



## **House Judiciary Committee Hearing on Substitute SB219**

**8:30 a.m. Thursday, May 2, 2019**

### **Proponent Testimony by Bryan Frye, Council Member City of Wichita**

Chairman Patton and Members of the House Judiciary Committee:

The City of Wichita supports Substitute for SB 219, believing that this legislation is needed to prevent victimization, promote consistency in regulation throughout the state and to assist all law enforcement agencies in addressing rampant metal theft. The bill balances the needs of public safety, citizens and the scrap metal industry.

Over the past decade, Wichita has experienced a considerable increase in scrap metal theft with much of it occurring in the aircraft and utility industries. These thefts have reached epidemic proportions driven by high prices in all metals and the lack of a statewide system to track and monitor the sale of these materials. While there is not an accurate method to estimate total costs to communities, the amount of copper taken is of little value. The real cost is to repair the damage to the property when the wire is removed.

During 2018, the City of Wichita sustained over \$600,000 dollars of damage to City-owned buildings, park facilities and public utilities due to the theft of metal wiring. Wichita Parks alone had over twenty four incidents of copper theft. These incidents cost the City not only monetarily by taking away funding for other city services, scheduled maintenance and repair of facilities, but also they prevent citizens from enjoyment of these public facilities.

Currently, thieves are targeting copper in abandoned warehouses, occupied buildings, and utility lines and from air conditioning units. The loss in this type of theft is extensive, requiring thousands of dollars in repair for the small value in copper or aluminum that is taken.

In 2015, the legislature joined several other states, Ohio, Arizona, and Texas to name just a few and passed legislation to promote consistency in the regulation of this industry by passing laws which created a statewide scrap metal database and dealer registration procedures. Since 2015, implementation of the law has been delayed, and the database has not been funded. This delay has caused little to no regulation of this industry, as cities were preempted from enforcing local regulations since 2015. The proposed bill will not adversely affect the profitability of scrap metal businesses. Prior to 2015, Wichita had extensive regulation and reporting requirements for scrap metal transactions. The original state statutes regarding scrap metal transactions were patterned from the City's ordinances. These prior regulations did not place these businesses at an unfair business advantage.

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Substitute for SB 219 would amend the Scrap Metal Theft Reduction Act to lessen the burden on scrap metal dealers and implement and enforce the four-year-old Act.

The bill is an excellent compromise to protect the privacy of individuals who sell scrap metal, as well as giving law enforcement the appropriate tools to stop these rampant thefts.

It not only simplifies reporting requirements for the dealers, but steps are also taken to ensure that the statewide database is secure and that all information reported by sellers is kept confidential. While thousands of transactions will be reported under the system, only those transactions for which law enforcement has reasonable suspicion or probable cause to believe involve stolen property will receive law enforcement scrutiny.

This legislation makes important inroads to gaining consistency of regulation throughout the state, simplify reporting for dealers and enhance law enforcement efforts to track metal transactions and solve metal thefts throughout the state.

The City of Wichita strongly supports passage of this important legislation.

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