

MINUTES OF THE SENATE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Mark Taddiken at 8:30 a.m. on February 13, 2008 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department  
Jason Thompson, Office of Revisor of Statutes  
Matt Todd, Office of Revisor of Statutes  
Judy Seitz, Committee Assistant

Conferees appearing before the Committee:

Erik Wisner, Policy & Program Analyst, Kansas Department of Agriculture  
Barbara Hinton, Legislative Post Auditor, Legislative Division of Post Audit  
Senator Derek Schmidt, 15<sup>th</sup> District  
Brad Harrelson, State Policy Director-Governmental Relations, Kansas Farm Bureau  
Constantine Cotsoradis, Deputy Secretary of Agriculture, Kansas Department of Agriculture  
Mary Glassburner, Director of the Bureau of Consumer Health, Kansas Department of Health and Environment

Others attending:

See attached list.

Senator Lee welcomed the Mitchell County Leadership group to the meeting.

Raney Gilliland, Kansas Legislative Research Department, gave an explanation of **SB 557 –Department of agriculture; certificates of free sale; food safety**. The 2004 legislature transferred certain food safety functions from the Kansas Department of Health and Environment (KDHE) to the Kansas Department of Agriculture (KDA). **SB 557** attempts to clarify the full authority of the KDA to promulgate rules and regulations. This bill also updates the powers, duties and functions and gives clear authority to the KDA and to the Secretary of Agriculture with respect to the transfer.

Erik Wisner, Policy and Program Analyst, Kansas Department of Agriculture, spoke in support of **SB 557** (**Attachment 1**). Mr. Wisner introduced KDA staff members: Steve Moris, Program Manager of the Retail Foods Inspection Program and Julie Ehler, Staff Attorney. He summarized the legislative changes requested in **SB 557**.

Information regarding a timeline on interactions with the Attorney General's office and a summary of KDA's proposed food safety statutory changes was distributed to each member of the Committee (**Attachment 2**).

Mr. Wisner and Ms. Ehler took questions from the Committee. Constantine Cotsoradis also answered questions.

The hearing on **SB 557** was held open.

The hearing on **SB 584 –Transfer of food service and lodging duties to department of agriculture** was opened.

Barb Hinton, Legislative Post Auditor, Legislative Division of Post Audit, provided background information on **SB 584** (**Attachment 3**). Ms. Hinton spoke of the findings of a 2003 audit on food safety. Legislative Division of Post Audit found a number of problems and concluded that combining food safety inspection programs could produce several benefits. A combined inspection program could eliminate duplicate driving time and overlapping inspection duties which would save the state an estimated \$90,000. She also said that conducting inspections under a risk-based approach could save nearly \$680,000 per year.

Ms. Hinton offered to stand for questions.

Senator Schmidt spoke in support of **SB 584**. He said in 2004 Governor Sebelius issued an executive

## CONTINUATION SHEET

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reorganization order to transfer part of the food safety inspection function from the KDHE to the KDA. That reorganization was a result of an act started by the 2004 legislature. **SB 584** completes the efficiencies started and implemented by the previous legislature. Senator Schmidt noted that the reorganization mainly involved transfer of inspections of retail food stores, restaurants in retail food stores, food processing plants, vending machines and ice cream trucks. He also said the KDHE retained inspection of stand-alone restaurants and other stores that could be interpreted as more than one type of facility. Since the initial consolidation the data shows KDA to have been very efficient in performing inspections. Senator Schmidt mentioned that through implementation of a computer data entry, the KDA has maintained the number of inspectors while increasing the number of inspections. He also said that performance indicators show particularly in regard to proper holding temperatures, contaminated equipment, personal hygiene and chemicals that kDA has greatly improved compliance rates based on inspections from December 31, 2004 compared to inspections from December 31, 2007. Senator Schmidt said these efficiencies have been gained without additional fee increases, nor is the department suggesting any for the future. **SB 584** would complete suggestions brought forward by the Legislative Post Auditor presented in a post audit report of October, 2003.

Brad Harrelson, State Policy Director, Governmental Relations, Kansas Farm Bureau (KFB) spoke in support of **SB 584** ([Attachment 4](#)). The KFB believes efficiency would be gained in transferring these food safety duties and more importantly, it would enhance food safety for consumers.

Mr. Harrelson took questions.

Written testimony in opposition to **SB 584** was provided by Yvonne Gibbons, Director, Salina-Saline County Health Department ([Attachment 5](#)).

Constantine Cotsoradis, Deputy Secretary, Kansas Department of Agriculture, gave neutral testimony on **SB 584** ([Attachment 6](#)). The KDA is proud of the achievements in food safety, but this is a decision the legislature will have to make.

Mr. Cotsoradis stood for questions.

Mary Glassburner, Director of the bureau of Consumer Health, KDHE, gave neutral testimony on **SB 584** ([Attachment 7](#)). She said the reorganization of the food safety responsibilities with transferring some of those duties to the KDA resulted in many efficiencies. All inspection staff is credentialed as Certified food Safety Professionals (CFSP).

The hearing on **SB 584** will be continued.

The meeting was adjourned.