

Approved: April 28, 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 15, 2000 in Room 313-S of the Capitol.

All members were present except:

John Edmonds - Excused  
Andrew Howell - Excused  
Phill Kline - Excused  
Tony Powell - Excused  
Rich Rehorn - Excused  
Candy Ruff - Excused  
Jonathan Wells - Excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department  
Jill Wolters, Office of Revisor of Statutes  
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Elwaine Pomeroy, Kansas Credit Attorneys' Association & Kansas Collectors' Association  
Bob Alderson, Kansas Pharmacists Association  
Joyce Allegrucci, Social & Rehabilitation Services  
Tom Graber, District Court Judge, Wellington  
Marilyn Jacobson, Social & Rehabilitation Services  
Amy Waddle, Office of Judicial Administration  
Senator Tim Emert  
Dr. Loren Phillips, Bureau of Vital Statistics  
Pam Scott, Kansas Funeral Directors Association  
Dr. Allen Hancock, Wyandotte County Corner  
John Foster, Johnson County Undersheriff  
Dr. Erik Mitchell, Shawnee & Douglass County Coroner

Hearings on **SB 504 - Judgements in certain limited actions for possession for nonpayment of rent**, were opened.

Elwaine Pomeroy, Kansas Credit Attorneys' Association & Kansas Collectors' Association appeared as the sponsor of the proposed bill. He commented that it would clarify that forcible detainer actions by landlords against tenants for repossession of their property shall include rent due, if this was stated in the petition. ([Attachment 1](#))

Hearings on **SB 504** were closed.

Hearings on **SB 528 - Definition of practitioner to include pharmacist under chemical control act**, were opened.

Bob Alderson, Kansas Pharmacists Association, explained that the bill would add pharmacist to the list of those who are exempt from certain provisions of the Kansas Chemical Control Act. ([Attachment 2](#))

Hearings on **SB 528** were closed.

Hearings on **SB 530 - Child support enforcement**, were opened.

Marilyn Jacobson, Social & Rehabilitation Services, commented that **SB 530** would establish a Kansas Payment Center, which is required by the Federal Government to retain Title IV-D funds. The Kansas Payment Center would collect maintenance and child support and provide disbursement of payments. ([Attachment 3](#))

Amy Waddle, Office of Judicial Administration, testified that it was in the best interest of customers of the courts for the Judicial Branch to cooperate with SRS in its effort to meet the federal requirement to establish a centralized child support payment processing center. ([Attachment 4](#))

## CONTINUATION SHEET

Hearings on **SB 530** were closed.

Hearings on **SB 461 - Continued jurisdiction of court when permanent guardian appointed for child in need of care**, were opened.

Tom Graber, District Court Judge, Wellington, stated that in most Child In Need of Cases the courts should continue to have jurisdiction to review each case and make changes as needed. (Attachment 5)

Joyce Allegrucci, Social & Rehabilitation Services, appeared in support of the bill. The permanent guardianship provides an alternative permanency for children who cannot return to the home of their parents, but for whom adoption is not a viable option.

Hearings on **SB 461** were closed.

Hearings on **SB 224 - Notification & investigation of deaths by coroner**, were opened.

Senator Tim Emert appeared as the sponsor of the proposed bill. He explained that prior to 1993, death certificates were issued and signed by the coroner where the death occurred. Legislation was passed which required the certificated to be signed in the county where the cause of death occurred. The proposed bill would change it back to the way they were issued prior to '93. It includes an amendment which would require the county where the cause of death occurred to pay for the autopsy, if one is done. (Attachment 6)

Dr. Erik Mitchell, Shawnee & Douglass County Coroner, appeared before the committee as a proponent of the bill with the suggested amendments (See Attachment 7), which would omit the restriction on subpoena power by deleting the phrase "within the District". The suggested amendments gave three options:

Option A - would allow the coroner in the county of the cause of death determine if an investigation should take place. If so, the costs would be accounted to and reimbursed by the county of the cause of death. 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 costs.

Option B - would have the costs of such investigations be the responsibility of the county in which the cause of death occurred.

Option C - would allow deaths of non-county residents that fall within the coroner's jurisdiction to have their costs reimbursed by the State General Fund

Pam Scott, Kansas Funeral Directors Association, appeared before the committee in opposition of the proposed bill and suggested that the committee adopt Dr. Mitchell's amendments which would be acceptable to all involved. (Attachment 8)

Dr. Loren Phillips, Bureau of Vital Statistics, & Dr. Allen Hancock, Wyandotte County Coroner, commented that **SB 224** would change the coroner's jurisdiction so that the place of death, rather than the place of the cause of death, would determine jurisdiction. They supported the suggested amendments that Dr. Mitchell provided for the committee. (Attachment 9)

John Foster, Johnson County Undersheriff, supported Dr. Mitchell's amendments but was concerned about the costs that could be assessed to the county where the cause of the death occurred.

Hearings on **SB 224** were closed.

The committee meeting adjourned at 5:45 p.m. The next meeting was scheduled for March 16, 2000.