

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Joann Flower at 9:00 a.m. on January 22, 1997, in Room 423-S of the Capitol.

All members were present except: Representative Ballou - excused  
Representative Freeborn - excused  
Representative Lloyd - excused

Committee staff present: Raney Gilliland, Legislative Research Department  
Gordon Self, Revisor of Statutes  
Kay Scarlett, Committee Secretary

Conferees appearing before the committee:  
Allie Devine, Secretary, Kansas Department of Agriculture

Others attending: See attached list

Allie Devine, Secretary, Kansas Department of Agriculture, introduced key staff members that were in attendance and provided a brief background of the department. She stated that the department has approximately 305 employees with an annual operating budget of nearly \$20 million -- 46 percent from the state general fund, 41 percent from fee funds, and 13 percent from federal sources. The department is a regulatory agency administering approximately 49 laws. She explained the structure and duties of the 9-member advisory board, as well as the functions of the seven substantive divisions within the department.

The Secretary brought the committee up to date on several specific issues pending in the Kansas Department of Agriculture (Attachment 1):

- Status Report on the Weights and Measures Division,
- Status of the adoption of HACCP and associated Federal regulations in Kansas' state-inspected meat and poultry plants,
- Status Report on Karnal bunt and the 1996 survey,
- Status Report on water structures in the Division of Water Resources
- Status Report on the Kansas Department of Agriculture's customer focused computerization process, and
- Status Report on the proposed office consolidation in the Kansas Department of Agriculture.

The meeting adjourned at 10:00 a.m. The next meeting is scheduled for January 23, 1997.



KANSAS DEPARTMENT OF AGRICULTURE  
TESTIMONY  
TO THE  
HOUSE COMMITTEE ON AGRICULTURE

by

Alice A. Devine  
Secretary of Agriculture

Presented: January 22, 1997

*House Agriculture Committee  
January 22, 1997  
Attachment 1*

**Testimony to the House Agriculture Committee  
Kansas Secretary of Agriculture Allie Devine  
Jan. 22, 1997**

Today I would like to provide you with a basic overview of the Department of Agriculture activities. I would also like to update you on several specific issues pending in the Department.

The Kansas Department of Agriculture is approximately a 305 person organization with an annual operating budget of nearly 20 million dollars. The department receives approximately 46% of its funding from the state general fund, 41% from fee funds and 13% from federal sources.

By statute the Department of Agriculture has a nine member advisory board composed of persons from each of the congressional districts and four members selected at large. Both political parties must be represented on the board. All statutory and regulatory changes must be submitted to the board for review. The board is appointed by the Governor.

In addition to reviewing statutory and regulatory changes, the board has a role in the selection of the Secretary of Agriculture. Upon a vacancy in the office of the Secretary, the board selects three names for submission to the Governor. The Governor makes the final selection of the Secretary who serves at the pleasure of the Governor. The Secretary is confirmed by the Senate.

The department administers approximately 49 laws. The Secretary is vested with rulemaking authority, with some exceptions in the area of water resources. The Secretary is also responsible for the general management of the department in areas of budget, administration, and personnel. The Chief Engineer has independent rulemaking authority over matters concerning water structures, water appropriations, and interstate water compacts.

In the attached document you will find an overview of the department's functions by division. There are seven substantive divisions within the department. Those divisions are (1) inspections; (2) plant health; (3) water resources; (5) laboratories; (6) weights and measures; and (7) statistics.

Today I would like to update you on several specific issues. In the booklet you will find background information on each of these issues. If you have additional questions or would like further information please contact our offices.

Thank you for the opportunity to update you on the department activities.



---

# The Kansas Department of Agriculture

- **Agency Vision:** We will have effective, efficient regulatory programs, which, if challenged, will be proven credible.
- **Agency Mission:** To administer the laws and programs assigned to the Department of Agriculture for the benefit of the people of Kansas

## Areas of Regulation

The Kansas Department of Agriculture is a regulatory agency. Areas of jurisdiction include pesticides, weeds and insect crop pests; meat, poultry, dairy products, eggs, fertilizers, seeds, chemicals and feeding stuffs; commercial weighing and measuring devices; water resources; and marketing and promotion of Kansas corn, grain sorghum and soybeans. Questions should be directed to the Secretary of Agriculture at 913-296-3558; the department's legislative liaison at 913-296-3848; or the public information section at 913-296-3558.

## Divisions of Work

The department is organized into five divisions of work: administrative and commodity commissions; inspections; agricultural laboratories; plant health; weights and measures; and water resources.

- Administrative services provide policy, coordination and management functions for the department. Administrative services consists of the fiscal, personnel, legal, research, computer and information functions and includes the office of the Secretary. Also administered are the three Kansas Commodity Commissions for the marketing, promotion and improvement of corn, soybean and grain sorghum crops.
- Statistical services collect, analyze and disseminate information about Kansas agriculture which is used by other arms of government, producers, agribusiness, consumers and the general public.
- The plant health division protects the public by ensuring the safe usage of pesticides and protects the agricultural industry by barring the introduction of foreign plant pests and weeds and helping to eradicate noxious weeds already found in the state of Kansas. It provides licensing, certification and services.

- The division of inspections provides public safety and consumer protection through the regulation of meat, poultry, dairy products, eggs, fertilizers, agricultural seeds, chemicals and feeding stuffs. A goal is to protect both consumers and the agricultural industry by maintaining a climate of consistency and confidence in the marketplace.
- The weights and measures division protects Kansas consumers through the inspection of large and small scales, scanners, fuel quality and quantity. Private scale companies and their technicians are trained, certified and monitored to perform tests of measuring devices. The state maintains an nationally certified laboratory to calibrate weights and measures.
- The division of laboratories provides necessary support to the inspections and plant health divisions by analyzing and testing regulatory samples collected by inspectors. The division also operates a seed laboratory which performs various service analyses on seed samples submitted by farmers, seedsmen and the agricultural industry.
- The water resources division manages the state's water resources and water structures. The water appropriation segment of the program manages and allocates limited supplies of ground and surface water through a system of permits, reviews and inspections. The water structures subprogram inspects and regulates dams and stream obstructions. Also administered is the state's participation in fur interstate river compacts and the sub-basin resource management plan, which is developed in conjunction with local agencies to create a long-term state water usage plan.

---

## **For More Information**

Kansas Department of Agriculture  
901 Kansas Avenue  
Topeka, Kan. 66612-1280  
Telephone 913-296-3558  
Fax 913-296-8389

Secretary of Agriculture Allie Devine  
Assistant Secretary of Agriculture Galen Swenson  
913-296-3558

Mary Jane Stattelman  
Legislative Liaison and Chief Counsel  
913-296-3848

**STATUS REPORT ON THE  
KANSAS DEPARTMENT OF AGRICULTURE'S  
WEIGHTS AND MEASURES DIVISION**

**TABLE OF CONTENTS**

KANSAS DEPARTMENT OF AGRICULTURE - WEIGHTS AND MEASURES DIVISION 1  
    Summary of changes to the overall weights and measures program. .... 1

METROLOGY LABORATORY PROGRAM ..... 3

SMALL SCALES PROGRAM ..... 3  
    Small Scale Test and Accuracy Information ..... 5

SCANNERS PROGRAM ..... 6

PACKAGE PROGRAM ..... 7

LARGE SCALES PROGRAM ..... 7  
    Summary of Industry Contacts ..... 8  
    Large Scale Test and Accuracy Information ..... 9

FUEL QUALITY PROGRAM ..... 9  
    Summary ..... 10  
    Results of first fuel quality statistical sample: ..... 11

RETAIL MOTOR-FUEL DISPENSERS (GAS PUMPS) PROGRAM ..... 11  
    Retail Motor-Fuel Dispenser Test and Accuracy Information ..... 11

LPG\VTM PROGRAM ..... 12  
    LPG\VTM Test and Accuracy Information ..... 13

CONSUMER COMPLAINTS ..... 13  
    Consumer Complaints - FY 97 ..... 13

## KANSAS DEPARTMENT OF AGRICULTURE - WEIGHTS AND MEASURES DIVISION

At the request of the Secretary of Agriculture, the Legislative Post Audit began a K-GOAL audit of weights and measures in September 1995. They released their report to the committee and public in January 1996. The report identified many problems with the weights and measures program and with the accuracy of weighing and measuring devices throughout the state. The Legislative Post Audit report also made specific recommendations on how to improve the weights and measures program.

The weights and measures program is a unique weights and measures program in that it requires the annual test of all commercial weighing and measuring devices<sup>1</sup> within the state by licensed service companies and relies on the statistical testing of devices, education and training of service companies, and enforcement action to ensure the accuracy of commercial weighing and measuring devices. It should be noted that the weights and measures program, as it is currently being administered, has been referred to by a representative of NIST, as a model for other states to follow.

During the period from January to May, 1996, the corrective actions taken consisted of analyzing the program, researching petroleum measurement regulations, proposing new statutes, amending existing statutes, and developing the statistical programs. In May 1996, a new Director was hired to administer the program and implement the changes recommended by the Legislative Post Audit's report and KDA's analysis.

### **Summary of changes to the overall weights and measures program.**

- Industry, service companies and other involved parties informed that the law will be uniformly enforced.
- All *gentleman's agreements* and policies not supported by law rescinded.
- Emphasis on education and training to ensure accurate weighing and measuring devices.
- Eighteen training sessions for field staff, service technicians and industry representatives.
- Civil penalties strengthen the Division's ability to take enforcement action when necessary.
- Commitment to working with industry through Association groups to assist those regulated by the weights and measures program.
- Statistical program developed to determine within a 97.5% confidence level the accuracy of weighing and measuring devices within the state.
- Computer generated random follow-up inspections of service company work.

---

<sup>1</sup>Retail motor-fuel dispensers (gas pumps) are not included. The Weights and Measures Division conducts 100% testing of these devices annually.

- Computer generated management reports to track the progress of the weights and measures program.
- Comprehensive fuel quality program established.

**WEIGHTS AND MEASURES PROGRAM**

Following is a status report and the corrective action taken in regards to each of the weights and measures subprograms for the period May 6, 1996 - January 17, 1997. The percentage of inaccurate weighing and measuring devices tested to date are specified for each program. Although there is not a "National Average" for inaccuracy, it is apparent that the percentage of inaccurate weighing and measuring devices for each of the following programs is very high. This high level was anticipated as weighing and measuring devices were tested according for the first time to national test methods which reveal the true performance of a weighing and measuring device.

The percentage of inaccurate weighing and measuring devices may continue to rise slightly higher before leveling off as more devices are tested. Part of the problem has been that service companies were not testing weighing and measuring devices in a manner that revealed their actual performance and thus, certified inaccurate weighing and measuring devices. For this reason, in the past over a number of years, weighing and measuring devices were not repaired or replaced as they should have been. The percentage of inaccuracy should fall significantly in the next one to two years as these inaccurate devices are repaired or replaced and as the KDA continues increased testing, training and enforcement activities.

**Plan of Action to Reduce the Rejection Rate**

- Educate device owners/users about weights and measures in general and the proper maintenance of weighing and measuring devices
- Provide training to service companies and technicians regarding the proper test of weighing and measuring devices
- Take enforcement action against service companies and technicians that do not conduct proper tests or certify inaccurate weighing and measuring devices

<b>Rejection Rate Summary</b>	
<b>Device Type</b>	<b>Rejection Rate for Accuracy</b>
Small Scales	14 %
Scanners	46%
Large Scales	29%
Fuel Quality	2%
Retail Motor-Fuel Dispensers	16%
LPG\VTM Meters	34%

## **METROLOGY LABORATORY PROGRAM**

K.S.A. 83-205 (3) requires the weights and measures program to make available to all users of physical standards or weighing and measuring equipment the precision calibration and related metrological certification capabilities of the weights and measures facilities of the Department of Agriculture.

The metrology laboratory is certified through the National Institute of Standards and Technology (NIST). The metrologists routinely participate in regional seminars, take metrology courses at NIST, and have their work reviewed by NIST in order to maintain the laboratory's certification. This third party accreditation process helps to maintain the credibility and integrity of the laboratory.

It was in the past becoming more difficult to provide accurate measurements due to aging equipment. Hence, two new high precision balances were recently purchased for the laboratory to replace two older ones. The new balances, in addition to superior performance, allowed the metrologists to interface them to computers. This eliminated a step in the test weight certification process and reduced paperwork, thus improving efficiency.

## **SMALL SCALES PROGRAM**

K.S.A. 83-205 (1) requires that the weights and measures program assure that weights and measures (scales, gas pumps, and other devices) in commercial service within the state are suitable for their intended use, properly installed, accurate and are so maintained by their owner or user.

The Legislative Post Audit report recommended that the weights and measures program require businesses to use scales that will maintain accuracy for a reasonable period of time and require scale owners to get periodic inspections of their devices.

Both of these items were already required by law, but the law was not uniformly enforced and the public was not informed as to what the law required. Because of these failures, not all scale owners/users used quality scales or had their scales tested annually.

To correct this situation the following actions were taken.

- Analysis of what the law required and what the Division was actually doing; taking corrective action where necessary. For example, in the past, the Division arbitrarily exempted certain scales from the annual test requirements. These exemptions were rescinded and the law is now being applied uniformly.
- Intensive training covering scale testing and Kansas law was conducted for all licensed scale service technicians.
- An educational process for scale owners/users was initiated to inform them of the requirements pertaining to using a commercial scale.



- Meetings were held with the Kansas Food Dealers Association and other major grocery store chains to discuss the "new" weights and measures program.
- Interviews with radio programs serving the agricultural community were given to provide information to the scale user and the consumer about the program.

The Legislative Post Audit found a significant number of scales did not meet requirements, including accuracy, even after they were inspected by licensed service companies. The cause for this situation was determined to be lack of oversight of the service companies' work and lack of enforcement action when problems with their work were discovered. The Legislative Post Audit report recommended that the Division establish a systematic process of follow-up inspections and to establish and follow enforcement procedures with more severe enforcement actions for more significant or repeated violations.

The Division has complied with these recommendations. A systematic program of randomly selecting recent scale tests conducted by service companies for follow-up testing by a weights and measures inspector has been initiated. Enforcement action will be taken against service companies or technicians found not to be following established procedures, or certifying inaccurate scales. The enforcement action may be in the form of civil penalties or the suspension or revocation of their license.

### Summary

- Computer generated and randomly selected follow-up inspections of licensed service companies to ensure the validity of their work. Generally, civil penalties will be assessed, but more severe enforcement action may be taken.
- The denial, suspension, and revocation of a service company's or technician's license will occur when necessary. On October 28, 1996, after an investigation by the Weights and Measures Division disclosed that a service technician had submitted a fraudulent scale report an administrative hearing was held. The service technician was suspended for seven days after the hearing.
- New legislation provides for civil penalties from \$100 to \$5,000 for violations of the weights and measures law. Regulations detailing the penalties for specific violations should be in effect by March 1997.

Training and education are key components to a successful weights and measures program. Service companies and technicians, for the most part, want to comply with the weights and measures law and will do so if they understand what the requirements are. In May, over two hundred licensed scale service technicians received training in the proper test of scales and the requirements for scale testing under Kansas law. At these training sessions it was explained that the law would be enforced and corrective action would be taken against service companies or technicians when appropriate. In addition to the training, the following actions have been taken by the Weights and Measures Division.

- New scale reports were designed to better track the accuracy of scales as they are found



and to provide information on the direction of error (in the scale owners favor or the customer's) and other pertinent information.

- A reliable statistically based testing program was developed to determine the accuracy of the scales within the state.
- The Agricultural Statistics Division assists in the rapid entry of data from scale reports to ensure timely information.
- Computer generated reports regarding the number of inspections conducted by the weights and measures staff or licensed service companies, the number of inaccurate scales, the type of scale (food, propane, etc.) and area in which the scales were inspected are now available.
- The statistical data is being used to track trends, determine where to allocate resources, and measure the performance of the weights and measures program and inspector's work.

The responsibilities and workload of the staff has increased. Several steps have been taken to address this new demand. The Technical Specialist assigned to this program has participated in a NIST sponsored instructor training session for scales. This training is provided to the states by NIST. It is very intensive and is intended for individuals who will provide training to their staff and industry in their area. The Technical Specialist has since presented training to the staff, industry, and service technicians. Training will continue to be provided to ensure that the staff is properly trained to conduct effective and efficient scale inspections.

The field staff are being closely monitored to ensure that they are properly utilizing their work time. The work time of the field staff was increased by nearly eight percent by eliminating the former administration's long standing practice of allowing the field staff to work four nine-hour days and to do paperwork on Fridays. The field inspector does not have four hours of paperwork, so essentially they were allowed a paid half-day off each week. The field staff is now allotted one hour per week for paperwork and vehicle/equipment maintenance. The "extra" time is devoted to conducting inspections and has improved productivity.

#### **Small Scale Test and Accuracy Information**

In FY96, the Division did 1,356 inspections and rejected 14% of the scales inspected. Industry rejected 5% of the scales they tested.

### Current Information

Statistical sample started August 26, 1996.

Statistical sample is complete.

<b>Inspector Areas</b>	<b>Number of Inspections</b>	<b>Number of Scale Rejections</b>	<b>Rejection Rate (%)</b>
982	60	8	13
983	261	27	10
984	80	22	28
987	81	11	14
997	24	1	4
<b>Totals</b>	506	69	14
<b>Service Technicians</b>	4365	500	11

### **SCANNERS PROGRAM**

K.S.A. 83-206 (f) requires the weights and measures program to inspect and test, to ascertain if they are correct, point-of-sale systems commercially used in recovering stored information related to price (scanners).

Prior to January 1996, only one staff member was conducting inspections of scanners. Since that time the entire staff has been trained in and are conducting scanner inspections. Initial scanner inspections indicate that a large number of stores do not have control over their scanner pricing. Of the 738 facilities with scanners inspected since January 1996, 341 failed the inspection (46%). This rejection rate is too high and the Weights and Measures Division is working to lower it. Many corrective actions have been taken to increase the compliance rate.

- Information regarding scanner inspections was disseminated to users through the Kansas Food Dealers Association and through meetings with retailers and grocers..
- Two training seminars were held for industry to assist them in providing accurate pricing to the consumer. The training sessions were taught by the Division's Technical Specialist assigned to this program after she participated in NIST sponsored instructor training for scanners.
- The Division will provide scanner training to members of the Kansas Food Dealers Association at their annual conference.
- The Division has offered to provide assistance and training to any business requesting it. The Division is currently working with one major retailer who is experiencing difficulty ensuring scanner accuracy.

In response to a request by a District Attorney's office and a consumer complaint received by the Weights and Measures Division, an investigation was conducted on a retailer. The results of the investigation indicated that the consumer was overcharged on scanned items - even after the overcharges were brought to the store's attention by the consumer. The District Attorney's office is seeking to levy significant fines against the store based on the Division's investigation.

The Division is continuing to conduct scanner inspections and to work with the industry to ensure that the consumer is not overcharged at the scanner.

### **PACKAGE PROGRAM**

K.S.A. 83-206 (h) requires that the weights and measures program inspect packaged commodities kept, offered, or exposed for sale to determine whether they contain the amounts represented.

There is, and has been, only one FTE assigned to this program, even though it is extremely important to conduct package inspections to ensure that the consumer receives the amount of product for which they have paid. The Weights and Measures Division is working to increase the amount of staff time spent conducting package inspections without increasing the staff.

The staff that is currently conducting small scale and scanner inspections will begin training in package inspections within the next six months. It is anticipated that by that time, improvements in the scale program will have reduced the amount of time needed to conduct routine scale inspections, and thus, allow more time to conduct routine package inspections.

Currently, package inspections have been conducted only in response to complaints. The Weights and Measures Division is currently working with the Meat and Poultry Division and the Attorney General's office in an extensive investigation of home meat sales companies. The Weights and Measures Division inspects the packages to determine if they contain the stated net quantity, the Meat and Poultry staff inspect the quality of the meat and labeling requirements and the Attorney General's office prosecutes the companies when violations are determined. To date, the Attorney General's office has collected several fines, ranging from \$10,000 to \$30,000, based on the investigations conducted by KDA.

Again, plans call for an increased routine package inspection program to ensure that the consumer receives the correct net quantity of product for which they have paid. This plan will be initiated after the field staff receives package inspection training.

### **LARGE SCALES PROGRAM**

K.S.A. 83-205 (1) requires that the weights and measures program assure that weights and measures (scales, gas pumps, and other devices) in commercial service within the state are suitable for their intended use, properly installed, accurate and are so maintained by their owner or user.

The scales tested under this program are used to weigh grain, livestock, fertilizer, aggregates and other bulk commodities. Many of the improvements to this program are the same as with the small scale program. In addition to the aforementioned corrective actions in the small scales section, the following actions were taken to correct the program.

The two scale test trucks currently in use by the Division are nearly 20 years old and are constantly in need of repair. Additionally, the trucks are not designed to conduct a proper scale test. New scale test trucks costs approximately \$100,000. KDA did not have the funds to purchase two new trucks so alternative methods for procuring the trucks were sought. The Central Motor Pool was contacted to see if they would purchase the trucks and lease them to the Division. Although this was an unusual request, the Central Motor Pool agreed and have ordered the trucks. The trucks are due to be delivered by March 1997.

The trucks will be state of the art and will allow the Division to properly test vehicle scales. This new equipment will allow the Division to test vehicle scales in accordance with NIST Handbook 44 and will better assure the accuracy of the scale tested.

The Weights and Measures Division has been contacted by several scale companies about the new test equipment. The scale companies have put off purchasing new test equipment, but now that the Weights and Measures Division is upgrading their test equipment, the scale companies are considering doing the same.

As part of the commitment to assisting industry in complying with the weights and measures requirements, the Division has met with many of the state's associations to discuss the weights and measures program and to provide information regarding the laws affecting their members. This interaction with industry will be an ongoing part of the weights and measures program.

### Summary of Industry Contacts

- Numerous meetings with Kansas industry Associations to discuss weights and measure issues.
- The Division has made presentations at the following Association meetings.
  - Association of Operative Millers
  - Kansas Livestock Association
  - Kansas Ready Mixed Association
  - Kansas Aggregate Producers Association
- The Division is scheduled to make the following presentation.
  - Kansas Farmers Insurance Association
- The Division has provided articles or other written information to the following associations for their newsletters.
  - Kansas Livestock Association
  - Kansas Grain and Feed Association

Kansas Ready Mixed Association  
 Kansas Contractors Association  
 Kansas Association of Commerce and Industry

**Large Scale Test and Accuracy Information**

<b>Rejection rates reported in the Legislative Post Audit report</b>		
<b>Rejection rates reported in Department's 1994 Budget</b>	<b>Rejection rates based on a sample of inspection reports</b>	<b>Rejection rate from current statistical sample</b>
5%	18%	29%

**Current Information**

A statistical test was partially completed (60%) in FY96/97 using old test methods and inspection reports. The old inspection reports did not provide the detailed information currently available and the old test methods did not reveal the true performance of the scale. Hence the test was discontinued after the inspectors received training on the proper test methods for large scales and the new scale inspection reports were available. During the first statistical test 228 scales were inspected and 12% were rejected for accuracy.

Current large scale statistical test started on August 26, 1996.  
 The statistical sample is 49% complete.  
 Estimated date of completion is July 1997.  
 Sample size 370.

<b>Device Type</b>	<b>Total Inspections</b>	<b>Number of Rejections</b>	<b>Rejection Rate (%)</b>
Livestock	7	3	43
Grain	47	9	19
Grain/Fertilizer	35	11	31
Fertilizer	14	5	36
Aggregate	20	11	55
Recycle	9	3	33
Public	9	1	11
Other	40	9	23
<b>Totals</b>	<b>181</b>	<b>52</b>	<b>29</b>

**FUEL QUALITY PROGRAM**

K.S.A. 55-426 prohibits the sale of petroleum products in the state that do not meet the standards or characteristics for those products as established by rules and regulations. KDA has adopted ASTM standards for fuel quality through the adoption of NIST Handbook 130 into regulations.

The Post Audit report indicated that the Division did not have an adequate fuel quality program even though the potential economic impact stemming from misbranded or off-spec fuel is

significant. The Division only averaged the testing of 76 samples per year in past years. The Post Audit report identified the high cost of funding such a program as the major barrier to it.

This "barrier" was removed by changing the Petroleum Inspection Fee Fund (PIFF) from a 1 cent to a 1 ½ cents fee on barrels of oil and by requesting bids on fuel quality analysis. The Division received a bid of \$54 per sample including shipping costs. This cost per sample is dramatically lower than the \$160 per sample that the Division had paid in the past.

The laboratory, Caleb Brett, also helped design a computer program that transmits the results electronically to the weights and measures database. This program eliminates the need for paper reports and data entry by weights and measures staff. Hard copies of samples that fail, however, will be sent to the Division.

Three statistical samples will be conducted this year. The first sample has been completed and two other tests will be conducted in FY 97.

Generally, civil penalties will be assessed against firms that sell improper fuel, but the option of prosecuting violators through the Attorney General's office may be used in the case of intentional or repeat offenses.

### Summary

- Three statistical tests will be conducted each year.
- There are approximately 900 samples drawn during each statistical test.
- The samples are drawn by weights and measures inspectors and sent to the Caleb Brett Laboratory in New Jersey.
- Tests are completed no later than four working days after receipt of sample.
- The lab transmits via fax or e-mail no later than eight hours the results of each off-spec sample.
- The lab reports all results in an electronic batch file (**this eliminates paperwork and the need for data entry by weights and measures staff**).
- The lab will provide court testimony up to six times a year as part of the sample cost - the agency will be required to pay expenses for additional testimony.
- The lab will retest any sample immediately.
- The lab retains a residue sample for 30 days unless notified in writing by the agency.



**Results of first fuel quality statistical sample:**

Percentage of non-compliance, excluding labeling, was 2%

Number Samples Tested	Total Number Failing	Failing Labeling Requirements	Failing Octane, but less than 1 point	Failing Octane, greater than 1 point, but less than 2 points	Failing Octane greater than 3 points, but less than 4 points	Failing Ethanol Content
878	20	2	3	2	1	12

Two of the more significant violations have been referred to the Attorney General's office for prosecution. Follow-up inspections will be conducted at all facilities with violations and enforcement action will be taken for repeat offenders.

**RETAIL MOTOR-FUEL DISPENSERS (GAS PUMPS) PROGRAM**

K.S.A. 83-404 (a) requires the owner or operator of a dispensing device which is used for commercial purposes to have it tested and inspected at least annually for accuracy. The test is to be conducted by either an authorized representative of any city or county weights and measures program or by a representative of the secretary.

Effective July 1, 1996, only the test conducted by the Weights and Measures Division satisfies the annual test requirements for retail motor-fuel dispensers. Licensed service companies may no longer conduct the annual test for retail motor-fuel dispensers.

This program, along with the fuel quality program, is funded through the Petroleum Inspection Fee Fund (PIFF). The state is divided into six districts with approximately 4,000 meters in each district. It was anticipated that the retail motor-fuel dispensers would be tested by private contractors in each district. However, only viable bids for five districts were obtained and two bidders dropped out before the bids were awarded. Consequently, only three districts were awarded to private contractors. Testing began on September 27, 1996 in these districts.

The three vacant districts were filled by unclassified special project employees. Testing in two of the areas began at the end of November and the third began in January. While not anticipated, this situation created a unique opportunity to compare the cost and productivity of a private contractor to that of a state employee. The two groups are being studied to determine which is the most cost-effective to use for inspecting retail motor-fuel dispensers.

**Retail Motor-Fuel Dispenser Test and Accuracy Information**

In FY95, 766 tests were conducted by the Weights and Measures staff and 51 devices were rejected; a 7 percent rejection rate. FY96 figures are not available.

Rejection rates reported in the Legislative Post Audit report		
Rejection rates reported in Department's 1994 Budget	Rejection rates based on a sample of inspection reports	Rejection rate from current testing
3%	13%	16%

### Current Information

The following table reflects the numbers of meters tested since the end of November when new inspection reports were issued. Prior to that date, the private contractors tested 939 meters and rejected 76 meters for accuracy. The inspector for district 3 trained in district 1 and all devices tested while training are reflected in district 1's totals.

### **Retail Motor-Fuel Dispensers**

<b>Total Inspections</b>		<b>Number of Rejections</b>	<b>Rejection Rate (%)</b>
1684		268	16
<b>District 1</b> Special Project	392	45	11
<b>District 2</b> Contract	264	13	5
<b>District 3</b> Special Project	61	11	17
<b>District 4</b> Contract	644	116	18
<b>District 5</b> Special Project	33	0	0
<b>District 6</b> Contract	290	83	29

### **LPG\VTM PROGRAM**

K.S.A. 83-205 (1) requires that the weights and measures program assure that weights and measures (scales, gas pumps, and other devices) in commercial service within the state are suitable for their intended use, properly installed, accurate and are so maintained by their owner or user.

The Weights and Measures Division has, as in all the other programs, conducted training for the licensed service technicians and its staff. The Technical Specialist for this program has received comprehensive training from NIST in this area and is providing training to the field staff and industry.

In the past, the Weights and Measures Division did not conduct all of the tests set forth in NIST Handbook 44, including the slow-flow test. The slow-flow test is very important to ensuring that a meter is accurate and that it will maintain its accuracy for a reasonable period of time. The slow-flow test was initiated into the Weights and Measures Division's routine testing of LPG meters in July.



The July date was selected to allow licensed LPG meter service technicians to be trained in the proper test and to work with the Propane Marketers of Kansas Association (PMKA) to disseminate information regarding this test to LPG meter owners and users. Several meetings were held with PMKA and a presentation to the PMKA Board of Directors updating them on the weights and measures program was made by the Division at their fall meeting.

**LPG\VTM Test and Accuracy Information**

In FY96, the Division did 434 inspections and rejected 30% of the meters inspected.

<b>Rejection rates reported in the Legislative Post Audit report</b>		
<b>Rejection rates reported in Department's 1994 Budget</b>	<b>Rejection rates based on a sample of inspection reports</b>	<b>Rejection rate from current statistical testing</b>
2%	25%	34%

**Current Information**

LPG\VTM statistical test started January 1996.

The statistical test is 74% completed. Estimated completion date is March 1997.

Sample size 406.

<b>Total Inspections</b>	<b>Number of Rejections</b>	<b>Rejection Rate</b>
302	102	34%

**CONSUMER COMPLAINTS**

The Legislative Post Audit report cited that the Division did not consistently deal with consumer complaints about scales, gas pumps, and meters. The Division has addressed this problem by formalizing the procedures for handling consumer complaints and by making the system for reporting complaints by consumers simpler.

The system for a consumer to file a complaint with the Division required the consumer to verbally state their complaint and then to fill out a form that was sent in the mail to them by the Division. The form requested the same information that the consumer had already given verbally. This redundancy resulted in few complaints actually being filed after the initial phone call. Only 76 consumer complaints were received in FY 96

In all presentations, radio and television interviews, and contact with the public, the Division has stressed their commitment to serving the citizens of the state. One of the primary ways to serve the public is by investigating all consumer complaints. Following are the number of complaints received and investigated for FY 97.

<b>Device Type</b>	<b>Complaints Received</b>	<b>Complaints Completed</b>
Scales	12	9
Scanners	5	5
Retail motor-fuel dispensers	37	34
Packages	15	15
<b>Totals</b>	<b>69</b>	<b>63</b>

1-19

STATUS OF THE ADOPTION OF  
HACCP AND ASSOCIATED FEDERAL REGULATIONS  
IN KANSAS STATE-INSPECTED MEAT AND POULTRY PLANTS

## **STATUS OF THE ADOPTION OF HACCP AND ASSOCIATED FEDERAL REGULATIONS IN KANSAS STATE-INSPECTED MEAT AND POULTRY PLANTS**

### **The Kansas Meat and Poultry Inspection Program**

Staff of the Kansas Department of Agriculture's meat and poultry inspection program inspect animals and meat and poultry products processed in Kansas for sale within the borders of state. The state program has maintained a status "equal to" federal inspection since its inception, allowing the state's smaller processing plants to operate safely while avoiding some major investments in facilities and equipment which are required of federally inspected plants.

The Kansas Department of Agriculture recognizes the importance of the state's small processing plants to employment and the economy of Kansas, particularly rural Kansas. The department has been working with other agencies to assist small plants in complying with new federal regulations designed to improve food safety.

### **Adoption of New Federal Regulations is Necessary**

The state of Kansas, along with all other states which maintain a state meat and poultry inspection program, now must adopt a set of regulations designed to increase food safety. Many experts consider these federal regulations the best way to improve the safety of the American meat and poultry supply. They will move the field of meat and poultry inspection into a more science-based method of determining safety and wholesomeness, with the emphasis on the prevention of problems prior to occurrence, instead of the detection and correction of them after the fact.

Under the regulations, instead of just utilizing an inspector's senses to determine what is good and what is bad, testing of products for bacterial pathogens will be added

to normal operations in a meat or poultry establishment. The adoption and implementation of these regulations in Kansas is absolutely necessary to ensure that the program remains on an "equal to" footing with the federal inspection system. Failure to do so would endanger the continuation of the state inspection program.

### **Background of Events Leading to Adoption of HACCP**

During the winter of 1992-93, there was an outbreak of food-borne illness in the Pacific Northwest. Several children died and hundreds of people became ill. The cause of the outbreak was traced to undercooked hamburger patties that contained a pathogenic bacteria, E. coli O157:H7. Since then, similar outbreaks have occurred in other parts of this country, as well as other parts of the world.

In response to the outcry which followed these serious illnesses and deaths, the United States Department of Agriculture's Food Safety and Inspection Service (FSIS) developed a set of regulations that set out to change the way meat and poultry is produced and inspected. These regulations address the area of sanitation in a processing plant and the responsibility for maintaining certain standards of food safety during the production of meat and poultry items. The final rule for these regulations was published in the Federal Register in July 1996. It set out deadlines for the implementation of these regulations, as well as the specific requirements for the various sections of the new regulations.

### **Deadlines for Implementation**

The first requirement of the new regulations is the creation of written sanitation standard operating procedures (SSOPs) for every meat or poultry plant under

inspection by either federal or a state inspection program. The intent of this requirement is to get the individual plant owner to take primary responsibility for proper sanitation in the plant. The responsibility for the creation of the SSOP lies with the individual plant, then the inspection program will ensure that the plant is carrying out its SSOP plan. The SSOP is basically a step-by-step, written description of how sanitation will be maintained and how adulteration of meat or poultry products will be addressed. The deadline for Kansas plants to adopt their SSOPs will be set when the state legislature adopts the federal regulations. Federal plants began complying with SSOP and E. Coli testing requirements in January 1997.

The second requirement of the new regulations is the sampling and testing for generic E. coli organisms in each plant that slaughters livestock or produces ground meat products. It will be the plant's responsibility to perform the sample collection and testing, utilizing either in-house testing procedures or a commercial lab. The testing for E. coli is intended to indicate the level of contamination on the carcass resulting from improper dressing procedures at the time of slaughter. The frequency of testing for the small state-inspected plants is one sample per week for thirteen weeks, during the months of June through September, each year. The deadline for this testing to begin in small plants will be set after the state adopts the regulations.

The third requirement is the development and implementation of food safety systems in each plant. These food safety systems, known as Hazard Analysis, Critical Control Point systems, or HACCP, are intended to prevent food safety problems from occurring. This differs from the current system which is intended to catch problems after they occur. Each plant must break down its operations into its component steps

and evaluate each step for risk from physical, chemical, or microbiological hazards. Those steps in which the plant can intervene to prevent a food safety problem are considered Critical Control Points (CCP). The plant will identify their planned intervention for each CCP to prevent the food safety problem, and provide corrective actions when a problem does occur. Documentation must be kept by the plant for all CCPs, as evaluation and verification of the HACCP program will be periodically carried out by the plant management and by the state inspection program.

The deadline for the development and implementation of a HACCP program was adjusted for the size of the inspected plant. Those plants with more than 500 employees must have HACCP in place by January 1998. Those plants with 10 to 500 employees must have HACCP in place by January 1999. Those plants with fewer than 10 employees, or less than \$2.5 million in annual sales, must have HACCP in place by January 2000. Most Kansas plants are subject to the latest deadline.

The final requirement of the new regulations is a microbiological sampling program to test for Salmonella organisms in each inspected plant. This sampling and testing program will be the responsibility of the inspection program, not industry. The results of these samples will be compared to a national baseline to be developed by FSIS. Those plants comparing favorably to the baseline will be periodically sampled by the program. Those plants that exceed the baseline for Salmonella will be reviewed to determine the cause of the bacterial contamination, and be required to adjust their HACCP program to correct the situation.

### **Assisting the Small Plants**

These new regulations will be a great step toward increasing the safety of the

state's meat supply, but the Kansas Department of Agriculture also recognizes that they come at a cost to the owner/operators of the small meat plants. Additional training in science-based food safety systems is required for each plant. Capital improvements may be required to upgrade refrigeration capacities.

The Department of Agriculture has been working with Kansas State University to provide affordable, quality training to the state's small meat plant owners to assist in the transition to this new set of regulations. Meetings have also been held with the Kansas Department of Commerce and other agencies to make economic assistance available for training or capital improvements in the small meat plants. Employees of the meat and poultry inspection program have received training so they may be of assistance with information to the plants.

It is widely recognized that the continued existence of the small meat plant is important to economic survival of many small towns throughout the state. The efforts by the Department of Agriculture, Kansas State University, and the Department of Commerce represent a commitment to that continued existence of the small meat plant.

Despite their challenges, the adoption of these regulations by the Meat and Poultry Inspection program is necessary to maintain a program that is "equal to" the Federal inspection program. Failure to properly adopt, implement, and enforce these regulations will jeopardize the integrity and continuation of this program.

### **Summary Attached**

Attached is a summary of deadlines affecting Kansas meat plants and a copy of an explanatory letter sent to owners and operators of those plants last year.



# STATE OF KANSAS

BILL GRAVES, GOVERNOR  
Alice A. Devine, Secretary of Agriculture  
901 S. Kansas Avenue  
Topeka, Kansas 66612-1280  
(913) 296-3558  
FAX: (913) 296-8389



## KANSAS DEPARTMENT OF AGRICULTURE

December 13, 1996

Dear Inspected Establishment Operator:

As you know, the U.S. Department of Agriculture is implementing new rules regarding pathogen reduction and hazard analysis of critical control points in the meat and poultry production chain. These rules will increase consumer confidence in the safety of meat and poultry products, but they also will place substantial new requirements on state-inspected plants.

Governor Bill Graves is aware of the effort and the changes this will require of you and your business. He values your industry's contribution to Kansas, so he has asked state government and university officials to work together creatively to find ways to help Kansas meat producers comply with the new federal rules. The state supports these efforts to strengthen food safety and consumer confidence, but it also recognizes your potential difficulties in complying. Strengthened food safety regulations, however, ultimately will be of benefit to you.

This letter updates you on HACCP regulations, provides you with an action and training calendar to help you comply with new requirements, and tells you about ways to get training and financial assistance.

### **Update from the Kansas Department of Agriculture**

The Food Safety and Inspection Service (FSIS) set the deadline for development of written sanitation standard operating procedures (SSOPs) as Jan. 27, 1997. On that date, all federally inspected plants will be required to comply with SSOP and E. coli testing requirements.

State-inspected plants, however, will have longer to meet this first pre-HACCP requirement. The 26 state programs originally were subject to the Jan. 27 deadline; however, because many state legislatures will have to adopt the federal regulations during a legislative session, many states could not legally adopt and enforce the new regulations by January 1997.

FSIS now will allow each state the time it needs to legislatively adopt and enforce the regulations without penalizing the state's "equal to" status. The Kansas Department of Agriculture will prepare the regulations for review by the 1997 Kansas Legislature and they likely will be in force by July 1997. That means SSOPs will not be due until that time. Persons who have finished, or are near finishing, their SSOPs should continue to work on them to stay ahead of the game. Your early voluntary compliance is encouraged to promote increased awareness of sanitation.

1-26



Staff with the Kansas Department of Agriculture are beginning training in various areas of HACCP and will be able to answer questions from plants as implementation progresses. The area supervisors from the program will be trained in microbial testing techniques and be available to share that information with plants by March 1997.

A resource for questions about SSOPs and HACCP in the Department of Agriculture is Meat and Poultry Inspection Program Manager Dr. Joe Beuerlein. Call him at (913) 296-3511.

### **Financial Assistance Available**

Costs for training and especially for required capitol improvements needed to comply with HACCP can be substantial. A public/private team has been working to identify funding sources which could help the state's small plants make necessary changes.

The Kansas Department of Commerce and Housing (KDOCH) can assist with funding for HACCP training through the Kansas Industrial Retraining Program (KIR). Kansas State University will manage the funding through this program, allowing your business to apply for assistance of up to 50 percent of the anticipated cost of training.

This department also is investigating the use of Private Activity Bonds for use in capitol improvements. These bonds offer borrowers a low-cost alternative to financing. They are initiated by a local lending institution. Rates typically are the same as for tax-free bonds--currently around five to eight percent. KDOCH is working with the Kansas Development Finance Authority to determine if these bonds can be used as a financing source for capital improvements. A determination on the eligibility of PABs as a financing alternative will be made soon.

In addition to the financial commitment for capital improvements under the PAB authority, some processors may qualify for financing through the U.S. Small Cities Community Development Block Grant (CDBG). Some processors represent a significant business interest in a city or county. Local units of government are eligible to apply for financing assistance through this program to support and retain those businesses and the associated employment.

### **Training Through Kansas State University**

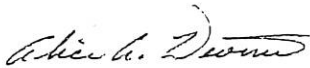
Kansas State University will hold a repeat of the one-day SSOP workshop on Sat., Jan. 18, 1997. This workshop will help you identify and develop written SSOPs for procedures you employ in your facility to prevent direct product contamination or adulteration before and during plant operations. An overview of the SSOP section of the USDA Final Rule will be presented. You will learn what information is required in written SSOPs; how to develop SSOPs, corrective action procedures and documentation forms; and become familiar with the record keeping requirements for this program. Call KSU Extension Animal Sciences at 913-532-6131 for more information about this workshop.

You also will be interested in a workshop on HACCP which is planned to begin May 30, 1997. At this workshop, you will learn the seven principles of HACCP, the steps necessary to develop a HACCP plan, work on the development of a plan, and learn how to put the program in place in your plant. This workshop will meet the requirements for HACCP training as specified by the USDA in the final rule. This workshop, as mentioned earlier, can be funded in part through Kansas Industrial Retraining Funds. More information will be available through Extension Animal Sciences.

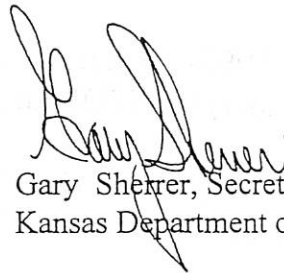
It is our hope that you will take advantage of the resources we have mentioned as you begin to move your business into compliance with the new federal regulations.

The attached calendar contains information about SSOP training, HACCP training and other important times, dates and requirements for plant owners and operators. You may wish to keep this calendar and refer to it later.

Sincerely



Alice A. Devine, Secretary  
Kansas Department of Agriculture



Gary Sherrer, Secretary  
Kansas Department of Commerce and Housing

Attachment

# SSOP/HACCP Calendar for Kansas Meat Processing Plants

---

- ✓ Currently -- Capitol improvement plans should be in preparation.
- ✓ Jan. 18, 1997 -- One-day SSOP workshop presented by KSU Extension Animal Sciences. Call 913-532-6131 for more information.
- ✓ Jan. 27, 1997-- Federally inspected plants must comply with requirements for SSOPs and E. coli testing.
- ✓ Feb. 15 or April 15-- Deadlines to apply for assistance with KSU HACCP training through the Kansas Industrial Retraining Program.
- ✓ Spring 1997 -- Kansas meat and poultry inspection program area supervisors receive training in microbial testing methods; by March, visit plants to relay that information for their use.
- ✓ May 30, 1997-- HACCP Workshop presented by KSU Extension Animal Sciences.
- ✓ July 1997 (estimated) -- State-inspected plants must comply with requirements for SSOPs and E. Coli testing.
- ✓ 1997-1999 -- HACCP training should continue and be updated by plant managers and personnel.
- ✓ 1999-2000 -- Final Implementation of HACCP requirements.

---

#### Contacts:

*State Meat Inspection*, microbial testing, HACCP--Dr. Joe Beuerlein, meat and poultry inspection program, Kansas Department of Agriculture, 913-296-3511.  
*Kansas Department of Commerce and Housing*--Curtis Chrystal, 913-296-3736  
*Kansas State University Extension Animal Sciences*--Dr. Liz Boyle, Extension Specialist, Meat--913-532-1247

---

STATUS REPORT ON  
KARNAL BUNT  
AND THE 1996 SURVEY

## STATUS REPORT ON KARNAL BUNT AND THE 1996 SURVEY

### Background

Karnal bunt of wheat has been a disease of regulatory significance in the U.S. since the early 1970s. Some 54 nations, many of them major importers, have some restriction on Karnal bunt imports.

Because the presence of this disease could adversely affect exports of wheat, usually Kansas' largest crop, the Kansas Department of Agriculture initiated a Karnal bunt survey in 1993 to determine the status of this disease in Kansas. Other states joined the effort between 1993 and 1995. No Karnal bunt was found in Kansas, Oklahoma, Texas, Nebraska, South Dakota, and North Dakota between 1993 and 1995.

### Events in 1996

Karnal bunt was detected in Arizona in March, 1996. USDA implemented a regulatory program to limit the artificial spread of the disease from affected areas in Arizona and California. A national Karnal bunt survey was initiated to determine the status of the disease in the rest of the United States. USDA provided funding through cooperative agreements with state cooperators.

The results of the 1993-1995 regional survey were instrumental in maintaining U.S. wheat exports following the discovery of Karnal bunt in Arizona last summer.

### Survey Results

Kansas:

A total of 2,148 samples (1,510 grain, 638 seed) were collected and analyzed for Karnal bunt. All samples were negative for Karnal bunt. The Kansas survey was coordinated with industry whose support and cooperation helped make it a success.

Financial Summary:

USDA funds: allocated:	\$336,359
spent:	\$214,703
State funds: spent:	<u>\$266,262</u>
TOTAL	\$480,965

United States:

Approximately 15,000 samples were processed nationally. Some Karnal bunt-like spores have been found associated with wheat in parts of Tennessee, Alabama, Georgia, and Florida. Similar spores have been associated with Oregon ryegrass seed. Although DNA tests have identified these suspects as Karnal bunt, USDA is performing pathogenicity testing to positively identify the pathogen.

No Karnal bunt was found in neighboring Great Plains states.

## Countries with Karnal Bunt Restrictions

Algeria	Argentina
Armenia	Azerbaijan
Belarus	Bosnia and Herzegovina
Brazil	Bulgaria
Canada	Chile
China	Colombia
Ecuador	Egypt
El Salvador	Estonia
Georgia	Guatemala
Honduras	Hungary
Indonesia	Italy
Kazakhstan	Korea
Kyrgyz / Kyrgyzstan	Latvia
Lithuania	Macedonia
Mexico	Moldavia
Moldova	Morocco
New Zealand	Norway
Paraguay	Peru
Poland	Romania
Russian Federation	Saudi Arabia
South Africa	Sri Lanka
Tajikistan	Thailand
Taiwan	Tunisia
Turkey	Turkmenistan
Ukraine	Uruguay
Uzbekistan	Venezuela
Vietnam	Yugoslavia

STATUS REPORT ON THE  
WATER STRUCTURES  
KANSAS DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES

**STATUS REPORT ON  
WATER STRUCTURES, KANSAS DEPARTMENT OF AGRICULTURE,  
DIVISION OF WATER RESOURCES**

**Water Structures Statutory Authority**

The Department of Agriculture's division of water resources has responsibility for issuing permits to persons who wish to construct dams or stream obstructions, or to make changes in the course of a stream. The Stream Obstruction Act (K.S.A. 82a-301 et seq.), administered by the division of water resources, provides for the regulation of construction, operation and maintenance of dams or other water obstructions. The regulatory authority applies to both private and public dams.

To carry out this duty, staff of the division of water resources must review and approve plans for construction of dams or alterations in stream channels. To approve plans, staff must inspect construction projects to ascertain matters of public safety, evaluate the property interests of others who may be affected by the project, and consider the environmental impact.

**Accomplishments and Actions**

Staff of the division of water resources review plans for dams. They also conduct inspections in the field to evaluate dam design, construction and maintenance. Staff have inventoried some 6,000 Kansas dams, all of which have a capacity of 50 acre feet or are 25 feet high or higher. Some 500 of those dams have been categorized as "high or significant hazard," meaning that a dam failure would likely cause loss of human life. This is determined both by the dam's location and the amount of water it contains.

During 1996, emphasis was placed on periodic safety inspections of high and significant hazard dams. Screening of almost all hazardous dams not previously inspected has been completed. Results of these inspections now are being reviewed to designate those dams that in the opinion of the Chief Engineer are unsafe (improperly designed or constructed, or improperly maintained) and thus could fail under a certain set of circumstances. Analysis of the recent hazardous dam screening will be used to set the division's priorities for future action.

It is the practice of division staff to work with dam owners to bring these structures into a safe condition. There are several options, including permanently lowering water levels; providing maintenance; making extensive repairs or renovations; removing the dam; or



removing the structures or persons in danger from below the dam. Periodic safety inspections also will be made on a regular basis according to the hazard status of the dam. Division staff will also work with emergency management agencies to create evacuation plans for individuals in the areas of hazardous dams.

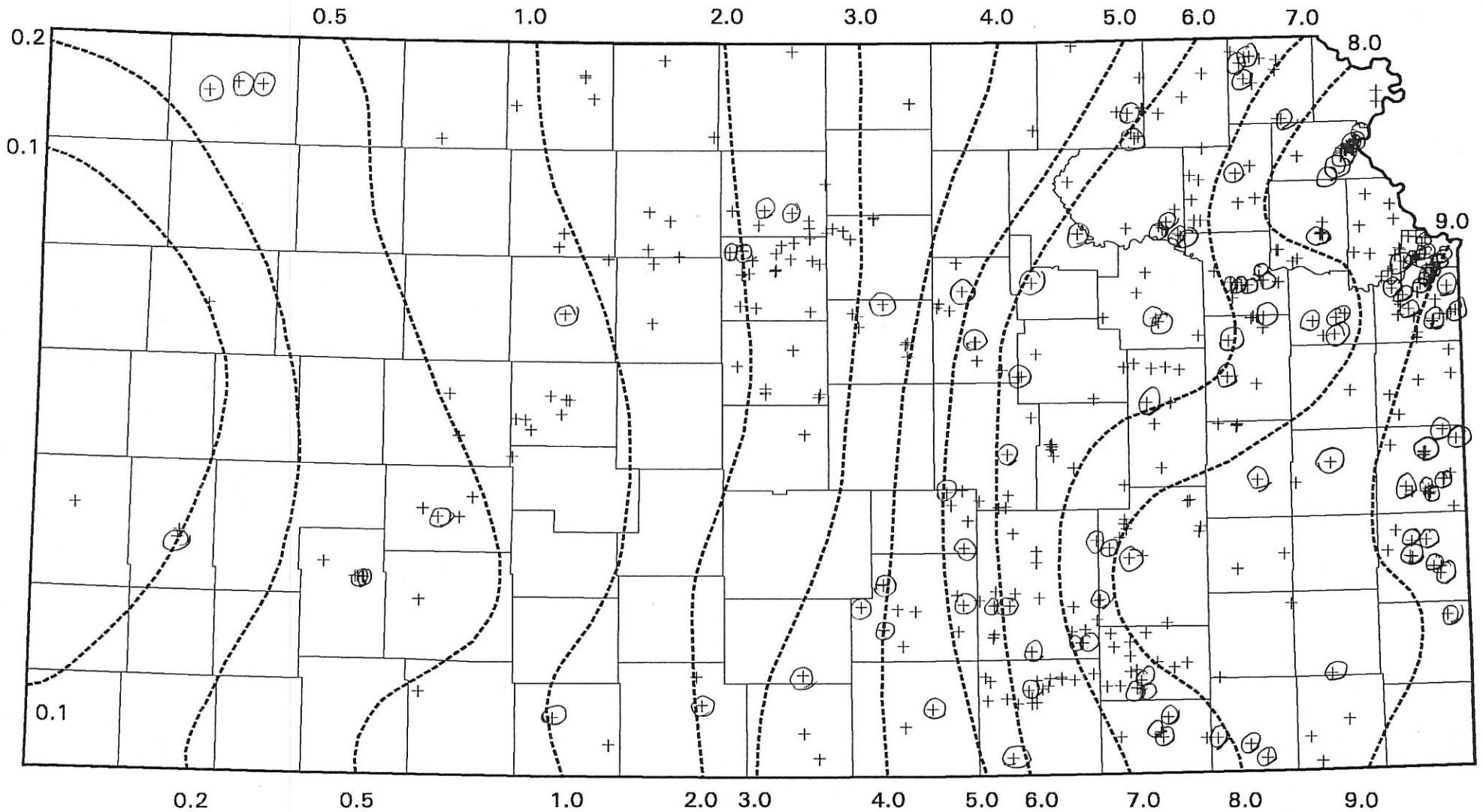
Secretary of Agriculture Allie Devine has said inspecting dams and encouraging the repair of unsafe dams is a priority for the agency and the division of water resources. The Department of Agriculture is working with other agencies to explore funding proposals to assist with the costly repair of unsafe dams. Included in the mix is the federal government under the new National Dam Safety Program Act passed by Congress in October 1996. The Kansas Water Office and the Kansas Water Authority also are studying this issue, which may result in new expenditures from the State Water Plan and future recommendations to the Legislature.

### **Summary**

The Department of Agriculture's division of water resources will utilize a reasonable balance of recommendations to dam owners, helping them make necessary improvements to remedy safety problems with enforcement of regulatory measures when necessary.

In conclusion, the Department of Agriculture is not at this time asking for legislation or legislative involvement. It will continue to review data, work with emergency management agencies and explore funding options. It will return to the Legislature with further information in the future.

# Hazardous Dams and Potential Annual Runoff in Kansas



1-36



Kansas Department of Agriculture  
 Division of Water Resources  
 Subbasin Water Resources Management Program  
 January 14, 1997

- + Significant Hazard
- ⊕ High Hazard
- USGS Potential Runoff in Inches

Disclaimer—Features on this map represent conditions as of the date of the map and are subject to change. The user is referred to specific policies, regulations, and/or orders of the Chief Engineer

STATUS REPORT ON THE  
KANSAS DEPARTMENT OF AGRICULTURE'S  
CUSTOMER FOCUSED COMPUTERIZATION PROCESS

## **STATUS REPORT ON THE KANSAS DEPARTMENT OF AGRICULTURE'S CUSTOMER FOCUSED COMPUTERIZATION PROCESS**

### **Department of Agriculture Computerization History**

When this administration took office in January 1995, it soon became clear that computerization was an agency-wide concern. In some areas, computer equipment and software were outdated; in others, needed equipment had never been purchased. Inefficiencies occurred when programs could not communicate with each other electronically, or when software was not compatible, even from office to office.

At the request of program managers, a plan for computerization under a client-server environment was formulated and implementation has begun. This plan is based on efficient service to benefit both the agency's internal and external customers. The governor, in his budget, has seen fit to fund the next stages of this plan by enhancing the agency's FY 1997 budget by \$200,000 and its FY 1998 budget by \$300,000 for computerization.

### **Accomplishments and Acquisitions, FY 1995 through January 1997**

- Department-wide reorganization has resulted in a consolidated nine-employee information resources and technology section which will serve all department programs.
- From departmental savings, 122 personal computers have been replaced with new purchases since FY '95.
- From departmental savings, 27 pentium upgrade kits were installed on personal computers during FY '97.
- All agency network personal computers now are on the same operating system with compatible software.
- The agency has entered into a contract with a nationally known consulting firm to

develop an information architectural plan for the agency.

- Electronic communication now is available from and between the main office at 901 Kansas Avenue in Topeka and outlying locations--the division of laboratories, weights and measures division, statistics division, KDA field offices, other state agencies and the Internet.
- The migration of the division of water resources from the state's mainframe to a client server environment was completed in December 1996.

### **The Next Steps**

The computer information architectural plan will be completed and reviewed at the end of January 1997. The implementation of that plan will be made possible through the governor's recommended enhancements to the departmental budget. Highlights of the desired new computerization program include the following.

#### *Communicate Across Divisions, Field Offices and Individual Field Staff*

The department provides many types of licenses, permits and certificates to its customers. Currently, one customer--a grain elevator, for instance--may have to apply to different programs of the department for a phytosanitary certificate to export grain, to have its fertilizer containment facility inspected, to pay fees, to sell agricultural products. Each of these is a different transaction now. It is a goal of the Kansas Department of Agriculture to develop a computer system which will support a centralized licensing center which will process all contacts with customers. When the department can communicate across divisions and directly with field staff, basic information will be entered only once and all records of a particular facility which is a department customer can be maintained together electronically. The reduction of record requirements for both the facility and the department would be marked. Data would be instantly available to field inspectors

to perform a thorough one-stop inspection. It is anticipated that the reduction of redundant data entry would allow the agency to shift personnel to areas of program enhancement, saving five FTEs by FY 2000.

Another desired benefit of new software to be acquired under the architectural plan is to shift information from the agency's outdated database to a more modern system at a minimum cost in programming time and system disruption.

#### *Communicate with External Customers*

The department is working toward the goal of communicating directly electronically with those external customers mentioned earlier, such as licensees or certificate holders. Input is being sought from these various customers. The system being developed would allow companies to communicate directly with the department through the Internet to apply for and receive many licenses or certificates. Many of the department's regulatory activities have a direct impact on trade and thus, on the state's economy. If a company desiring to export wheat must wait to hear the results of the Department of Agriculture's test for Karnal bunt, delays cost money which direct communication could avoid. The department may explore seeking a nominal fee to cover the costs of direct communication.

#### *Develop Two-Way Communication with Other Government Agencies*

Much of the agency's work is in conjunction with a federal agency, under a federal cooperative agreement with such agencies as USDA or EPA. Many problems also are science-based and would benefit from the rapid exchange of breaking scientific information. In many regulatory actions, the timely exchange of information is key to maintaining control of an outbreak situation. The proposed software acquisition would enhance the agency's capabilities to access and exchange such information.

The proposed information architectural program calls for a software package which would let images be transmitted and saved in departmental data bases. This would be beneficial to scientific exchanges and to the collection of GIS images used in water resource mapping.

### **Conclusion**

The Department of Agriculture has created a blueprint and a foundation for a computer/information system which will remove boundaries from information across programs of the department of agriculture, allowing common information to be shared more efficiently with individual Kansans and the agricultural industry. The result of the finished system will be reduced workload within the agency and increased access to information outside the agency. The process will reduce the amount of paper and provide increased responsiveness and efficiency in customer service to the regulated community. At the same time, it will provide savings to the state and the industry.

STATUS REPORT ON THE  
PROPOSED OFFICE CONSOLIDATION  
KANSAS DEPARTMENT OF AGRICULTURE



**STATUS REPORT ON THE PROPOSED OFFICE CONSOLIDATION,  
KANSAS DEPARTMENT OF AGRICULTURE**

The Department of Agriculture is in the process of finishing a Request for Proposal with the Division of Facilities Management to relocate its offices at 901 South Kansas Avenue. The relocation proposal would include the State Conservation Commission and the Kansas Water Office, the Topeka Field Office for the Division of Water Resources and the Division of Weights and Measures as part of the plan. There are currently 208 agency employees working downtown in the Mills building and the Department is paying an average of \$8.25 per square foot for 53,264 square feet of office space. Relocating these agencies into a more accessible and consolidated location would provide easier access to agricultural services and would help to solve several problems related to downtown parking and employee working conditions. In a recent survey of Department employees, when asked what they would change about the agency, their highest response was to improve the physical environment and location of its offices.

At the request of the Joint Building Committee, the Department has toured the Topeka State Hospital campus and has identified several buildings which would be suitable for relocating the agency. We are in the process of submitting an RFP for moving to the Topeka State campus. In addition, the Department has worked with the Kansas Bureau of Investigation to investigate the feasibility of moving to their building in the event they were to be relocated to Topeka State Hospital. A final option would be to move the Department to another site based on bids received from for our request. At this time, we are only reviewing our options for relocating the agency and have made no commitments as to which direction we will pursue. We will keep the Committee informed as this issue progresses.