

## MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Vice-Chairperson Senator Vicki Schmidt at 1:30 P.M. on March 6, 2008 in Room 136-N of the Capitol.

Senator Barnett was excused.

## Committee staff present:

Emalene Correll, Kansas Legislative Research Department  
Sara Zafar, Kansas Legislative Research Department  
Nobuko Folmsbee, Revisor of Statutes  
Jan Lunn, Committee Secretary

## Conferees appearing before the committee:

Angela Kohls, Director, Food Safety and Consumer Protection Program  
Jack Maybee, Director, Johnson County Environmental Department, Sanitation Division, Olathe  
Ron Hein, representing Kansas Restaurant and Hospitality Association  
Don Sayler, President and CEO, Kansas Restaurant and Hospitality Association  
Bill Goodlatte, Senior Vice President of Human Resource, LDF Companies - Wendy's Restaurants  
Debra Billingsley, Executive Secretary, Kansas Board of Pharmacy

## Others attending:

See attached list.

**HB 2207 - Relating to the Kansas board of pharmacy, authorizing emergency proceedings under subsections (d), (e) and (f) of K.S.A. 65-1627**

Chairperson Schmidt recognized Nobuko Folmsbee from the Revisor of Statutes office who briefed committee members on **HB 2207**. Ms. Folmsbee indicated the bill allows for emergency proceedings against a registrant or permittee of the board of pharmacy when the board of pharmacy determines the immediate protection of the public interest requires expedited proceedings under KSA 77-536. It was also noted that the fiscal note for Substitute **HB 2207** does not apply. (Attachment 1)

Deb Billingsley, Executive Secretary of the Kansas Board of Pharmacy, spoke in support of the bill noting its importance in clarifying whether a temporary emergency suspension can occur with a pharmacy. The bill distinguishes between licensees and registrants; a licensee is defined as a pharmacy, all other entities (distributor, manufacturer, pharmacy technician) are registrants. (Attachment 2)

Following an opportunity for discussion and questions, Senator Schmidt closed the hearing on **HB 2207**.

**SB 643 - Licensing requirements for food service establishments**

Ms. Nobuko explained the bill deals with licensing requirements and application fees. The bill provides that all persons in the business of conducting a food service establishment are required to be licensed resulting in a license fee and an application (for license) fee. Application and license fees may be adjusted based on the type of establishment, however, the bill places a cap of \$300 for application fees and a \$500 cap for license fees. The increase in fees is to assist in defraying the expense of food service establishment inspections and licensure activities of the Secretary. Department of Health and Environment.

Angela Kohls, Kansas Department of Health and Environment Program Director for Food Safety, spoke as a proponent for **SB 643**. Ms. Kohls testimony is attached and, therefore, is incorporated into this record (Attachment 3). Ms. Kohls provided an overview of the program, inspections, and its contributions to food safety. In addition, Ms. Kohls reviewed the current fee structure and the proposed fee structure (table of fee structure appears in Attachment 3). Ms. Kohls indicated there are seven (7) contracted counties who administer the KDHE Food Safety/Inspection Program, and

CONTINUATION SHEET

MINUTES OF THE Senate Public Health and Welfare Committee at 1:30 P.M. on March 6, 2008 in Room 136-N of the Capitol.

at the current time, there is zero (or minimal funds) in the budget for operating the program.

Senator Wagle questioned whether fees are charged on seasonal food businesses? Ms. Kohls responded in the affirmative, indicating if the business operates seven (7) days in a calendar year, they are required to be licensed. If the business operates at two separate locations, there is only one (1) license fee required.

Senator Jordan asked how fees are split with contracted counties and how the fee fund could decrease to zero. Ms. Kohls indicated the county receives eighty percent (80%) of the fee, and KDHE receives twenty percent (20%). Ms. Kohls indicated, the cash flow is fairly constant with all licenses expiring on December 31<sup>st</sup>.

Senator Journey asked if the current shortfall was caused by sweeping funds in 2002-03. Ms. Kohls indicated she had no knowledge of that.

Senator Schmidt recognized Jack Maybee, Director of the Johnson County Environmental Department, Sanitation Division, in Olathe, Kansas. He is the supervisor of the agency contracting with KDHE for food inspections in Johnson County. Mr. Maybee spoke in support of **SB 643**, indicating that at the current time, only 41% of the fees received cover actual program administration total costs. He encouraged favorable passage of the legislation in order to ensure the safety of the public. Mr. Maybee's testimony is attached and becomes part of this record. (Attachment 4).

Senator Journey questioned how many inspections have been made in Johnson County within the last year, the outcome of those inspections, and reported illnesses. Mr. Maybee indicated that with a staff of seven (7) in the field and two (2) supervisors, there had been over 3000 inspections resulting in thirty-nine (39) voluntary closures, ninety (90) establishments requiring administrative action, and four hundred eleven (411) notices of non-compliance. Mr. Maybee reported that in his jurisdiction, there were three hundred fifty-one (351) reported illnesses.

Senator Schmidt recognized Ron Hein, representing the Kansas Restaurant and Hospitality Association (KRHA). Mr. Hein provided a history of food service licensure fees from 2001 when the cap was raised from \$100 to \$200 (supported by KRHA). Mr. Hein indicated the KRHA has attempted to collaborate with KDHE to produce reasonable mutually beneficial outcomes, however, it is unclear to KRHA why KDHE has waited until this year to deal with cash-flow deficiencies. Mr. Hein cited several examples that concerns the restaurant and hospitality industry, noting the industry would be more comfortable with incremental increases. In addition, in an economic downturn, the legislation, if successful, significantly burdens the KRHA membership. Mr. Hein's testimony is attached and becomes part of this record. (Attachments 5 & 6).

Don Saylor, President and CEO of Kansas Restaurant and Hospitality Association, expressed appreciation regarding participation with KDHE, however, he also expressed concern regarding the financial numbers submitted by the Department. Mr. Saylor indicated that within the industry, many establishments are struggling to meet costs and payroll expenses; such an increase will adversely impact the industry. (Attachment 7)

Bill Goodlatte who operates 20 Wendy's throughout state spoke in opposition to SB 643. Mr. Goodlatte stated under the proposed legislation, it will cost Wendy's \$6,000 annually (without opening another store). Mr. Goodlatte indicated Wendy's employees enjoy health insurance, a 401K plan, tuition reimbursement, etc., he questioned what benefit KDHE's increases will be to Wendy's and its customers. Mr. Goodlatte's testimony is attached and is considered to be part of these minutes. (Attachment 8)

Written testimony was submitted by Scott Redler, Freddy's Frozen Custard and Timberline Steakhouse (Attachment 9), who opposed **SB 643**.

Senator Schmidt closed the hearing on **SB 643**. The meeting was adjourned at 2:32pm



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MEMORANDUM

To: Senate Committee on Public Health and Welfare  
From: Renae Jefferies, Assistant Revisor  
Date: March 6, 2008  
Subject: Substitute for HB 2207

Substitute for HB 2207 amends subsections (d), (e) and (f) of K.S.A. 65-1627 of the Pharmacy act of the State of Kansas to allow for emergency proceedings against a registrant or permittee of the board of pharmacy when the board of pharmacy determines the immediate protection of the public interest requires such expedited proceedings. Specifically, it would allow such emergency proceedings against a retail dealer, a pharmacy, a drug manufacturer, wholesale distributor, a person registered to sell durable medical equipment or a place of business where any such operation is conducted. The board would conduct such a proceeding in accordance with the emergency proceedings provision to the Kansas Administrative Procedure Act, K.S.A. 77-536.



# KANSAS

KANSAS BOARD OF PHARMACY  
DEBRA BILLINGSLEY, EXECUTIVE DIRECTOR

KATHLEEN SEBELIUS, GOVERNOR

**Testimony concerning HB 2207 : Authorization of Emergency Proceedings  
Committee on Senate Public Health and Welfare  
Presented by Debra Billingsley  
On behalf of  
The Kansas State Board of Pharmacy  
March 6, 2008**

Senator Barnett, Members of the Committee:

My name is Debra Billingsley, and I am the Executive Secretary for the Kansas State Board of Pharmacy. Our Board is created by statute and is comprised of six members, each of whom is appointed by the Governor. Of the six, five are licensed pharmacists and one is a member of the general public. They are charged with protecting the health, safety and welfare of the citizens of Kansas and to educate and promote an understanding of pharmacy practices in Kansas.

House Bill 2207 amends current language to the Kansas Pharmacy Act as it relates to registrants. The Pharmacy Act makes a distinction between licensees and registrants. Licensees are pharmacists. All other entities or individuals are considered registrants. The current Act permits the Board to take temporary emergency action against a "licensee" pursuant to KAPA if grounds exist that the licensee's continuation of practice would constitute an imminent danger to the public, health, and safety. There was no similar language that permitted the Board to take temporary emergency action against a "registrant", i.e. pharmacy, distributor, manufacturer, etc. if grounds existed that constituted an imminent danger to the public.

During discussions with the committee on Governmental Efficiency and Technology it was felt that the Board could do a better job of protecting the public if we had the ability to issue a temporary emergency order against a registrant as well as a licensee. Therefore, the additional language was amended into current statute in HB 2207. The Board supports this language and believes it will assist in administratively taking action against registrants that may be operating in violation of the law to such a degree that harm is imminent to the public.

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

PUBLIC HEALTH AND WELFARE  
ATTACHMENT:  
DATE:

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03/06/08



Kathleen Sebelius, Governor  
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH  
AND ENVIRONMENT

[www.kdheks.gov](http://www.kdheks.gov)

Division of Health

**Testimony on Senate Bill 643  
To  
Senate Public Health and Welfare Committee**

**Presented by Angela Kohls, Director  
Food Safety and Consumer Protection Program**

**March 6, 2008**

Chairman Barnett and Committee members, I am Angela Kohls, Director of the Food Safety Program for the Department of Health and Environment. Thank you for the opportunity to appear before you today regarding issues related to food safety and public health. Senate Bill 643 proposes to raise the fee cap for food service establishment applications and licenses.

Food service establishments have been required to obtain licenses since the statewide inspection program was initiated in 1913 as a public health program. Historically, inspections of food service establishments have been supported through the collection of annual license fees or a combination of fees and state general funds. In 1998, it was determined that license fees, in lieu of SGF, were the appropriate means of defraying the cost of the program's activities. The current fee cap of \$200 was effective July 1, 2001 with the expectation that adjustments within this cap would support the programs activities for 7 years. The cap of \$200 has provided sufficient funds for the projected 7 years.

The licensing and inspection program provides educational services for industry and consumers, and allows for inspections, compliance checks, response to consumer complaints, and response to disasters involving food safety. The program is responsible for the licensing and inspection of 10,300 food service establishments, which include restaurants, school and senior meal sites and mobile or temporary food units. These establishments receive an annual inspection in accordance with statutory expectations. In addition, all schools receive 2 inspections during the school year. During FY07, the program conducted 18,026 inspections in 10,300 establishments.

The Department implements the program with 21 field staff, a quality assurance/training team and support personnel. The Department contracts with seven (7) local health agencies to provide inspections and food safety education within their counties. These contracting agencies

PUBLIC HEALTH AND WELFARE  
ATTACHMENT:  
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have a total of 24 field staff and inspect approximately 40% of the food service establishments in the state. The contracting counties are Saline, Johnson, Lyon, Reno, Riley, Geary and the City of Wichita for Sedgwick County.

In order to continue the food safety program at the current level of service, the fees established in regulation will have to be raised for the 2009 licensing year. In 2003, the legislature recommended that KDHE use a graduated or tiered fee structure that would be more sensitive to the smaller food service establishments instead of the one-fee-fits-all structure currently in use. The Department has designed a tiered fee structure that is based on the gross annual food sales of the business. A smaller business will pay a lower license fee while a larger business will pay a higher license fee. (See Attachment) The bill will allow KDHE to establish a tiered fee structure for all food service establishments that will maintain current program activities. In addition, the increased cap will allow the 7 contracting counties to more fully support their food safety programs.

Thank you for the opportunity to appear before the committee today. I will now stand for questions.

Senate Bill 643

Current License Fee Structure: Currently the Food Safety Program at KDHE has only 2 different license fees. All new establishments pay the license fee and an application fee at the time of licensing.

	Current License Fee	Number of Establishments	% of Establishments
Satellite School and Senior Meal Sites	\$130	566	5%
All Other Food Service Establishments	\$200	9734	95%
Turnover/New Establishments	\$400	1030 estimated	10%

Proposed License Fee Structure: The new proposed fee structure will be tiered and based on the gross annual sales of the establishment. Establishments with lower gross annual sales will pay a lower license fee, while establishments with higher gross annual sales will pay a higher license fee.

	Proposed License Fee	Number of Establishments	% of Establishments
Satellite School and Senior Meal Sites	\$130	566	5%
Food Service in Lodging*	\$150	204	2%
\$0 - \$50,000	\$250	4193	41%
\$50,001 - \$250,000	\$300	2001	20%
\$250,001 - \$500,000	\$350	1144	11%
\$500,000 and above	\$450	2192	21%
Turnover/New Establishments	License Fee + \$250 Application Fee	1030 estimated	10%

\* House Bill 2838, if passed, would eliminate the license for food service establishments in hotels if the food service establishment is only providing complimentary food to only that hotels overnight guests. If the bill passes, such food service establishments in lodging establishments would be exempt from the food service license fee.



**JOHNSON COUNTY'S TESTIMONY ON SENATE BILL 643  
IN SUPPORT OF STATE FOOD LICENSE AND APPLICATION  
FEE INCREASE**

**Presented March 6, 2008**

Good morning. My name is Jack Maybee. I'm the Director of the Johnson County Environmental Department, Sanitation Division, located at 11811 South Sunset Drive, Suite 2700, Olathe, KS. Johnson County is one of seven local governments in Kansas that hold a contract with Kansas Department of Health and Environment to inspect food establishments for compliance with the Kansas Food Code. Our department carries out this contract. We have about 1,660 KDHE food establishments in the County, and conduct about 3,000 inspections annually.

Johnson County strongly supports the state's proposal to increase food license fees cap to \$500 and application fee cap to \$300.00. This position is supported by the Board of County Commissioners, so I speak not only for my department, but also for our county leadership.

Like other contract counties, Johnson County receives 80% of the revenue that the state collects from food license fees. We depend on this revenue to support our program, but the revenue is far from adequate to cover our costs. This year, our 80% share will total about \$331,000. Costs for our food safety program will total about \$802,000. As you can see, revenue from the current state fee supports only about 41% of our total costs. The rest comes from local funds. With substantial state budget cuts to local governments, there is less and less local revenue to support local

programs. Without an increase in the state food license fees, our local food safety program may not survive and all the work we do will become the state's direct responsibility.

Increasing the state license fees cap to \$500 and application fee cap to \$300 will increase our revenue by about \$370,000. While we welcome this increase in revenue, I must emphasize that it will not eliminate the continuing need to subsidize our program with local funds. In light of the fact that the \$500 and \$300 fees will still require us to use local funds to subsidize our program, we strongly discourage any proposal for lesser fee increases.

This fee increase is not solely about money. It's about public health. KDHE, and by extension, the contract counties, are responsible for protecting the public from food borne illnesses. KDHE and the contract counties cannot do our jobs without adequate resources. While we depend upon the state for direct financial assistance, we also depend upon the state for training, policy direction, data management, quality assurance, and enforcement. In counties without local programs, the state must also perform basic inspection functions. Our local program suffers if KDHE lacks adequate staff to perform these functions. But more importantly, so does public health. It's clear to us that KDHE needs additional resources to carry out their statutory responsibility to protect public health from food borne illnesses. We hope that part of the revenue from this fee increase will allow KDHE to address these issues.

I'd like to close by recognizing that increasing fees in times of economic downturn is always difficult. I can appreciate that this proposal places additional financial burdens on food establishments. But I also know that food establishments benefit significantly from effective inspection programs. These programs provide assurances to the public that it's safe to dine out. And we work closely and cooperatively with individual establishments when compliance issues arise that need to be corrected. These services cost money. \$500 for license and \$300 for application fees per year does not appear excessive or unreasonable.

Thanks again for the opportunity to share Johnson County's perspective on this important issue.

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**Testimony Re: SB 643**  
**Senate Public Health and Welfare Committee**  
**Presented by Ron Hein**  
**On behalf of**  
**Kansas Restaurant & Hospitality Association**  
**March 6, 2008**

Mr. Chairman, Members of the Committee:

My name is Ron Hein, and I am legislative counsel for the Kansas Restaurant and Hospitality Association. The Kansas Restaurant and Hospitality Association, founded in 1929, is the leading business association for restaurants, hotels, motels, country clubs, private clubs and allied business in Kansas. Along with the Kansas Restaurant and Hospitality Association Education Foundation, the association works to represent, educate and promote the rapidly growing industry of hospitality in Kansas.

KRHA is opposed to SB 643.

In 2001, KDHE requested the Kansas Legislature increase the food service establishment licensure fees from \$100 to \$200, and indicated that increasing the statutory cap was necessary so that they could gradually increase the fees, which is accomplished by rules and regulations. Within two years, the KDHE had increased the fees to the statutory cap of \$200.

At the time that the fee increase was requested, KDHE approached the KRHA and indicated that the fee increase was necessary primarily because KDHE was implementing a three year computer upgrade that necessitated an increase in the fees. Statements made at the time suggested that there would be a possibility of a fee decrease after the three year amortization for the computer upgrade. In fact, the document attached reflects "Estimates/projections for self supporting budget, management information system (MIS), additional 3 FTE (internal), setting application and renewal fee at \$200", and the chart reflects additional FTE inspectors in the fourth year when MIS goes to maintenance. (See attachment.)

Most recently, KDHE has begun discussions with KRHA regarding the status of the KDHE budget regarding food service establishment inspection programs. KDHE is proposing that the food service annual licensure fees be increased to a statutory cap of \$500, which is an immediate hit to the industry of \$1.1M. KRHA appreciates the effort to KDHE to commence discussions with KRHA regarding both the programs for food service establishment inspections and lodging inspections, as well as the funding mechanisms for both programs, but we cannot support this proposal.



It was not until such discussions that KRHA was advised that KDHE has been losing approximately \$300,000 - \$350,000 per year over the past three years, and that commencing a few short years ago, KDHE was required to pay "indirect costs", which we understand to be payments basically "inter-agency" within the Executive Branch of state government. We understand that the "indirects" are basically payments for rent of space, payment for legal fees, and payment for computer expenses required at the central level, despite the fact that KDHE has its own budget regarding computer capability within the KDHE itemized budget.

The implementation of these new expenditures for "indirects" and the three year plus period of time where the agency has been spending more than it receives in revenue has put KDHE into a situation where they are now requesting a significant fee increase, amounting to 274% in the annual licensure for food service establishments.

It is unclear to KRHA why KDHE has waited until this year to attempt to deal with the cash flow deficiency which has been facing the agency.

In addition, during the time that the agency was facing a cash flow deficiency, KDHE decided to fill four vacant FTE positions that were available to the agency in FTE allotments. Generally, in the private sector, if a business was already losing money each year, they would not fill vacant positions or add additional costs to their spending.

The initial projection/proposal that was presented by KDHE included a \$1.7 million increase in fees. The latest proposal includes an increase of \$1.1 million. Over the last two years and projecting for FY08, they have spent more than revenues by in excess of \$900,000, based on the projections from KDHE.

KDHE has proposed a one year increase of 50% on application fees and a 150% increase on license fees for the FY 09. This will create a one-year increase in revenues of \$1.1 million, based on the projections provided by KDHE. Total revenues will increase 41% for that year. This is after a 54% fee increase in the fall of 2003. This makes for a 274% increase in 6 years for license fees, from \$130 to \$500.

In addition, local counties will receive a one year increase of more than \$400,000. This also constitutes a windfall to the counties at the expense of the industry.

In our discussions with KDHE, the KRHA has indicated a willingness to pay reasonable fees for regulation supporting the common goal of protecting the public. We have advised KDHE that IF additional revenues are necessary, rather than a significant increase in fees, that KRHA and our membership would be more likely to be supportive of fee increases which are incremental.

Despite these conversations, KDHE has chosen to pursue a percentage increase in the statutory caps as well as the actual fees promulgated by rules and regulations which would constitute a significant burden to our membership, while providing windfalls to both the state agency and to the local governments who perform food inspections.

March 5, 2008

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KRHA believes that such significant increases are not warranted at this time, and that the legislature should modify any fee increase legislation to be cognizant of the demands facing the restaurant industry, and provide for incremental increases that will not unduly damage the regulated industry, and yet provide sufficient revenue to KDHE to perform the necessary inspections. IF any fee increase is permitted by the legislature, the fee increase should be in a reasonable amount, should be justified in an efficient operation, should increase incrementally rather than astronomically, and should be spread over a greater level of food sales.

We believe that fees increases should be reasonable. The proposed increase does not seem reasonable. KRHA has appreciated the opportunity to provide input on the proposed application and license fees increases. However, for the reasons stated, we cannot support SB 643 at this time.

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

Food Protection and Consumer Safety Program  
 Regulations - Fee Change Strategy  
 June 4, 2003

**Program Performance Goal:** It is the goal of the program to accomplish the legislatively mandated activities to the extent possible within current resources: statutory requirements and program policies include annual inspections of all licensed food service establishments (12,000), pre-licensing and complaint inspections for all food service establishments as well as retail food stores, food manufacturers/processing plants and lodging facilities (5,000). Within the KDHE administration and Division of Health, the strategy for promoting sustained compliance should include elements of training and education combined with a progressive enforcement protocol.

**Program Performance Profile:** The April 2002 Legislative Post Audit (LPA) report cited the ratio of inspectors to number of facilities inspected at about 1:520. Further, it projected a need for an addition of 16 more inspectors to meet the Food & Drug Administration's recommended workload ratio of 1:320. For FY 03, inspector workload ratio is at 1:545 for all licensed entities and 1:323 for only Food Service Establishments.

Using current counts to date it is projected that the program will accomplish 19,945 total inspections (all types) with 88 percent of all Food Service Establishments having had at least one inspection. This results in about 95 percent of all high-risk Food Service Establishments having at least one inspection. This is a significant improvement from that reported by the LPA which indicated that only 70 percent of all Food Service Establishments were inspected (30 percent uninspected), and only 80 percent of all high-risk establishments inspected (20 percent uninspected). Response to consumer complaints is expected to be nearly 2,500 for the current fiscal year. Total inspections reflect an increase of nearly 13 percent over previous reported output measures; complaints reflect an increase of more than 4 percent. It is estimated that 106 disaster responses will occur during the current year (estimated prior to tornado activities May 4, 2003). This rate is about the same as previous years.

**Current staffing levels, ratios to establishments, achievable outcomes:** At the current funding level, there are 19/22 Food, Drug, Lodging Surveyor (FDLS) I positions (3 vacant) resulting in an increased ratio of establishments per inspector (1:642). This ratio includes all establishments, food service establishments (FSE), retail food stores, manufacturers and distributors. This level of staffing and funding supports about 19,900 inspections, 95 percent of all High Risk FSE. More than 2,100 complaints have been processed and more than 100 disasters monitored. During September-January, the agency had to support the program at a cost of nearly \$420,000. Operating costs continue to increase in the areas of motor pool, communications. The overall net loss of FY03 to the program was more than \$50,000 even with concerted efforts at cost cutting. (See Attachment 1.)

**Estimates/Projections if fees remain at \$130**

FY 04	19/22 FTE inspectors	Receipts: \$2,356,427	Cash flow: (\$639,899)	Expenses: \$2,535,357	Net: (\$178,930)
FY 05	18/22 FTE inspectors	Receipts: \$2,356,427	Cash flow: (\$982,341)	Expenses: \$2,585,885	Net: (\$229,458)

**FPCS Fee Strategy**

Page two.

**Performance Improvements:** Achieving full performance requires a trained, full complement of staffing (both managerial and field inspectors) and an accessible, reliable, responsive management information system.

- ▶ In order to facilitate greater efficiencies, the program must **return to full complement of field inspectors** and maintain its support and administrative staffing levels. Currently there are three vacant FDLS I positions, there are also several support staff vacancies. Whereas this contributes to better budget balance, it impairs productivity and efficiencies in the process.
- ▶ **Management data tracking and performance indicators** must be readily available. It is impossible to achieve efficiencies with an information system that is inaccessible or poorly accessible to ad hoc inquiries. The structure of the current MIS limits its utility because many elements necessary for monitoring benchmarks in regulatory activities are not identified.
- ▶ Once the full complement of staff has operated with an improved MIS, consideration must be given to the **number of inspectors** made available to accomplish regulatory activities which must include a comprehensive, ongoing strategy for training and education.

**Projected achievable outcomes:** A fully-staffed program with an addition of three FDLS-I positions by FY 2007 should result in a ratio of 1:480 (all establishments) for state inspectors (with 1:280 FSE). This will enable development of training and educational components for sustaining compliance as well as achieving 100 percent inspection of all FSE.

**Estimates/Projections for self-supporting budget, Management Information System (MIS), additional 3 FTE (internal), setting application and renewal fee at \$200. (See Attachment 2.)**

FY 04	22 FTE inspectors & MIS	Receipts: \$3,464,600	Cash flow: (\$887,752)	Expenses: \$3,332,896	Net: \$131,704
FY 05	22 FTE inspectors & MIS	Receipts: \$3,576,600	Cash flow: (\$471,344)	Expenses: \$3,406,896	Net: \$169,704
FY 06	22 FTE inspectors & MIS	Receipts: \$3,576,600	Cash flow: (\$286,164)	Expenses: \$3,520,896	Net: \$55,704
FY 07	25 FTE inspectors & Maintenance MIS	Receipts: \$3,576,600	Cash flow: (\$234,528)	Expenses: \$3,526,600	Net: \$50,000

NOTE: Proposals are being considered that would result in the program (as well as other state agency programs) being charged for "banking services" performed by the Treasurer's office. The KDHE Administrative Appeals Section (AAS) was eliminated through the budget process and the activities and responsibilities are transferred to the Department of Administration's Office of Administrative Hearings (OAH). There is intent for the OAH to charge an fee for services or time spent on cases. The precise cost is yet to be determined. Nothing final has been proposed on either of these issues, but they clearly add to increased "Other Operating Expenses."



BCH - Food Protection & Consumer Safety – estimated value added and cost savings: \$149,014

Description of item/activity	Cost cutting method/effort	Approximate savings
Cancelled HACCP training class in Wichita; Topeka for only staff with no overnight	Reduction in lodging, per diem, mileage.	\$2,482
Reduced staff attendance at Spring KAS Conference	Reduced travel costs: lodging, per diem, mileage, conference registration	\$2,272
Placed Kansas Food Code on web site v. mailing copies	Eliminated mailing costs	\$800
Placed "Focus on Food Safety" training materials on web site v. mailing copies	Eliminated mailing costs	\$10,000
Directed inspection field staff to car pool to meetings	Reduced mileage and gas costs	\$1,000
Requested grant funding to reproduce printed materials for "Focus on Food Safety."	KHF Grant covers costs v. program's fee fund.	\$23,000
Send Memos by email instead of USPS	Eliminating postage	\$750
Vacant FDL Surveyor 1 positions (3)	Reduced salaries and wages, operating expense.	\$100,000
Renegotiated cell phone plan for Cingular phone users	Reduced charges by adopting block time plan.	\$1,110
Requested FDA grant to fund training for inspectors.	Grant covers costs (mileage, lodging) v. program's fee fund.	\$5,000
Completed self-assessment for FDA Standards.	Received \$2,000 grant that could be used for training of staff.	\$2,000
District Managers transport supplies/materials to inspection staff v. mailing.	Reduces mailing costs.	\$600

*Adopted Exhibit  
To Ken Hein Testimony*

**MINUTES**

**JOINT COMMITTEE ON ADMINISTRATIVE RULES AND REGULATIONS**

July 15, 2003  
Room 519-S—Statehouse

**Members Present**

Representative Carl Holmes, Chairman  
Senator Karin Brownlee  
Senator Stan Clark  
Senator U. L. "Rip" Gooch  
Representative Jerry Henry  
Representative Andrew Howell  
Representative Jan Pauls  
Representative Sharon Schwartz  
Representative Dan Williams

**Members Absent**

Senator Chris Steineger  
Senator Duane Umbarger, Vice Chair  
Representative Candy Ruff

**Staff Present**

William G. Wolff, Kansas Legislative Research Department  
Raney Gilliland, Kansas Legislative Research Department  
Melissa Calderwood, Legislative Research Department  
Ken Wilke, Revisor of Statutes Office  
Mitch Rice, Revisor of Statutes Office  
Judy Glasgow, Secretary

**Others Present**

Robert Haley, Kansas Department of Transportation  
Evelyn Fitzpatrick, Kansas Department of Transportation  
Dale Jost, Kansas Department of Transportation  
J. P. Small, Kansas Department of Transportation

*Senate Public Health  
and Welfare  
3-6-08  
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Mr. Tate explained that the proposed rules and regulations were the result of Substitute for Senate Substitute for HB 2219, passed by the Kansas Legislature in 2003. He stated that the basic changes in the proposed regulations were the use of E. coli bacteria, rather than fecal bacteria, in determining human pathogens, and increasing the number of samples to be taken. Mr. Tate answered general questions concerning the scheduling of samples and the required five samples to be taken over the period of 30 days.

Staff noted that in the history section of KAR 28-16-28e, it should be changed to 2003 Senate Substitute for Substitute HB 2219. After answering all Committee questions, Chairman Holmes thanked Mr. Tate for his appearance before the Committee.

Gwen Hill, Office of the State Bank Commissioner, was introduced by Chairman Holmes to speak to the proposed rules and regulations noticed for hearing. KAR 17-24-1, signed acknowledgment; contents and KAR 17-8-1, financial subsidiaries.

The Committee had no questions about the proposed regulations and Chairman Holmes thanked Ms. Hill for appearing before the Committee.

The Chairman recognized Sonya Allen to speak to the proposed rules and regulations noticed for hearing by the Office of the State Bank Commissioner. KAR 75-6-34, balloon payment on consumer loans secured by motor vehicles.

Ms. Allen responded to questions from Committee members about the disclosure statement and if it would be clear to the creditor. After discussion, it was determined that because the statement was on a separate paper containing only the disclosure information, it would be sufficiently clear.

Chairman Holmes called on Marla Rhoden to address the proposed rules and regulations noticed for hearing by KDHE. KAR 28-38-18, licensing examinations and KAR 28-38-19, qualification for licensure.

Staff noted that a correction in the history section under KSA 65-3503 was needed. Ms. Rhoden was thanked for her presentation by Chairman Holmes.

Lesa Roberts, Director of the Bureau of Consumer Health, introduced Mary Glassburner to speak to the proposed rules and regulations noticed for hearing by KDHE. KAR 28-36-30, fees.

Ms. Roberts explained that these changes raise the fees charged to food service establishments from \$130 to \$200 annually.

Ronald Hein, representing the Kansas Restaurant and Hospitality Association, appeared to comment on the proposed rule and regulation KAR 28-36-30 (Attachment 3). Mr. Hein stated that SB 100, passed in the 2001 Legislative Session, raised the cap on licensing fees from \$100 to \$200. He stated that after reviewing the proposed increases, the Kansas Restaurant and Hospitality Association is concerned that the fee is being taken to the cap. A more appropriate approach, he said, would be a phased-in fee increase.

In response to questions by Committee members concerning the budget restraints and how many inspectors could be brought on board with the additional money raised by the fee increase, Ms. Roberts stated that the amount raised by this increase would be \$728,000 each year. She said currently, there were three positions vacant that could be filled using the fee income. Additionally, she mentioned the need to upgrade the computer system used to handle the inspections. Committee members suggested the funds for the computer upgrade could be spread over a three-year period and then be phased out. Mary Glassburner responded to several general questions about the proposed rules and regulations. Chairman Holmes thanked Ms. Roberts and Ms. Glassburner for their presentations.

Chairman Holmes recognized Deletria Nash, Kansas Insurance Department, to speak to the proposed rules and regulations noticed for hearing (Attachment 4). KAR 40-1-48, risk-based capital instructions for managed care organization; KAR 40-4-1, accident and health insurance; individual policies; rate filings; requirements and KAR 40-5-110, same; supervision of credit insurance operations.

The Committee had no questions concerning these proposed rules and regulations. Ms. Nash was thanked by the Chairman for her presentation before the Committee.

Chris Tymeson was recognized by Chairman Holmes to discuss the proposed rules and regulations noticed for hearing by the Department of Wildlife and Parks. KAR 115-2-1, amount of fees; KAR 115-21-1, guides; permit application, examination, and restrictions; and KAR 115-21-2, guides; reporting requirements.

Mr. Tymeson noted that these proposed changes remove the reference to fishing for guide permits, since they are no longer required. Committee members suggested that the word "hunting" be inserted in the "resident commercial guide permit" title. Chris Tymeson responded to several general questions concerning lifetime permits and requirements. Chairman Holmes thanked Mr. Tymeson for his appearance before the Committee.

Janet Chubb was welcomed by Chairman Holmes to speak to the proposed rules and regulations noticed for hearing by the Secretary of State. KAR 7-16-1, information and services fee; and 7-16-2, technology communication fee.

Ms. Chubb stated that temporary regulations were effective on July 1, 2003, because of the critical funding issues of the office and will be implemented on August 1, 2003. Ms. Chubb stated that, with the passage by the 2003 Legislature of SB 239, which began a phase-out of general fund appropriations for the operation of the office, a fee fund was established and the Secretary of State was authorized to charge fees related to the providing of information and services. In response to several questions from members, Ms. Chubb explained that the legislation did not set the fees; rather, the Secretary had done an exhaustive study of the work of the agency and developed the fees based on the costs associated with the work, which would be added to the fee already being charged. She stated that the fee schedule for use by the general public will show only one fee for each service. Members were concerned that a cost analysis of the services performed had not been done and should be completed before computing the fee increases of the magnitude proposed in the regulations.



Chairman Holmes thanked Janet Chubb for her presentation before the Committee.

Tom Hatten, attorney and tax specialist, Office of Policy and Research, was recognized by Chairman Holmes to address the proposed rules and regulations noticed for hearing by the Department of Revenue. KAR 92-21-7, 92-21-8, 92-21-10, 92-21-16, 92-21-17, revoked; KAR 92-19-73, membership fees and dues; 92-19-81; abatement of final tax liabilities; and 92-21-14, place of business.

Mr. Hatten stated that the proposed revocations are the result of the new destination-based sourcing legislation passed in the 2003 Legislature. Committee members expressed concern about revoking the regulations during the interim, since there were still questions about enforcing the new destination sourcing tax. It was explained that because of the law passed this last session, the old law and the related rules and regulations are no longer applicable and enforceable; thus, the proposal to revoke the regulations. Due to concern over what might happen with the destination sourcing tax, should there be legislative action to repeal or change its enforcement, a member recommended that the repeal of the existing rules and regulations be delayed.

#### COMMENTS ON PROPOSED RULES AND REGULATIONS

**Department of Social and Rehabilitation Services.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning medical assistance—prior authorization and the public assistance program—responsibilities of applicants and recipients, cooperation, and income. After discussion, the Committee had no comment.

**Department of Wildlife and Parks.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning guides. After discussion, the Committee expressed the following comment.

KAR 115-2-1. In subsection (e), and wherever else, consider adding the word "hunting" to specify in the regulation the reference is to a hunting guide.

**Department of Health and Environment.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning food service establishment fee regulation, surface water quality standards, and the Board of Adult Care Home Administrators. After discussion, the Committee had no comment on the surface water quality standards regulations or the regulations applicable to adult care home administrators. The Committee expressed the following comment regarding fees for food service establishments.

KAR 28-36-30. The Committee suggests that the Department consider establishing a fee that generates sufficient moneys to fund three inspector

positions and to fund one-third of the cost of the computer system, the latter to be funded over a three-year period and then phased out.

**Racing and Gaming Commission.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning racing operations and parimutuel wagering, withdrawals and scratches, and schooling. After discussion, the Committee had no comment.

**Bank Commissioner.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning licensing mortgage companies, auto loan programs containing balloon payments, and financial subsidiaries. After discussion, the Committee had no comment.

**Insurance Department.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning risk-based capital instructions, accident and health insurance, and supervision of credit insurance operations. After discussion, the Committee had no comment.

**Department of Transportation.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning the transportation revolving loan program. After discussion, the Committee expressed the following comment.

KAR 36-40-1. In subsection (i)(1)(B), does the language create a conflict of interest since the applicant selects the licensed professional engineer who is to observe the work performed and test the materials used in the approved project?

KAR 36-40-3. The Committee is concerned that there may be a considerable amount of time pass between the design of a project and the funding and starting of the project, so that the original design is outdated. Is there a provision for requiring that the latest design standards available be those used at the time a project is started?

**Animal Health Department.** The Joint Committee on Administrative Rules and Regulations reviewed for public comment rules and regulations concerning the Pet Animal Act. After discussion, the Committee expressed the following comments.

General Comment. Since the word "commissioner" is defined as the livestock commissioner, consider simply using the term "commissioner" throughout the regulations.

KAR 9-25-2. In subsection (b), consider adding a definition of "humidity extremes."

Talking points: Regulation change KAR 28-36-30 (a) & (b)

The current fee amounts to \$130 per year, or \$10.83 per month; or about \$.40 per day.

The increase of \$70 to a fee of \$200 results in \$16.67 per month; or about \$.60 per day.

Samples of other state food safety programs and their fees:

Iowa

- ▶ Fees calculated based on gross annual sales, range from \$50-225
- ▶ Fees constitute only 40 percent of program funding
- ▶ State general revenues make up 60 percent of the program's funding

Nebraska

- ▶ Fees calculated based on food preparation areas, \$61.72 for first, \$30.86 for each additional food area
- ▶ All fees go to general fund
- ▶ State general revenues make up 100 percent of the program's funding
- ▶ Counties perform inspections and charge their own fees
- ▶ Lincoln county fee is \$295 for initial (application fee) and \$90 for additional food areas (applications); renewal fees are \$195 and \$90.

Missouri

- ▶ Is entirely locally governed; no state program

Colorado

- ▶ Based upon seating, just recently increased by legislature, ranges from \$154 to \$224.
- ▶ State general revenues supplement program support

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT  
 FOOD INSPECTION FEE FUND - 2206

Smaller Increase

Fee Fund Projection w/Increase  
 OPTION 2- Gross Annual Sales 80% County Payment

Description	FY04 Actual Fee \$200	FY05 Actual Fee \$200	FY06 Actual Fee \$200	FY07 Actual Fee \$200	FY08 Budgeted Fee \$200	FY09 Budgeted Fee Varies	FY10 Estimate Fee Varies	FY11 Estimate Fee Varies	FY12 Estimate Fee Varies	FY13 Estimate Fee Varies	FY14 Estimate Fee Varies
BEGINNING BALANCE	28,847	603,703	933,730	710,865	381,195	(0)	167,704	189,344	214,456	181,607	89,381
TOTAL FSE REVENUE COLLECTIONS (Includes 100% from counties)	2,927,942	2,614,616	2,615,610	2,628,046	2,628,046	3,706,030	3,706,030	3,706,030	3,706,030	3,706,030	3,706,030
CONTRACT COUNTY REVENUE TRANSF	(1,002,140)	(847,120)	(940,054)	(889,886)	(850,000)	(1,271,048)	(1,271,048)	(1,271,048)	(1,271,048)	(1,271,048)	(1,271,048)
RETAIL FOOD INSPECTION FEES (2213)	306,945	15,760	0	0	0	0	0	0	0	0	0
TRAINING FEE FUND REVENUE (2212)	38,516	35,002	675	28,113	10,000	10,000	10,000	10,000	10,000	10,000	10,000
<b>TOTAL FUNDS AVAILABLE</b>	<b>2,300,110</b>	<b>2,421,960</b>	<b>2,609,962</b>	<b>2,477,138</b>	<b>2,169,241</b>	<b>2,444,982</b>	<b>2,612,686</b>	<b>2,634,326</b>	<b>2,659,438</b>	<b>2,626,589</b>	<b>2,534,363</b>
<b>EXPENDITURES</b>											
Salaries and Wages	1,375,614	1,235,551	1,301,799	1,472,703	1,519,507	1,557,495	1,596,432	1,636,343	1,677,251	1,719,183	1,762,162
Contractual Services	274,942	201,783	185,534	187,006	189,405	216,392	219,638	222,932	226,276	229,671	233,116
Commodities	40,367	46,621	58,933	64,474	88,569	89,281	91,531	93,842	96,215	98,654	101,158
Capital Outlay	5,484	4,275	7,322	1,933	1,933	1,933	75,000	27,366	27,776	28,193	78,784
Indirects	0	0	345,508	369,828	369,828	412,177	440,741	439,388	450,311	461,507	485,526
<b>SUBTOTAL PROGRAM EXPENDITURES</b>	<b>1,696,407</b>	<b>1,488,230</b>	<b>1,899,097</b>	<b>2,095,944</b>	<b>2,169,241</b>	<b>2,277,278</b>	<b>2,423,341</b>	<b>2,419,871</b>	<b>2,477,831</b>	<b>2,537,207</b>	<b>2,660,747</b>
<b>END OF YEAR BALANCE</b>	<b>603,703</b>	<b>933,730</b>	<b>710,865</b>	<b>381,195</b>	<b>(0)</b>	<b>167,704</b>	<b>189,344</b>	<b>214,456</b>	<b>181,607</b>	<b>89,381</b>	<b>(126,383)</b>

Expenditures are based on a transaction year and not a BFY

<b>LICENSE FEE SCALE</b>
Satellite = \$130
Food Service in Lodging = \$150
\$0 - \$50,000 = \$250
\$50,001 - \$250,000 = \$300
\$250,001 - \$500,000 = \$350
\$500,001 + = \$450
Turnover = \$550

Balance %	7.36%	7.81%	8.86%	7.33%	3.52%	-4.75%
Operating days	19	20	23	19	9	(12)



**Testimony Re: SB 643**  
**Senate Public Health and Welfare Committee**  
**Presented by Don Saylor**  
**On behalf of**  
**Kansas Restaurant & Hospitality Association**  
**March 6, 2008**

Mr. Chairman, Members of the Committee:

My name is Don Saylor, and I am the President & CEO for the Kansas Restaurant & Hospitality Association (KRHA). The Kansas Restaurant & Hospitality Association is the leading business association for restaurants, hotels, motels, country clubs and allied business in Kansas. Along with the KRHA Educational Foundation, the association works to represent, educate and promote the rapidly growing industry of hospitality in Kansas.

KRHA appreciates the opportunity we had to participate in several meetings and phone calls with KDHE personnel regarding application and license fees, and the potential increases, as they relate to the Department's budget.

KRHA opposes SB 643 for the following reasons.

The initial projection/proposal that was presented by KDHE included a \$1.7 million increase in fees. The latest proposal includes an immediate increase of \$1.1 million, raising the statutory cap on food service establishments from \$200 to \$500. Over the last two years and projecting for FY08, KDHE has spent more than revenues by in excess of \$900,000, based on the projections from KDHE.

KDHE has proposed an immediate increase of 50% on application fees and a 150% increase on license fees for the FY 09. Total revenues will increase 41% for FY 09. This is after a 54% fee increase in the fall of 2003. This makes for a 274% increase in 6 years for license fees, from \$130 to \$500. Comparatively, based upon research by the National Restaurant Association, the costs for dining out have increased 23% from 2001 to 2007.

This is very hard for KRHA to support when so many in the industry we represent are struggling to pay employees and bills on a month to month basis and still have something for their efforts. We heard from a member in December 2007 that said the cost of cheese used in his restaurant has increased \$1,000 per month over the previous year.

While we are not advocating increases, we have suggested to KDHE that we are more than willing to look at more efficient ways for this partnership to work. We are willing to pay for regulation of our industry with the goal of public safety. And, IF additional revenue is justified we obviously could absorb small, planned for increases rather than a huge hit at one time.

Further review of the KDHE projection indicates that the contract counties will receive an immediate annual increase of \$421,000, based on the projection from February 8. It seems to industry that this is a very significant increase to the counties for performing the same services as they currently provide.

Employers in the industry are continually looking for operating and staffing efficiencies. Based on information from KDHE, there are currently 18 inspectors. Additionally, we were told that there are 17 (revised to 14 in subsequent conversation) support staff and management. This equates to almost a one to one ratio of inspectors to support and management. This seems very inefficient. It is interesting that when we looked at the documents from 2003, KDHE had 18 inspectors when we were paying \$130 per food service establishment. We understand inspections may play a significant part in public safety, but it seems there may be more efficient means for inspections, including risk based assessments.

KRHA believes the underlying purpose of KDHE should be protecting public health. In this connection, we understand that the collection of fees becomes necessary. However, we believe that fees and fee increases should be reasonable and should only be tied to necessary costs of regulating the industry. The current increase at 274% over six years does not seem reasonable.

KRHA would like to see a good working partnership with KDHE continue to develop. However, we spoke with a member last week that he had just opened another store. He was very frustrated that KDHE showed up on opening day at 11:30 a.m. to perform an inspection. We do not feel that this promotes a good working relationship.

KRHA has appreciated the opportunity to provide input on the proposed application and license fees increases. However, as listed above, we find strong objections to the proposal as being unreasonable.

Thank you for permitting me to testify in opposition of SB 643.

Donald G. Sayler



**Testimony Re: SB 643**  
**Senate Public Health and Welfare**  
**Presented by Bill Goodlatte**  
**On behalf of**  
**LDF Food Group, Inc. dba Wendy's**  
**March 6, 2008**

Mr. Chairman, Members of the Committee:

My name is Bill Goodlatte and I am the Senior Vice President of Human Resources for The LDF Companies. We currently operate 20 Wendy's restaurants throughout the state of Kansas.

I am opposed to SB 643.

When Larry Fleming opened his first Wendy's in Wichita in 1975, Kansas was a very business friendly state. Larry worked hard as anyone who knows him or has ever worked in a restaurant can attest. When his first Wendy's became successful, he opened another and then another and so on. Larry now has 42 restaurants in three states.

When KDHE raises it's application fee to open a new restaurant by 50% and it's annual license fee to operate an existing restaurant fee by 150%, Kansas somehow doesn't sound quite so business friendly any more. It will cost LDF an additional \$6000 per year every year even if we never open another restaurant in Kansas again.

We started as a very small business, one restaurant run by one man and have now grown to employ over 1500 employees in Kansas, Texas and Oklahoma. LDF provides competitive wages and comprehensive benefits for all of our employees. All full and part time employees are eligible for health insurance and a 401(k) plan that has a company match.

Many thousands of young Kansans have begun their careers working at Wendy's. All of our restaurant managers, area managers and senior managers have been promoted from within. Many started as crew members while in high school, continued to work while in college and took advantage of our tuition reimbursement program to help pay for their education.

As a company, we want to continue to grow and prosper. We want to continue to employ, train, develop and promote Kansans. But, like any other business, we have to determine where we can be successful. Is it Kansas? Texas? Oklahoma? Or, some other state? What benefit will KDHE's 50% and 150% fee increases be to our business or to our customers?

These are some of the questions that all restaurant owners and operators will have to ask themselves when they are trying to decide whether or not to open another restaurant in Kansas or to make their investments in cash and hard work somewhere else.

Thank you for permitting me to testify in opposition to SB 643.

Bill Goodlatte

PUBLIC HEALTH AND WELFARE  
ATTACHMENT:  
DATE:

8  
03/06/08

**Testimony Re: SB 643**  
**Senate Public Health and Welfare**  
**Presented by Scott Redler**  
**On behalf of**  
**Freddy's Frozen Custard and Timberline Steakhouse**  
**March 6, 2008**

Mr. Chairman, Members of the Committee:

My name is Scott Redler and I am an owner of Freddy's Frozen Custard and Timberline Steakhouse.

I am opposed to SB 643. As a business man operating several restaurants in Kansas and other states, we do not have the ability, or the luxury, to be able to automatically increase sales prices. The 50% and 150% increases in application and license fees and the related revenue increase to KDHE appear to be unreasonable.

The restaurant industry continues to struggle to find good employees at reasonable rates of pay. With pending minimum wage legislation, our profit margins will be further stretched and eroded.

We have seen the cost of food continue to increase. The rise in the cost of fuel has increased our food cost due to delivery charges. Dairy products have taken significant increases over the last year.

Consumers and competition require periodic updates to the operating concepts. This may require either remodeling or rebuilding. Construction costs are a significant investment and continue to rise. Our property taxes have also risen significantly over the past years.

We are at a point where we don't have the price elasticity, with our current nationwide economic situation, to increase our prices to compensate for the increased costs we are currently facing, much less the expansion of a government agency that won't have any significant benefit to the consumer.

As an operator, we are concerned about food safety and our image with the public. However, I fail to see what the increased fees that KDHE has proposed will provide my restaurants for increased public safety.

Thank you for allowing me to submit this written testimony.

