

MINUTES OF THE HOUSE FEDERAL & STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairperson Doug Mays at 1:35 p.m. on February 18, 2002 in Room 313-S of the Capitol.

All members were present except: Representative Judy Morrison, Excused

Committee staff present: Mary Torrence, Revisor of Statutes
Russell Mills, Legislative Research Department
Shelia Pearman, Committee Secretary

Conferees appearing before the committee:

Representative Melany Barnes
Representative Dale Swenson
Nikki Flynn, Producer/Reporter KWCH, Wichita
Major General Gregory Gardner, Director of Emergency Management
Mike Kautsch KU Media, Law & Policy Director
Harriet Lange, Kansas Association for Broadcasters
Amanda Olson, Wichita Search & Rescue Handler
Rick Thames, Wichita Eagle Editor
Bill Wepler, Wichita Search & Rescue Handler

Chairman Mays opened the hearing on **HB 2741 - Inflicting harm, disability or death to a search and rescue (SAR) dog.** Representative Barnes introduced this bill which would punish any individual who intentionally harms/kills a SAR dog. She stated although an elderly neighbor was located in a cornfield by an SAR dog, most Americans have become more aware of the service the dogs and their trainers provide the public since the tragedies of September 11.

Mr. Wepler stated tragedies such as the Oklahoma City bombing and the terrorist attack on the World Trade Center have increased awareness and appreciation for the dogs roles in locating people. However, the potential increase to harm or destroy the dogs has greatly increased. SAR dogs are utilized in locating victims of natural disasters and/or homicides, the increase awareness has greatly added to the potential for the dogs to be harmed or destroyed. With more than \$2,500 expenses and 200-250 hours annually to train/maintain a dog utilized in volunteer service to their communities, a trainer could easily spend more than \$25,000 during ten years which is an average life expectancy of a dog. Except for two states, few if any insurance policies would cover these pets or their trainer and his/her equipment. (Attachment #1)

Representative Swenson thanked the committee for its continued effort during the last three sessions in attempting to pass legislation covering SAR dogs. In addition to cookies, he also delivered written testimony submitted by Joseph Fehrenbacher, Kansas Search & Rescue Director, which pleaded that the SAR dogs receive the same protection that police and arson dogs because of the work they perform for the public despite being publicly owned. (Attachment #2)

Major General Gardner urged his support of **HB 2741**. He stated the volunteer members of the Kansas Search and Rescue Dog Association have responded in 32 counties to various disaster areas. This nationally certified group assist local law enforcement, KBI and FBI and are trained in evidence handling and preservation as well as have passed background checks. With medical professionals and CPR training, this volunteer group of individuals is a tremendous asset to the citizens of Kansas. (Attachment #3)

Ms. Olson stated she and her all-American dog, Poncho, undergo approximately 25-45 hours per month of training (Attachment #4). As a full-time student and employee, she cited the various local and national seminars which enhance the education and training the handlers and the dogs experience in order to train for rescue and recovery. The more commonly utilized breeds are Labrador & Golden Retrievers, Rottweilers, Bloodhounds, Newfoundlands and German Shepherds although other breeds are also used.

No additional conferees appeared before the committee. The hearing on **HB 2741** was closed.
Representative Barnes moved that the committee recommend **HB 2741** favorable for passage.
Representative Peterson seconded the motion. The motion passed unanimously.

Chairman Mays opened the hearing on **HB 2798 - Press shield law**. Ms. Lange informed the committee the qualified privilege for journalists not required to disclose confidential sources is similar to language in four other states. (Attachment #5) She cited TV stations in Pittsburg, Topeka and Wichita have received numerous subpoenas each during the past five years. The Association urged the committee to support **HB 2798**.

Written testimony from Kevin Pope, KSNT (Channel 27 Topeka) discussed the importance of “off the record” comments whether on videotape or on paper and urged the committee to support **HB 2798**. (Attachment #6)

Mr. Thames rose in support of **HB 2798**. He cited the Supreme Court 1972 case *Branzburg v. Hayes* which ruled that the forced disclosure of information to the government must be weighed against the First Amendment protections of a free and independent press. Because the press relies on the public’s assistance in gathering the news, those who are reluctant to identify themselves for fear of retribution by employers or others are less likely to provide details that may be in the best interest of the public. He urged Kansas to join 31 other states in adopting shield laws to help keep the press in Kansas independent, free and fully capable of reporting all of the news its citizens need to hear. (Attachment #7)

Professor Kautsch stated shield laws are designed to aid the media serve the public which helps insure a democratic system of government. He noted the media’s role is to inform the public via an adequate means to understand the judicial, administrative and legislative methods of democracy. The legal tests of subpoenas calling for compelled disclosure can be daunting thus requires the determination by the media to experience reallocation of resources rather than their function of gathering and reporting news. He stated the preamble in this bill is important to note citing the purpose of the privilege is to permit information to flow to the public. In states where this law exist, if there is evidence that the privilege is being invoked in a way that would not serve the public interest and lead to a disclosure that privilege would not be attached. He clarified this differs from attorney-client privilege because the client holds the privilege versus this proposed legislation permitting the reporter versus the source of the reporter. The Kansas Supreme Court has made note of presumed benefit of an increased flow of communication to the public leading to an increased public trust, thus he believes **HB 2798** should be viewed as an instrument of increasing the flow of information which also increases the public’s understanding of government. (Attachment #8)

Ms. Flynn is producer of KWCH’s I-team (Investigative team). The promise of confidentiality of a source in her organization is presently limited to receiving a court subpoena. She stated the public’s right-to-know if publicly paid and financed program is not being run properly created the need for the Edison School project’s source to be unidentified. She urged the committee to support this legislation. (Attachment #9)

No other conferees appeared before the committee. The hearing on **HB 2798** was closed.
Chairman Mays appointed Representative Tony Powell (Chair), Representative Daniel Williams and Representative Rick Rehorn to a subcommittee to further study this legislation.

The committee meeting adjourned at 3:15 p.m. The next scheduled meeting is February 19, 2002.