

To: House Committee on Judiciary, Rep. John Barker, Chairman

From: Kent Winter, Kansas Farm Bureau

Date: March 9, 2015

Re: **SB 11** – Regulated scrap metal; crime of theft and related sentencing provisions; regulation of scrap metal dealers, including unlawful acts and penalties.

Chairman Barker and Members of the Committee:

My name is Kent Winter of Mount Hope, Kansas in Sedgwick County. Thank you for this opportunity to provide comments on Senate Bill 11.

I stand in **support** of SB 11.

I am appearing before you today on my own behalf. I also appear on behalf of the 40,000 farmer and rancher members of the Kansas Farm Bureau. I have been an active member of the Kansas Farm Bureau for the last thirty years; I have also served on several Committees and in leadership capacities within the organization. Finally, I have served on the Sedgwick County Farm Bureau Board for a number of years. It is my privilege to represent their interests today.

I previously provided testimony on this bill in the Senate Judiciary on January 20th and I am here today because of the importance of this bill to the agricultural community. Last time I laid out the reasons why I was concerned about the theft of copper and other metals in recent years from the agricultural community. Those reasons still ring true today.

The increased criminal activity continues to plague farmers and ranchers throughout our state and appears to have no end in sight.

I am here today to request that we strengthen our laws concerning trespass, theft of scrap metal and vandalism. Further, that we increase the penalties for these offenses.

Few things are more frustrating than trying to start a farm engine and nothing happens because the electrical wiring has been stripped of its copper. This is particularly troublesome for center pivot irrigation systems. Someone takes the copper, the brass sprinkler heads, aluminum or anything they can easily steal. These actions are devastating for me, my neighbors and members of our organization.

It's equally disturbing to know that complete strangers with criminal intentions are trespassing on my farm, where my family lives. When the perpetrators cross that fence line, they are invading private property and my home. It's the same as jumping the fence to get into a back yard in the city. Additionally, it concerns me because of the threat to the tremendous investment we have made into my operation.

A sharp rise in prices for commodity metals such as copper began during the recession and has led to an epidemic of thievery across Sedgwick County and the state of Kansas. The agricultural community is not alone -- construction sites, power substations, highway lighting systems, and entire buildings have been stripped of copper wiring and fittings. Almost without exception, the damage caused by stealing the copper vastly exceeds the value of the copper.

Not only are the farmers, ranchers and business owners stuck having to repair or replace equipment stripped of copper, the damage translates to down time until the repairs are completed.

Once the metal leaves the farm, it is sold to recycling companies, which are not required to ask about the origin of materials. Metal from agricultural operations is especially difficult to assess, since it is typically weathered and worn. It's impossible to tell what is scrap and what is stolen.

Further, metal theft cases are often difficult to crack. Thefts often occur during cold-weather months, when there is less activity in the fields and farmers and ranchers have slowed down the operation for the winter. In the case of center pivots, wiring could be gone for months before it is missed. By then the stolen cable could be taken to a local recycler or it could be hauled off to another state.

If we don't catch them in the act or have some other kind of evidence, it is very difficult for the local law enforcement to solve these types of cases. Area farmers are frustrated by what they see as a lack of mechanisms to assist law enforcement to apprehend those that trespass and steal from their farms.

If this bill is passed, Kansas law would be strengthened and law enforcement would be given more tools necessary to investigate these types of activities, which would result in deterring those that steal scrap metal.

Members of the Committee, I ask you to move forward with this bill. It is simply an effort to move in the right direction to curtail these activities.

Thank you for this opportunity to provide testimony. I am available to answer questions at the appropriate time.

Kent Winter
Mount Hope, Kansas