATION RESOURCE MANAGER II (#K0049764)

This position is responsible for all information technology planning and integration for the agency's administrative office, including the Division of Water Resources, Division of Laboratories and other divisions and remote locations.

ECONOMIC DEVELOPMENT REPRESENTATIVE III/COMMODITIES (#K0071378)

This position formulates, designs, implements, supervises, and directs all program policies regarding marketing campaigns, education, and publicity for Kansas grain commodities and products in domestic and international markets.

PUBLIC SERVICE ADMINISTRATOR III/GRAIN (#K0204483)

Enforce all statutes, rules and regulations issued by the State of Kansas and the USDA relating to the Grain Warehouse Program.

PUBLIC SERVICE ADMINISTRATOR II/RECORDS (#K0109352)

This position manages, directs and assigns the work of the Kansas Department of Agriculture's Record Center by regulatory record keeping and support staff operations of the dairy, feed, fertilizer, meat and poultry, pesticide use, plant protection etc.

PUBLIC SERVICE ADMINISTRATOR III/ACAP (#K0048067)

Establishes procedures and formulates or interprets rules and regulations pertaining to the laws assigned to Agricultural Commodities Assurance Program.

PUBLIC SERVICE ADMINISTRATOR III/DAIRY (#K0103209)

Establishes procedures and formulates or interprets rules and regulations pertaining to the laws assigned to the State's Dairy Program.

ENVIRONMENTAL SCIENTIST IV/PLANT PROTECTION (#K0047129)

This position serves as the administrator of the Plant Protection and Weed Control Section in the Division of Plant Health. The statutes currently assigned to this section are: Kansas Plant Pest Act; Kansas Apiary Inspection Act; Kansas Noxious Weed Law; Kansas Black Stem Rust Law; and Kansas Tree and Shrub Law.

PUBLIC SERVICE EXECUTIVE III (#K0042140)

This position is assistant to the Director of Laboratories. Helps to plan, organize and direct the development and implementation of all analytical programs contained in the Division.

CHIEF ENGINEER/DIRECTOR (DWR) (#K0075641)

This position is responsible by statute, for the administration and enforcement of laws related to the conservation management, use and control of water in Kansas for all types of beneficial uses. These laws involve major regulatory duties and responsibilities.

PUBLIC SERVICE EXECUTIVE II/DWR (#K0065760)

Manages, oversees and coordinates the day to day administrative operations of the Division, which include customer service, review and evaluate programs and procedures used to carry out the Division's functions.

PROFESSIONAL CIVIL ENGINEER III/DWR (#K0052236)

Exhibits a thorough working knowledge and understanding of relevant statutes, rules and regulations, and division policies and procedures, hydrology and water resources engineering to effectively manage the water appropriation program.

PROFESSIONAL CIVIL ENGINEER III/DWR (#K0046683)

Sets priority outcomes with section employees and team leaders to meet program goals. Exhibits a thorough working knowledge and understanding of relevant statutes, rules and regulations and division policies and procedures to effectively administer the division's Water Structures program.

PROFESSIONAL CIVIL ENGINEER III/DWR (#K0149272)

Develops priority outcomes with section's supervisors to meet program goals. Directly manages the interstate water issues team within the section, acting as team leader, managing the day-to-day assignments of team staff as they assist the Chief Engineer and others in the resolution of interstate water issues.

**DEPARTMENT OF AGRICULTURE
UNCLASSIFIED POSITIONS (35)**

TITLE

SECRETARY OF AGRICULTURE (#K0072225)

Directs and manages the department and supervises all program managers. This position has final decision making authority on all programs.

ASSISTANT SECRETARY OF AGRICULTURE (#K0184110)

Assists the Secretary of Agriculture in carrying out the functions of the agency.

ASSISTANT SECRETARY OF AGRICULTURE (#K0182733)

Assists the Secretary of Agriculture in carrying out the functions of the agency.

CHIEF ATTORNEY (#K0183603)

Works under the Secretary of Agriculture to enforce the laws of the agency.

PROGRAM MANAGER/VETERINARIAN (SPECIAL PROJECT) (#K00143152)

Oversees the Meat & Poultry Program to ensure that proper meat inspection procedures are being followed by staff employees and that all meat plants are in compliance with the Federal government.

DIRECTOR/DIVISION OF LABORATORIES (#K0202180)

Directs and supervises the work of the Division of Laboratories.

PROGRAM MANGER/PESTICIDE (#K0183602)

Manages the Pesticide section of the agency and enforces the laws pertaining to same.

**ATTORNEY C (#K0066201); ATTORNEY B (#K007084); ATTORNEY B (#K0143014);
ATTORNEY A (#K0203239)**

These positions work under the Chief Counsel to enforce all rules and regulations for the agency.

ATTORNEY B (SPECIAL PROJECT) (#K0161190)

This position provides legal advice to Kansas Commissioners on the Republican River Compact. This project will sunset in year 2003.

LAW CLERK (#K0203403)

Does research for the attorneys of the agency.

VETERINARIAN (SPECIAL PROJECT) (#K0205930); VETERINARIAN (SPECIAL PROJECT) (#K0205931); VETERINARIAN (SPECIAL PROJECT) (#K0205933); VETERINARIAN (SPECIAL PROJECT) (#K0205932)

These four positions explain and advise Agricultural Inspector I's on proper meat inspection procedures including proper ante mortem and post mortem disposition, sanitation inspection, proper procedure for handling potentially hazardous foods, control of inedible and condemned materials, etc.

ADMINISTRATIVE ASSISTANT (SPECIAL PROJECT) (#K0206034)

Assist the Program Manager of the Meat and Poultry Program, by doing research and reports, as well as any other special project.

ENVIRONMENTAL SCIENTIST III (SPECIAL PROJECT) (#K016885)

This position serves as the project manager for the subbasin water resources management teams for headquarters and field offices. This project will sunset in year 2003.

ENGINEERING ASSOCIATE III (SPECIAL PROJECT) (#K0161189); ENGINEERING ASSOCIATE III (SPECIAL PROJECT) (#K0168886); ENVIRONMENTAL SCIENTIST III (SPECIAL PROJECT) (#K0203264); ENVIRONMENTAL SCIENTIST II (SPECIAL PROJECT) (#K016887); ENVIRONMENTAL SCIENTIST II (SPECIAL PROJECT) (#K0175515); ENVIRONMENTAL SCIENTIST II (SPECIAL PROJECT) (#K0175511); ENVIRONMENTAL SCIENTIST II (SPECIAL PROJECT) (#K0202348); ENVIRONMENTAL SCIENTIST II (SPECIAL PROJECT) (#K0168888); ENVIRONMENTAL SCIENTIST II (SPECIAL PROJECT) (#K0175513); ENGINEERING TECHNICIAN (SPECIAL PROJECT) (#K0162142); SECRETARY II (SPECIAL PROJECT) (#K0161191)

These are support positions for the subbasin water resources management teams. This project will sunset in year 2003.

AGRICULTURAL INSPECTOR II (SPECIAL PROJECT) (#K0203160); AGRICULTURAL INSPECTOR II (SPECIAL PROJECT) (#K0203161); AGRICULTURAL INSPECTOR II (SPECIAL PROJECT) (#K0203159)

These three positions inspect retail motor-fuel dispensers for compliance with NIST Handbook 44; specifications and tolerances.

CASE REVIEW OFFICER (SPECIAL PROJECT) (#K0162140)

Gives legal advice and works with the pesticide enforcement under the program manager.

OFFICE ASSISTANT (SPECIAL PROJECT) (#K0176856)

Clerical support for the pesticide enforcement section.

**Statement of Kansas Seed Industry Association
To the House Agriculture Committee, Rep. Joann Flower, Chairperson
Regarding H.B. 2253
February 15, 1999**

KSIA the state professional association of those involved in producing, processing and marketing agricultural and turf seed, and is in support of H.B. 2253, which provides for placing management positions within the Kansas Department of Agriculture in the unclassified service. We apologize that we cannot be present for the hearing today.

KSIA has the highest regard for the individuals we work with at the Department of Agriculture, such as Fred Gatlin, the administrator for the Kansas Seed Law and other laws in the Agricultural Commodities Assurance Program. We are pleased that the proposed bill does not affect these current managers.

However, as a general rule, we believe it is best to provide for policy level officials who are unclassified. The people of the state elect the governor who in turn appoints the secretary of agriculture. In order to be able to effectively carry out the governor's policies and philosophies for his administration, it is important that policy level personnel share the governor's and secretary's philosophies. They need to be able to speak for the administration and to aggressively work to implement the priorities and initiatives of the administration. For the secretary to effectively manage the agency, the policy personnel need to be held accountable to her. On balance, we believe such accountability is a positive thing and should be encouraged in state government.

We realize that in another administration, if we did not have the confidence in a future secretary which we do in the current one, that we might regret having good managers be unclassified and therefore replaced with managers who in our view might be less qualified or capable. We would like to be able to separate job performance from politics.

But we are willing to take that gamble, because - personalities aside - we believe it is wiser to provide for unclassified policy level personnel. This is really a basic tenet of our democratic system. We believe it is this way at the federal level and in most state agencies.

Thank you for your consideration.

Submitted by Chris Wilson, Director of Member Services

*House Agriculture Committee
February 15, 1999
Attachment 2*

Groundwater:

"The Resource
of the
Future"

**Southwest Kansas
Groundwater Management District**

* * * * *

(316) 275-7147

409 Campus Drive, Suite 106
Garden City, Kansas 67846

February 15, 1999

Representative Joann Flower, Chair
Agriculture Committee
Kansas House of Representatives
Capital Building, Room 426 - South
Topeka, Kansas 66612

RE: H.B. 2253

Dear Representative Flower and Associate Committee Members,

Thank you for the opportunity to present the testimony of the Southwest Kansas Groundwater Management District regarding H.B. 2253.

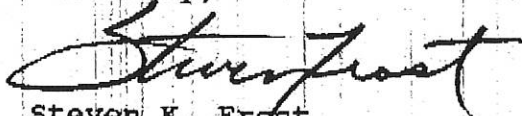
The Board of Directors respectfully encourage your very deliberate and cautious consideration of the proposals embodied in this legislation. It is because of the Director's tremendous respect and confidence in the current Secretary of Agriculture that the Board is inclined to support her recommendations to you in this regard. At some time or another, almost everyone has had a frustrating experience with long-standing regulatory powers in government. The importance of continuity and productivity in the Department of Agriculture is paramount to Southwest Kansas and our water district, especially in regards to the Division of Water Resources.

The Directors are also concerned and fearful that the stable and productive atmosphere currently being enjoyed under Ms. Devine's administration, however, eventually is only a temporary condition. The unknown prospects of future political appointees and their agendas may be very threatening to our agricultural policy as it now exists.

You may therefore perceive that our testimony is one of concern over the ultimate direction and disposition of the policy of water, and water politics, in Kansas.

Again the Board is not overwhelmingly committed to this legislation because of the unknown nature of potential future appointees, but is also encouraged and excited about the positive prospects which change might bring. Please write or call if you have any questions or if we can be of any assistance.

Sincerely,



Steven K. Frost
Executive Director

*House Agriculture Committee
February 15, 1999
Attachment 3*



Shawnee County Noxious Weed Division

2044 S.W. WESTERN
TOPEKA, KANSAS 66604
PHONE: (913) 232-0120 FAX (913) 232-8802
JOHN KABUS, DIRECTOR

February 15, 1999

TO: MEMBERS OF THE HOUSE COMMITTEE ON AGRICULTURE
FROM: JOHN KABUS, SHAWNEE COUNTY NOXIOUS WEED DIRECTOR
SUBJECT: H.B. 2253

Shawnee County would support any legislation that improves the efficiency and accountability of the State of Kansas employees that work with and regulate the Shawnee County Noxious Weed Department.

Shawnee County requests that the State of Kansas be accountable for its noxious weed control commitment. As commitment stated in K.S.A. 2-1316 sec. (c). (HB 2253 line 91)

"The salary of the county weed supervisor shall be borne as follows: The state board of agriculture to pay not more than one-fourth thereof from any funds available, not less than three-fourths thereof to be paid out of the county noxious weed fund,"

In recent history, this commitment of resources to help county taxpayers fund a noxious weed department has been absent.

In 1998, Shawnee County spent \$256,000 from property tax revenues to fulfill the requirements of the Kansas Noxious Weed Law. Of this amount, the State of Kansas' financial commitment to Shawnee County was zero.

The average Kansas County Noxious Weed Supervisor earns an annual salary of \$25,126. They are unclassified county employees charged with enforcing the Kansas Noxious Weed Law on friends and neighbors within their county borders. As pursuant to K.S.A. 2-1316 (HB 2253 line 76) Upon hire, these county employees must be first approved by the Secretary of the State Board of Agriculture. The Kansas Department of Agriculture renews these approvals annually. A partial criterion for approval requires the Noxious Weed Supervisor to obtain a Kansas commercial pesticide certification and attend a weeklong noxious weed training course. In 1998, the Shawnee County Noxious Weed Department submitted \$220.00 in fees to the Kansas Department of Agriculture for certifications and registrations.

Shawnee County desires this committee amend HB 2253 to require state resources be allocated for county noxious weed supervisors salaries and to hold the State of Kansas accountable for its commitment to noxious weed control.

In conclusion, Shawnee County does not want to diminish the importance and many benefits provided to Kansas landowners through the Kansas Noxious Weed Law. Shawnee County has a strong commitment to noxious weed control and will continue to have in the future.

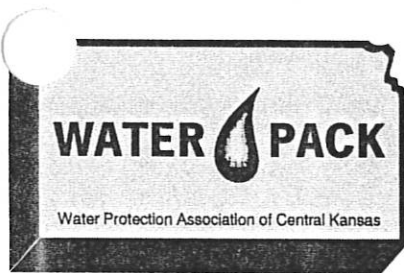
*House Agriculture Committee
February 15, 1999
Attachment 4*

7-4

State Board of Agriculture

RECEIPTS AND DISBURSEMENTS OF THE KANSAS STATE BOARD OF AGRICULTURE FOR THE FISCAL YEAR ENDING JUNE 30, 1951

	General office	Water resources	Seed laboratory	Noxious weeds	Statistical division	Dairy division	Marketing division	Weights and measures	Control division	Livestock registry	Departmental Totals
On hand July 1, 1950.....	\$560.90	\$13,506.26	\$14,575.04	\$2,190.89	\$15,431.51	\$25,748.63	\$27,837.44	\$1,238.53	\$126,041.02	\$4,491.85	\$231,622.07
Appropriations and fee receipts...	36,000.00	102,794.45	31,000.00	30,000.00	45,816.83	62,921.54	40,348.47	23,282.00	134,212.76	418.00	500,794.05
Total of receipts.....	\$36,560.90	\$116,300.71	\$45,575.04	\$32,190.89	\$61,248.34	\$88,670.17	\$68,185.91	\$24,520.53	\$260,253.78	\$4,909.85	\$738,416.12
DISBURSEMENTS											
Salaries and wages.....	\$21,800.43	\$70,002.87	\$22,508.95	\$11,840.38	\$37,579.37	\$33,700.95	\$19,843.40	\$12,348.00	\$35,612.65		\$265,237.00
Travel.....	2,104.67	11,085.88		3,882.15	1,994.89	12,563.70	4,319.48	9,293.75	9,850.33		55,094.85
Annual meeting.....	5,482.37										5,482.37
Laboratory.....					1,754.35	111.45			10,809.50		12,675.30
Printing and engraving.....	314.38	10.23		124.32	379.62	1,395.83	17.46	38.30	1,884.17	\$69.23	4,233.54
Postage, telephone and telegraph.....	563.32	647.12	416.65	928.07	82.99	1,495.90	600.95	343.37	1,654.22	50.00	6,782.55
Supplies and equipment.....	896.33	2,528.48	1,496.98	399.01	541.75	860.13	1,034.51	442.91	1,673.76	118.67	9,892.53
Other expenses and refunds.....	564.97	206.56	20.91	27.00	21.00	109.85	137.07	23.00	1,020.89		3,131.25
County weed supervisors.....				7,513.20					1,349.80		8,863.00
Rent and upkeep.....	3,898.14										3,898.14
Cars.....		4,640.18		2,428.81		7,604.38	2,458.99	1,489.00	2,888.00		21,509.36
Distribution of biennial report.....	342.53										342.53
Tax tags and stamps.....									4,672.50		4,672.50
Kan.-Colo. Arkansas river compact.....		1,333.33									1,333.33
Co-operation with U. S. G. S.....		7,000.00									7,000.00
Fed. ins. contribution account.....					31.96	98.83	14.58		95.73		241.10
Tests.....						821.35			3,195.00		4,016.35
Samples.....						543.61			287.93		831.54
Kansas reclamation association.....		1,000.00									1,000.00
Total disbursements.....	\$35,967.14	\$98,454.65	\$24,443.49	\$27,142.94	\$42,335.83	\$59,306.04	\$28,426.44	\$23,978.33	\$74,894.48	\$237.90	\$415,237.24
Revert to treasury.....	\$247.57										\$247.57
On hand July 1, 1951.....	\$346.19	\$17,846.06	\$21,131.55	\$5,047.95	\$18,862.51	\$29,364.13	\$39,759.47	\$542.20	\$185,359.30	\$4,671.95	\$322,931.31



Testimony Before the House Agriculture Committee - House Bill 2253
Monday, February 15, 1999

My name is Richard Wenstrom, and I am a farmer from south of Kinsley, Kansas. I am appearing before you as President of the Water Protection Association of Central Kansas (Water PACK). Water PACK is a private, non-profit corporation of agricultural producers and related agribusinesses organized to work on water issues and serve as a proactive voice for irrigated agriculture in south central Kansas. The area of the state that we are active in is a 13 county area bounded by the cities of Great Bend, McPherson, Wichita, Pratt, Greensburg, Kinsley, and Larned. Currently we have about 550 members.

As we understand this proposed bill, the position of Chief Engineer and chief administrative officers within the Division of Water Resources would be declassified, and he or she would serve at the pleasure of the Secretary of Agriculture.

Water PACK would agree that it is difficult to see what the role of the Secretary of Agriculture is in the administration of the Appropriation Act and other aspects of Kansas Water Law. The Secretary should have a part to play. However, due to the unique scientific, hydrological water resources aspects and experience required, we question whether this bill is the proper approach to the Chief Engineer, Division of Water Resources. Keeping this position classified has resulted in science-based analysis, property rights less subject to political considerations, and long-term consistency in the administration of our state's most precious resource, second only to Kansas people.

For over 50 years, the Chief Engineer has rendered fair, honest decisions based on weighing the unique scientific and hydrologic facts in each case. Even though we do not always agree with these decisions in the agricultural sector, we feel that the Chief Engineer has been impartial towards the comparative segments of our society: agriculture, fish and wildlife, industry, municipalities, etc.

This bill, as well as Senate Bill 64, are being brought about so fast that no one really knows exactly what their full impact will be. Water PACK does not pretend to know what the answers to the questions this bill raises, but we do know that these issues need more than three weeks debate. Therefore, we would propose that this bill be tabled and an interim study conducted to consider what other states, or the Federal government is doing in similar situations. John Peck, Professor of Law at Kansas University, has told us that, if asked, he would be interested in participating in the search for answers to this subject.

Respectfully submitted,

*House Agriculture Committee
February 15, 1999
Attachment 5*

CORE VALUES

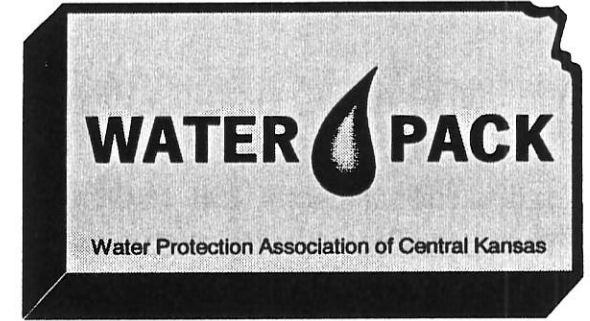
Water PACK is a private, non-profit organization with these basic core values:

- ☹ Recognize basic water rights
- ☹ Pro-active rather than reactive
- ☹ Incentive based solutions rather than regulation
- ☹ Preserve individual autonomy

PRO-ACTIVE INVOLVEMENT

- ☹ Quivira/Rattlesnake Creek Sub-Basin Project
- ☹ KSU-Water PACK Irrigation Scheduling and Water Management Project
- ☹ Inter-Basin Water Transfer monitoring
- ☹ Water Banking Task Force
- ☹ EQIP Funding for Water Conservation
- ☹ Quarterly Newsletter
- ☹ Inform legislature and government on water issues
- ☹ Developing Water Use Assessment Model

Water PACK
306-A North Main Street
Saint John, Kansas 67576



MISSION

*Agricultural producers
and businesses
organized to promote,
foster, and encourage
the beneficial,
economical, and
sustainable use of
quality water.*

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Water PACK Overview

Water PACK, formed in 1990, is an organization of about 450 agricultural producers and businesses. The primary area includes 758,000 acres of irrigated crop production. However, membership and the program are not limited to the above area acreage.

Water PACK is a grass roots pro-active voice for irrigated agriculture. Through partnerships with other water managers, Water PACK is addressing water resource concerns and developing improved management strategies. One such project is with Kansas State University to enhance and improve irrigation water management and irrigation scheduling throughout South Central Kansas. Water PACK actively participates in water issues by educating irrigation water managers and state legislators about issues of concern relating to the importance of irrigated agriculture to our region and state.

OBJECTIVES

- 🔹 Educate our members and the general public about the management of sustainable irrigated agriculture and the long term benefits to our society.
- 🔹 Develop and maintain relationships with government and non-government organizations (NGO) at all levels to promote the wise use and conservation of our water resource.
- 🔹 Develop our membership to enhance our pro-active approach and maintain an effective organization in Kansas and the nation.
- 🔹 Develop and implement projects that complement our mission.

Water PACK Directors

Edwards County
Grant Johanson, Pratt
Richard Wenstrom, Kinsley (*President*)

Harvey County
Gordon Schmidt, Inman

Kiowa County
Randy Nusz, Haviland
Roger Stotts, Greensburg

McPherson County
Richard Larson, McPherson

Pawnee County
Tim George, Larned
Glenn Mull, Pawnee Rock

Pratt County
Dennis Gigg, Iuka (*Secretary*)
Kent L. Moore, Iuka

Reno County
Gary Hornbaker, Stafford

Rice County
Todd Zimmerman, Lyons

Sedgwick County
Steve Maechtlen, Pratt

Stafford County
Dennis Holl, St. John
Jon McClure, Stafford (*Vice President*)

Treasurer
Donald K. Peterson, Macksville

Executive Director
Richard W. Antonio
306-A North Main Street
Saint John, Kansas 67576
Office Phone: (316) 549-3331
Fax: (316) 549-3332

House Agriculture Committee

Joann Flower, Chairman

Submitted by Susan Roenbaugh, Kinsley

Thank you. I appreciate the opportunity to appear before the House Agriculture Committee in opposition to H.B.2253.

As a former member of this committee and past chairman, I know that you are quite often presented bills that seem pretty innocent, but as an interested land owner and irrigator I'm here to tell you that HB 2253 is a bad bill. Its wrong, its dangerous and it puts far too much power in the hands of the Secretary of agriculture..

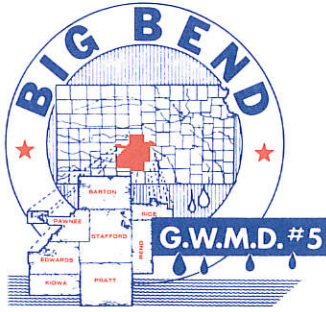
Don't de-classify these positions making them strictly political appointees. The main issue that concerns me is section 3, declassifying the chief engineer. In the interest of time I'll be very brief and very blunt. The water laws in this state are extremely good; the rules and regulations have been fair and implemented fairly and there are and have been checks and balances. If you pass this legislation someday we'll find ourselves with a Secretary of Agriculture who appoints a Chief Engineer that doesn't have a clue as to what's going on with our water, wouldn't have to be qualified and would function at the whim of a politically appointed Secretary of Agriculture. Water is too important to the state of Kansas to treat this lightly, not only for agriculture, but for our towns and cities as well.

I know from past experience that its not easy for a committee to vote against their own bill--but before taking action on this at least get David Pope over here and find out what he thinks.

Finally, I challenge you to please ask yourselves---is passing this bill the right , fair and honorable move or is it merely convenient? Passing this measure is wrong and I urge you to reject HB2253.

Thank you very much.

*House Agriculture Committee
February 15, 1999
Attachment 6*



Big Bend Groundwater Management District No. 5

125 South Main • P.O. Box 7 • Stafford, Kansas 67578 • Phone 316-234-5352

STATEMENT TO THE
COMMITTEE ON AGRICULTURE
CONCERNING HOUSE BILL 2253
BY
SHARON FALK, MANAGER
BIG BEND GROUNDWATER MANAGEMENT DISTRICT NUMBER FIVE
FEBRUARY 12, 1999

Thank you Chairperson Flower and committee members. As representative for the Board of Directors, Big Bend Groundwater Management District, I would like to submit the following comments concerning House Bill 2253 for your consideration.

Big Bend Groundwater Management District No. Five was formed in 1976, by local water users and landowners. The District covers all or part of eight counties in south central Kansas and is governed by local representatives. There are approximately 4500 wells with water rights that are administered by the District and the State of Kansas through the Division of Water Resources. District representatives have worked very closely with the Chief Engineer throughout the years to develop management programs designed to protect and conserve the water resources in the District. The District is very proud of their accomplishments.

House Bill 2253 seeks to change the position of the Chief Engineer, Division of Water Resources to an unclassified position, serving at the pleasure of the Secretary of Agriculture. GMD #5 opposes this proposed legislation as it will damage the integrity of the Division of Water Resources and the administration of the Kansas Appropriation Act.

Placing this position in the political arena could cause major changes in programs as administrations change. Consistent, unbiased leadership is required to effectively administer Kansas water law. The District does not recognize any benefits from reclassifying this position, and we ask that you thoroughly consider the impact this amendment could have on water users throughout the state.

Again, thank you for the opportunity to submit these comments.

*House Agriculture Committee
February 15, 1999
Attachment 7*