

Approved: 01/26/10

Date

## MINUTES OF THE SENATE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Mark Taddiken at 8:30 a.m. on January 20, 2010, in Room 144-S of the Capitol.

All members were present.

Committee staff present:

Kristen Kellems, Office of the Revisor of Statutes  
Corey Carnahan, Kansas Legislative Research Department  
Raney Gilliland, Kansas Legislative Research Department  
Judy Seitz, Committee Assistant

Conferees appearing before the Committee:

Others attending:

See attached list.

Mary Jane Stankiewicz, Chief Operating Officer and Senior Vice President, Kansas Agribusiness Retailers Association, requested the introduction of a bill regarding adding a definition of sustainability in the statutes. Senator Ostmeyer moved the introduction of a bill concerning the addition of a definition of sustainability to be added to the statutes, seconded by Senator Francisco. Motion carried.

Joshua Svaty appeared before the Committee with regard to his appointment as Secretary, Kansas Department of Agriculture (Attachment 1).

Raney Gilliland, Kansas Legislative Research Department, reviewed Senate Rule 56 (Attachment 2). Mr. Gilliland said the Committee has four options in the confirmation process: to confirm, to not confirm, send to full Senate without recommendation or request an extension of time.

Mr. Gilliland answered questions from the Committee.

Senator Ostmeyer moved to recommend favorably the appointment of Joshua Svaty to the position of Secretary, Kansas Department of Agriculture. The motion was seconded by Senator Morris. Motion carried.

The next meeting is scheduled for January 26, 2010.

The meeting was adjourned at 9:20 a.m.

# SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: January 20, 2010

NAME	REPRESENTING
Paul Johnson	Ks Catholic Conf
Kelli Kirkwood	KLA
J. J. Jones	Commerce
Shari Albrecht	KDHE
BRAD HARRELSON	KFB
Eric Wisner	KDA
Katie Howard	KDA
Stacey Worthington	KDA
Missie Arney	Gov Office
Kimberly Doby	OSDH
Henry Joe Stubbins	KARA
Brian Kops	Hein Law Firm
Mike Beam	Ks Luth Comm.
Elizabeth Kover	
Lester Kautman	Ks Coop Council

## Secretary of Agriculture

Members:		Appointed by	Number of Appointments	Number of Senate Confirmations
Legislators:	0	Governor	1	1
House:	0			
Senate:	0			
Non-Legislative:	1			
Total Members:	1			

### Entity Description

KSA 74-560 *et seq.* created the position of Secretary of Agriculture. The Secretary is appointed by the Governor, subject to confirmation by the Senate as provided in K.S.A 75-4315b.

The Secretary must have a demonstrated executive and administrative ability to discharge the duties of the office of Secretary. The Secretary is a member of the Governor's Cabinet and serves at the pleasure of the Governor. The Secretary is in the unclassified service under the Kansas Civil Service Act and receives an annual salary fixed by the Governor.

The Secretary organizes an annual public informational meeting. The meeting takes place in each congressional district on a rotating basis.

The provisions of the Kansas Governmental Operations Accountability Law apply to the Kansas Department of Agriculture, and the Department is subject to audit, review and evaluation under the law.

### Budget Information

The Department of Agriculture had approved FY 2008 operating expenditures of nearly \$26.0 million, including \$12.0 million from the State General Fund and 338.5 full-time equivalent (FTE) positions approved. FY 2008 saw the transfer of the Food Service Inspection Program, with 38.0 FTE, from the Kansas Department of Health and Environment. The FY 2009 appropriation was \$28,019,468; FY 2010, \$27,673,238.

### Contact Information

Director of Appointments  
Melissa Gregory  
Office of the Governor  
Room 234 North - Statehouse  
Topeka, KS 66612  
296-4052  
Melissa.Gregory@ks.gov

Senate Agriculture Committee  
January 20, 2010  
Attachment 1-1

## Department of Agriculture - Secretary

### **Powers and Duties**

The Department of Agriculture is administered under the direction and supervision of the Secretary of Agriculture.

The Secretary has the power to:

- Oversee the enforcement or administration of the:
  - Food Service and Lodging Act and the Food Safety Act;
  - Commercial Feedings Stuffs Law;
  - Labeling and testing requirements of the Seed Law;
  - Kansas Egg Law;
  - Laws and procedures of the Grain Commodity Commissions;
  - Grain Warehouse Law; and
  - The Meat and Poultry Inspection Act.
  
- Implement the:
  - Kansas Dairy Law;
  - Agricultural Chemicals Act, including chemical registration requirements;
  - Agricultural Liming Act, including labeling, inspection and manufacturing requirements;
  - Chemigation Safety Law, including registration requirements;
  - Fertilizer Law, including licensing requirements;
  - Pesticide Law, including licensing requirements for businesses and government agencies;
  - Soil Amendment Act, including labeling, inspection and registration requirements; and
  - Petroleum Products Inspection Law.
  
- Administer:
  - Nutrient Utilization Plans;
  - Functions relating to labeling agricultural products; and
  - Functions relating to the Wine Advisory Council.
  
- Enter into the Interstate Dairy Compact on behalf of the state;
  
- Review the orders and conduct of the Chief Engineer of the Division of Water Resources to ensure compliance with the Water Appropriations Act and review rules and regulations of the Chief Engineer prior to promulgation;
  
- Promote economic development of agriculture in the state; and
  
- Enter into contracts, promulgate rules and regulations, impose penalties and collect authorized fees when implementing various programs under the jurisdiction of the Secretary or the Department of Agriculture.

## Senate Confirmation Information Summary

*Prepared and Submitted by the Office of Governor Mark Parkinson*

**Appointee:** Joshua Svaty

**Position:** Secretary, Kansas Department of Agriculture

**Term Length:** At the Pleasure of  
the Governor

**Appointment Date:** Upon confirmation

**Expiration Date:** N/A

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**Statutory Authority:** K.S.A. 74-560

**Party Affiliation:** Democrat

⇒ **Statutory geographic representation:** Congressional District: N/A

⇒ **Requirements** (*insert any that apply*)

**County:**

**Size requirement** (*if any*): \_\_\_\_\_

**Other, specify:** \_\_\_\_\_

⇒ **Statutory party affiliation** requirement:

⇒ **Statutory industry or occupation**  
requirements:

**Salary:**

**Predecessor:** Adrian Polansky

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**Board Composition Prior to Confirmation of New Appointee:**  
*(SEE ATTACHED LIST)*

# Josh Svaty

1606 Avenue JJ, Ellsworth Kansas, 67439

785.472.7794

[joshuasvaty@hotmail.com](mailto:joshuasvaty@hotmail.com)

## Education

- Graduated from Ellsworth High School first in my class 1998
- Graduated Summa Cum Laude from Sterling College with a B.A. in History/Government and a minor in Religion/Philosophy Spring of 2002
- Currently approximately a 2L (Second Year) Law Student at Washburn Law School

## Career Achievements

### *On the Farm:*

- Part of the management decision to transition entirely to no-till agriculture between the years of 2003 and 2005.
- Helped negotiate the dissolution of the 30+ year farm partnership, Svaty Brothers, between my Dad and his two brothers. Unlike many family farm partnerships that eventually split up, it was amicable.
- Manage the relationships to our landlords, staying in contact and encouraging new possibilities for growth. I am also part of every decision on machinery acquisition and am in control of land acquisition.
- Worked my entire life in every aspect of the farm, with intimate knowledge of our crop production, cattle herd, sheep herd, the history of the hog herd, and our truck garden operation.

### *In Politics:*

- Elected to the Kansas House at the age of 22, beating an incumbent with a margin of 66% to 34%
- Managed all of my subsequent campaigns, including budgets and fundraising. I also wrote all copy for all published materials and media.
- In three contested elections and one unopposed race I have never fallen below 58% of the vote in any election, most recently garnering 63%, and my district is 51% Republican, 25% Independent, and 23% Democrat.

1-4

### *In the Legislature*

- Named the Ranking Minority Member of the House Agriculture and Natural Resources Committee, 2005 – Present.
- Attended five Kansas Geological Survey Tours, which are intense three day sessions generally dealing with water issues and land use. This year's focused on Southwest Kansas and IGUCAs.
- Presented on energy policy in Texas, Oklahoma, and Middlebury College, Vermont
- Presented on Religion and Politics – Princeton Theological Seminary, Princeton, New Jersey (2005).
- Testified in Washington, D.C. before the Select Committee on Energy Independence and Global Warming – March 13, 2008. A full text of my testimony can be provided on request.

### *In Community Service*

- Keynote Speaker at all (8) of the regional Kansas Student Council meetings – 2004.
- Keynote Speaker at five regional FCCLA conferences statewide – 2004 to present.
- Have spoken statewide to kindergartners through government classes, and have in total spoken to thousands of students from over 250 different Kansas schools.
- Dues paying member at many of the local senior citizen groups throughout the 108<sup>th</sup> district, and frequently attend their events.

### Professional Experience

#### *Kansas State House of Representative, 2003-2009*

This included running for and maintaining office, the consideration of legislation, drafting newsletters and a weekly editorial for the Ellsworth Paper (all of which are available upon request), and helping constituents navigate state agencies to solve their problems.

#### *The Svaty Farm*

I have been a part of the farm my entire life, but the Svaty Brothers partnership was dissolved because my generation was now old enough to begin taking an ownership role in the farm and each family needed an avenue to make that happen. This occurred in January of 2009, and I have begun the process of assuming an ownership role in the portion of the operation that became my father's. In the meantime, I have been a part of the decision making since I returned home from college. Svaty Brothers consisted of around 5,500 acres of ground, including broken ground, pasture, and CRP. Our portion of the farm is now around 2,400 acres, split evenly between broken ground, pasture, and CRP.

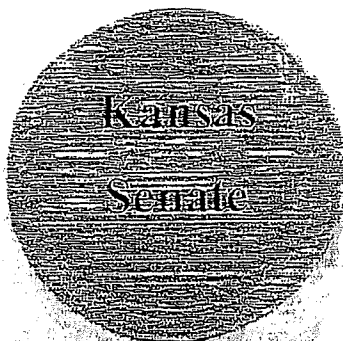
*Other work experience*

2001-2004 I worked the seasonal harvest shift at the Ellsworth County Farmer's Cooperative for several summers. I managed the dock, which included sampling and testing the wheat. I also gained a strong working knowledge of a typical Kansas grain elevator, from fixing the leg to loading out grain carts for rail.

2003-2004 I worked part-time during the summers as a ropes-course instructor for the St. Francis Academy in Salina. My tasks included facilitating both high and low ropes activities both for the level 5 CINC (Child in Need of Care) and Level 6 residents of St. Francis Academy (Level 6 is the highest level of care – these residents are in the most restricted environment before Juvenile Detention) and for the many private groups that would contract to use the ropes facility.

2001 –Present I serve as a lay minister for area churches. I began by filling the pulpit for the entire year at Arlington Presbyterian Church in Arlington, Kansas during my senior year at Sterling College. When I returned home for the legislature I continued preaching at churches on an as-needed basis. I served the Carneiro and Kanopolis Methodist Churches for the entire summer of 2004. I have also preached at Brookville Methodist, First Presbyterian Church of Beloit, Sylvan Grove Presbyterian Church, and Assaria Lutheran Church, among others. I have conducted two funerals.





## CONFIRMATION OVERSIGHT COMMITTEE

### Acknowledgment of Release of Tax and Criminal Records Information Form

I, Josh Smith (print name) acknowledge that as part of the

Senate Confirmation Oversight Committee process I will:

- be subject to a criminal records background investigation by the Kansas Bureau of Investigation; and
- have my tax records released by the Kansas Department of Revenue.

Such information will not be released to the general public, but will be made available for review at the appropriate time by:

- Myself;
- My appointing authority;
- Chairperson of the Senate Confirmation Oversight Committee; and
- The Vice Chair of the Senate Confirmations Oversight Committee.

By signing the "Authorization and Certification" section (on page 8) of the Senate Confirmation Oversight Committee questionnaire, the Kansas Department of Revenue will be authorized to release my tax information and the Kansas Bureau of Investigation will be authorized to conduct a criminal background investigation on me and provide that information to the appropriate individuals.

Signature

A handwritten signature in black ink, appearing to read "Josh Smith".

Date

1/2/09



CONFIRMATION OVERSIGHT COMMITTEE  
APPOINTMENT QUESTIONNAIRE

Full Name: Mr. Joshua Lee Svaty  
(please include title and middle name along with any names previously used)

Home Address: 1606 Ave., JJ, Ellsworth, Kansas 67439  
(Street Address) (City, State, Zip)

Driver's License Number: [REDACTED] Social Security Number: [REDACTED]

Position to which Appointed: Secretary of Agriculture

Appointing Authority: Governor Mark Parkinson

\* Information on this page will not be made public but is used by the KBI and Department of Revenue.

(for Committee use only)		
KBI Check: N/A	In-Process	Complete
DOR Check: N/A	In-Process	Complete

This Questionnaire is to be fully completed by each appointee appearing before the Senate Confirmation Oversight Committee (Committee) and returned to the Committee Chairman's Office. A meeting of the Committee to consider an appointee will not be scheduled until a completed questionnaire and other forms are received by the Chairman. Please answer each question completely to the best of your knowledge. Should a question not be applicable, please so state. Hand-written responses are strongly discouraged. If filling out this form electronically, "" should be replaced with "X" by the appropriate response on the form. Please contact your appointing authority if you have questions when completing the form.

Full Name: Joshua Lee Svaty  
(please include title and middle name along with any names previously used)

Position to which Appointed: Secretary of Agriculture

Appointing Authority: Governor Mark Parkinson

Home Address: 1606 Ave. JJ, Ellsworth, Kansas 67439  
(Street Address) (City, State, Zip)

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_  
(Street Address) (City, State, Zip)

Position Title: \_\_\_\_\_

Home Phone: 785-472-4638 Business Phone: \_\_\_\_\_ Cell Phone: 785-472-7794

Fax Number: \_\_\_\_\_ E-Mail Address: joshuasvaty@hotmail.com

Kansas resident?  Yes /  No Date of Birth: 11-07-79 Place of Birth: Great Bend, KS

Registered Voter? Yes Party Affiliation: Democrat

Congressional District: 1 Kansas Senate District: 36 Kansas Representative District: 108

Do you have the legal right to live and work in the United States?  Yes /  No

Please answer the following questions numbered 1 – 43. Each question **MUST BE ANSWERED ON THIS ORIGINAL FORM.** If the answers the question are provided on your resume, please state "See Resume" or if you supply additional attachment(s) with answers, please state "See Attachment(s)" on this form.

1. What is your educational background? See resume
2. Describe your employment experience. Include any expertise related to the position to which you were appointed. See resume

3. List any professional licenses that you have obtained and include the number for each license.  
none
4. Why do you feel you are a good candidate for the position to which you have been appointed?  
See attachment
5. What do you see as the purpose or mission of the role to which you have been appointed?  
Two fold: 1) Serve as the Director of the regulatory agency for Agriculture, encompassing the entire process from the field to food and 2) Promote Kansas agriculture and Kansas farmers and ranchers.
6. **Military Service:** List rank, date and type of discharge from active service.  
None
7. **Government Experience:** List any experience or association with local, state or federal government (exclusive of elective public office but including advisory, consulting, honorary, appointed or other part-time service or positions) and include dates of service.  
None
8. **Elective Public Office:** List all elective public offices sought and/or held with dates of service.  
None Kansas State Representative, elected 2002, resigned 2009
9. **Campaigns:** Have you ever played a role or held a position in a political campaign? If so, please identify the candidate(s), the dates of the campaign and describe your involvement.  
No Yes I ran my 4 campaigns: 2002, 2004, 2006, and 2008
10. **Honors and Awards:** List all scholarships, fellowships, honorary degrees, honorary society memberships and any other special recognition for outstanding service or achievements.  
None Outstanding Young Kansan, Kansas JayCees (2004);  
Friend of Education, KNEA (2004); and Legislator of the Year (2006), Cable Industry
11. **Organization Affiliations:** List all civic, cultural, educational, charitable, or work-related organizations that you have been associated with in the past ten years. Include any position held in the organization and the dates of service.  
None Salina Chamber of Commerce since 2003  
Ellsworth Chamber of Commerce since 2008
12. **Organization Restrictions:** To your knowledge, is any organization listed above restricted on the basis of race, color, religion, sex, national origin, disability, marital status or veteran status? If so, please describe.  
No Yes
13. **Issues:** Have you ever been publicly identified, in person or by organizational membership, with a particularly controversial national or local issue? If so, please describe.  
No Yes
14. **Submission of Views:** Have you ever submitted oral or written views to any governmental authority, whether executive or legislative, or to the news media on any particularly controversial issue other than in an official governmental capacity? If so, please describe.  
No Yes I wrote the weekly column for my campus newspaper, outside of that it was all in government capacity.
15. **Associations:** Have you ever had any association with any person, group or business venture that could be used, even unfairly, to impugn or attack your character and qualifications for the position to which you seek to be appointed? If so, please describe.  
No Yes

16. **Opposition:** Do you know of any person or group who might take overt or covert steps to attack, even unfairly, your appointment? If so, please identify and explain the basis for the potential attack.  
 No  Yes
17. **Miscellaneous:** List any factors, other than the information provided above, which particularly qualifies you or is relevant to the position to which you are seeking appointment? Include any special skills.  
 None See resume
18. **Relationship to Governmental Employees:** Are you or your spouse or other close family members related to any state governmental official or employee? If so, please provide details.  
 No  Yes My Uncle Ron Svaty, a District Court Judge, 20th Judicial District
19. **Compensation:** During the past five years, have you or your spouse or other close family members received any compensation or been involved in any financial transaction with the State of Kansas? If so, please explain.  
 No  Yes Legislative salary
20. **Business Relationships:** Describe any business relationship, dealing or financial transaction which you have had during the last five years, whether for yourself, on behalf of a client or acting as an agent, which you believe may constitute an appearance of impropriety or result in a potential conflict of interest in the position to which you want to be appointed. If none, please so state.  
 None
21. **Transactions with Officials:** During the past five years, have you or your spouse or other close family members received any compensation or been involved in any financial transaction with any state government official? If so, please explain.  
 No  Yes
22. **Spouse or Other Family Members:** If the nature of employment for your spouse or other close family member is related in any way to the position to which you have been appointed, please indicate the employer, the position and the length of time it has been held. If not, please so state.  
 No  Yes
23. **Lobbying Activities:** Describe any lobbying activity during the past ten years in which you and/or your spouse have engaged for the purpose of influencing the passage, defeat or modification of any legislative or administrative action. Lobbying activity includes any activity performed as an individual or agent of another individual, or of any organization that involves direct communication with an official in the executive branch of state government or any official of the legislative branch. If none, please so state.  
 None My wife has her own Public Affairs/Government Affairs Company. Clients include ITC Great Plains, Tradewind, The Wind Coalition and the Kansas Municipal Utilities
24. **Regulated Activities:** Describe any interest that you, your spouse or other close family member may have (whether as an officer, owner, director, trustee, or partner) in any corporation, firm, partnership or other business enterprise and any non-profit organization or other institution that is regulated by or receives direct financial benefits from any department or agency of the State of Kansas. If none, please so state.  
 None Some of my wife client's have interaction with the KCC but she is not a direct employee, she is only under contract for their public and government affairs.

25. **Other:** Please describe any other matter in which you are involved that is or may be incompatible or in conflict with the discharge of the duties of the position to which you have been appointed or which may impair or tend to impair your independence of judgment or action in the performance of the duties of that position. If none, please so state.  
None
26. **Conflict of Interest:** How would you resolve any potential conflicts of interest that, while maybe unforeseen at this point in time, could arise?  
 I would take whatever steps necessary to dissolve the conflicting situation. I don't like the appearance of conflict interest.
27. **Citations:** Have you ever been cited for a breach of ethics for unprofessional conduct, or been named in a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please provide details.  
No Yes
28. **Convictions:** Have you ever been convicted of or entered a plea of guilty or nolo contendere or forfeited collateral for any criminal violation other than a traffic infraction? (Please include any offenses of driving under the influence, operating while impaired, reckless driving, or the equivalent offenses in other states.) If so, please explain.  
No Yes
29. **U.S. Military Convictions:** Have you ever been convicted by any military court? If so, please provide details.  
No Yes
30. **Imprisonment:** Have you ever been imprisoned, been on probation or been on parole? If so, please provide details.  
No Yes
31. **Agency Proceedings/Civil Litigation:** Are you presently, or have you ever been, a party in interest in any administrative agency proceeding or civil litigation that is related in any way to the position to which you are seeking appointment? If so, please provide details.  
No Yes
32. **Agency Proceedings and Civil Litigation of Affiliates and Family:** a.) Is your spouse or other close family member currently, or ever been, a party in interest in any administrative agency proceeding or civil litigation that is related in any way to the position to which you are seeking appointment? If so, please provide details.  
No Yes
- b.) Has any business in which you, your spouse, close family member or business associate are or were an officer, director or partner been a party to any administrative agency proceeding or civil litigation relevant to the position to which you are seeking appointment? If so, please provide details. (With respect to this question, you need only consider proceedings and litigation that occurred while you, your spouse, close family member, or business associate were an officer of that business.)  
No Yes

33. **Other Litigation:** a.) Other than the litigation described in question 32, have you or any business in which you are or were an officer, director, or partner been a plaintiff or a defendant in a civil lawsuit? If so, please describe.  
No Yes  
b.) Are you aware of any pending or anticipated litigation against you or any business in which you are an officer, director, or partner? If so, please describe.  
No Yes
34. **Drivers License:** Has your driver's license ever been suspended or revoked? If so, please describe.  
No Yes
35. **Parking Tickets:** Do you have outstanding parking tickets from any jurisdiction that have remained unpaid for more than 60 days? If so, please explain.  
No Yes
36. **Security Clearance Denial:** Have you ever been denied a military or other governmental clearance? If so, please explain.  
No Yes
37. **Firings:** a.) During the past ten years, have you been fired from a job for any reason? If so, please explain.  
No Yes  
b.) During the past ten years, have you quit a job after being told that you would be fired? If so, please explain.  
No Yes  
c.) During the past ten years, did you leave a job by mutual agreement because of specific problems? If so, please explain.  
No Yes
38. **Alimony and Child Support:** Are you now, or have you ever been, delinquent in the payment of alimony or child support? If so, please explain  
No Yes
39. **Consumption of Alcohol:** Have you ever or are you currently abusing alcohol? If so, please explain.  
No Yes
40. **Controlled Substances:** Have you ever or are you currently engaged in the illegal use of a controlled substance or abusing the use of a prescribed controlled substance? If so, please explain.  
No Yes
41. **Physical Examination:** If you receive a conditional offer of appointment or employment, would you be willing to take a physical examination, which may include a drug test?  
No Yes

42. **Governmental Delinquencies:** Are you delinquent in the payment of any obligation owed to the federal or state government or any political or taxing subdivision or any instrumentality thereof? (Include delinquencies in the payment of: Income, property, or other taxes; exactions, fees or special assessments; loans, including any defaults, on or under loans which are or were made by, guaranteed, insured or subsidized by any unit of government or instrumentality thereof; overpayment of benefits; required payments into or under governmental programs; payments under a diversion arrangement or other repayment schedule.) If applicable, please state whether such delinquency is under formal appeal.

No  Yes

43. **Other:** Please provide any additional information, favorable or unfavorable, which you feel should be considered in connection with your appointment. If none, please so state.

None

Please include resume and completed Statement of Substantial Interest not more than twelve months old.

### REFERENCES

Name: Peg Britton Knows you how?: Lifelong friend/political supporter

Address: 1404 N. Douglas Ave , Ellsworth, Kansas 67439  
(City, State, Zip)

Home Phone: 785-472-3844 Business Phone: \_\_\_\_\_

Name: Justin Knopf Knows you how?: 8 years/friend and fellow farmer

Address: 6229 S. Kipp Road, Gypsum, Kansas 67448  
(City, State, Zip)

Home Phone: 785-452-5550 Business Phone: \_\_\_\_\_

Name: Dennis McKinney Knows you how?: Minority Leader in the House 2003-2008

Address: 411 S. 1220 Main Street S., Greensburg, Kansas  
(City, State, Zip)

Home Phone: 620-723-2129 Business Phone: 620-546-3678

Name: Adrian Polansky Knows you how?: worked together for 7 years

Address: 3600 Anderson, Manhattan, Kansas 66503  
(City, State, Zip)

Home Phone: \_\_\_\_\_ Business Phone: 785-539-3531

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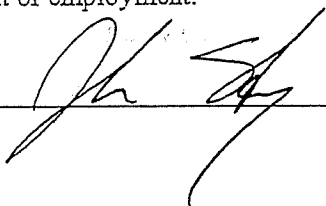


AUTHORIZATION AND CERTIFICATION:

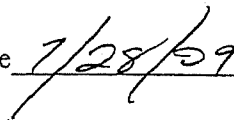
The facts set forth in my application are true and complete. False statements, answers, or omissions on this application shall be sufficient cause for nonconsideration or for dismissal after appointment or employment. I also recognize that my selection is based on receipt of satisfactory information from former employers and references, and upon my ability to perform the essential elements, with or without reasonable accommodations, for the position for which I am applying. I herein authorize investigation, without liability, of the information supplied by me in this application for employment or appointment including academic, occupational, health, law enforcement, and government records. I also authorize listed employers and references, without liability, to make full response to any inquiries in connection with this application for appointment or employment. I understand and agree that the terms, conditions, compensation, benefits, hours, schedule, and duration of my appointment or employment may be determined, changed, or modified from time to time at the will of the appointing authority or designee without limitation or condition. I FURTHER CERTIFY THAT I HAVE READ THE FOREGOING PARAGRAPH AND KNOWINGLY MAKE THIS AUTHORIZATION BY SETTING FORTH MY SIGNATURE.

I understand that if I am required to be registered, licensed, or certified by federal or state law or regulation for the position I seek, I will notify the appointing authority immediately if any investigation, limitation, or cancellation of my registration, licensure, or certification occurs. If any investigation, probation, limitation, or cancellation occurs, I understand that my failure to notify my appointing authority as described above will result in the termination of my appointment or employment.

Signature



Date



## Attachment

### Response to Question No. 4:

I was honored when the Governor asked if I would be interested in serving the remainder of outgoing Secretary Polansky's term. The Department of Agriculture is twofold – it is a strong regulatory agency, and it is also an important promotional agency. I have worked closely with the department since I joined the legislature, but certainly since I have been the Ranking Member of the House Agriculture and Natural Resources Committee. Because of my farm experience, I have a strong working knowledge of the regulatory elements of the Department of Agriculture from both perspectives. Because I worked with the department so much, I knew most of the program managers and their areas prior to being named Acting Secretary. This is an abbreviated time frame (probably 18 months), and I feel I am uniquely suited to step in and finish the good job Secretary Polansky had been doing. The position needed someone that could hit the ground running.

I also feel that I am well suited for the promotion of agriculture. I have spoken statewide and across the country on everything ranging from leadership to energy policy. I am very comfortable speaking before groups both on dedicated topics and informal remarks. I have a great deal of media experience and understand the importance of discretion.

Finally, much of the role of Secretary is managerial. The Department of Agriculture was left in excellent condition by Secretary Polansky, and his leadership team is entirely in place. This includes Deputy Secretary Constantine Cotsoradis, who was a critical part of employee management. I work very well with a wide variety of individuals, and already knew most of the members of the senior staff. In many ways the management of the staff is maintenance oriented, as the department functions very well. I am confident I can work well with almost everyone in the department and will work closely with senior staff to resolve any problems that might arise.

FILED

APR 29 2009

RON THORN BURG  
SECRETARY OF STATE

STATE OF KANSAS



Sec. of St. bar code

KANSAS GOVERNMENTAL ETHICS COMMISSION

STATEMENT OF SUBSTANTIAL INTERESTS FORM

**INSTRUCTIONS.** This statement (pages 1 through 4) must be completed by individuals who are required to do so by law. Any individual who intentionally fails to file as required by law, or intentionally files a false statement, is subject to prosecution for a class B misdemeanor.

Please read the "Guide" and Definition" section provided with this form for additional assistance in completing sections "C" through "G". If you have questions or wish assistance, please contact the Commission office at 109 West 9<sup>th</sup>, Topeka, KS or call 785-296-4219.

A. **IDENTIFICATION:**

PLEASE TYPE OR PRINT

SVATY

JOSHUA

L.

Last Name

First Name

MI

SVATY

KIMBERLY

Spouse's Name

1606 AVENUE JJ

Number & Street Name, Apartment Number, Rural Route, or P.O. Box Number

ELLSWORTH

KANSAS

67439

City, State, Zip Code

785-472-7794

785-296-7647

Home Phone Number (include area code)

Business Phone Number (include area code)

B. **THIS FORM IS REQUIRED TO BE FILED BECAUSE YOU ARE:**

(check one or more of the following)



1. State Elected Official (Governor, Lt. Governor, Attorney General, Commissioner of Insurance, State Treasurer, Secretary of State, State Senator, State Representative, Member of State Board of Education, or District Attorney);



2. Appointed Member of a State Board, Council, Commission or Authority;



3. Appointed State Position is Subject to Senate Confirmation;



4. Employee of a State Agency or University;



5. General Counsel for State Office;



6. Candidate for State Office;



7. Other (Contractor / Member of Compact).

STATE OF KANSAS

STATE REPRESENTATIVE

DISTRICT 108

List Name of Agency, Board, University or Elected Position (You may use abbreviations but not acronyms)

Agency

Division if applicable (May use acronyms)

Position

\*

The last four digits of your social security number will aid in identifying you from others with the same name on the computer list. This information is optional.

Four empty boxes for social security number digits.

Rev. 3/2006

1-17

C. **OWNERSHIP INTERESTS:** List any corporation, partnership, proprietorship, trust, joint venture and every other business interest, including land used for income, and specific stocks, mutual funds or retirement accounts in which either you or your spouse has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5%, whichever is less. If you or your spouse own more than 5% of a business, you must disclose the percentage held. Please insert additional page if necessary to complete this section.

If you have nothing to report in Section "C", check here \_\_\_\_.

	BUSINESS NAME AND ADDRESS	TYPE OF BUSINESS	DESCRIPTION OF INTERESTS HELD	PERCENT OF OWNERSHIP INTERESTS	HELD BY WHOM
1.	WADDELL & REED	INVESTMENT FUNDS	ROTH IRA	100%	SELF
2.	FIDELITY INVESTMENTS	INVESTMENT FUNDS		100%	WIFE
3.	GENCUR-SVATY PUBLIC AFFAIRS 825 SOUTH KANSAS AVE. SUITE 502	PUBLIC AFFAIRS		100%	WIFE
4.	KPERS 611 S KANSAS TOPEKA KS 66603	RETIREMENT		100%	SELF
5.					
6.					
7.					
8.					
9.					
10.					

D. **GIFTS OR HONORARIA:** List any person or business from whom you or your spouse either individually or collectively, have received gifts or honoraria having an aggregate value of \$500 or more in the preceding 12 months.

If you have nothing to report in Section "D", check here .

	NAME OF PERSON OR BUSINESS FROM WHOM GIFT RECEIVED	ADDRESS	RECEIVED BY:
1.			
2.			
3.			

**E. RECEIPT OF COMPENSATION:** List all places of employment in the last calendar year, and any other businesses from which you or your spouse received \$2,000 or more in compensation (salary, thing of value, or economic benefit conferred on in return for services rendered, or to be rendered), which was reportable as taxable income on your federal income tax returns.

- 1. YOUR PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR. IF SAME AS SECTION "B", CHECK HERE .  
If you have nothing to report in Section "E"1, check here .

	NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1.			
2.			

- 2. SPOUSE'S PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR.  
If you have nothing to report in Section "E"2, check here .

	NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1.	GENCUR SVATY PUBLIC AFFAIRS	825 SO KANSAS AVE, TOPEKA	PUBLIC AFFAIRS
2.			

**F. OFFICER OR DIRECTOR OF AN ORGANIZATION OR BUSINESS:** List any organization or business in which you or your spouse hold a position of officer, director, associate, partner or proprietor at the time of filing, irrespective of the amount of compensation received for holding such position. Please insert additional page if necessary to complete this section.  
If you have nothing to report in Section "F", check here .

	BUSINESS NAME AND ADDRESS	POSITION HELD	HELD BY WHOM
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			

G. **RECEIPT OF FEES AND COMMISSIONS:** List each client or customer who pays fees or commissions to a business or combination of businesses from which fees or commissions you or your spouse received an aggregate of \$2,000 or more in the preceding calendar year. The phrase "client or customer" relates only to businesses or combination of businesses. In the case of a partnership, it is the partner's proportionate share of the business, and hence of the fee, which is significant, without regard to expenses of the partnership. An individual who receives a salary as opposed to portions of fees or commissions is generally not required to report under this provision. Please insert additional page if necessary to complete this section.

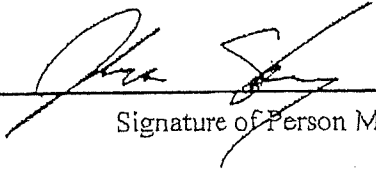
If you have nothing to report in Section "G", check here .

	NAME OF CLIENT / CUSTOMER	ADDRESS	RECEIVED BY
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			

H. **DECLARATION:**

I, JOSHUA SVATY, declare that this statement of substantial interests (including any accompanying pages and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of all of my substantial interests and other matters required by law. I understand that the intentional failure to file this statement as required by law or intentionally filing a false statement is a class B misdemeanor.

APRIL 28, 2009  
Date

  
Signature of Person Making Statement

NUMBER OF ADDITIONAL PAGES 0

Return your completed statement to the Secretary of State, Elections Division, Memorial Hall, First Floor, 120 SW 10th, Topeka, Kansas 66612-1594.



**Rule 56. Confirmation of Appointments by Governor or Other State Official.** All nominations or appointments made by the governor or other state official, which are subject to Senate confirmation, may be considered and acted upon by the Senate in either executive or regular session except that no final action thereon may be taken in executive session. When nominations or appointments are made by the governor or other state official for confirmation by the Senate, they shall, unless otherwise ordered by the President, be referred to appropriate committees by the President. Nominations or appointments referred to committees shall be returned to the Senate within 20 legislative days after the same are referred, together with a report thereon, unless additional time be granted by a majority vote of senators present. If the nomination or appointment is not returned to the Senate within the period of time specified for its return and additional time has not been granted, the nomination or appointment shall be considered to be returned to the Senate without recommendation on the next legislative day following the last day of the period of time specified for its return. Any such appointment may be considered and acted upon by the Senate at any time after the nomination or appointment is returned to the Senate. No motion to confirm any such appointment or nomination shall be in order without the unanimous consent of the Senate until the nomination or appointment is returned to the Senate, unless one day's previous notice thereof is given in open session. Appointments shall be confirmed by the Senate only by an affirmative vote of a majority of all members of the Senate then elected (or appointed) and qualified.

**Rule 57. Admittance to Floor – Lobbying on Floor – Galleries.** No person shall be admitted to the floor of the Senate except elective state officers; members of the Legislature; friends of the members of the Senate, upon invitation signed by the President and the Senator extending the invitation; former members of the Senate, officers and employees of the legislative branch, and members of the news media who are actually employed, and who have a card of admission from the President. The Senate by resolution, may issue such invitations as it desires. Persons so admitted must stay in the perimeter of the Senate chamber except with the express permission of a member of the Senate. No one registered with the Secretary of State as an agent or lobbyist may be on the floor of the Senate during the hours of 9:30 a.m. to 4:30 p.m. nor at the time the Senate is in session. No person, other than a state officer or employee of the legislative branch or legislator, shall discuss any measure with any Senator on the floor of the Senate during the time the Senate is in session. Any person who violates this rule or any person who shall gain admission to the floor of the Senate by false representation shall be forthwith ejected from the Senate chamber and thereafter be denied admission. No employee shall lobby for or against any

*Senate Agriculture Committee  
January 20, 2010  
Attachment 2*