

To: House Judiciary Committee

From: Trey Cocking, Deputy Director

Date: May 2, 2019

RE: Support for SB 219

I want to thank Chairman Patton and the members of the Committee for allowing the League of Kansas Municipalities the opportunity to provide testimony in support of SB 219.

In 2015, the Scrap Metal Dealers Act was passed. This Act gave the attorney general jurisdiction and authority over all matters involving the implementation, administration and enforcement of the provisions of the Scrap Metal Theft Reduction Act. The attorney general was to establish and maintain a database to serve as a central repository to aid law enforcement with decreasing scrap metal theft. The Act was extremely far reaching. In particular, K.S.A. 50-6,109f broadly preempted cities from enacting or enforcing an ordinance, resolution, or regulation relating to the implementation, administration and enforcement of the provisions of the scrap metal theft reduction act. K.S.A. 50-6,109f also nullified any ordinance regarding scrap metal that was in place prior to 2015.

In 2015, I was serving as the City Manager in Atchison and we had an issue with scrap metal collectors that would roam city streets on trash day and rifle through trash cans collecting scrap metal. This caused a public safety concern for residents. The City Commission, after listening sessions with the public, passed an ordinance regulating the collection of scrap metal within city limits. The ordinance prohibited anyone on probation or parole for a person felony or a violation of KSA 21-5801 *et seq* or a violation of the Kansas Scrap Metal Act in the last five years from obtaining a permit. The ordinance also required a scrap metal collector to display a tag from their rearview mirror and maintain liability insurance on their vehicle. The ordinance was working and was alleviating fears of residents before the state preemption went into effect and nullified the local ordinance specifically designed for a local issue.

After kicking cities out of the scrap metal arena under the guise that the state would take over all regulation and enforcement, the legislature proceeded to place the implementation of the Act on hold indefinitely leaving no one regulating scrap metal.

SB 219 attempts to remedy the ongoing funding issue preventing the implementation of the Scrap Metal Theft Reduction Act by placing the database under the KBI. We believe this is a positive step. However, if this body chooses not to pass SB 219, we would ask that this committee amend SB 219 to repeal K.S.A. 50-6,109f and return the regulation of scrap metal dealers to local municipalities.