

MINUTES OF THE HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman John Faber at 3:30 P.M. on March 11, 2008, in Room 783 of the DSOB.

All members were present except:

Representative Clay Aurand - excused
Representative Doug Gatewood - excused

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department
Hank Avila, Kansas Legislative Research Department
Gordon Self, Revisor of Statutes
Kristen Kellems, Revisor of Statutes
Florence Deeter, Committee Assistant

Conferees appearing before the committee:

Constantine Cotsoradis, Deputy Secretary, Kansas Department of Agriculture
Amy Thompson, Senior Auditor, Legislative Post Audit
Brad Harrelson, State Policy Director, Kansas Farm Bureau
Elaine Schwartz, Executive Director, Kansas Public Health Association, Inc.
Jack Maybee, Sanitation Division, Johnson County Environmental Department
Richard Morrissey, Interim Director, Division of Health, Kansas Department of Health and Environment
Kay Johnson, Environmental Services Director, City of Wichita
Leon F. Vinci, DHA, National Environmental Health Association {written only}
Ron Hein, Attorney, Hein Law Firm, Chartered {written only}

Others attending:

See attached list.

The Chairman announced a sub-committee to be chaired by Representative Schroeder, addressing the ancillary issues in **SB 89**. Representatives Light and Bowers were appointed to serve on the sub-committee.

Hearing on SB 557 - Department of Agriculture; certification of free sale; food safety

The Chairman opened the hearing on **SB 557** and requested staff Raney Gilliland to brief the committee. Mr. Gilliland said a 2004 Governor's executive reorganization order (ERO) and subsequent legislation transferred some powers and duties related to food safety from the Kansas Department of Health and Environment (KDHE) to the Kansas Department of Agriculture. The ERO was expanded to apply to food vending machines, retail food stores, and food processing plants. Mr. Gilliland said the duties were overlapping and not clearly stated. Additionally, the bill includes new parameters including, failure to renew a license incurs a \$10.00 restoration fee, and the issuance of a dual license. He said the rules and regulations surrounding the sale of meat and poultry became more stringent than requirements of the federal government. Mr. Gilliland said the bill includes language for the Secretary of KDA to issue a certificate of free sale, with the maximum fee not to exceed \$25.00.

The Chairman introduced Constantine Cotsoradis, Deputy Secretary, KDA. Mr. Cotsoradis spoke in support of **SB 557**, indicating the Department's involvement in evaluating the existing licensing structure (Attachment1). He requested technical amendments be made to help increase the effectiveness of the food safety regulatory activities.

The Chairman closed the hearing on **SB 557**.

Hearing on SB 584 - Transfer of food service and lodging duties to Department of Agriculture

The Chairman opened the hearing on **SB 584**, requesting staff, Raney Gilliland to brief the committee. Mr. Gilliland said the bill deals with both food and lodging inspection and transfers responsibility for inspection and licensing to the KDA, effective October 1, 2008. He said the transfer of duties from the KDHE to KDA will include lodging inspection of hotels, motels and, rooming and boarding houses. Other types of food

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service inspections include coffee shops, private clubs, soda fountains and other facilities.

Amy Thompson, Senior Auditor, Legislative Post Audit, provided background information on **SB 584** (Attachment 2). She addressed three specific areas needing improvements and concluded that benefits could be realized by combining food safety inspection programs under the Department of Agriculture.

Brad Harrelson, State Policy Director, Kansas Farm Bureau, said the Bureau strongly supports moving food safety and inspection functions to the KDA (Attachment 3).

Elaine Schwartz, Executive Director, Kansas Public Health Association, Inc. (KPHA), spoke in opposition to **SB 584**, stating the citizens of Kansas would not be benefitted by this change (Attachment 4). She indicated the KDHE provided excellence in the arena of public health and safety of food, and deviation from the agency's responsibilities could bring about confusion and loss of efficient coordination in reporting of inspections. She said training of new hires and existing staff would require additional expense for KPHA. Ms. Schwartz referenced the number of phone calls to KPHA regarding food safety are referred to KDHE, who she believes are most responsible for public health and safety.

Jack Maybee, Director of Sanitation Division of Johnson County Environmental Department, expressed concerns regarding **SB 584**, and spoke in opposition to the bill (Attachment 5). He said the KDA and KDHE have unique responsibilities and keeping them separate allows each department to maintain good services to the public. Mr. Maybee said assurances for each county to have a significant role in any reorganization would be appreciated. He expressed concerns regarding communication and coordination delays that could jeopardize public health.

Constantine Cotsoradis, Deputy Secretary, Kansas Department of Agriculture, brought testimony stating the Department can neither support or oppose the legislation proposed in **SB 584** (Attachment 6). He said the KDA readily accepts training from other KDHE programs to facilitate transfer of any staff. Mr. Cotsoradis reported the agency is highly satisfied with the professionalism and expertise demonstrated by present food safety staff.

Richard Morrissey, Interim Director, Division of Health, KDHE, provided background information surrounding the issues of public health and food safety (Attachment 5). He said Kansas has a long history beginning with Dr. Samuel J. Crumbine, a national pioneer in public health, who in 1913 served as Secretary of Health under the Hotel and Restaurant Commission. This organization eventually became the Department of Health and Environment in 1974. Mr. Morrissey maintained a neutral position on **SB 584**, stating the existing relationship between KDA and KDHE regarding food safety has been conducted efficiently.

Kay Johnson, Environmental Services Director, City of Wichita, submitted testimony, which in her absence, was presented by Laura Quick, Supervisor of Food Section, Environmental Services (Attachment 6). The agency though officially neutral on **SB 584**, has concerns for consumer interests in the process of transferring inspections to KDA. Ms. Quick reiterated the necessity of efficient communication from the agency should there be any reporting of food-borne illness. She said the City of Wichita would be in full cooperation with the decision regarding transfer of inspection duties to KDA.

Written testimony submitted by Leon F. Vinci, DHA, explained his position of opposition (Attachment 9). Written testimony submitted by Ron Hein, Hein Law Firm, Chartered, on behalf of the Kansas Restaurant and Hospitality Association, maintained a neutral position on **SB 584**.

The Chairman closed the hearing on **SB 584**.

The meeting was adjourned at 5:05 p.m. The next meeting is scheduled for March 12, 2008, at 3:30 p.m.