

2/20/2008 Moran Announces Kansas Farmers Will Not be Affected by Grain Shipping Rules

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KCC Releases New Policy for Interstate Commerce

TOPEKA - Congressman Jerry Moran today announced the Kansas Corporation Commission (KCC) has released a new policy regarding its interpretation of interstate commerce. Last week, Moran met with KCC to discuss regulations that affect farmers hauling grain to local elevators. Yesterday, KCC released its interpretation that commodity shipments within the borders of Kansas will not be considered interstate commerce unless there is clear evidence the shipper intends for the commodity to leave the state. This change means that many farmers and ranchers who deliver agricultural commodities to local grain elevators and sale barns will not be subject to federal regulations.

"I am pleased the KCC acted quickly to change its interpretation of this regulation," Moran said. "Had KCC not made this change, it would have placed burdensome regulations on most of our Kansas farmers and ranchers. I thank them for their prompt attention to this matter and decision to do the right thing."

KCC was proposing to consider the transportation of grain from a Kansas farm to a local elevator as interstate commerce since the grain may ultimately be sold to an out-of-state buyer. KCC informed Moran that putting forth the rule was for compliance with federal rules, rather than safety concerns. In the KCC docket dated February 19, 2008, it states: "Upon a review of the available facts and circumstances surrounding a farm to market commodity shipment, if there is no clear evidence that the farmer-shipper's intent as respects the movement of the items in commerce is one of interstate transport, that intent shall not be inferred. For the purpose of this policy, intrastate carrier is defined as a carrier who operates solely in intrastate commerce and does not transport placardable quantities of hazardous materials. If the operation is solely within the state of Kansas and the commerce engaged in is solely within the state of Kansas, the shipment is considered intrastate commerce."

Moran worked with KCC and state legislators to develop a rule that is compliant with federal law while limiting the impact on Kansas agriculture. Moran is a member of the House Agriculture Committee and the House Committee on Transportation and Infrastructure.

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