

BAYER Construction Company, Inc.

P.O. Box 889 • Manhattan, Kansas 66505-0889 • (785) 776-8839 • Fax (785) 776-8968

TESTIMONY

Date: March 6, 2013
Before: The Senate Committee on Federal & State Affairs
By: Kelly Briggs, President
Bayer Construction Co., Inc.
Regarding: SB 227 – Enacting the Kansas Explosives Act

Good morning Mr. Chairman and Members of the Committee.

My name is Kelly Briggs, President and Chief Operations Officer of Bayer Construction Company located in Manhattan, Kansas.

Bayer Construction operates five (5) portable limestone crushing plants in North East and North Central Kansas. Bayer Construction is also involved in civil site preparation, water and sewer line construction. Bayer Construction holds explosive storage permits in Riley, Pottawatomie, Clay, Dickinson and Geary counties and has an excellent working relationship with the Kansas State Fire Marshall's office and the Emergency Preparedness Directors of these counties.

I am sure others agree that our industry bears a heavy burden of regulations. The use of explosives has oversight from the Mine Safety Health Administration; Alcohol Tobacco and Firearms; the Kansas State Fire Marshall, and individual County Emergency Preparedness Directors. I feel there are more than adequate rules and regulations currently in place to ensure safe use and handling of explosives in Kansas.

Last year alone, Bayer Construction used over 44,000 pounds of explosives without loss or incident. Bayer Construction maintains an advanced level of employee training with seven (7) certified blasters and twenty-three (23) explosive handlers.

As a small business owner, whose company will be directly affected by this proposed legislation, I stand opposed to SB227 because it offers nothing regarding the safe use and handling of explosives that does not already exist.

This open-ended bill permits regulation without due process. There is potential for unintended consequences and confusion when rule making is left to the discretion of Agencies instead of Lawmakers. Adding regulation to our already burdened industry, one that has experienced a greater than 50% decline in independent producers since 1986, is economically unwise.

I thank you for your time. I would be glad to respond to any questions at the appropriate time.

Kelly Briggs, President and Chief Operations Office
Bayer Construction Co., Inc.
120 Deep Creek Road, Manhattan, KS 66505-0889

