

To: Senate Committee on Judiciary
From: Ryan Flickner, Kansas Farm Bureau
Date: March 18, 2019
Re: Written Proponent testimony for SB 219

Chairman Wilborn and members of the Senate Judiciary Committee,

On behalf of Kansas Farm Bureau I want to thank you for the opportunity to provide written comments today in support of SB 219. KFB is the state's largest general farm organization representing more than 30,000 farm and ranch families through our 105 county Farm Bureau associations.

Kansas Farm Bureau has been a proponent of increasing enforcement of scrap metal thefts for many years. We were part of the coalition that brought this issue to the legislature and helped pass the current law. Attached you will find the testimony of Mr. Kent Winter from March 2014. In his testimony he outlined the growing problem of trespass, vandalism, and theft of metals. He explained the frustration farmers and businesses experience when they go to start equipment and find parts have been stolen or lines cut making the equipment unusable. Mr. Winter expressed the worry many rural residents have knowing that persons are trespassing on their property and vandalizing equipment. Many rural residents are concerned that confronting trespassers/thieves, who may or may not be armed, could lead to serious injuries.

Since 2014, thefts continue. The number of thefts varies with the prices paid for scrap metal. However, the seriousness of the problem has continued and in some cases increased. We know of many farmers who have experienced theft of wiring, irrigation sprinkler parts, or other equipment. In one case, thieves hooked their truck to the electrical lines of a new dairy, yet to be populated, and pulled all of the new wiring out of the building. This cost the landowner over \$100,000 and a delay in use of the facility.

Kansas farmers and ranchers were pleased when the scrap metal laws were passed in 2014. They are also frustrated that full implementation of the laws has been delayed by lack of funding. SB 219 provides a reliable source of funding to provide law enforcement the tools they need to identify and prosecute thieves. The tax on sales of scrap metal is a reasonable funding solution that spreads the cost of enforcement across all users. While we are always cautious of the creation of a new fee, we believe the paying of a 'tonnage' fee is sound policy to address a serious issue. We request your support for SB 219.

Thank you.



March 17, 2014

To: House Judiciary Committee-Representative Lance Kinzer, Chair

From: Mr. Kent Winter, Sedgwick County Farm Bureau Member on behalf of Kansas Farm Bureau

Chairman Kinzer 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 HB 2736.

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. I currently serve as the Sedgwick County Farm Bureau President. I am very proud to represent their interests today.

I am very concerned about the theft of copper and other metals in recent years from the agricultural community. This increased criminal activity is due to the increased value for scrap metals. This problem 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 (i.e. copper), and vandalism. Further, that we increase the penalties for these offenses.

Few things are more infuriating than trying to turn on farm machinery and nothing happens because the electrical wiring has been stripped 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 devastating for me, my neighbors and members of our organization.

It's equally disturbing to know that complete strangers are trespassing on my farm, where my family lives. When you cross that fence line, you are invading my home. It's the same as jumping the fence to get into a backyard in the city. It concerns me because of the tremendous investment we have made into my operation, but it scares us too.

A sharp rise in prices for commodity metals such as copper began during the recession and has led to an epidemic of thievery across our county and state. The agricultural community is not alone -- construction sites, power substations, highway lighting systems, and entire buildings

have been stripped of copper wiring and fittings. More often than not, the damage caused by obtaining 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 often results in the loss of 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 shut down the operation for the winter. In the case of center pivots, wiring could be gone four 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.

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 and its source.

We really don't want farmers who are frustrated by these activities trying to take matters into their own hands. We are also concerned the insurance companies may begin to reassess whether they will even write coverage for certain types of situations on the farm such as equipment left 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 would be happy to answer questions at the appropriate time.

Kent Winter
Mount Hope, Kansas