

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE.

The meeting was called to order by Chairperson Senator Nancey Harrington at 10:30 a.m. on March 19, 2002 in Room 245-N of the Capitol.

All members were present except: Senator John Vratil, Excused
Senator Ruth Teichman, Excused

Committee staff present: Russell Mills, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Theresa Kiernan, Office of the Revisor
Nikki Kraus, Committee Secretary

Conferees appearing before the committee:
Representative Melany Barnes
Major Gen. Greg Gardner, Adjutant General, State of Kansas,

Others attending: Please see attached

Chairperson Harrington opened the public hearing on:

HB 2741--Inflicting harm, disability, death to search and rescue dogs

Representative Melany Barnes presented testimony in favor of the bill. (Attachment 1)

Major Gen. Greg Gardner, Adjutant General, State of Kansas, submitted written testimony in favor of the bill. (Attachment 2)

Amanda Olsen, SCEM K-9 Handler/Trainer, submitted written testimony in favor of the bill. (Attachment 3)

William R. Wepler, Sedgwick Co. Emergency Management K-9 Team, submitted written testimony in favor of the bill. (Attachment 4)

Joseph Fehrenbacher, Director, Kansas Search and Rescue Dog Association, submitted written testimony in favor of the bill. (Attachment 5)

Major Gen. Gardner presented testimony in favor of the bill. (Attachment 6)

Chairperson Harrington closed the public hearing on **HB 2741**.

Chairperson Harrington stated that **SB 622** and **SB 625** will stay in the committee. She stated that the Wichita school district was concerned, and they were able to work out a date, July 1, 2003, which would be suitable for both the district and others concerned. Chair Harrington stated that she did not think that Federal and State Affairs would receive the bill. In response to a question from Senator Gooch, Chair Harrington stated that the committee could discuss remaining issues the next day at a meeting at the Rail.

The meeting was adjourned at 10:55 a.m. The next meeting will be held at 10:30 a.m. on March 21, 2002 in Room 245-N.

MELANY BARNES

REPRESENTATIVE, 95TH DISTRICT
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DURING SESSION



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: BUSINESS, COMMERCE
AND LABOR
FEDERAL STATE AFFAIRS
ETHICS & ELECTIONS
LOCAL GOVERNMENT
JOINT COMMITTEE STATE
TRIBAL RELATIONS

March 19, 2002

TESTIMONY BEFORE
SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
HB 2741

Thank you for the opportunity to testify on HB 2741.

The tragedies of September 11th last year and the Oklahoma City bombing of the Federal Building brought the work of Search and Rescue Teams to the forefront. While these incidents have been well televised and the personal stories have been told on television and radio, my first experience with Search and Rescue Teams were one mile from my fathers farmhouse. Our neighbors grandmother was elderly and tended to wander. She wandered into a cornfield one afternoon. After the family had searched with no success, they called out the Sheriff. We searched on horseback until the K-9 Team from Leavenworth arrived. A gentleman with a bloodhound named Annie, found our neighbor within 30 minutes in the dark. She was okay, huddled along a creek bed. These are the kinds of rescues that take place in Kansas on a more routine basis.

The House Federal and State Affairs Committee heard testimony from Major General Greg Gardner, Kansas Search and Rescue Dog Association Director, Joseph Fehrenbacher, William R. Wepler, and Amanda Olson from the Sedgwick County Emergency Management K-9 Team. They are all proponents of the legislation.

They testified that over a ten-year life of the canine, a handler could easily expend \$25,000. The training, food and veterinary bills, along with any travel expenses, are all born by the handler. Any airfare or subsistence is a part of these individuals public service.

Mr. Wepler testified to his concerns for their safety since all rescues are considered to have a criminal nature until the loss or crime is solved. Mr. Wepler noted unusual behavior of several men when the K-9 teams were at a shopping center doing a demonstration the day after a wilderness search for our Wichita missing child, Jacquilla Scales. He believed their behavior was suspect.

This is the element, the criminal element, that brings them to the Legislature for passage of HB 2741. The Search and Rescue Teams have asked to be included with the K-9 Police or Arson Dog Team already in statute.

The proponents of this legislation have come back for the third year, and I would ask that you honor each and everyone by passage of HB 2741. Thank you for your consideration and I will be happy to stand for questions.

Melany Barnes
State Representative

Attachments

Sn Fed St
03/19/02
Attach #1

Major General Greg Gardner
Testimony on House Bill 2741
House Committee on Federal & State Affairs
February 18, 2002

Mr. Chairman, thank you for the opportunity to testify on behalf of House Bill 2741. The bill proposes to supplement KSA 21-4318, making it a misdemeanor to harm, disable, or kill a "search and rescue dog." It is already an offense to harm police and arson dogs; this simply adds search and rescue dogs to the list.

Apparently several years ago, one of these specially trained dogs was killed in California prompting the creation of the law in that state. I understand similar statutes have been added in Idaho and Pennsylvania plus there are other states working on similar legislation.

Most of the search and rescue dogs in our State are organized in a volunteer organization called the Kansas Search and Rescue Dog's Association founded several years ago by a retired Kansas Air National Guardsman, David Meek. I believe David is out of the State today, otherwise I am sure he would be here to testify. Volunteer members of the association have responded in 32 counties including the DeBruce Grain Elevator Emergency, and all of the Presidential Disasters declared for tornadoes in Kansas since I became Adjutant General - Wichita/Haysville in May 1999, Parsons in April 2000, and Hoisington in April 2001.

Today they are ready to respond 24 hours a day, 7 days a week with 15 teams to include Disaster (or Collapsed Structure) Search, Cadaver Search, Wilderness Search, and Water Search. Their dogs and trainers are nationally certified and belong to the National Association of Search and Rescue (NASAR).

Their teams assist local law enforcement, KBI, and FBI. All members are submitted to background checks and are trained in evidence handling and preservation. They also provide self-contained medical support on scene including the use of published protocols. Their members include 1-MD, 1-Physician Assistant, 2-R.N.'s, 3-Paramedics, 2-EMT's, 2-EMT's, 2-First Responders, and all members have CPR and basic first-aid training. Remember, we get all of this at no cost to the State, because of the incredible volunteerism we enjoy here in Kansas.

As the Director of Emergency Management for Kansas, I depend on these great volunteers and their very special search and rescue dogs. Passing this bill goes a long way toward saying how much you appreciate what these volunteers do for the people of Kansas during times of disaster and emergency. Please support House Bill 2741; in doing so, you will be protecting valuable Kansas assets (these highly trained search and rescue dogs) and encouraging even better disaster preparedness for the future.

SnFedSt
03/19/02
Attach# 2

February 15, 2002

To Whom It May Concern:

I am a member of the Sedgwick County Emergency Management K-9 Search Team as the handler and trainer of a search and rescue dog. As a Search and Rescue (SAR) team, we assist in the location of lost or missing persons, live or deceased, at the request of Public Service Agencies such as, but not limited to Law Enforcement and the Fire Department. We aid in locating lost persons in wilderness settings and urban environments. The team also has the capability to perform Human Remains Detection and Forensic/Evidence searches in water or on land. Every call-out is considered a potential crime scene until proven otherwise. In the event of a natural or man-made disaster, the SAR team is called out and given the daunting task of locating possible survivors and victims.

It takes about two years to successfully train a SAR dog, but the continuation of the training is mandatory throughout the dog's career. A canine/handler team spends an average of twenty-five hours a month in team training in addition to approximately twenty hours a month in individualized training. A voluntary K-9 handler can count on spending around three thousand, five hundred dollars per year on equipment and training. Getting to and from training and call-out sights also takes time and extensive travel.

These dogs are needed and used all over the world. Unfortunately, while providing a great service, SAR dogs are working in dangerous and volatile situations. The SAR dogs provide a valuable community service and in doing so deserve the same consideration for protection that other canines working in Law Enforcement have been awarded.

Thank you for your time and consideration,



Amanda Olson
SCEM K-9 Handler/Trainer

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03/19/02
Attach #3

State of Kansas
Federal and State Affairs Committee
Topeka, KS

February 18, 2002

Re: HB 2741

Dear Sir or Madam:

I am a member of a group of volunteer individuals that collectively provide trained search dogs and personnel to find persons who are missing, trapped, or incapacitated from any cause. We respond only at the request of an official governmental agency day or night, under any and all conditions where we can operate in an effective manner. We have air-scenting dogs trained for wilderness, urban and disaster settings and dogs trained to find victims of drowning. We have specialty-trained dogs that do trailing and one human remains/forensic detection canine.

As aforementioned, we respond to find persons missing from any cause. Some are missing as a result of foul play. We do not search for or apprehend criminals and our dogs are not trained for this type of work. We do, however, consider every lost person incident as if it had a criminal element involved unless proven otherwise. Our human remains and forensic detection dogs have been called to find suspected homicide victims. Our tracking dogs have been called to retrace the route of a previously apprehended suspect in an attempt to locate discarded evidence.

Our members are dedicated individuals who own, maintain, and with assistance of other members, train their own dogs. On average it takes between twelve and fourteen months to train and certify a handler/canine team. Our team members are provided a minimum of 200 – 250 hours of scheduled training per year. As handlers we spend many hours, on our own, training our dogs to maintain a high level of proficiency. All handler/dog teams must be re-certified yearly.

Conservatively speaking, most handlers will spend between \$2500.00 to \$3500.00 per year on canine search and rescue supplies, clothing and expenses. Each will drive at least 5000 miles for training and in responding to call-outs. It is not unusual for a handler to drive in excess of 10,000 miles in one year.

Since the Oklahoma City bombing and the 9-11 attack on the WTC there has been a tremendous increase in public awareness and appreciation of search dogs and their roles in locating people and crime scene material. Unfortunately, the criminal and terrorist element has also become more aware. I feel that this has greatly added to the potential for our dogs to be harmed or destroyed so they will not find some victims or evidence. Therefore, more than ever I urge you to pass House Bill 2741.

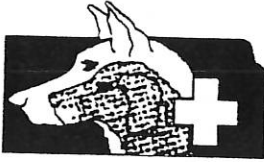
Sincerely,



William R. Wepler

Sedgwick Co. Emergency
Management K-9 Team

SnFedSt
03/19/02
Attach #4



KANSAS SEARCH AND RESCUE DOG ASSOCIATION

3438 Hiram, Wichita, Kansas, 67217
Phone (316) 946-0114

February 17, 2002

To Whom It May Concern:

The Kansas Search and Rescue Dog Association would like to see search and rescue dogs added to Kansas Statute 21-4318 for the following reasons. More and more search and rescue dogs are being utilized by state and local law enforcement/fire agencies, either by calling an outside SAR agencies or by using trained dogs owned by the law enforcement/fire agencies. These dogs should receive the same protection that police and arson dogs receive, because of the type of work they perform for the public. Most SAR dogs are privately owned and the cost of acquiring and training these dogs can be up to \$5000 initially. In addition the citizens of the United States being subjected to terrorist activity and the need for search and rescue dogs is vital. If a search and rescue dog is taken out of service because of malicious harm that vital service to the public can be jeopardized. The criminal who does harm to a police, arson and search and rescue dog should be punished to the fullest extent of the law. Please take the time to consider these dogs and add them to KS 21-4318. Thank you

Respectfully

Joseph Fehrenbacher
Director
Kansas Search and Rescue Dog Association

SnFedst
03/19/02
Attach #5

Major General Greg Gardner
Testimony on House Bill 2741
Senate Committee on Federal & State Affairs
March 19, 2002

Madame Chairman, thank you for the opportunity to testify on behalf of House Bill 2741. The bill proposes to supplement KSA 21-4318, making it a misdemeanor to harm, disable, or kill a "search and rescue dog." It is already an offense to harm police and arson dogs; this simply adds search and rescue dogs to the list.

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SnFedSt
03/19/02
Attach #6