

January 26, 2016

Memorandum:

To: The Senate Transportation Committee
From: Thomas M. Palace, Executive Director PMCA of Kansas
Re: Comments on SB 349

Mr. Chairman and Members of the Transportation Committee:

My name is Tom Palace. I am the Executive Director of the Petroleum Marketers and Convenience Store Association of Kansas (PMCA of Kansas), a statewide trade association representing over 300 independent Kansas petroleum distribution companies and convenience store retailers throughout Kansas.

PMCA appreciates the opportunity to make comments about our concerns with SB 349.

SB 349 will exempt an employee of a *custom harvester operation, agrichemical business, farm retail outlet and supplier or livestock feeder* that transports 1000 gallons or less diesel fuel from the hazardous material endorsement. Currently, any person that transports 119 gallons or more diesel fuel would be required to apply for a hazmat endorsement.

The USA Patriot Act requires all drivers who transport hazardous material to undergo a security threat assessment. The Transportation Security Administration (TSA), which is part of the U.S. Department of Homeland Security, administers the threat assessment.

The Hazmat Threat Assessment Program involves:

- Pass a criminal history background check
- Pass the Hazardous Materials Endorsement Knowledge test
- Proof you are a U.S Citizen
- Show proof of Social Security number
- Valid medical examiner's certificate (DOT medical card)

Currently, persons that transport 119 gallons of diesel fuel must have a HazMat endorsement to their CDL. Many times the HazMat portion can take some time (dealing with the federal government) to finalize before a driver can get on the road.

Although PMCA does not support a "double standard" (allowing like businesses to operate with different rules and regulations) we do understand why custom harvesters seek passage of this bill. Through efficiencies in the field it makes sense to allow this exception. However, we do not know why: agrichemical business, farm retail outlet and supplier or livestock feeder are included in this bill? We don't know how many agrichemical businesses would or could take advantage of this legislation; farm outlets...this could be very broad opening this up to any farm service provider in Kansas – companies like Tractor Supply or Orscheln - and livestock feeders???

We understand that this bill is a derivative of legislation passed in Congress by Kansas Senator Pat Roberts. We also understand that the language in SB 349 is the same or similar to what was passed at the congressional level last summer.

Regardless as to what Congress passed does not mean that Kansas MUST follow suit. Kansas is not required to adopt this legislation. The Kansas legislature determines what is passed in Kansas.

PMCA supports the portion of the bill that exempts custom harvester from the HazMat requirements. However, we do not support allowing exemptions to everyone.

Mr. Chairman, there must be a good reason that Homeland Security set the requirement for transporters of hazardous material at 119 gallons. This bill moves the amount to 1000 gallons and exempts an industry (s) from HazMat certification.

To keep the process moving PMCA would request an amendment:

Striking language on line 9: agrichemical business, farm retail outlet and supplier or livestock feeder.

Thank You