

MINUTES OF THE SENATE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Derek Schmidt at 8:30 a.m. on February 18, 2004 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Raney Gilliland, Legislative Research
Lisa Montgomery, Office of the Revisor of Statutes
Robert Myers, Committee Secretary

Conferees appearing before the committee:

Lisa Montgomery - Office of the Revisor of Statutes
Raney Gilliland - Legislative Research
Greg Foley - Kansas Department of Agriculture
Lesla Roberts - Kansas Department of Health and Environment

Others attending:

See Attached List.

SB 524: Updating references in department of agriculture statutes with respect to departmental duties.

Lisa Montgomery appeared before the committee in order to provide an overview of **SB 524**. She explained to the committee that all references within the statute to the previously-titled Board of Agriculture had been updated to reflect the current title of Kansas Department of Agriculture (KDA). She stated, without further explanation, that some outdated language had been cleaned up as well. Furthermore, she informed Chairman Schmidt that the bill contains neither policy changes nor substantive changes.

Chairman Schmidt asked that the Kansas Department of Agriculture and the Office of Revisor of Statutes overlook the bill one more time before moving the bill to the full Senate.

Senator Downey moved to report **SB 524** favorably for passage, given that it be examined once more beforehand, as mentioned above. Senator Huelskamp seconded the motion. The motion carried.

SB 296: Sub for S 296 by Committee on Agriculture -- Reorganizes the department of agriculture.

Lisa Montgomery appeared before the committee once again in order to provide a section-by-section overview of the Proposed Substitute for **SB 296**. She explained that the Kansas Department of Agriculture would not be abolished by this piece of legislation, but rather that it would be renamed. Furthermore, she stated that all records dating prior to October 1, 2004 would stay with the Kansas Department of Health and Environment, whereas those following that date would be kept by the newly-renamed Kansas Department of Agriculture and Food Safety. She also pointed out that the Proposed Substitute would allow for the establishment of a Food Safety Fee Fund. The other effects of the Proposed Substitute can be seen in the hard copy that was distributed to the committee (Attachment 1).

Chairman Schmidt stated that **SB 296** presupposes that **ERO 32** is going to become law, and that it (i.e., the bill) fills in the perceived gaps in the order.

Senator Corbin moved to amend **SB 296** by adopting the Proposed Substitute, seconded by Senator Morris. The motion carried.

Raney Gilliland appeared in order to bring to the attention of the full committee several issues that had been noted previously by the Chairman-appointed Subcommittee on Food Safety. First of all, he noted the renaming of the Kansas Department of Agriculture as the Kansas Department of Agriculture and Food Safety, found in New Section 1 of the Proposed Substitute. Senator Tyson and Senator Huelskamp both

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showed opposition to this renaming, whereas Senator Morris showed support for the changed title. Senator Lee and Senator Downey both expressed neutral feelings toward the issue.

Senator Huelskamp moved to retain the name of the department as the Kansas Department of Agriculture, seconded by Senator Tyson. The motion carried.

Raney Gilliland continued to note the issues focused upon by the Subcommittee on Food Safety, stating that, as of October 1, 2004, Kansas Department of Health and Environment fee fund money would be transferred along with Food Safety Programs to the Kansas Department of Agriculture, found in New Section 6 of the Proposed Substitute. He reported that this transfer of funds had raised concerns within the Kansas Department of Health and Environment due to its usage for duties and functions that fall outside of the sphere of food safety, giving the following as examples: hardware, software, and maintenance of computers.

Raney Gilliland furthermore focused on New Section 9 of the Proposed Substitute, or more specifically, the designation of the Secretary of Agriculture and Food Safety as an unclassified employee.

Greg Foley appeared before the committee in order to differentiate between classified and unclassified positions. He claimed indifference toward whether the Secretary of Agriculture and Food Safety would be a classified or unclassified position.

Senator Downey moved to change the position of Secretary of Agriculture and Food Safety from unclassified to classified, seconded by Senator Umbarger. The motion carried.

Raney Gilliland brought to the attention of the full committee the last issue noted by the Subcommittee on Food Safety: the appointment of the Secretary of Agriculture and Food Safety.

Chairman Schmidt presented to the committee the following two options regarding the above-mentioned appointment:

1. Allow the Agriculture Advisory Board to appoint the Secretary of Agriculture and Food Safety.
2. Add the provisions of **SB 145**, as it passed in the Senate, to the Proposed Substitute for **SB 296** (Attachment 2).

Senator Corbin moved to add the provisions of **SB 145**, as it passed in the Senate, to the Proposed Substitute for **SB 296**, seconded by Senator Lee. The motion carried.

Lesla Roberts appeared before the committee in order to state that although the regulation of water plants has occurred, there have not been standards set for the water that they produce. She addressed this issue in response to the concerns of Senator Huelskamp regarding the well-being of his constituents in the bottled water business.

Senator Corbin moved to report the Proposed Substitute for **SB 296**, as amended, favorably for passage, seconded by Senator Tyson. The motion carried.

Senator Downey expressed her desire that the minutes reflect the concern of the committee with regard to the Kansas Department of Agriculture having adequate resources to successfully undertake their proposed food safety role.

Chairman Schmidt announced that the next meeting is scheduled for Monday, February 23, 2004.