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CARYN TYSON  
12TH DISTRICT

**To: Senate Judiciary Committee**  
**From: Caryn Tyson, Senator – 12<sup>th</sup> District**  
**Date: March 18, 2019**  
**Re: SENATE BILL NO. 219 – Testimony in Opposition**


In 2015, the Legislature passed the Kansas Scrap Metal Theft Reduction Act. The Act was an attempt to address scrap metal theft. However, portions of the Act were not implemented in 2016 or 2017. In 2017, the Legislature passed legislation that suspended those portions of the Act until January 2019 and in 2018 passed legislation moving the extension to 2020. We are not any closer to a solution and Senate Bill 219, in its current form, demonstrates this point.

The Scrap Metal Theft Reduction Act gave the Attorney General jurisdiction and authority over the Scrap Metal Theft Reduction Fee Fund, with all fees, charges, and/or penalties collected under the Act. It required the Attorney General to implement and maintain a database, dealers to be fingerprinted, dealers to pay up to a \$1,500 a year fee for each location, and increased penalties for dealers and anyone in violation of the Act.

The portions of the Act that have been suspended are the database, fingerprinting, and the fees. The penalties were left in place, as were dealer requirements to collect time, date, place of transaction, seller's name, address, sex, date of birth, and an identifying number from an approved government issued identification such as driver's license or passport. Identification issued from another country would require a fingerprint of the seller to be collected. Dealers must copy the identification, list the items purchased, and make accessible this information to law enforcement. This solution appears to be working.

Senate Bill 219 does not address the suspended items of the ACT. It transfers the database issues from the Attorney General's office to the Kansas Bureau of Investigation. The bill introduces a scrap metal tax plus the dealer fee. Although, the dealer fee is set at \$750, the tax plus the dealer fee is a substantial increase in funds collected. Senate Bill 219, as written, is not a solution.

Senate Bill 219 should be amended to permanently remove the suspended portions of the Scrap Metal Theft Reduction Act.

  
Caryn Tyson  
Senator, 12<sup>th</sup> District