

## MINUTES OF THE HOUSE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Dan Johnson at 3:30 p.m. on January 26, 2005, in Room 423-S of the Capitol.

All members were present.

### Committee staff present:

Raney Gilliland, Kansas Legislative Research Department  
Gordon Self, Revisor of Statutes Office  
Kay Scarlett, Committee Secretary

### Conferees appearing before the committee:

Justin Holstin, Propane Marketers Association of Kansas  
Dr. Evan Sumner, Program Manager, Retail Food Inspection, Kansas Department of Agriculture  
George Teagarden, Kansas Livestock Commissioner

### Others attending:

See attached list.

Chairman Johnson asked for introduction of bills.

Constantine Cotsoradis, Assistant Secretary of Agriculture, Kansas Department of Agriculture, requested introduction of a bill to amend K.S.A. 34 dealing with grain warehouses. The legislation will enable the Secretary of Agriculture to order quality testing of stored grain; provide for penalties when testing orders are not carried out; and provide selected fee increases in order to maintain the solvency of the grain warehouse inspection program. (Attachment 1) Representative Feuerborn moved to introduce this request as a committee bill. Seconded by Representative Svaty, the motion carried.

Representative Svaty moved to introduce a committee bill restricting the sale of transgenic wheat seed. Seconded by Representative Feuerborn, the motion carried.

The Kansas Department of Agriculture submitted a Kansas Grain Commodity Commissions' election update. Annual Reports from the Kansas Wheat Commission, Kansas Corn Commission, Kansas Grain Sorghum Commission, Kansas Soybean Commission, and the Kansas Sunflower Commission were distributed to members. By statute, the various commodity commissions must report annually to the House and Senate Agriculture Committees. (Attachment 2)

Justin Holstin, Propane Marketers Association of Kansas, presented the Kansas Propane Education & Research Council Annual Report to the House Agriculture Committee as required by statute. KanPERC, established by the 2003 Legislature at the request of the propane marketers, became effective September 1, 2003, with 2/10 of a cent per gallon assessment on odorized propane destined for end consumer use in Kansas. He discussed membership, budget, current and future educational programs. (Attachment 3)

Dr. Evan Sumner, Program Manager, Retail Food Inspection, Kansas Department of Agriculture, updated the committee on the transfer of food safety responsibilities from the Kansas Department of Health and Environment to the Kansas Department of Agriculture and provided baseline compliance data gleaned from their first four months of inspections.

Substitute Senate Bill 296 passed by the 2004 Legislature required the Kansas Department of Agriculture to create a statistically based, random selection of 1000 retail stores to be inspected with results evaluated and documented as baseline compliance for the transferred program, with the results to be reported to both the House and Senate Agriculture Committees by January 31, 2006. Substitute SB 296, also, required the agency to report on the status of these baseline inspections using 359 establishments by January 31, 2005.

Dr. Sumner reported that the baseline survey included both retail food stores and food service establishments in retail food stores. Inspected were 163 retail food stores and 223 food service establishments for 386 total baseline inspections. He acknowledged that, ideally, all establishments selected for this preliminary baseline would have been randomly selected, but due to time and resource constraints, establishments that required

## CONTINUATION SHEET

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routine inspection, follow-up inspection, and complaint investigation inspection were included. Their data shows a 93.6% compliance for Food Service, 81.4% compliance for Retail, for a total compliance rate of 89.7%. He noted that the Senate Agriculture Committee has requested that data be recalculated excluding complaint investigation inspections. This data will be forth coming. (Attachment 4)

George Teagarden, Kansas Livestock Commissioner, reported on implementation of a National Animal Identification System. Currently, the NAIS is a voluntary system, he believes, for two reasons – USDA feels the program will be more readily accepted and second because a voluntary program is exempt from the federal Freedom of Information Act, thus keeping the information and data collected through the system confidential. Kansas did this by law.

He reported that in July of last year, USDA asked for applications for pilot projects involving animal identification. Forty-five applications were received and 29 approved for funding. Kansas was one of the successful applicants. He explained that the approved pilot projects all begin with premises registration, the base for a national system. USDA adopted a premises registration system that was developed by Wisconsin as the official premises registration system. The Kansas Animal Health Department has adopted the “official” system financed by USDA. If a state chooses to use any system other than the “official” system, they have to bear the costs of installation and maintenance.

The Commissioner stated that official animal identification has not been implemented at this time, nor has a national data base for tracing animals been developed. NAIS tags are scheduled to be available in July of 2005. Because this is a voluntary program and at this time the USDA is funding the pilot project and all associated costs, there is no need for any state fees or penalties. (Attachment 5)

The meeting adjourned at 4:45 p.m. The next meeting will be an informational bus trip to Kansas State University in Manhattan on Monday, January 31, 2005, to review issues dealing with BSE, animal identification and premise registration.