

MINUTES OF THE SENATE AGRICULTURE COMMITTEE.

The meeting was called to order by Chairperson Derek Schmidt at 8:30 a.m. on February 11, 2003 in Room 423-S of the Capitol.

All members were present except: Senator Morris, excused

Committee staff present: Raney Gilliland, Legislative Research  
Lisa Montgomery, Revisor of Statutes  
Shannon Stone, Committee Secretary

Conferees appearing before the committee: Greg Foley, Department of Agriculture  
Janet McPherson, Kansas Farm Bureau

Others attending: See attached guest list

Senator Huelskamp testified on behalf of **SB 135**, concerning meat and poultry inspections. (Attachment 1) The bill would exempt buffalo or domesticated deer as they are slaughtered for sport or recreational purpose from the definition of livestock.

Greg Foley, Kansas Department of Agriculture, testified in favor of **SB 135**. (Attachment 2)

Senator Umbarger moved to separate SB 135 into three bills. Senator Huelskamp seconded the motion, and the motion passed.

Raney Gilliland, Legislative Research, gave an overview of **SB 124**, reorganization of the Department of Agriculture.

Greg Foley, Kansas Department of Agriculture, testified on **SB 124**. (Attachment 3) He said that they are currently a regulatory agency, however they are willing to look at the programs and proposal more deeply. He attached an organizational chart the Agency with his testimony. Committee discussion followed.

Janet McPherson, Kansas Farm Bureau testified they support the current organization of KDHE, maintaining a Division of Health and a Division of Environment, but do not have a policy statement concerning program-level specifics regarding movement of additional programs into a Department of Agriculture and Food Safety. (Attachment 4)

Committee discussion followed testimony.

The meeting adjourned at 9:30 a.m.

# SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: 2/11/03

NAME	REPRESENTING
Stephan N. Paige	Self/Consumer
Sally Finney	Ko. Public Health Assn.
<del>Judith Stein</del>	<del>Herd Law Firm</del>
Joni Mackey	KSDE
Chris Tymeson	KDWP
Pam Jacob	SRS
Mary Jane Stettelman	RGFA/KARA
Janet McPherson	Ks Farm Bureau
Lesia Roberts	KDHE
DAKOTA LOOMIS	GOVERNOR'S OFFICE
Tulla Drybread	DOS
Greg Krussch	KS Corn Growers
Ben Hopper	KS Dairy Association
Evan M. Sumner	KS Dept Agriculture
Carole Jordan	K D A
Boland Rhodes	Rhodes Chemical Co KCKS
Mike Beam	Ks. Livestk. Assn.
Karl Muederer	KDHE
Howard: Bobbie Brown	Fort Scott Livestock Market Inc

Tim Huelskamp  
 Senator, 38th District  
 P.O. Box 379, Fowler, KS 67844  
 (620) 646-5413 thuelska@ink.org  
 (810) 821-2712 (fax)

State Capitol-128-S  
 Topeka, KS 66612-1504  
 (785) 296-7359 (800) 432-3924



TOPEKA

SENATE CHAMBER

## Committee Assignments

INFORMATION TECHNOLOGY, CHAIRMAN  
 AGRICULTURE, VICE CHAIRMAN  
 ELECTIONS & LOCAL GOVERNMENT  
 NATURAL RESOURCES  
 REAPPORTIONMENT  
 WAYS & MEANS

**SENATE AGRICULTURE COMMITTEE**

Testimony on Senate Bill 135

February 11, 2003

Mr. Chairman and members of the Senate Agriculture Committee: It is a pleasure to testify this morning on behalf of Senate Bill 135.

In the past few years, a new service has been offered by some entrepreneurial Kansans – sport hunting of buffalo. Featured in numerous outdoor and hunting media, this new activity offers customers an opportunity to experience the Old West experience of a live buffalo hunt. In the case of my constituent, they actually offer 3-day horseback hunts in period attire with a chuck wagon in tow. The response has been tremendous and requests are outrunning demand.

However, this past fall we were informed by the Department of Agriculture that unless the buffalo was visually inspected prior to the shooting – the animal could not be processed in a Kansas locker plant. In other words, either require an inspector to accompany the hunt and quickly ride out to inspect the animal just before the shot is fired or field skin, quarter and plastic wrap the animal. The language of this bill, drafted by the Department of Agriculture, offers a simple third alternative by exempting buffalo or domesticated deer as they are slaughtered for sport or recreational purpose from the definition of livestock. In essence, this would allow these animals to be handled exactly as one would a deer in our Kansas locker plants.

While this bill solves one problem, I would also like to point out to the Committee what this bill does not do. First, it does not change the land use status. As before, land used for these animals will still be treated as “land devoted to agricultural use.” Changing the definition of livestock in this bill does not affect the designation of the land. Second, it will not change how buffalo or domesticated deer are treated per ‘livestock running at large.’ Owners of these animals will have the same rights and responsibilities as all livestock owners in Kansas.

Thank you for your kind consideration of this bill.

*Senate Agriculture  
 Attachment 1  
 2-11-03*

This is the second year we have offered buffalo hunts; 3-day horseback hunts out of a tipi camp. In the past, we have delivered a covered field-dressed carcass to a processing facility to be processed, the same way we handle deer. We were under the impression that this was legal. In the middle of the winter, our plant was told not to accept any buffalo and we weren't informed at all, even though they could have gotten our name and phone number from the plant. Later, the Secretary of Ag sent me a letter stating several options. Since then, we have been skinning, quartering, and plastic wrapping in the field and delivering to the plant ready to be cut up. Common sense should rule that buffalo could be handled the same as deer as long as there is no public display and proper sanitation procedures are followed. I would rather keep skinning, quartering, and plastic wrapping than to turn loose a bunch of fly-by-nighters to haul buffalo uncovered down the road, have filthy carcasses, and give the rest of us a black eye.



Lee Hawes  
Hawes Ranch Outfitters  
12057 121 Road  
Ford, Ks. 67842  
(620) 369-2204  
President Ks. Outfitters Assn.

# KANSAS

DEPARTMENT OF AGRICULTURE  
GREG A. FOLEY, ACTING SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

## Senate Agriculture Committee

February 11, 2003

### Meat and Poultry Inspection Greg A. Foley, Acting Secretary

Mr. Chairman and members of the committee, I am Greg Foley, acting secretary of the Kansas Department of Agriculture. Thank you for the opportunity to discuss amending the buffalo and captive deer definition of livestock in the Meat and Poultry Act.

Buffalo and captive deer are amenable to the Kansas Meat and Poultry Inspection Act and there are specific ways in which these animals, or their carcasses, may be presented to state meat plants for processing. Although KDA-MPI does not regulate recreational harvesting of these animals, we do regulate their slaughter and processing. Since they are amenable under the act, they must be slaughtered and/or processed at registered facilities.

Since buffalo are amenable under the act, there is no extra fee for slaughter or processing inspection at Kansas plants. They are not amenable under the Federal Meat Inspection Act, so USDA's Food Safety Inspection Service charges \$38.44 per hour for an inspected slaughter at federally inspected plants.

Buffalo hunting is native to Kansas, and renewed interest in sport hunting of buffalo is prompting the need for change in existing law. Currently, there are two options for buffalo producers to present carcasses for processing and remain in compliance with the law. However, both options are cumbersome for this activity.

Amending the Kansas Meat and Poultry Inspection Act to eliminate buffalo and captive deer from the definition of "livestock" when they are slaughtered for sport or recreational purposes, makes these species non-amenable to the act under those circumstances. The buffalo producer who wants his animals slaughtered under full inspection so he can sell the final product may still do so without the worry of a voluntary inspection fee, since they will be slaughtered under conditions that are still amenable to the act.

In conclusion, the Kansas Department of Agriculture respectfully requests your support of this bill to ensure that buffalo, regardless of harvesting method, remains a safe and wholesome product.

*Senate Agriculture  
Attachment 2  
2-11-03*



# KANSAS

DEPARTMENT OF AGRICULTURE  
GREG A. FOLEY, ACTING SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

## Senate Agriculture Committee

February 11, 2003

### Testimony on SB 124 Creating a Department of Agriculture and Food Safety-

Acting Secretary of Agriculture Greg A. Foley

Good morning Chairman Schmidt and members of the committee. I am Greg Foley, Acting Secretary of Agriculture. Thank you for the opportunity to comment on and learn more about Senate Bill 124.

Our department is interested in learning more about this proposal. The Department of Agriculture and this administration are ready and willing to evaluate ideas that could provide more efficient and effective government. Governor Sebelius also has indicated an interest in more detailed analysis of the ideas incorporated in SB 124.

KDA is currently a regulatory agency that serves all Kansans. The responsibility given the agency by statute is to ensure safe meat, milk, and eggs; responsible and judicious use of pesticides and nutrients; the integrity of weighing and measuring devices in commerce, and the beneficial use of the state's waters.

We believe effective and efficient regulatory functions have provided a foundation which allows the secretary of agriculture to educate and advocate on behalf of Kansas agriculture.

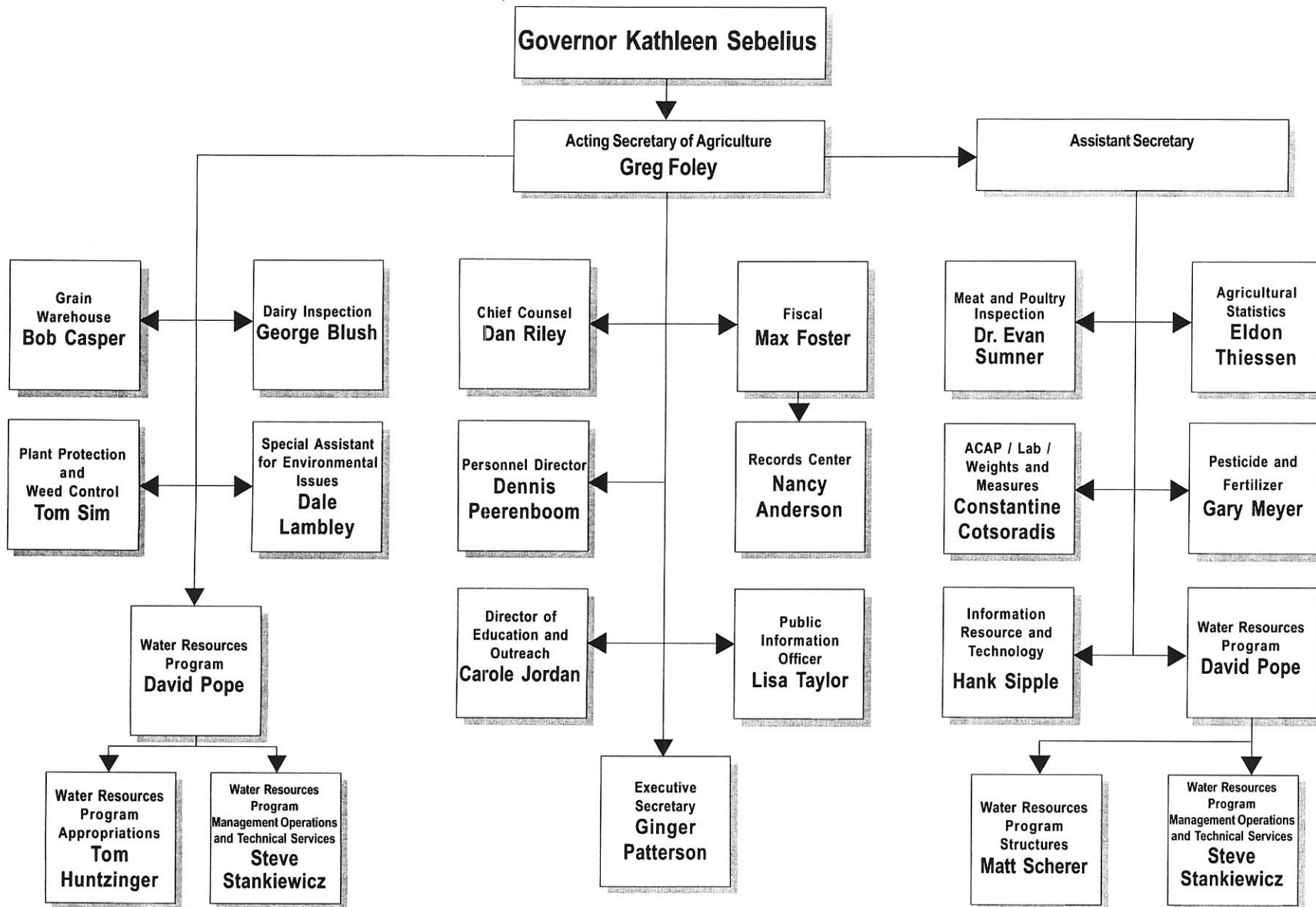
The two programs proposed for transfer would broaden our activities beyond production to include more parts of our complex food system, from farm to plate. At this time we believe

they would not conflict with our regulatory mission. But we need time to look at these programs and this proposal more deeply.

Our research on this proposal has only been cursory so far. We believe a comprehensive understanding of the programs is necessary to honestly identify potential benefits of the transfer and come up with potential savings as well as costs of moving the programs, renovating office space and procuring needed equipment. The KDA is willing to work with these two agencies to outline agency perspectives of strengths and weaknesses.

Several other state departments of agriculture have successfully assumed food safety and/or commodity distribution programs to serve the residents of their states. There may be opportunities for efficiencies in the numbers of state employees who perform their inspection duties in a single establishment, while continuing to ensure safe meat, milk and eggs for consumers.

We appreciate the opportunity to testify on SB 124, and look forward to guidance from the Senate Agriculture Committee on this matter.



3-3





## **Kansas Farm Bureau**

2627 KFB Plaza, Manhattan, Kansas 66503-8508 • 785.587.6000 • Fax 785.587.6914 • www.kfb.org  
800 S.W. Jackson, Suite 817, Topeka, Kansas 66612 • 785.234.4535 • Fax 785.234.0278

### **PUBLIC POLICY STATEMENT**

#### **SENATE COMMITTEE ON AGRICULTURE**

**Re: SB 124 – Kansas Department of Agriculture and Food Safety duties.**

**February 11, 2003  
Topeka, Kansas**

**Presented by:  
Janet McPherson, Assistant Director  
KFB Governmental Relations**

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Mr. Chairman and members of the Committee, thank you for the opportunity to comment on the proposal for a Kansas Department of Agriculture and Food Safety, SB 124. I am Janet McPherson and I serve as the Assistant Director of Governmental Relations for Kansas Farm Bureau (KFB). KFB is the state's largest general farm organizations and represents agricultural producers through the 105 county Farm Bureau Associations across Kansas.

Through their year-long public policy development process, Farm Bureau members have deliberated on potential changes in the structure of Kansas government, particularly related to the functions of agricultural regulation and advocacy. Members overwhelmingly adopted policy at their 2002 annual meeting to affirm the need for a strong Kansas Department of Agriculture.

***The Kansas Department of Agriculture should be a strong and vigorous advocate for production agriculture. Agriculture must have a cabinet-level importance in any administrative structure. AG-25***

Members also adopted language in strong support of the Department's activities being fully funded. As such, we recognize and appreciate the provisions of SB 124 that move the human resources, physical assets and allocated dollars if the proposed program is transferred to a redesigned Kansas Department of Agriculture and Food Safety.

Farm Bureau policy supports the current organizational structure of the Kansas Department of Health and Environment, maintaining a Division of Health and a Division of

*Senate Agriculture  
Attachment 4  
2-11-03*

Environment, but does not address program-level specifics regarding movement of additional programs (such as food safety) into a Department of Agriculture and Food Safety.

Farm Bureau members have expansive Public Health and Welfare policy pertaining to Nutrition Education. In 2002, policy was amended to encourage state government to evaluate the movement of child nutrition programs to the Kansas Department of Agriculture to mirror the structure on the federal level. Members also indicated that with anticipated changes in federal nutrition programs, including possibilities for increased consumption of locally-produced foods, the Department of Agriculture might be the appropriate agency to provide the oversight necessary for implementing such opportunities for farmers and ranchers.

***We support and encourage nutrition education and food handling/preparation training programs in Kansas schools. School food personnel should also receive nutrition education and food handling and preparation education.***

***We strongly urge monitoring of the use of federal funds for nutrition education in order to assure that students and food service personnel receive the benefits of such nutrition training programs.***

***Consideration should be given to moving the administration of the Kansas Child Nutrition Programs to the Kansas Department of Agriculture.***

***PHW-1***

This bill proposes one method to strengthen the food safety activities of the Kansas Department of Agriculture, providing increased continuity from field to table. The bill recognizes food safety regulation in production and preparation, and recognizes the importance of food safety at the point of consumption for so many Kansans fed in restaurants and schools. As such we appreciate the opportunity to share Farm Bureau policy relevant to the bill and look forward to committee deliberation. Thank you.

*Kansas Farm Bureau represents grassroots agriculture. Established in 1919, this non-profit advocacy organization supports farm families who earn their living in a changing industry.*