

Approved March 4, 1991
Date

MINUTES OF THE Senate COMMITTEE ON Agriculture

The meeting was called to order by Senator Jim Allen at
Chairperson

10:09 a.m. ~~pm~~ on March 1, 1991 in room 423-S of the Capitol.

All members were present except: Senator Doyen (excused)
Senator McClure (excused)

Committee staff present: Raney Gilliland, Legislative Research Department
Lynne Holt, Legislative Research Department
Jill Wolters, Revisor of Statutes Department

Conferees appearing before the committee: Larry Woodson, Director, Division of Inspections,
State Board of Agriculture

Senator Allen called the Committee to order and called attention to SB 309, SB 310, SB 311, SB 316 and then called on Larry Woodson to testify as a proponent.

Mr. Woodson gave the Committee copies of his testimony (attachment 1) for SB 309 and expressed support for SB 309 which proposes to give legislative authority rather than authority by regulation for "stop use orders".

In answer to a Committee question it was answered that when a problem is corrected, that caused the "stop use order", a farmer could start using the corrected equipment as soon as the red "stop use order" tag is mailed to the State Board of Agriculture. It was answered that within one week of the correction the State Board of Agriculture should be back to check to see if the correction passes inspection. Staff called attention to Section 1 (a) of SB 309 noting that it was a duplication and that it was not needed.

Mr. Woodson provided copies of his testimony (attachment 2) for SB 310 and expressed support for SB 310 which would provide authority to impose civil penalties for violations to the Meat and Poultry Inspection Act.

Mr. Woodson provided copies of his testimony (attachment 3) and explained that SB 311 provides for the removal of contradictory language in the dairy law. Mr. Woodson requested that the Committee recommend passage of SB 311.

Mr. Woodson gave the Committee copies of his testimony (attachment 4) and expressed support for SB 316. Mr. Woodson explained that SB 316 would decrease the number of items needed for inspection of pet foods; the reduction would reduce the cost of that inspection program.

Mr. Woodson requested favorable action by the Committee on all four bills.

The Chairman called for Committee action on the four bills.

Senator Lee made a motion that the Committee amend SB 309 by deleting Section 1 (a). Seconded by Senator Sallee. Motion carried.

Senator Sallee made a motion that the Committee recommend SB 309 favorable for passage as amended. Senator Montgomery seconded the motion. Motion carried.

Senator Montgomery made a motion that the Committee recommend SB 310 favorable for passage; seconded by Senator Lee; motion carried.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Agriculture,
room 423-S, Statehouse, at 10:09 a.m. ~~XXX~~ on March 1, 19 91

Senator Brady made a motion that the Committee recommend SB 311 favorable for passage by being placed on the Consent Calendar. Seconded by Senator Frahm. Motion carried.

Senator Lee made a motion that the Committee recommend SB 316 favorable for passage. Seconded by Senator Francisco. Motion carried.

The Chairman called for action on Committee minutes.

Senator Sallee made a motion the Committee minutes of February 27 be approved; seconded by Senator Harder; motion carried.

Senator Allen adjourned the Committee at 10:28 a.m.

SENATE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

March 1, 1991

Good morning, Mr. Chairman and members of the Senate Committee on Agriculture and Small Business. My name is Larry D. Woodson, Director of the Kansas State Board of Agriculture's Division of Inspections. I am here today to testify in support of Senate Bill 309 which would amend K.S.A. 2-1217 of the Kansas Anhydrous Ammonia Law to provide for the authority to issue "stop use orders" on anhydrous ammonia equipment found to be unsafe for use when inspected by a member of our Agricultural Commodities Assurance Program (ACAP) staff.

The Anhydrous Ammonia Law is primarily a law which requires persons handling, selling and transporting anhydrous ammonia to follow safety regulations in order to reduce the incident of accidents involving this compound. Presently, the law requires anhydrous ammonia storage facilities to be inspected for safety by ACAP staff and deficiencies found are noted on the report and a stop use order (red tag) is placed on the piece of equipment found to be faulty. This "stop use order" is issued by the authority of administrative policy established in 1988 and is not established or contained in the act or promulgated regulations.

If enacted, this legislation would provide a legislative authority rather than policy under which "stop use orders" could be issued. Presently, if a firm fails to respond to a "stop use order" they are sent a letter of warning, or an administrative hearing is set and the facility operators are asked to repair the safety violation or discontinue use of the equipment. By making the "stop use order" part of the Kansas Anhydrous Ammonia Law, inspectors would have the full force of the act itself behind their actions. Any violation of a "stop use

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attachment 1

order" would then be subject to the penalty section of the Kansas Anhydrous Ammonia Law which is deemed a misdemeanor and carries a fine of up to \$500.

We would appreciate your favorable consideration of Senate Bill 309.

I will attempt to answer any questions that the committee may have.

SENATE AGRICULTURE COMMITTEE

March 1, 1991

Good morning, Mr. Chairman and members of the Senate Agriculture Committee, I am Larry D. Woodson, Director of the Kansas State Board of Agriculture's Division on Inspections. I am here to testify in support of Senate Bill 310, which would provide civil penalty authority in the administration of the Kansas Meat and Poultry Inspection Act.

If enacted the legislation contained in Senate Bill 310 would provide for civil penalties to be imposed on persons, corporation or firms found to have violated provisions of the Kansas Meat and Poultry Inspection Act and regulations promulgated thereunder. Civil penalty authority would assist in expediting action on documented violations of the Kansas Meat and Poultry Inspection Act, which can include mislabeled or misbranded product, failure to register operations processing and/or slaughtering meat and poultry products not specifically exempted and numerous infractions of the act and regulations.

Currently any case recommended for action beyond a letter of warning or administrative hearing must be filed with the local county or district attorney in whose jurisdiction the offense was committed. We have found that many county or district attorneys are already overloaded with pending cases and cases involving mislabeled or misbranded meat and/or poultry products (not posing a public health risk) become a low priority item. One case

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attachment 2

involving violations of the Kansas Meat and Poultry Inspection Act has been pending for 15 months with no resolution to date.

Most violations documented and filed by compliance investigators have been resolved without going to trial. Civil penalty authority would allow violations not involving adulteration or a public health risk would be resolved administratively without filing criminal charges and adding to an already overburdened judicial system. Serious cases involving product adulteration and public health endangerment, which are felonies, will continue to be referred to local prosecutors for action.

If enacted, this proposal would not require any additional staff. The Board of Agriculture already has civil penalty authority in the dairy and plant health programs and the addition of civil penalty authority in the meat and poultry inspection program could be handled with existing staff.

I will now stand for any questions you may have.

SENATE AGRICULTURE COMMITTEE

SENATE BILL 311

March 1, 1991

Mr. Chairman, Members of the Senate Agriculture Committee, I am Larry D. Woodson, Director of the Division of Inspections, Kansas State Board of Agriculture and I am here this morning to address Senate Bill 311.

Senate Bill 311 is a legislative clean-up bill that removes contradictory language contained on lines 2 and 3 on page two. When Senate Bill 419 was passed during the 1990 session, the purpose was to update the dairy laws and to provide for additional fees to fund the dairy inspection program.

The language proposed for deletion removes the very fees that were increased by the bill. The Attorney General, in opinion AG 90-83, found the proposed language to be surplusage contrary to the intent of Senate Bill 419. This bill cleans up this problem.

At the time of passage there was agreement between the dairy advisory committee and the agency on the fee increase. This amendment was reviewed with industry and they are still supportive of the original intent and purpose.

The agency would appreciate your favorable action on Senate Bill 311.

If you have questions, I will attempt to answer them.

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attachment 3

SENATE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

March 1, 1991

I am here today to testify in support of Senate Bill 316 which would amend K.S.A. 2-1009 of the commercial feeding stuffs law and reduce the number of canned pet food samples required for a representative sample. By reducing the number of samples collected, we reduce our cost as it is fewer cans to purchase, fewer to transport and fewer to maintain or analyze at our laboratory. This does not affect the sampling of other commercial feeding stuffs in package or bulk form.

For the routine samples that are in compliance, this will be more efficient. For the violations, it will likely be necessary to pull additional samples from the same lot prior to taking action.

We respectfully request your favorable consideration of Senate Bill 316.

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attachment 4