

MINUTES OF THE SENATE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Mark Taddiken at 8:40 a.m. on February 11, 2009 in Room 446-N of the Capitol.

All members were present except:

Senator Marci Francisco- excused
Senator Janis Lee- excused
Senator Steve Morris- excused

Committee staff present:

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

Conferees appearing before the Committee:

Erik Wisner, Policy and Program Analyst, Kansas Department of Agriculture (KDA)
Julie Hein, Kansas Restaurant and Hospitality Association (KRHA)

Others attending:

See attached list.

Chairman Taddiken opened the hearing on **SB 203**- Secretary of agriculture, food safety and lodging program changes.

Erik Wisner, Policy & Program Analyst, Kansas Department of Agriculture, (KDA) (Attachment 1) appeared as a proponent to **SB 203**. He noted that the 2008 Legislature enacted **SB 584** which transferred all responsibility for the inspection and licensing of food service establishments and lodging facilities from the Kansas Department of Health and Environment (KDHE) to the KDA.

Mr. Wisner said that KDA wants to re-establish the provision that allowed premises with a primary function licensed by the Kansas Department of Health and Environment (KDHE) to be exempt from food safety licensing by KDA. Another change suggested is to clarify when a hearing regarding licensure would take place. He said the right of hearing should be after the order is issued rather than before to be consistent with the Kansas Administrative Procedures Act.

Mr. Wisner said the last change would create a uniform system of enforcement actions for all KDA programs that regulate food safety and lodging facilities.

He submitted a balloon that would allow KDA to enter into agreements with facilities to conduct their own private inspections.

Another change proposed is on page 3 line 41, the sentence beginning "Such food service" and ends on page 4 line 7 with the sentence ending with "the Kansas administrative procedure act". KDHE was concerned that the language would create undue regulations for some of the facilities currently regulated.

Mr. Wisner introduced staff members: Steve Morris, Manager, Food, Safety and Lodging Program, and Julie Ehler, Staff Attorney, responsible for the KDA's food safety enforcement.

Mr. Wisner took questions from the Committee.

Mr. Morris answered questions regarding lodging inspections, dining facilities and kitchen areas.

Ms. Ehler responded to a question regarding authority to inspect lodging.

Chairman Taddiken said that KDHE has worked with the KDA on this bill and KDHE did not feel they needed to appear before the Committee.

Constantine Cotsoradis, Deputy Secretary, KDA, answered questions from the Committee.

CONTINUATION SHEET

Minutes of the Senate Agriculture Committee at 8:30 a.m. on February 11, 2009 in Room 446-N of the Capitol.

Senator Huelskamp requested the KDA work on language to the bill which would exempt bake sales and school suppers from inspection.

Raney Gilliland, Kansas Legislative Research Department, had a question regarding the proposed amendment and the creation of standards for inspection of lodging establishments and how do they know what standards are in compliance with Kansas standards.

Mr. Cotsoradis said this is a voluntary program and the details will be dealt with in rules and regulations. He said there needs to be a balance between ensuring that communities can have these fund raisers but provide a certain level of food safety.

Julie Hein, Kansas Restaurant and Hospitality Association (KRHA), appeared in support of **SB 203**. No written testimony was provided. She said the idea of the private industry using their industry reports came from the KRHA. Ms. Hein also said that many of the flag companies have very strict inspections and are inspected twice per year. She said the KRHA is contemplating that the rules and regulations process would create an opportunity to make these inspections more efficient by working with KDA

Ms. Hein offered to stand for questions.

Chairman Taddiken closed the hearing on **SB 203**.

The next meeting is scheduled for February 17, 2009.

The meeting was adjourned at 9:05 a.m.