

Approved: March 30, 2000
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on March 16, 2000 in Room 313-S of the Capitol.

All members were present except:

Representative Andrew Howell - Excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department

Jill Wolters, Office of Revisor of Statutes

Cindy O'Neal, Committee Secretary

SB 529 - Execution of corporate documents

Representative Loyd made the motion to report SB 529 favorably for passage. Representative Powell seconded the motion. The motion carried.

SB 528 - Definition of practitioner to include pharmacist under chemical control act

Representative Long made the motion to report SB 528 favorably for passage and be placed on the consent calendar. Representative Crow seconded the motion. The motion carried.

SB 488 - Sentencing in multiple conviction cases when primary crime conviction is reserved

Representative Loyd made the motion to report SB 488 favorably for passage. Representative Powell seconded the motion. The motion carried.

SB 471 - Commission of offense while incarcerated as an aggravating factor in departure sentencing

Representative Pauls made the motion to change the word "prison" to "incarcerated" on page 3 & page 4. Representative Klein seconded the motion. The motion carried.

Representative Haley made the motion to amend in HB 2309 - Hate crimes, presumed imprisonment. Representative Flaharty seconded the motion. The committee discussed that Courts currently have the discretion to determine what is a hate crime and can depart from sentencing guidelines if believes it is an aggravating factor. The motion failed 8-8.

Representative Pauls made the motion to report SB 471 favorably for passage, as amended. Representative Ruff seconded the motion. The motion carried.

SB 448 - Docket fees for traffic offenses and certain other offenses

Representative Carmody made the motion to report SB 448 favorably for passage. Representative Long seconded the motion. The motion carried.

SB 423 - KBI laboratory analysis fees

Representative Loyd made the motion to report SB 423 favorably for passage. Representative Lloyd seconded the motion. The motion carried.

SB 425 - Filing and status of foreign judgements

Representative Pauls made the motion to strike the Senate amendment in lines 30 - 33. Representative Carmody seconded the motion. The motion carried.

Representative Pauls made the motion to report SB 425 favorably for passage, as amended. Representative Carmody seconded the motion. The motion carried.

CONTINUATION SHEET

SB 418 - Municipal court assessments in cases charging certain crimes

The committee showed no interest in working the bill.

SB 447 - Notice requirements related to subpoenas of business records

Representative Loyd made the motion to strike the Senate amendment on page 2. Representative Edmonds seconded the motion. The motion carried.

Representative Carmody made the motion to change, on page 4, "Notice of the issuance of" to "Request the issuance of". Representative Powell seconded the motion. The motion carried.

Representative Carmody made the motion to report SB 447 favorably for passage, as amended. Representative Loyd seconded the motion. The motion carried.

SB 224 - Notification and investigation of deaths by coroner

Representative Carmody made the motion to amend in Dr. Mitchell's suggested amendments with option A. (Attachment 1) Representative Gregory seconded the motion. The motion carried.

Representative Carmody made the motion to report SB 224 favorably for passage, as amended. Representative Gregory seconded the motion. The motion carried.

SB 526 - Use of forfeited property by Kansas National Guard

Representative Carmody made the motion to amend in HB 2684 - One year time limitation on writs of habeas corpus, as amended by the House Committee. Representative Swenson seconded the motion. The motion failed 7-10.

Representative Pauls made the motion to report SB 526 favorably for passage. Representative Carmody seconded the motion. The motion carried.

SB 485 - Nonprobate transfer on death as nontestamentary

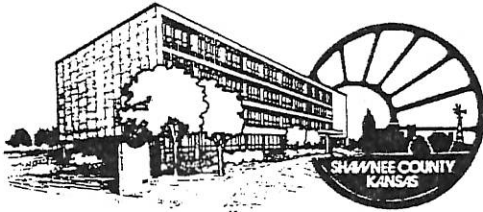
Representative Carmody made the motion to refer the bill to the Kansas Judicial Council for further study. Representative Crow seconded the motion. The motion carried.

SB 483 - Service of process on corporations, limited liability companies and limited partnerships

Representative Loyd made the motion to delete on page 3, line 11 the word "director". Representative Crow seconded the motion. The motion carried.

Representative Carmody made the motion to report SB 483 favorably for passage. Representative Lightner seconded the motion. The motion carried.

The committee meeting adjourned at 5:00 p.m. The next meeting was scheduled for March 20, 2000.



Shawnee County Coroner/Medical Examiner

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House Judiciary Committee
Kansas Statehouse

14 March 2000

Senate Bill 224, as presently proposed, will prevent the Coroner's Offices of the larger Counties from executing their mandated functions in a timely fashion in part because the funding required to accomplish the work does not accompany the mandate of the proposed Statute. Also, the new language will require the Coroner to investigate deaths where the investigation will involve other jurisdictions. New language must omit the restriction on subpoena power by deleting the phrase "within the District". We propose amendatory language to correct defects in the Bill.

Problem # I:

Out of State Deaths of Persons injured in Kansas, SB 224 does not allow Coroner's to bring cases back to the Kansas Jurisdiction.

Solution # I:

Add to K.S.A. 22a-232

"If a death investigation involves multiple jurisdictions, the Coroner notified under K.S.A. 22a-231 may transfer jurisdiction to another jurisdiction if the Coroners of both jurisdictions are agree to the transfer."

Problem # II:

A Coroner will have to investigate the cause of death in multiple jurisdictions, but is at present given subpoena power only in his/her jurisdiction.

Solution # II:

Delete the words "within the judicial district" from the description of the Coroner's subpoena power in K.S.A. 22a-230d

Problem

The larger Counties with referral hospitals will have to absorb the cost of investigations for out-of-County residents dying in the hospital.

Solution # III:

There are three options for funding: costs can continue to be the responsibility of the County of Incidence or costs can be borne by the State.

Option A:

K.S.A. 22a-231 to be amended as follows:

"The Coroner in the County of the Cause of Death shall decide if an investigation shall take place. If an investigation is authorized by the Coroner of the County of Cause of Death, the Coroner in the County of Death shall undertake such investigation, with costs to be accounted to and reimbursed by the County of the Cause of Death. Investigation may include, but is not limited to, obtaining medical and law enforcement background information, examination of the scene of the Cause of Death, Inquest, Autopsy, and other duties required of the Coroner. If the Coroner of the County of the Cause of Death requests an investigation, the Coroner of the County of Death shall be responsible for the investigation and the certification of Death.

Option B:

K.S.A. 22a-231 to be amended as follows:

"The costs of investigation shall be the responsibility of the County in which the cause of death occurred and paid to the County where the death occurred upon presentation of an accounting of costs."

Option C:

K.S.A. 22a-231 to be amended as follows.

"Deaths of non-County Residents that fall within the Coroner's jurisdiction shall have the cost of investigation reimbursed to the County from the State General Fund."

As a matter of note, in New York State, the Counties large enough to convert from Coroner to Medical Examiner, i.e. the large referral Counties, have received up to 40% reimbursement from the State Health Department for the cost of death investigation. In North Carolina, Residents of a County have the cost of investigation paid by the County, while deaths of non-Residents of a County have the costs reimbursed by the State. In Florida, the Medical Examiners are subsidized by a tax that, it is my understanding, is on Insurance policies.