

To: Senate Committee on Judiciary
Senator Jeff King, Chairman

From: Kent Winter

Date: January 20, 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 King 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 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.

Last year I appeared before this committee, regarding this same issue. 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 infuriating than trying to start a farm engine and nothing happens because the electrical wiring has been stripped out for 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 **financially** 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 backyard 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, but this does not deter the thieves.

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 **who** trespass and steal from their farms.

I want to thank the Kansas Judicial Committee for overhauling and strengthening Senate Bill 418 from last year. We now have a bill that is more comprehensive and is designed to bring a resolution to the epidemic of theft.

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.

Stricter state regulations on the handling of metal brought to recycling facilities - such as sellers providing identification and contact information - would help the cause. Otherwise, investigators will continue to be hard pressed to connect a piece of scrap metal to its source.

We really don't want farmers who are extremely frustrated by these activities to take matters into their own hands. We are also concerned that the insurance companies may drop coverage on center pivots or other common situations on the farm such as equipment parked in our fields.

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