

MINUTES OF THE SENATE AGRICULTURE COMMITTEE.

The meeting was called to order by Chairperson Derek Schmidt at 8:35 a.m. on February 18, 2003 in Room 123-S of the Capitol.

All members were present except: Senator Downey, excused

Committee staff present: Raney Gilliland, Legislative Research
Amy VanHouse, Legislative Research
Lisa Montgomery, Revisor of Statutes
Judy Swanson, Committee Secretary

Conferees appearing before the committee: Dennis Carpenter, KS Restaurant & Hospitality Association
Jim Sheehan, Kansas Food Dealers Association
Sally Finney, Kansas Public Health Association
Jodi Mackey, State Department of Education
Valerie Cable, Day Care Connection
Coylene Speer, Independence USD 466
Jo Kalert, Columbus USD 493
Sandra Ford, Blue Valley USD 229
Sheila Brening, Hays USD 489
W. Carol Clark, retired

Others attending: See attached guest list

A hearing on **SB 124**, reorganization of Kansas Department of Agriculture and Food Safety Agencies was held.

Dennis Carpenter, President/CEO of the Kansas Restaurant and Hospitality Association, testified that the regulatory process should be educationally oriented, and not just inspection and punishment oriented. (Attachment 1) KRHA does not feel it is appropriate to take a position on **SB 124**. He questioned: 1) the focus staying on food safety education, 2) communications between the Department of Ag, the Department of Health, local health departments and industry, 3) how existing relationships and contracts be impacted, 4) cost increases and 5) duplication of efforts or inspections.

Jim Sheehan, Executive Director of the Kansas Food Dealers Association, testified that they are very supportive of the inspection programs in Kansas as they are currently handled. (Attachment 2) They do not have a position on **SB 124**, but request that the highest quality of inspections be maintained.

Sally Finney, CAE, Executive Director, Kansas Public Health Association, testified in opposition to **SB 124**. (Attachment 3) They oppose the bill for three reasons: 1) They support the current system, 2) The scientific expertise to carry out the food safety is not available in the Department of Agriculture, and 3) It would be a significant public policy change, and no change should be made without serious consideration to the impact on food safety and consumers.

Leslie Kaufman, President of Kansas Agriculture Alliance, presented written testimony concerning **SB 124**. (Attachment 4).

Written testimony was entered into record from Monica Murnan, The Center, Pittsburg, KS. (Attachment 5)

Written testimony was entered into record from Joyce Ashmore, Director of Nutrition Services, Hays, KS. (Attachment 6)

Jodi Mackey, Team Leader, Nutrition Services, Kansas State Department of Education, testified in regards

CONTINUATION SHEET

MINUTES OF THE SENATE AGRICULTURE COMMITTEE at 8:30 a.m. on February 18, 2003 in Room 423-S of the Capitol.

to **SB 124.** (Attachment 7) She said Nutrition Services does not duplicate the services provided by KDA or KDHE inspectors. Nutrition Services operates very efficiently at KSDE. She could think of no advantage for Nutrition Services' customers, the State of Kansas, or Kansas' taxpayers that would come from moving them to KDA, therefore opposed the bill. Committee discussion followed.

Valerie Cable, Director at Day Care Connection, Lenexa, opposed **SB 124.** (Attachment 8)

Coylene Speer, Food Service Director, Independence USD 466, opposed **SB 124.** (Attachment 9)

Jo Kalert, Food Service Director, Columbus USD 493, opposed **SB 124.** (Attachment 10)

Sandra Ford, Director of Food & Nutrition Services, Blue Valley USD 229, opposed **SB 124.** (Attachment 11)

Sheila Brening, Director of Nutrition Services, Hays USD 489, opposed **SB 124.** (Attachment 12)

W. Carol Clark, retired, opposed **SB 124.** (Attachment 13)

Written testimony is entered into record from Jim Murphy, Kansas Department of Health & Environment, providing additional information regarding **SB 124.** (Attachment 14)

SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: 2-18-03

NAME	REPRESENTING
Carole Jordan	KDA
Jill M. Vincent	Iola Schools Food Service Dept
Jodi Mackey	Nutrition Services, KSDE
W. Carol Clark	KS FSA
Phyllis A. Nichols	Topeka Public Schools
Steve Downey	Topeka Public Schools
Constance Spaw	Independence Public School
Larry Kesley	8th Bd ag - Gov. Advisory
ALLAN FOSTER	Legislative Post Audit
Dwight Cottle	JC Family Home Assn
Tanda Taylor	JC Family Home Assn.
Rosanna Jackson	Prairie View USD No. 362 - Gallegos
Elaine Schube	PSU
Larry Schieferake	Kansas Live Stock Assn.
PAT TERRY	Andover Public Schools
Rob Little	Jefferson West School District
Dee Ann Cannon	KSDE
Brilla Scott	USA
Dag Wareham	KGFA/KARA

SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: 2-18-03

NAME	REPRESENTING
<i>Lu Ho</i>	<i>KLA</i>
<i>Carmie Edmonds</i>	<i>Kansas Livestock Assn.</i>
<i>Mya Botsch</i>	<i>KLA</i>
<i>Troy Harker</i>	<i>KLA</i>
<i>Kerry O'Brien</i>	<i>KLA</i>
<i>John W. Kirby</i>	<i>KLA</i>
<i>Chris Riedel</i>	<i>KLA</i>
<i>Robert Hall</i>	<i>KLA</i>
<i>Chris L. Rein</i>	<i>KLA</i>
<i>Sherry Goebing</i>	<i>Stevens County Leadership Class</i>
<i>Sandra Williams</i>	<i>Stevens Co Leadership class</i>
<i>FRANK Hill</i>	<i>STEVENS CO LEADERSHIP</i>
<i>Tammy Stocum</i>	<i>Stevens Co Leadership class</i>
<i>JEFF ORWIG</i>	<i>STEVENS Co LEADERSHIP</i>
<i>TERRANCE MAAS</i>	<i>Set A / Stevens Co Leadership.</i>
<i>Darrin Hewitt</i>	<i>Leadership Steven Co.</i>

SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: 2-18-03

NAME	REPRESENTING
Sheila Brening	HAYS USD #489
To Kalut J	Columbus USD #493
Sandra Ford	Blue Valley USD #229
Garn Jacobs	SRS - Food Stamp Pgm
Marsue Mackey	KSDE
Valerie J. Colby	CACFP Sponsors (KDE)
Lesa Roberts	KDHE
Adam Brandy	KDHE
Jan Murphy	KDHE
Holly Finney	Ks. Public Health Assn.
Steve Paiger	Self
James J. Shuck	Kansas Food Dealer Assn
Dennis Carpenter	KS Rest. & Hosp. Assn.
Jessica Myle	Rep. Wilson
Judy Moler	Ks. Assn of Counties
Bessie Kaufman	Ks Farm Bureau
Trude Hill	Home Law Firm
Off. Shuchin	KLA
Carrie Evins	KLA

KRHA

KANSAS RESTAURANT & HOSPITALITY ASSOCIATION

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Testimony Re: SB 124
Senate Committee on Agriculture
Presented by Dennis Carpenter on behalf of
Kansas Restaurant and Hospitality Association
February 18, 2003

Mr. Chairman, Members of the Committee:

My name is Dennis Carpenter, and I am President/CEO of the Kansas Restaurant and Hospitality Association, the Kansas professional association for restaurant, hotel, lodging and hospitality businesses in Kansas.

Since we are an association that represents regulated businesses, we feel it is inappropriate for us to determine who should be our industry regulator. Therefore, KRHA does not feel it is appropriate to take a position on SB 124. However, we do want to go on record as strongly supporting the continuation of food service inspections and food safety education.

As you know the food service industry has changed significantly over the years, and with change come many challenges. Today's informed consumer spends more dollars dining outside the home than ever before (approximately 47% of food dollars are spent away from home). With emphasis on dining out, more pressure is placed on the food service industry to cater to the public's demand for a greater variety of high quality food that has been prepared and cooked safely.

Because food service establishments must meet higher standards of food safety than ever before, KRHA supports the regulatory system under which we are inspected, licensed, and governed. However, several years ago the Department of Health and Environment determined that the regulatory process should also be educationally oriented, and not just inspection and punishment oriented. Therefore, KDHE proposed moving more towards education and away from punitive inspections as the best way to insure a safe food supply. KRHA applauded KDHE's proposal at that time, and encourages this type of relationship with the state regardless of what department regulates the industry or conducts the inspections. Our industry continues to support a process which

*Senate Agriculture
Attachment 1*

places an appropriate focus on the education of food safety standards to food service employees.

For restaurateurs to rise to the challenge of preparing quality safe food, they must teach, train and practice food safety every minute of every work-day. It is imperative that a cooperative partnership between industry and health or other regulatory officials be maintained with the common goal of preventing foodborne illness.

While regular inspections are important, the most effective way to insure a safe food environment is to have well trained food handlers who are operating their businesses utilizing up-to-date information on food preparation and storage.

SB 124, which transfers the duties and authority for food safety to the Department of Agriculture from the Department of Health and Environment and the Kansas Department of Education, prompts many questions that we hope this committee will consider. The questions include:

1. Will the focus on food safety education continue?
2. In case of a foodborne outbreak how will communications between the Department of Ag, the Department of Health, local health departments and industry evolve?
3. How will existing relationships and contracts between KDHE and local health departments for restaurant inspections be impacted or adjusted?
4. Will there be cost increases to our members in one form or another for the same services?
5. Will there be duplication of effort or inspections if the transfer occurs?

We look forward to working with the Chairman and the full committee on this issue, and would offer our assistance in addressing questions or concerns that we have raised.

Thank you very much for permitting me to testify, and I will be happy to yield for questions.



EXECUTIVE DIRECTOR
JIM SHEEHAN
Shawnee Mission

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February 18, 2003

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**DIRECTOR OF
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FRANCES KASTNER

SENATE AGRICULTURE COMMITTEE
SB 124

I am Jim Sheehan, Executive Director of the Kansas Food Dealers Association. Our members include retailers, distributors, and manufacturers of food products.

During the 2001 legislative session, Chapter 65 was amended for retail food stores and food processing plants inspection fees. Adopted were rules and regulations establishing a graduated inspection fee schedule to cover all the costs of inspection of retail food stores and processing plants, which would not exceed \$200 per calendar year for each location. Currently, the fees are based on the square footage of the retail food store with annual fee's ranging from \$50 to \$150. Food processing plants also have a license fee based on square footage ranging from \$50 to \$150. Kansas Food Dealers Association worked with, and supported the increase in the fees by KDHE because we recognize that the inspection program is very important to our members and the consumers of Kansas.

Before the 2002 legislative session, I was approached by the Secretary of Agriculture to review the proposed budget and discuss inspection fees to help offset the proposed budget cuts. The proposed fees were to be based on the number of scales and scanners at each retail location, not to exceed \$120 for any combination of weighing and scanning devices. SB 438 funded the Agriculture Department with \$785,000 and the fees were removed. Retailers are still required to pay a company to test the accuracy of the devices, and the company sends a report to the Department of Agriculture. Service companies' fee's are in the range of \$50.

*Senate Agriculture
Attachment 2
2-18-03*

Our members are very supportive of the inspection programs in Kansas, be it from KDHE or the Agriculture Department. The inspections provided confidence to the consumer and retailer that quality foods and accurate pricing are being adhered to.

As operators of businesses, we understand budgets and the need to meet them. We are in one of the most competitive industries. We do not know where SB 124 will end up, but we do ask that the highest quality of inspections be maintained.

Jim Sheehan
Executive Director
Kansas Food Dealers Association



KANSAS PUBLIC HEALTH ASSOCIATION, INC.
AFFILIATED WITH THE AMERICAN PUBLIC HEALTH ASSOCIATION
215 SE 8TH AVENUE
TOPEKA KANSAS 66603-3906
PHONE: 785-233-3103 FAX: 785-233-3439
E-MAIL: kpha@networksplus.net
WEB SITE: HTTP://KPHA.BLUESTEP.NET

To: Senate Committee on Agriculture
From: Sally Finney, CAE, Executive Director
Date: February 11, 2003
Re: Senate Bill 124

Thank you, Chairman Schmidt and members of the committee, for allowing me to appear before you today on behalf of the members of the Kansas Public Health Association to offer the association's position on Senate Bill 124.

KPHA opposes SB 124 for three reasons.

First, the current system works. Why fix something that is not broken?

Second, food safety is a core public health function, one that requires the scientific expertise and technical support found among the sanitarians, epidemiologists, and other health professionals of the Kansas Department of Health and Environment. This expertise is not available in the Kansas Department of Agriculture, and without in-depth analysis no one can be certain as to how much cost might be involved to make it available there.

Third, the Department of Agriculture is the only state agency charged with promoting the food production industry in Kansas. Expanding its role in food safety activities would represent a significant public policy change. No such change should be made without giving serious, thoughtful consideration to the impact it might have on food safety and Kansas' consumers.

The current food safety system works and should not be disrupted. On behalf of the Kansas Public Health Association and its 500 members, I ask that you keep the system in place and oppose SB 124.

*Senate Agriculture
Attachment 3
2-18-03*



KANSAS AGRICULTURAL ALLIANCE

*Kansas Agribusiness
Retailers Association*

*Kansas Agricultural
Aviation Association*

Kansas Agri-Women

*Kansas Association of
Agriculture Educators*

*Kansas Association of
Conservation Districts*

*Kansas Association of
Wheat Growers*

*Kansas Corn Growers
Association*

Kansas Cooperative Council

Kansas Dairy Association

*Kansas Electric
Cooperatives*

Kansas Ethanol Association

Kansas Farm Bureau

*Kansas Grain & Feed
Association*

*Kansas Grain Sorghum
Producers*

*Kansas Livestock
Association*

*Kansas Nursery &
Landscape Association*

Kansas Pork Association

*Kansas Seed Industry
Association*

Kansas Soybean Association

*Kansas Veterinary Medical
Association*

**RE: S.B. 124 – Kansas Department of Agriculture and Food Safety -
Transfer of Food Safety Programs**

**February 18, 2003
Topeka, Kansas**

**For more information please contact:
Leslie Kaufman, President
Kansas Agricultural Alliance
(785) 234-4535**

The following statement is presented on behalf of the Kansas Agricultural Alliance (KAA). The KAA is a group of twenty farm and rural organizations. Last summer, KAA members gathered and developed a Statement of Principles that addressed a myriad of issues pertaining to the Kansas Agriculture Industry. One of the principles adopted by KAA specifically relates to the Senate Agriculture Committee's current discussion of Senate Bill 124, which proposes to rename the Kansas Department of Agriculture as the Kansas Department of Agriculture and Food Safety and transfers the food and food service programs currently housed at the Kansas Department of Health and Environment and the food service programs currently housed at the Kansas Department of Education to the new Department of Agriculture and Food Safety.

KAA Statement of Principle concerning the scope of programs within the Kansas Department of Agriculture is as follows:

KDA Programs - Expanding Their Scope

- The Kansas Agricultural Alliance (KAA) supports a strong state department of agriculture. Examination should be given to increasing the role the Kansas Department of Agriculture (KDA) plays in ensuring the state's food supply, and that delivery and services industries provide safe, wholesome, and affordable food for consumers. KAA encourages considering moving functions related to food safety and nutrition into KDA to broaden the scope of the department's consumer protection activities. Consolidation of functions into the KDA should result in greater governmental coordination, efficiencies, and capitalize on existing synergies. Adequate funding must be provided for KDA programs. Any plan to reorganize or streamline government agencies must maintain agriculture's status as a cabinet level agency.

KAA hopes this statement of principle will serve as a guide for the Senate Agriculture Committee and the entire Kansas Legislature as you consider Senate Bill 124 and other legislative initiatives that impact programs housed within the Kansas Department of Agriculture. Thank you.

*Senate Agriculture
Attachment #
2-18-03*



The Family Resource Center

To: Senate Committee on Agriculture

From: Monica Murnan
Executive Director
Family Resource Center, Inc.
Pittsburg, Kansas

Date: February 14, 2003

RE: Written Testimony -- SB 124

The Family Resource Center, Inc. (The Center), is a not-for-profit entity located in Pittsburg. We are one of the largest child care centers in the state of Kansas and have been a sponsoring organization for the Child and Adult Care Food Program since 1997. We have over 400 children ages 0-12 enrolled in our program who participate in the food program.

Our organization participates in many programs and depends on multiple funding streams to operate. We live on a shoestring and focus each day on ensuring kids go to school ready to learn.

We consider the Child and Adult Care Food Program under the Kansas Department of Education one of the most efficient and effective programs we participate in for the following reasons:

- It works. Healthy food goes into little kid's mouths three times a day. It's that simple... the grown-ups do what is necessary to complete requirements and regulations. The system is well defined and efficiently coordinated by the Department of Education. Their goal is to feed kids. We all do what it takes to get that done.
- That being said... the Child and Adult Care Food Program is quite an undertaking for the state and for sponsoring organizations. The Department of Education does an excellent job training participants from cooks to bookkeepers. The department has the resources to appropriately train adult learners. When the adult knows and understands the system, kids benefit. The Department of Education is the best when it comes to taking complex federal regulations and making them understandable to program participants.

1700 N. Locust • Pittsburg, KS 66762

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Senate Agriculture
Attachment 5
2-18-03

- The Department of Education truly understand what best practice and research tell us. Achievement in formal K-12 education is tied to early childhood experiences. Quite simply...the Department gets it. What happens in places like ours directly effects educational achievement. Nutrition is a key part of ensuring quality early childhood experiences.
- Department of Education has a strong infrastructure that has a direct impact on providing services at the local level. The auditors, who work in school districts during the school year, audit our programs in the summertime. The accounts payable system consistently reimburses our program based on a formula that is understood by all in the department. The Commissioner and his deputies fully support the program.

There are many reasons we support the Child and Adult Care Food Program under the direction of the Department of Education...but simply put...it works. While many programs have limited direct effect on children. CACFP does have direct impact. I hope the committee will consider leaving this efficient and effective program under the Department of Education.

If I can provide any additional information, please call me at 620.235.3150. I appreciate your time and efforts--thanks for all you do for the children of Kansas.



Holy Family Nutrition Services • 1800 Milner • Hays, Kansas 67601 • 785-625-3131 • Fax 785-625-2098
 "A Partner In Education"

Holy Family Nutrition Services
 1800 Milner Street Hays, KS. 67601
 785-625-3131



Mission Statement

"To serve students nutritious meals in a pleasant atmosphere, at a reasonable cost, and help educate all students to make healthy food choices for life."

A Partner In Education

Research supports the fact that hungry children cannot learn. Food service is an integral part of the educational system.

ATTENTION: Mr. Derek Schmidt---Senate Bill 124

The letterhead at the top of this stationery is always used and is the top of our menu sheet each month. The next two statements are from our information handed out to our parents/students at the beginning of the School year.

Being a part of School foodservice for 15 years and a home daycare provider for 10 years before that, I feel Nutrition Services is a very important part of the education system, Kansas Department of Education.

I oppose SB-124 and would like a explanation of how this would benefit schools, childcare providers and Kansas taxpayers.

The training programs available, resources as KN-Train, Auditors all work together and have for 56 years. Moving would send a message that this is not a important part of the educational system.

I have received the GOLD STAR AWARD for 150 hours of training by Nutrition Services and in working with the students for healthier eating habits it is very valuable to our education at the School.

The Nutrition Team is always willing to help us. Please continue the Nutrition Services in the Department of Education of Kansas.

Thank You,

Joyce Ashmore

Joyce Ashmore
 Director of Nutrition Services



Holy Family Nutrition Services
 "A Partner In Education"

JOYCE ASHMORE
 Director of Nutrition Services

Phone: 785-625-3131
 Fax: 785-625-2098
 Home: 785-628-8162

1800 Milner
 Hays, Kansas 67601

*Senate Agriculture
 Attachment 6
 2-18-03*



Kansas State Department of Education

120 S.E. 10th Avenue
Topeka, Kansas 66612-1182

DATE: February 18, 2003
TO: Senate Agriculture Committee
FROM: Jodi Mackey, Team Leader, Nutrition Services, KSDE
RE: **Senate Bill 124**

Thank you for the opportunity to appear before you today. I have worked for Nutrition Services at the Kansas State Department of Education (KSDE) for over 18 years as a school food service consultant, team coordinator and team leader. The Nutrition Services Team administers the following federal Child Nutrition Programs:

- National School Lunch Program,
- School Breakfast Program,
- Special Milk Program,
- After School Snack Program,
- Child and Adult Care Food Program,
- Summer Food Service Program, and
- Team Nutrition, a nutrition education initiative.

These programs are a partnership between the federal, state, local levels. At the state level, we have four major responsibilities: (1) program approval, (2) regulatory oversight, (3) technical assistance and training, and (4) payment of reimbursement to local sponsors.

As I understand it, Senate Bill 124 is intended to reduce costs by improving efficiency and eliminating duplication of services. While these are commendable goals, moving Nutrition Services from KSDE to the Kansas Department of Agriculture (KDA) would not achieve the desired results. I will briefly explain why this is so.

1. Nutrition Services does not duplicate the services provided by KDA or KDHE inspectors. KDHE inspects food safety and sanitation in food service establishments. KDA inspectors check the safety of meat, milk and eggs in retail establishments. Nutrition Services' consultants review local Child Nutrition Programs for compliance with federal regulations covering all aspects of program operation. Food safety is only one component of these reviews and comprises less than 5 percent of the review scope. On a typical program review, the consultant will evaluate local compliance in the following areas:

- approval of applications for free and reduced price benefits (i.e. meals, milk, snacks),
- income verification of applicants for free and reduced price benefits,
- meal counting procedures,
- reimbursement claims,
- food safety and sanitation,

- menus and food production,
- procurement,
- financial management,
- civil rights,
- nutrition education,
- and staff development.

Last year Nutrition Services' consultants completed 675 in-depth program reviews. A minimum of one day is required for each review, while reviews in larger school districts can take a team of consultants several days to complete.

2. Nutrition Services operates very efficiently at KSDE. The current system of internal supporting services is the result of years of continual effort and improvement. Dismantling and replacing it would be a costly and time consuming undertaking. There are many, many reasons why this is true, but the following example illustrates the point. Nutrition Services currently funds 4 of KSDE's 11 fiscal auditor positions. During the school year, all 11 auditors conduct school district audits on programs including School Food Service, State At-Risk Funding, Special Education, Vocational Education, Title I, and many others. In the summer when schools are not in session, all 11 auditors audit the Child and Adult Care Food Program. This system is cost effective because the auditors are busy year round, and it is efficient because schools have only one fiscal audit from KSDE.

Although Nutrition Services' primary responsibility is regulatory compliance, we have always made customer service our number one priority. We believe that providing quality training and assistance to our customers results in compliance and excellent programs. To that end, Nutrition Services offers a wide variety of continuing education opportunities. In FY 2002 our classes and workshops were attended by 8,671 child nutrition professionals. Among the trainings offered were:

- Food Safety Basics, a 3-hour class completed by 3,909 employees,
- School Food Service Institute, a series of one-day and two-day classes held at six locations in June and attended by 1,275 employees,
- Financial Management, a series of one-day workshops attended by 452 employees, and
- Child and Adult Care Food Program Fall Conference, attended by 420 employees.

Nutrition Services' operations are already streamlined. Our consultants live in the area of Kansas that they serve. This keeps travel costs to a minimum and enables the consultants to develop excellent long-term working relationships with local school and child care personnel. At the same time, Nutrition Services offers school and child care personnel a single point of contact for information, support and payments.

In summary, I can think of no advantage for Nutrition Services' customers, the State of Kansas, or Kansas' taxpayers that would come from moving Nutrition Services to KDA. Therefore, I am opposed to passage of Senate Bill 124. I welcome your questions and the opportunity to provide further information. Thank you.

7-2

OPPOSITION TESTIMONY ON SB-124

I am Valerie Cable, a Child & Adult Care Food Program (CACFP) sponsoring agency Director for the past 21 years at Day Care Connection in Lenexa. I am also President of our statewide CACFP sponsors association, Kansas Assn. of Sponsors United (KASU), representing nutritional education services to nearly 4400 family day care providers. I have served on The U.S. Sponsors Assn. Board of Directors & National CACFP Sponsor's Forum Board of Directors, affiliations directly related to CACFP advocacy, networking & advancement of children's overall nutritional health.

I have worked under & learned from Kansas Dept of Education's well-oiled machine since 1979. I believe they are a large part of why this state has an impeccable national reputation in providing excellent supervisory support to CACFP sponsoring agencies & participating child care centers.

KSDE's Nutrition Services team has consistently & persistently provided us with the necessary tools to enhance training we give caregivers in order to best meet the nutritional needs of little ones in their care. KSDE superbly oversees all intricate federal regulations which surround CACFP, ensuring all recipient agencies, in turn, appropriately train their caregivers while maintaining regulatory compliance. They keep us updated on USDA systems changes & subsequent programmatic changes. KSDE has superb communication systems in place with both USDA regional & federal offices. KSDE provides continuity in several key areas to ensure optimum nutritional education for children across Kansas:

- an excellent computer system, providing immediate on-line provider participation approvals, submission for financial claims & budget monitoring,
- much needed access to KSDE general auditing & fiscal services, encompassing many individuals who possess years of USDA Child Nutrition financial experience,
- an administration known for genuinely caring about the betterment of our children, from the top down, as evident with numerous high quality teaching programs for children from infancy to high school,
- an interwoven partnership with various other child advocacy groups, all who stress education as the key to promoting healthy children.

In closing, there are approximately 22,000 children receiving proper nutrition in legal family day care homes alone as a result of KSDE superb supervision. Why reinvent the wheel on something working so well? Without current KSDE experienced infrastructure; not only would agencies such as mine suffer across the state, but ultimately, so would today's children, tomorrow's adults!

Senate Agriculture
Attachment 8
2-18-03

PRESENTATION TO SENATE AGRICULTURE COMMITTEE
Tuesday February 18, 2002---8:30 a.m. 423 South, 4th Floor
Coylene Speer, Director - Independence USD 446

Thank you for the opportunity to discuss my concerns on moving Nutrition Services to the Agriculture Department. I am the Food Service Director of USD 446 Independence School District with meal services at 9 sites, one a central production kitchen.

I have been in school food service for 32 years. As a Director for 20 years, I have had the privilege of interacting with most of the KSDE nutrition consultants and staff, and it has been very successful for me. KSDE nutrition staff has always been very supportive and helpful in their guidance throughout these years.

KSDE Nutrition Services offers group training (summer institute, food safety basics, financial management, technical training, one-on-one training, leadership meetings, mentoring programs, on-site visits and state and federal reviews) throughout the calendar year. Programs for educational classes such as these are already in place. Customer service is as close as the telephone, where we can reach qualified people ready and able to meet our needs. Without these training opportunities and support services, I ask myself where would child nutrition be?

The newest KSDE project is Body Walk, a traveling health exhibit. This exhibit enables us to teach and show hands-on ways for children to make healthy choices. The manual prepared and presented to us by KSDE is just one of the many innovative and on-going items available to help my colleagues and me as we work to improve children's health. We also have a resource lending library, KN-TRAIN that provides a quick way to train and gain knowledge. I ask you this; would disrupting services such as these increase operating costs? It seems that higher costs will result in fewer services.

Plans are in place already to broaden nutrition education for students of all ages even before laws are set in place to mandate this education further. Our state team is well ahead of the game in working toward reducing obesity in Kansas.

Nutrition Services is a program that has been working since 1946 and has advanced to better training and expanded into a program respected by the people and needed for today's society. School meals are part of the students' school day like math, reading and extracurricular programs. This is an effective program and works very well under the Department of Education.

This move will cost money! We are already hearing that we have no money, but we want to make a move that will only add more unnecessary expenses. I would be very interested in seeing the cost benefit analysis and the plans for implementing this move.

There are no visible benefits I can see. Only risks. We are about much more than just feeding children. Can you show me how this move will benefit children, schools, and/or the taxpayers?

Senate Agriculture
Attachment 9
2-18-02

Presentation to the Senate Agriculture Committee

February 18, 2003

Mr. Chairman and Members of the Committee:

I am Jo Kalert, Food Service Director for the Columbus USD #493 School District and currently president of the Kansas School Food Service Association. Thank you for providing me with this opportunity to discuss the transfer of Nutrition Services from the Department of Education to the Department of Agriculture.

Nutrition Services has been a part of the Department of Education for 57 years. During that time they have developed a network of training and support services that reaches out to all of the sponsors in the five programs they administer. Training areas include, but are not limited to, food safety and sanitation, financial management, program basics, nutrition and leadership. Some of the support areas include one-on-one training, yearly reviews and mentoring programs.

Nutrition Services have tried and true systems in place to provide integrated school payments. The fiscal auditors and school finance accountants are a critical part of the financial stability of the child nutrition programs.

Moving Nutrition Services out of the Department of Education would send the message that school food service is not an integral part of the education process and invalidate our role as being a part of the educational system. The move might also incur some additional expenses for infrastructure needs, telecommunications, and computers. With our current budget concerns how would this be a beneficial move?

I am also very concerned that integrating three service areas into one department would create chaos and result in loss of services. Nutrition Services is operating effectively, tell me how this move will benefit the children of Kansas.

Senate Agriculture
Attachment 10
2-18-03



Blue Valley
Schools

"growing with pride"

Good morning. My name is Sandra Ford. I am the director of Food and Nutrition Services for the Blue Valley School District in Overland Park. I have been associated with Blue Valley for almost 9 years. I am also a former Nutrition Services employee, having worked at the department for 8 years. I am here to speak in opposition to Senate Bill 124.

School food service professionals across the state and the nation have worked hard to be seen as part of the educational process. Using mottos like – “We serve education every day” and “You cannot teach a hungry child,” school food service has tried to be seen as an integral part of each child’s day. As professionals, we have worked to align ourselves with other education professionals, to be part of the community in which we serve. We strive to be seen as the nutrition experts for our districts and to be a resource that assists in the development and education of the students.

This goal, being part of the education process, has been aided by the connection we have in the Kansas State Department of Education. They are seen as part of the education process, thus making it easier for districts to pursue the same. During my tenure at KSDE, we worked very hard to understand what was happening in education – site based leadership, QPA, and more. We also worked to develop training and continuing education for school food service professionals so they too could understand what is happening and how they can be part of the process in their schools. Efforts are continually being made to keep school food service professionals on top of trends in education and on trends that will assist them in functioning in the educational environment.

Education in Kansas is monitored and guided by the Kansas State Department of Education and the Kansas Board of Education. Our funding flows through the department and the accountability of our districts falls under their direction. Budget guidance for school district comes from KSDE. To have another agency involved in our programs would be intrusive. The KSDE infrastructure is in place to make things happen seamlessly.

I urge you not to vote for SB124 and to allow the Nutrition Services programs to remain as part of the Kansas State Department of Education.

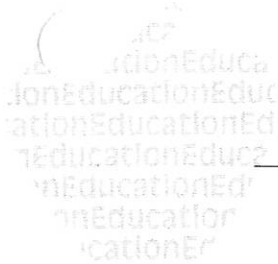
Sandra Ford, SFNS
Director, Food and Nutrition Services
Blue Valley USD 229
15020 Metcalf
Overland Park, KS 66223
913-239-4675

*Senate Agriculture
Attachment 11
2-18-03*

Administrative Services
Overland Park, Kansas
www.bluevalleyk12.org

15020 Metcalf - P.O. Box 23901
(913) 239-4000

66283-0901
Fax (913) 239-4115



DEPARTMENT OF NUTRITION SERVICES

Unified School Dis. ,9
Rockwell Administration Center
323 West 12th Street
Hays, Kansas 67601-3893

Shiela Brening, M.S., R.D., L.D.
Director

TEL (785) 623-2400
FAX (785) 623-2409
www.hays489.k12.ks.us

Senator Schmidt is quoted in the February 6, 2003, Hays Daily News as saying "There's an expectation from the public that we will look at reorganization issues and cost savings. In the absence of any other proposal, I put this on the table for discussion." The article also states that the purposes of the bill are to 1.) streamline state services to eliminate waste, overlap, and inefficiency; 2.) create cost savings; and 3.) create less expensive programs. After reading the bill, it doesn't appear that any of these purposes would be realized.

Since SB 124 is 'on the table for discussion', I would like to take the points one at a time:

* Streamlining state services:

The bill proposes moving already existing services into the Department of Agriculture with no change in the 'powers, duties, or functions'. All 'rules and regulations', 'directives and orders' currently in existence would continue to be effective. All property, records, and people would be transferred. How does this streamline services? The bill would take already efficient services and create unnecessary chaos for the sake of expanding the Department of Agriculture.

I am much more familiar with the Nutrition Services Team than KDHE's food safety division but I DO know that the Nutrition Services Team is a model for efficiency and there can be few divisions that are as conscious of eliminating waste. As the saying goes...this is a mean, lean, fighting machine! They operate with few federal dollars and fewer state dollars. They have efficiently created training and outreach opportunities that are a model for the nation. Very few states have a Nutrition Services Team that is as capable as ours in Kansas. And there can be no overlap of services because the Nutrition Services Team is the only player in the school nutrition area.

* Create cost savings:

Currently the Nutrition Services Team is enmeshed with the Department of Education. Many components are shared, e.g. auditors, lawyers, finance specialists, computer networks, payment systems, and printing services. All of these services would still need to be available for both the Department of Education and Nutrition Services but the costs would be higher for separate sets of services. These costs would not be either front-end or temporary. This WOULD be a duplication of costs. Another cost that would be incurred by the Department of Education would be the loss of indirect money that is provided by the Nutrition Services Team.

* Create less expensive programs:

The actual cost of the Nutrition Services Team is very low in the terms of Kansas dollars spent. It is my understanding that the dollars spent by Kansas are in the form of a percentage match. If so, moving the Team to the Agriculture Department certainly won't save the state any money and lowering the amount of state money will only result in the loss of federal money.

I definitely oppose SB 124.

Shiela Brening
Director, Nutrition Services
Hays USD #489

*Senate Agriculture
Attachment 12
2-18-03*



Testimony: Opposition to Senate Bill # 124

Senate Agriculture Committee

Tuesday, February 18, 2003

from: W. Carol Clark

Member of Kansas School Food Service Association State Executive Board

Substitute Teacher, Grades K-12, in Salina Area Schools

Retired School Food Service Director, 24 years service, Southeast of Saline, USD # 306.

Mr. Chairman, Distinguished Committee Members and Guests,

School Food Service departments across the state are education team players. Our slogan is: "SCHOOL LUNCH: WE SERVE EDUCATION EVERY DAY." Balanced school meals strive to meet the recommended dietary guidelines for Americans, but more importantly, Food Service employees actively promote healthy life styles and eating habits. School Food Service personnel enter classrooms with nutrition messages for students, and help them develop wise eating habits. Students are often assisted in developing a menu to be served for school lunch. My food service department at S.E.S. earned several state and national awards during my tenure. We received some for promoting healthy eating habits, and another when we initiated a "Manners Program" for elementary students. These efforts were successful because administrators, teachers and staff worked as a team. I hasten to say my department was not an exception, but the rule. Events like these occur daily in schools across our great state.

The Kansas Department of Education computer system has the capability which allows for monthly reimbursement claims and other record keeping tasks to be filed electronically. Payments are made to districts in an efficient, timely manner. I visited with several food service departments in my area and reflected on my days as a director before coming today. We have the following questions: (1.) Does the Dept. of Agriculture have the necessary software to accommodate this? (2.) How long, and at what cost will transferring all this information require? (3.) Will this move cause disruption of timely payments and information services to school districts? (4.) What benefits do proponents hope this move will facilitate? From our corner it appears the move would cost money and has the potential to disrupt vital services to students. All at a time when the state is experiencing budget woes.

Childhood obesity and "couch potato" related issues make it imperative that Nutrition Services remain in the Department of Education. There is much work to be done. Infrastructure exists in the Department of Education which will allow Nutrition Services to continue building strong, state wide, nutrition teams of food service employees, classroom teachers, administrators, school nurses, etc. to administer healthy life style education to Kansas youth.

Thank you for the opportunity to share my thoughts with you. If you have further questions please contact me at: (785) 825-7434.

Sincerely,

W. Carol Clark

W. Carol Clark

*Senate Agriculture
Attachment 13
2-18-03*



K A N S A S

RODERICK L. BREMBY, SECRETARY

DEPARTMENT OF HEALTH AND ENVIRONMENT

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on Senate Bill 124
presented to
Senate Committee on Agriculture**

by

**Jim Murphy, Office of the Secretary
Kansas Department of Health and Environment
February 18, 2003**

Chairman Schmidt and members of the Senate Committee on Agriculture, I am pleased to appear before you today to provide additional information to answer questions posed during the hearings on Senate Bill 124 regarding the Food Safety Program at the Kansas Department of Health and Environment.

*Senate Agriculture
Attachment 14
2-18-03*

DIVISION OF HEALTH
Bureau of Consumer Health
CURTIS STATE OFFICE BUILDING, 1000 SW JACKSON ST., STE. 200, TOPEKA, KS 66612-1274
Voice 785-296-0189 Fax 785-296-6522 <http://www.kdhe.state.ks.us/bch>

FDA Data on Food Safety Programs

There are 31 states in which Food Safety programs are under the authority of public health, according to the FDA. Kansas is part of the Southwest Region with 10 other states. Of the 11 states in this region, two have food safety with agriculture departments: Nebraska and Wyoming. Kansas, Missouri, Oklahoma, Colorado, Arkansas, Texas, New Mexico and Utah all manage food safety programs through public or local health agencies.

Although it is not in the region, Iowa is unique in that food safety is managed through its "Inspection and Appeals" agency, working with the state and local health agencies. Their meat and poultry inspection program is within their Department of Agriculture.

Types of Inspections

There are seven different establishment types in which an inspection may be routinely performed: food service establishments, food vending, lodging, retail food stores, food processing plants, or pharmacy/drug stores. The main establishment types are the food service, retail stores, processing plants and lodging. There are many types of inspections that may be performed.

The type of inspection depends on the type of establishment. (See grid.) Examples include: planning, pre-licensing, routine or annual, complaints, special investigations (foodborne illness outbreak or product recall), disasters, FDA contract inspections. Other types of inspections include joint/training inspections, standardization, or program audits (county contract programs).

Relationship between inspectors and location

State inspectors are assigned counties at a range of one county up to 11 counties. The average number of counties assigned to any one inspector is 5.25. The counties under contract also are assigned a state inspector in order to respond to all other duties and responsibilities of the program.

Distribution of licensed establishments and inspectors

The districts average 26 counties and 3,000 establishments. The four districts range from 13-44 counties and 2631 - 3423 establishments per district. This accounts for 105 counties with more than 12,000 establishments. On average, each state inspector is responsible for more than 545 establishments.

The inspections conducted through contracts with county health departments are limited to the food service establishments in the counties covered by these contracts; in 2003, there are approximately 5,000 such establishments. Contract inspectors do not inspect other types of establishments such as retail food stores, food processing plants or lodging establishments; these are the responsibility of the state program across the entire state. On average, the inspectors in contract counties are each responsible for 260 Food Service Establishments.

However, contract inspectors often do other work pertaining to local ordinances in addition to their food service inspection activities. They receive no contract reimbursement for their non-food service activities. Comparing the gross ratios of establishments inspected by state and contract inspectors is therefore not a valid measure of productivity.

14-2

Staffing

The program operates with centralized administrative functions in Topeka, contract management through eight counties (Butler, Geary/Junction City, Johnson, Lyon, Reno, Riley, Saline Sedgwick), and field work through four districts (Western, Central, Northeastern, East/Southeastern).

Managers reside in each of these districts along with five inspectors (the exception being East/Southeast where there are six inspectors). On average, each district is responsible for an inventory of about 3,000 establishments. Each district territory is assigned counties; each inspector is assigned counties within the district for which he or she is responsible.

In the higher population areas where there are more numerous types and numbers of licensed entities, inspectors may overlap in counties because more than one inspector is required to accomplish the work. There is a total of 34 staff positions: Field inspectors – 22 (19 classified; 3 unclassified); Field Managers - 4; Administrative staff - 4 and Clerical support - 3.

Classification	Range	General duty	Number
Food, Drug & Lodging Surveyor I	22	Inspections	22
Food, Drug & Lodging Surveyor II	24	Standardized training, evaluation	1
Food, Drug & Lodging Surveyor III	26	District Manager	4
Health or Environment Program Analyst	29	Program management, compliance and enforcement coordination, contract management	3
Other: Administrative Assistants, Public Health Educator, Research Analyst, Public Service Executive III		Central office processing, process administration, education, enforcement and compliance.	4

Inspector Qualifications and Training

Inspectors (Food, Drug & Lodging Surveyor I) must meet minimum and special qualifications. They must hold a Bachelor's Degree and any combination of the following to equal two years:

1. Experience in public/environmental health
2. education in biological/physical sciences
3. public/environmental health or sanitation

In addition, inspectors must meet the special qualification of obtaining commission by the United States Food and Drug Administration.

Training for an inspector includes a basic program of orientation, observation and "shadowing" with a trainer, increasing participation in the shadowing, mock inspections using report form and standardization Inspection Report, training inspections with a trainer, field inspections with supervision and critique, culminating in Verification and Standardization then solo inspections.

This process is driven by the level of ability and skills demonstrated by the trainee. On average, a trainee completes verification and begins solo inspections after about two months. Inspectors are required to be "Standardized" within 18 months of hire. This process is a quality measure which follows the FDA recommended methods of training. It involves completion of eight joint inspections with an FDA-standardized manager. KDHE currently has three managers who are FDA Standardized.

Additional training is included over time, as the inspector is able to perform duties successfully. Through the variety of types of inspections and types of establishments that are inspected, inspectors gain experience that leads to the development of skills. Special training may include inspection for retail food stores, manufacturing, HACCP (Hazard Analysis Critical Control Point) in food services and retail food stores, plan-review training, foodborne-illness investigations, and specialized FDA related training.

All managers who supervise inspection activities are required to be credentialed through a nationally certified program as a Registered Sanitarian or Certified Food Safety Professional. This requires managers to demonstrate their knowledge and acquire a nationally-recognized professional standing.

Routine Equipment

Routine equipment that an inspector uses in the course of work includes the following items: state identification badge, cell phone, clipboard, flashlight, digital thermometer, thermocouple, holding thermometer, chemical test strips, pH test strips, camera, head covering, lab coat, inspection-related forms.

In some cases such as disasters the inspectors will use a hard hat, orange safety vests, or rubberized boots. In retail stores and food manufacturers or processing plants, infrared scanners are used to scan the temperatures in large coolers.

Contract County Inspector Qualifications and Training

Fourteen counties are served by the eight contracting counties. County inspectors are required to meet the same general qualifications and training as state employed inspectors. County inspectors do not complete the FDA Standardization training, therefore are not assigned to perform FDA standard inspections. These contracts are limited to the activities of inspecting Food Service Establishments only. Because of the differences in required responses and training, counties do not inspect retail stores, manufacturers or processing plants, nor do they respond to disasters.

Fee History

By statute, licenses are issued on a calendar year basis, with renewals due in December. Fees for food service establishments were raised from \$70 to \$100 in 1998, in conjunction with a drop in SGF support from \$856,000 in SFY 1999 to \$426,000 in SGF in fiscal year 2000. In fiscal year 2001, the program received about \$350,000 in state general funds.

The food service licensing fee increased effective July 1, 2001 to \$130. At the same time, licenses were required for the first time in Kansas history for retail and food processing establishments with a fee based on square footage.

However, no enforcement authority was provided should the latter establishments not purchase a license. This fee change primarily affected the 2002 license renewal receipts beginning December 2001 through January 2002.

Establishment Type <input type="checkbox"/> Inspection Types <input type="checkbox"/>	Food Service	Retail	Food Processing Plants	Lodging
Planning Pre-licensing Complaint Routine	*Routine Equipment	*Routine Equipment Infrared scanner	*Routine Equipment Infrared scanner	Lodging Inspection form Clipboard Camera Flashlight
Special Investigations (Foodborne Illness Outbreak, Product Recall)	*Routine Equipment Food Sample Kit Data Logger	*Routine Equipment Food Sample Kit Infrared scanner	*Routine Equipment Food Sample Kit Infrared scanner	Same as above
Joint/Training Standardization Program Audit	*Routine Equipment	*Routine Equipment Infrared scanner	*Routine Equipment Infrared scanner	Same as above
FDA Contract	NA	NA	*Routine Equipment Food Sample Kit FDA Credentials FDA Inspection Forms	NA
Disasters	*Routine Equipment Camera Protective Clothing Food Sample Kit Hold tags	*Routine Equipment Camera Protective Clothing Food Sample Kit Hold tags	*Routine Equipment Camera Protective Clothing Food Sample Kit Hold tags	*Routine Equipment Camera Protective Clothing
Courtesy (SRS, CCL)	*Routine Equipment	NA	NA	Inspection form Camera Clipboard Flashlight

* **Routine Equipment** = ID, cell phone, clipboard, flashlight, digital thermometer, thermocouple, holding thermometer, chemical test strips, ph strips, camera, head covering, lab coat, inspections forms, related forms (voluntary closure, voluntary destruction, embargo, embargo release, Notice of Non-Compliance, risk control plan, foodborne illness investigation, complaint form), Kansas Food Code regulations, Educational handouts)

5
14-11

12-4

**KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
FOOD SERVICE LICENSE FEE HISTORY**

2001	\$130.00	License Fee
	\$130.00	Application Fee
1998	\$100.00	License Fee
	\$100.00	Application Fee
1993	\$70.00	License Fee
	\$90.00	Application Fee
1991	\$40.00	License Fee
	\$90.00	Application Fee
1982	<u>License Fee</u>	
	\$30.00	Class I License Fee
	\$35.00	Class II License Fee
	\$40.00	Class III License Fee
	<u>Application Fee</u>	
	\$30.00	Class I Application Fee
	\$60.00	Class II Application Fee
	\$90.00	Class III Application Fee
1978	<u>License Fee</u>	
	\$20.00	Class I License Fee
	\$25.00	Class II License Fee
	\$30.00	Class III License Fee
	<u>Application Fee</u>	
	\$30.00	Class I Application Fee
	\$60.00	Class II Application Fee
	\$90.00	Class III Application Fee
1975	Food Service and Lodging Board responsibilities transferred to KDHE	
1973	\$20.00	Food Service and Lodging Board
1969	\$13.00	Food Service and Lodging Board
1967	\$10.00	State Hotel & Restaurant Board
1957	\$7.00	State Hotel & Restaurant Board
1955	\$5.00	State Hotel & Restaurant Board
1947	\$3.00	State Hotel & Restaurant Board
1927	\$3.00	State Hotel & Restaurant Board
1923	\$2.00	State Hotel & Restaurant Board
1913	\$2.00	Hotel & Restaurant Commission

Lodging License Fee History

1978 - \$100 maximum application fee adopted
Application Fee Schedule

\$30 1 - 9 rooms
\$50 10 - 29 rooms
\$100 30 or more rooms

\$30 license fee for lodging facilities with
less than 10 rooms
\$35 license fee for 10 or more rooms
\$5 for each additional 10 rooms

1975 - no application fee, repealed in 1974
\$20 license fee for all lodging facilities
with less than 10 rooms
\$25 license fee for 10 or more rooms
\$5 for each additional 10 rooms

1973 - \$20 application fee
Rooming House \$10 license fee, less
than 10 rooms; \$15 for 10 or more
rooms; \$5 for each additional 10 rooms

Hotels/Motels \$20 license fee, less than
10 rooms; \$25 for more than 10 rooms
\$5 for each additional 10 rooms

1967 - \$5 application fee
Rooming houses \$5 - less than 20 rooms
\$6 - 20 or more rooms; \$2 - for each
additional 10 rooms

Apartment houses \$8 - less than 20 units
\$9 - more than 20 units; \$2 - for each
additional 10 rooms

Hotels/Motels \$10 - less than 20 units
\$11 - more than 20 units; \$2 - for each
additional 10 rooms

1961 - \$5 application fee
\$4 license fee for a Rooming House
\$7 license fee for a Hotel or Apartment
House \$8 license fee for 20 or more
rooms; \$2 more for each additional 10

rooms

1957 - \$1 application fee
\$4 license fee for a Rooming House
\$7 license fee for a Hotel or Apartment

House \$8 license fee for 20 or more
rooms; \$2 more for each additional 10
rooms

1955 - \$1 application fee
\$3 license fee for a Rooming House
\$5 license fee for a Hotel or Apartment

House \$6 license fee for 20 or more
rooms \$2 more for each additional 10
rooms

1949 - \$1 application fee
\$3 license fee for Rooming House
\$5 license fee for Hotel or Apartment

House \$6 license fee for 20 or more
rooms; \$2 more for each additional 10
rooms

1947 - \$3 license fee for Rooming House
\$5 license fee for Hotel or Apartment

House \$6 license fee for 20 or more
rooms; \$2 more for each additional 10
rooms

1927 - \$3 license fee for Hotel, Rooming
House, Apartment House, less than 20
rooms
\$4 license fee for 20 or more rooms
\$1 more for each additional 10 rooms

1913 - \$2 license for Hotel, Rooming House,
Apartment House, less than 20 rooms
\$3 license fee for 20 or more rooms
\$1 more for each additional 10 rooms

**RETAIL
LICENSE FEE HISTORY**

Based on Square Footage

2001 - \$50 Under 5,000 License
\$50 Under 5,000 Application

\$100 5,000-15,000 License
\$100 5,000-15,000 Application

\$150 15,000 or Over License
\$150 15,000 or Over Application

**MANUFACTURER & FOOD
PROCESSOR
LICENSE FEE HISTORY**

Based on Square Footage

2001 - \$50 Under 1,000 License
\$50 Under 1,000 Application

\$150 1,000 or Over License
\$150 1,000 or Over Application

14-8



**KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
Food Service & Retail Inspection Report**

Start Time :	Inspector #	Date / /	Lic/ID#	Type	RAC	Purpose
End Time :	Owner Name: _____					
Travel Time Min.	Establishment Name: _____					
	Street: _____			Phone #: _____		
	City: _____, KS			Zip: _____		

Risk Factors (RF)	# of RF Violations	Education Activity/Training	Follow Up
1. Foods source: <i>source, condition, records</i>		Handouts: RRP Recommendation: <input type="checkbox"/> Yes <input type="checkbox"/> No	_____ Day:
2. Inadequate cook: <i>cooking, rapid reheat</i>			Compliance Let
3. Improper hold: <i>cooling, cold/hot hold, time/date</i>			_____ Day:
4. Contaminated: <i>equipment, cross contamination, separation, protection</i>			Demonstration of
5. Poor personal hygiene: <i>practices, facilities, preventing contamination from hands</i>			Knowledge:
6. Environmental: <i>chemical, insects, rodents, water, sewage</i>			<input type="checkbox"/> Yes <input type="checkbox"/> No

CRITICAL VIOLATIONS: *Must be corrected in 10 days or as stated. Failure to correct critical violations may result in license suspension, license revocation or civil penalty.*

RF#	Code Reference	Observations/Comments

OTHER VIOLATIONS

Food Temperatures:	Sanitizing: Temp/Concentration
--------------------	--------------------------------

Inspected by:	Received by:	
---------------	--------------	--

14-9/10



Risk Control Plan

Inspection Date: _____ Inspector ID: _____
 Establishment: _____ License #: _____ Type: _____
 Address: _____
Street City State Zip

Risk Factors Identified / Corrective Action Required

#	Code Reference	Code Requirement	Health Risk / Hazard	Corrective Action taken when code requirement is not met	Successful Completion Y/N
1.					
2.					
3.					

This Risk Control Plan (RCP) will be implemented in order to establish active managerial control of the health risk(s) (violations) identified above.

1.	
2.	
3.	

As manager / owner of the above establishment, I agree / decline to implement the provisions of this RCP

(Please circle) from _____ to _____ (Date) Method of interim check: Phone On-site Visit

Manager/Owner _____ Date _____ Interim RCP Check Date _____ initial _____

Inspector _____ Date _____ Completed Date _____

Inspector Comments:

11
14-28



KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
 BUREAU OF CONSUMER HEALTH
 FOOD PROTECTION & CONSUMER SAFETY



VOLUNTARY DESTRUCTION

_____, 2000 _____, Kansas
 Date

I have this day voluntarily destroyed, or caused to be destroyed, the merchandise described below. Said merchandise found in my possession was unfit for human consumption, misbranded, or otherwise unlawful. Destruction and final disposition of said merchandise has been done in a manner approved by _____ Inspector, representative of the Kansas Department of Health and Environment.

I hereby release the Kansas Department of Health and Environment, and its members, agents, and representatives from any and all liability.

TOTAL QUANTITY OR TOTAL WEIGHT	TOTAL DOLLAR AMOUNT	DESCRIPTION OF ARTICLES

Reason destroyed: _____

Method destroyed: _____

Location: _____

_____ Establishment Name / Firm Name	_____ Establishment ID # & Type
_____ Address / Location	_____ Signature
_____ City, State, Zip Code	_____ Title

Embargo: Yes #.
 No

 Inspector, Department of Health and Environment
 Original-KDHE Topeka

13
14-12



KANSAS
DEPARTMENT OF HEALTH & ENVIRONMENT
BILL GRAVES, GOVERNOR
Clyde Graeber, Secretary

Notice of Non-Compliance

Establishment Information:

License #: _____

Inspection Date: _____

To Whom It May Concern:

This is to notify you that on this date an inspection was conducted at the above food establishment and critical violations of the Kansas Food Code were observed and documented on a Food Service & Retail Inspection Report, a copy of which was left with the Person In Charge.

Kansas Administrative Regulation 28-36-108, Kansas Food Code, Section 8-405-11B requires that all critical violations shall be corrected within 10 days following the inspection, or within a time period specified in this notice. Reinspection of your establishment will be made on _____, or shortly thereafter, to determine if the deficiencies have been corrected as required.

It is important these violations receive your immediate attention. Failure to comply with this notice will result in additional action by the Kansas Department of Health and Environment. Such action may include immediate closure of your establishment, substantial fines, license suspension and/or license revocation.

Hand Delivered on this date by:

Kansas Department of Health and Environment
Food Protection and Consumer Safety Program

Inspector serving this notice may be contacted at _____

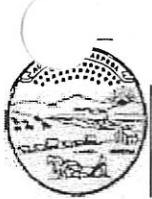
Original-KDHE Topeka

1000 SW Jackson, Ste. 200
Topeka, KS 66612-1274

DIVISION OF HEALTH
Bureau of Consumer Health
Food Protection and Consumer Safety

Phone (785) 296-5600
FAX (785) 296-6522

14
14-73



KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
 BUREAU OF CONSUMER HEALTH
 FOOD PROTECTION & CONSUMER SAFETY



VOLUNTARY CLOSURE STATEMENT

Because of deficiencies noted on the attached Food Establishment Inspection Report, I voluntarily agree to close this establishment and cease operation until needed corrections have been completed.

I agree not to reopen this establishment prior to reinspection by the Food and Drug Inspector.

Reinspection is currently scheduled for _____

 Establishment Name

 Signature, Person-in-Charge

 Establishment Address

 Date

 City, County, Zip Code

NOTE: Attach copy of Voluntary Closure Statement to both the facility and agency copy of inspection form.

Original-KDHE Topeka

2nd copy-Establishment

3rd copy-Inspector

Rev 6/28/02

14 ¹⁵ /



KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
 BUREAU OF CONSUMER HEALTH
 FOOD PROTECTION & CONSUMER SAFETY



COMPLAINT INVESTIGATION REPORT

Received By: _____ Date: _____ Via: Phone ___ Letter ___ Other

Name of Complainant: _____ Telephone Number: _____

Address: _____ City: _____ County: _____

Establishment Name: _____ ID #: _____ Type: _____

Address: _____ Owner: _____

City State Zip Code

Please circle one major complaint type:

1 Alleged Foodborne Illness/Outbreak

Personal Health/Hygiene

3 Food Source (sound condition; spoilage; approved source)

4 Labeling/Expiration Dates

5 Food Protection

6 Water/Plumbing/Sewage

7 General Sanitation

8 Insect, Rodent, Animal Control

9 Other

NATURE OF COMPLAINT:

Occurrence Date: _____ Occurrence Time: _____ AM PM

Investigator Comments/Actions: VALID: _____ INVALID: _____ UNDETERMINED: _____

Investigator: _____ ID #: _____ Date Worked: _____

Date Complainant Notified: _____ Via: Letter (copy attached) ___ Phone ___ Other ___

ORIGINAL INSPECTION REPORT & COMPLAINT REPORT FORMS TO TOPEKA OFFICE

Original-KDHE Topeka

16
14-15



KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

Bureau of Consumer Health

Food Protection and Consumer Safety

FPCS-920
08/00

Disaster Report Form

Investigation Date: _____

Occurrence Date: _____

Time Investigation Began (AM/PM): _____

Occurrence Time: _____

Total Investigation Time: _____

Total Travel Time: _____

Type of Disaster:

Fire

Flood

Storm Damage

Transportation Accident

Power/Water Outage

Other _____

Establishment Name: _____ ID # _____ Type: _____

(Note: For multiple establishments, attach additional information)

Location: _____
Street City or Highway Location County

Owner/Carrier: _____

Product Involved: _____

Weight/Amount: _____ \$ Amount: _____

Condition of Product: _____

Action Taken *(Attach forms)*: VD Embargo Product Not Detained

Names and number of contact individuals at the scene: _____

Photos Taken: Yes No

Remarks/Comments: _____

Inspector: _____

(Additional comments on back)

Original-KDHE Topeka

14-18



KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
 BUREAU OF CONSUMER HEALTH
 FOOD PROTECTION & CONSUMER SAFETY



EMBARGO

_____, 2000
 Date

 Establishment ID # & Type

 Firm Name

 Address

 City, State, Zip Code

In accordance with K.S.A. 65-660, you are hereby notified that the following described merchandise, now in your possession or custody, is suspected of being adulterated or misbranded under the provisions of the Kansas Food, Drug and Cosmetic Act:

HOLD TAG #	\$ AMOUNT OR TOTAL LBS. OF PRODUCT	DESCRIPTION OF ARTICLES

Reason for embargo: _____

Location of embargoed merchandise:

 Firm Name

 Address

 City, State, Zip Code

The removal or disposal of this merchandise without permission of the inspector or a court of proper jurisdiction is unlawful, and all persons having any interest or right in the embargoed merchandise should be so warned.

 Inspector, Department of Health and Environment

Original-KDHE Topeka

21
 14-20



KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
 BUREAU OF CONSUMER HEALTH
 FOOD PROTECTION & CONSUMER SAFETY



EMBARGO RELEASE

_____, 2000
 Date

Permission is hereby given:

 Establishment ID # & Type

 Firm Name

 Address

 City, State, Zip Code

to remove the following described merchandise, detained under embargo of _____, 20____.

HOLD TAG #	\$ AMOUNT OR TOTAL LBS. OF PRODUCT	DESCRIPTION OF ARTICLES

for the purpose of lawful disposal in the following manner:

Voluntary Destruction: Yes No

 Inspector, Department of Health and Environment

Original-KDHE Topeka

14-22
 -22

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
BUREAU OF CONSUMER HEALTH
FOOD PROTECTION AND CONSUMER SAFETY

PHOTOGRAPH DOCUMENTATION FORM

Facility: _____ License/ID#: _____
Address: _____ Date: _____
City: _____ Inspector: _____

DIGITAL: (Photos were not altered except to change the size of the file)

35MM:

3.5 x 5 Photo #

Violation Description

3.5 x 5 Photo #

Violation Description

14-23
~~22~~