

Approved: 2-26-93

Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Chairman, Representative Michael R. O' Neal at 3:30 p.m. on February 18, 1993 in room 313-S of the Statehouse.

All members were present except:

Representative David Heinemann - Excused

Committee staff present:

Jerry Donaldson, Legislative Research
Jill Wolters, Revisor of Statutes
Cindy Wulfkuhle, Committee Secretary

HB 2008 - duties, functions & compensation of district coroners, Proposal #13.

Jill Wolters, Revisor of Statutes, briefed the committee on the balloon of HB 2008. (Attachment #1)

Representative Carmody made a motion to adopt the balloon amendment. Representative Garner seconded the motion. The motion carried.

Representative Carmody made a substitute motion to amend by adding language that states two or more judicial districts may get together and hire the same person as their district coroner.

Representative Adkins seconded the motion.

Chairman O'Neal called the committees attention to the Kansas Association of Counties memo which proposes several recommendations as to cost savings when hiring coroners. (Attachment #2)

The motion carried.

Representative Plummer offered an amendment that would charge an additional fee for death certificates, in which the money would be paid into a state fund and then redistributed to the counties for the purpose of helping fund coroner's budgets. He proposed increasing the fee to \$10 for the initial certificate and \$5 for the second copy.

Representative Bradley seconded the motion.

Loren Phillips, State Register, Vital Statistic, stated that there are about 2,300 deaths a year in the state.

Representative Wagon suggested that Accounts and Reports handle the redistribution the same way as the birth certificates are handled and pay it out on an annual basis.

The motion carried 14-6.

Representative Carmody made a motion to report HB 2008 favorably for passage as amended. Representative Robinett seconded the motion. The motion carried.

HB 2413 - public utilities past issuances may be voidable by the commission.

Representative Mays made a motion to report HB 2413 favorably for passage. Representative Robinett seconded the motion.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

Minutes of the House Committee on Judiciary, Room 313-S, Statehouse, at 3:30 p.m. on February 18, 1993.

Representative Mays offered a substitute amendment on page 1, lines 20-22 which would delete "...except an issuance...exchange commission." Also, on line 27 insert before the word "if" "In lieu of securing a certificate from the Commission.", and on line 29, replace the word "shall" with "may".

Representative Scott seconded the motion. The motion carried.

Representative Mays renewed the motion to report HB 2413 favorably for passage as amended. Representative Carmody seconded the motion. The motion carried.

HB 2410 - enacting the overhead power line accident prevention act.

Representative Carmody made a motion to report HB 2410 favorably for passage. Representative Everhart seconded the motion.

Representative Everhart proposed a substitute amendment on page 2, line 31 to change "three" to "five" working days.

Representative Macy seconded the motion.

Chairman O'Neal stated that the original request was for seven days.

Representative Everhart withdrew and re-submitted a motion to change "three" to "seven" working days. Representative Adkins seconded the motion. The motion carried.

Chairman O'Neal reminded the committee of Kansas City Power & Light's proposed amendment on page 2, line 25 to add a new sentence: "A public utility shall not be required to provide such temporary clearances or other safety precautions until payment of the estimated cost has been made."

Representative Mays made a motion to adopt the proposed amendment. Representative Adkins seconded the motion.

Representative Garner was concerned about using taxpayers dollars to advance the cost.

Representative Carmody was opposed to prepaying before the service is provided. The concern of the bill is safety, he stated.

Representative Adkins stated that this provision would put us in conformity with Missouri law.

The motion failed.

Representative Rock made a motion to require prepayment for temporary clearances but which would exempt government from having to prepay. Representative Mays seconded the motion.

Representative Garner stated that he opposes this amendment. The purpose of this bill is to encourage safety. With this amendment we are developing collection methods for utility companies.

The motion failed.

Representative Smith made a motion to strike the word "competent" on page 3, line 29. Representative Garner seconded the motion. The motion carried.

Representative Everhart renewed the motion to report HB 2410 favorably for passage as amended. Representative Adkins seconded the motion. The motion carried.

HB 2009 - homestead not subject to drug forfeiture.

Representative Garner made a motion to report HB 2009 favorably for passage. Representative Carmody seconded the motion.

CONTINUATION SHEET

Minutes of the House Committee on Judiciary, Room 313-S, Statehouse, at 3:30 p.m. on February 18, 1993.

Representative Carmody made a motion to have HB 2009 placed on the Consent Calendar. Representative Robinett seconded the motion. The motion carried.

HB 2101 - child may inherit from parent even if parental rights are terminated.

Representative Carmody made a motion to report HB 2101 favorably for passage. Representative Pauls seconded the motion.

Chairman O'Neal proposed adding "inheriting from or through" in all places in the statute, so it would carry on to other blood relatives.

Representative Carmody made a substitute motion to adopt the proposed amendment. Representative Pauls seconded the motion. The motion carried

Representative Everhart made a motion to add the language "Upon termination, all the rights of the birth parents to the adopted person, including their rights to inherit from the person, shall cease." Representative Robinett seconded the motion. The motion carried.

Representative Pauls proposed adding the language "the right of the natural child to inherit from birth parents" to K.S.A. 59-2118. Representative Everhart seconded the motion. The motion carried.

Representative Garner made the motion to report HB 2101 favorably for passage as amended. Representative Carmody seconded the motion. The motion carried.

HB 2130 - temporary assignment of judges to the supreme court.

Representative Everhart made a motion to report HB 2130 favorably for passage. Representative Robinett seconded the motion.

Representative Pauls offered a substitute amendment that would add the definition of retired judge to state that a retired judge would be one other than one defeated, not retained or disqualified by being removed through judicial discipline.

Representative Everhart seconded the motion. The motion carried.

Representative Everhart made the motion to report HB 2130 favorably for passage as amended. Representative Robinett seconded the motion. The motion carried.

HB 2132 - landlord and tenant agree to waive certain landlord duties under mobile home parks residential landlord and tenant act.

Representative Macy made a motion to report HB 2132 favorably for passage. Representative Adkins seconded the motion.

Representative Macy offered a balloon amendment making landlords and tenants able to agree in writing so that the landlord's duties are only those in sections 5 & 6 and specified repairs, maintenance, and alterations. An additional section (d) was added which states that the landlord and tenant may agree that the tenants are to preform specified repairs, maintenance, and alterations. (Attachment #3)

Representative Robinett seconded the motion. The motion carried.

Representative Macy renewed the motion to report HB 2132 favorably for passage as amended. Representative Garner seconded the motion. The motion carried.

Representative Mays made a motion to approve the Committee minutes form February 8,9,10 & 11. Representative Adkins seconded the motion. The motion carried.

The Committee adjourned at 5:15 p.m. The next Committee meeting is February 19, 1993 at 12:00 p.m. in room 526-S.

GUEST LIST

HOUSE JUDICIARY COMMITTEE

DATE FEBRUARY 18, 1993

[illegible]

HOUSE BILL No. 2008

By Special Committee on Judiciary

Re Proposal No. 13

12-18

10 AN ACT concerning district coroners; relating to the duties, functions
11 and compensation thereof; concerning certain vital records;
12 amending K.S.A. 22a-215, 22a-227, 22a-228, 22a-230, 65-2412, 65-
13 2414, 65-2416, 65-2422c, 65-2426a and 75-2749 and K.S.A. 1992
14 Supp. 22a-231, 22a-232, ~~and~~ 22a-233 and repealing the existing
15 sections; also repealing K.S.A. 22a-204, 22a-205, 22a-206, 22a-
16 207, 22a-208, 22a-209, 22a-210, 22a-211, 22a-212, 22a-213, 22a-
17 214 and 28-111 and K.S.A. 1992 Supp. 22a-237.

18
19 *Be it enacted by the Legislature of the State of Kansas:*

20 Section 1. K.S.A. 22a-215 is hereby amended to read as follows:
21 22a-215. The coroner shall cause the body of a deceased person to
22 be delivered to the immediate family or the next of kin of the
23 deceased in accordance with the provisions of K.S.A. 65-904, *and*
24 *amendments thereto*. If there is no immediate family or next of kin
25 the coroner shall report and make delivery in accordance with the
26 provisions of article 9 of chapter 65 of Kansas Statutes Annotated.
27 If no such delivery is required the coroner shall cause the body of
28 such deceased person to be decently buried, and the expenses to
29 be paid from any property found with the body. If there is no
30 property found with the body and if the deceased was eligible for
31 assistance under the provisions of article 7 of chapter 39 of Kansas
32 Statutes Annotated, burial expenses shall be paid in accordance with
33 the provisions of K.S.A. 39-713d, *and amendments thereto*. Other-
34 wise such burial expenses shall be paid from the county general
35 fund.

36 Any coroner who, over the protest of the immediate family or
37 next of kin of the deceased, delivers or causes to be delivered the
38 body of a deceased person *for final disposition* to a particular em-
39 balmer, funeral director or funeral establishment, shall be deemed
40 guilty of a class B misdemeanor and upon conviction thereof shall
41 forfeit ~~his or her~~ *the coroner's office*.

42 Sec. 2. K.S.A. 22a-227 is hereby amended to read as follows:
43 22a-227. The district coroner shall receive an annual salary as

claims under the tort claims act;

22a-226,

and 75-6115

K.S.A. 22a-226, see attached.

HB 2008

2

1 follows:
 2 In judicial districts having a population of: Per annum
 3 Not more than 30,000 \$1,874
 4 More than 30,000 and not more than 60,000 2,342
 5 More than 60,000 and not more than 100,000 2,928
 6 More than 100,000 and not more than 180,000 .. 4,009
 7 300,000 and over 6,963

8 In any judicial district having a population of more than one
 9 hundred eighty thousand (180,000) and not more than three
 10 hundred thousand (300,000) the district coroner shall receive
 11 an annual salary in an amount to be fixed by resolution of the
 12 board of county commissioners of the county comprising such
 13 judicial district. The salaries above provided shall be in lieu
 14 of any fees for examination of dead bodies fixed by the ~~admin-~~
 15 ~~istrative judge and district judges of the judicial district.~~

16 Sec. 3. K.S.A. 22a-228 is hereby amended to read as follows:
 17 22a-228. (a) Deputy district coroners shall receive thirty-five dollars
 18 (\$35) for each dead body examined, except in counties having
 19 a population of more than one hundred forty thousand (140,000)
 20 and less than two hundred twenty thousand (220,000); the first
 21 deputy district coroner shall receive an annual salary of one
 22 thousand seven hundred fifty-seven dollars (\$1,757); and all
 23 other deputies serving in such counties shall receive a fee of
 24 thirty-five dollars (\$35) for each body examined; and except in
 25 counties having a population of more than two hundred twenty
 26 thousand (220,000) and not more than three hundred thousand
 27 (300,000) all deputy district coroners shall receive such com-
 28 pensation as shall be prescribed by resolution of the board of
 29 county commissioners of the county comprising such judicial
 30 district; and except in counties having a population of more
 31 than three hundred thousand (300,000), two (2) deputy coroners
 32 shall each be paid a salary of one thousand seven hundred
 33 fifty-seven dollars (\$1,757) per annum; and all other deputies
 34 serving in such counties shall receive a fee of thirty-five dollars
 35 (\$35) for each body examined ~~a salary or other compensation as~~
 36 ~~may be prescribed by the~~ ~~administrative judge and district judges~~
 37 ~~of the judicial district.~~

38 (b) Each coroner and deputy district coroner shall be allowed
 39 and paid the allowance prescribed under the provisions of K.S.A.
 40 75-3203a, and amendments thereto, for each mile necessarily and
 41 actually traveled in the service of his office; except in counties
 42 having a population of more than one hundred forty thousand
 43 (140,000) and not more than two hundred twenty thousand

county commissioners of a single county
 judicial district or the county commissioners
 of the county with the largest population
 in multiple county judicial districts

(220,000), the district coroner may receive a car allowance of fifty dollars (\$50) per month for the operation of his car and the first deputy may receive a like amount; and except that in counties having a population of more than two hundred twenty thousand (220,000) and not more than three hundred thousand (300,000) each coroner and deputy coroner may receive a car allowance of seven hundred fifty dollars (\$750) annually; and except in counties having a population of more than three hundred thousand (300,000) the district coroner may receive a car allowance of one hundred dollars (\$100) per month for the operation of his car and each of the two salaried deputies may receive a car allowance of fifty dollars (\$50) per month for the operation of his car course of official duties as coroner or deputy district coroner, except that in lieu of such allowance the district coroner and deputy district coroner may receive a monthly car allowance as fixed by the ~~administrative judge and district judges of the judicial district~~ for the operation of such coroner's car. The amount of the car allowance may be different for the district coroner and the deputy district coroner as specified by the ~~administrative judge and district judges of the judicial district~~.

county commissioners of a single county judicial district or the county commissione of the county with the largest population in multiple county judicial districts

(c) The annual salary provided for the district coroner in K.S.A. 22a-227, and amendments thereto, the annual salary or other compensation provided for certain deputy district coroners herein under this section, the compensation authorized for a district coroner for holding an inquest in subsection (n) of K.S.A. 22a-230 and amendments thereto and the other fees and expenses authorized to be paid under this section to coroners and deputy district coroners shall be paid by each of the counties in the judicial district in the proportion that the population of each such county bears to the total population of the judicial district. The board of county commissioners of the county having the largest population of the counties contained in such judicial district shall provide for the payment of any such salary, other compensation, fees and expenses from a fund to be set aside by said the board of county commissioners and to which each county in the district shall contribute its share of such salary payments on or before the first day of each month. Fees, expenses and compensation provided for in this section, other than annual salaries, shall be paid by the board of county commissioners of the county in which the death occurred and to which such fees and expenses relate.

Sec. 4. K.S.A. 22a-230 is hereby amended to read as follows:
22a-230. (a) The coroner shall may hold an inquest upon the dead bodies of such persons whose deaths appear to have been caused

1 by unlawful means when the circumstances relating to such deaths
2 are unknown. *The inquest shall be held in accordance with the*
3 *provisions of this section.* Except as provided in subsection (b), upon
4 being notified of any such death occurring within the district, *if an*
5 *inquest is to be held,* the coroner shall ~~forthwith~~ summon a jury
6 of six (6) residents of the county ~~judicial district~~ in which the death
7 occurred, at a time and place named, for the purpose of inquiring
8 into the cause of death. In any other case in which this act requires
9 that the coroner be notified, the coroner may also summon, ~~forth-~~
10 ~~with,~~ six (6) citizens of the county ~~judicial district~~ to appear at a
11 time and place named. ~~The provisions of the acts contained in~~
12 ~~article 10 of chapter 19 of the Kansas Statutes Annotated, re-~~
13 ~~lating to an inquest held by a county coroner, and any acts~~
14 ~~amendatory thereof, shall be applicable to any inquest held~~
15 ~~pursuant to this section.~~

16 (b) When the coroner has been notified of any death as provided
17 in subsection (a), and the cause of such death occurred in a county
18 other than the county in which the death occurred, the coroner of
19 the county in which the cause of death occurred shall take the
20 responsibility of summoning a jury as provided in subsection (a) for
21 the purpose of inquiring into the death, if requested to do so by
22 the coroner of the county in which the death occurred.

23 (c) If any juror fails to appear, the coroner shall summon the
24 proper number from bystanders immediately, and proceed to impanel
25 them and administer the following oath, in substance: "You do sol-
26 emnly swear (or affirm) that you will diligently inquire and true
27 presentment make, when, how and by what means the person whose
28 body lies here dead came to death, according to your knowledge,
29 and evidence given you. So help you God."

30 (d) The coroner may issue subpoenas within the judicial district
31 for witnesses, returnable forthwith, or at such time and place as
32 the coroner shall therein direct. Witnesses shall be allowed the fees
33 provided in K.S.A. 28-125 and amendments thereto. In cases of
34 disobedience of the coroner's subpoena, it shall be the duty of the
35 judge of the district court, on application of the coroner, to compel
36 obedience to the coroner's subpoena by ~~attachment~~ proceedings for
37 contempt as in cases of disobedience of a subpoena issued from the
38 district court.

39 (e) An oath shall be administered to the witness, in substance as
40 follows: "You do solemnly swear (or affirm) that the testimony which
41 you shall give to this inquest, concerning the death of the person
42 here lying dead, shall be the truth, the whole truth, and nothing
43 but the truth. So help you God."

county

county

indirect

1 (f) The testimony shall be reduced to writing, under the coroner's
2 order, and subscribed by the witness.

3 (g) The jurors, having inspected the body, if available, heard the
4 testimony, and made all needful inquiries, shall return to the coroner
5 their inquisition in writing, under their hands, in substance as fol-
6 lows, and stating the matter in the following form suggested, as far
7 as found:

8 State of Kansas, _____ County.

9 An inquisition held at _____, in _____ county, on the
10 _____ day of _____, A.D., 19____, before me, _____
11 coroner of such county, on the body of _____ (or, a person unknown),
12 there lying dead; by the jurors whose names are hereunto subscribed. The jurors,
13 upon their oaths, do say (here state when, how, by what person, means, weapon or
14 accident the person died, and whether feloniously). In testimony whereof, the jurors
15 have hereunto subscribe, the day and year aforesaid. Which shall be attested by the
16 coroner.

17 (h) If the inquisition finds a crime has been committed on the
18 deceased, and name the person the jury believes has committed the
19 crime, the inquest shall not be made public until after the arrest
20 directed in the next subsection.

21 (i) If the person charged is present, the coroner may order the
22 person arrested by an officer or any other person, and shall then
23 make a warrant requiring the officer or other person to take the
24 arrested person before a judge of a court of competent jurisdiction.

25 (j) If the person charged is not present, the coroner may issue
26 a warrant to the sheriff of the county, directing the sheriff to arrest
27 the person and take the arrested person before a judge of a court
28 of competent jurisdiction.

29 (k) The warrant of a coroner in the above case shall be of equal
30 authority with that of a judge of a court of competent jurisdiction.
31 When the person charged is brought before the court, the person
32 charged shall be dealt with as a person held under a complaint in
33 the usual form.

34 (l) The warrant of the coroner shall recite substantially the trans-
35 action before the coroner, and the verdict of the jury of inquest
36 leading to the arrest. The warrant shall be a sufficient foundation
37 for the proceeding of the court instead of a complaint.

38 (m) The coroner shall then return to the clerk of the district
39 court the inquisition, the written evidence and a list of the witnesses
40 who testified to material matters.

41 (n) The district coroner shall receive such compensation, in ad-
42 dition to other compensation provided by law for the coroner, for
43 holding an inquest as specified by the administrative judge and

1 *district judges of the judicial district.*

2 Sec. 5. K.S.A. 1992 Supp. 22a-231 is hereby amended to read
3 as follows: 22a-231. When any person dies, or human body is found
4 dead in ~~any county~~ of the state, and the death is suspected to have
5 been the result of violence, caused by unlawful means or by suicide,
6 or by casualty, or suddenly when the decedent was in apparent
7 health, or when decedent was not regularly attended by a licensed
8 physician, or in any suspicious or unusual manner, or when in police
9 custody, or when in a jail or correctional institution, or in any
10 circumstances specified under K.S.A. 1992 Supp. 22a-242, *and*
11 *amendments thereto*, or when the determination of the cause of a
12 death is held to be in the public interest, the coroner or deputy
13 coroner of the county ~~judicial district~~ in which *the cause of death*
14 *occurred, if known, or if not known, the coroner or deputy coroner*
15 *of the* ~~judicial district~~ *in which such death occurred, or* dead body
16 was found, shall be notified by the physician in attendance, by any
17 law enforcement officer, by the embalmer, by any person who is or
18 may in the future be required to notify the coroner or by any other
19 person.

county

20 Sec. 6. K.S.A. 1992 Supp. 22a-232 is hereby amended to read
21 as follows: 22a-232. (a) Upon receipt of notice pursuant to K.S.A.
22 22a-231, and amendments thereto, the coroner shall take charge of
23 the dead body, make inquiries regarding the cause of death and
24 reduce the findings to a report in writing. Such report shall be filed
25 with the clerk of the district court of the county ~~judicial district~~ in
26 which *the cause of death occurred if known, or if not known the*
27 *report shall be filed with the clerk of the district court of the* ~~judicial~~
28 ~~district~~ *in which the death occurred.* If the coroner determines that
29 the dead body is not a body described by K.S.A. 22a-231, and
30 amendments thereto, the coroner shall immediately notify the state
31 historical society.

county

county

32 (b) *If in the opinion of the coroner information is present in the*
33 *coroner's report that might jeopardize a criminal investigation, the*
34 *coroner* ~~may delay the filing of such report until the investigation~~
35 ~~is complete as determined by the coroner~~

shall file the report in such county
and designate such report as a criminal
investigation record, pursuant to sub-
section (a)(10) of K.S.A. 45-22], and
amendments thereto

36 Sec. 7. K.S.A. 1992 Supp. 22a-233 is hereby amended to read
37 as follows: 22a-233. (a) If, in the opinion of the coroner, an autopsy
38 should be ~~made performed~~, or if an autopsy is requested in writing
39 by the county or district attorney or if the autopsy is required under
40 K.S.A. 1992 Supp. 22a-242, *and amendments thereto*, such autopsy
41 shall be performed by a qualified pathologist as may be designated
42 by the coroner. A pathologist performing an autopsy, at the request
43 of a coroner, shall be paid a usual and reasonable fee to be allowed

by the board of county commissioners ~~administrative judge and district judges of the judicial district~~ and shall be allowed and paid the travel allowance prescribed for coroners and deputy coroners in accordance with the provisions of K.S.A. 22a-228, and amendments thereto, the same to be paid by the board of county commissioners of the county ~~judicial district~~ in which the cause of death occurred except that autopsies performed under K.S.A. 1992 Supp. 22a-242, and amendments thereto, shall be paid for in accordance with K.S.A. 1992 Supp. 22a-242, and amendments thereto.

board of county commissioners

county

(b) The pathologist performing the autopsy shall remove and retain, for a period of three years, such specimens as appear to be necessary in the determination of the cause of death.

(c) A full record and report of the facts developed by the autopsy and findings of the pathologist performing such autopsy shall be promptly made and filed with the coroner and with the clerk of the district court of the county in which decedent died. If, in any case in which this act requires that the coroner be notified, the body is buried without the permission of the coroner, it shall be the duty of the coroner, upon being advised of such fact, to notify the county or district attorney, who shall communicate the same to a district judge, and such judge may order that the body be exhumed and an autopsy performed.

Sec. 8. K.S.A. 65-2412 is hereby amended to read as follows: 65-2412. (a) A death certificate or stillbirth certificate for each death or stillbirth which occurs in this state shall be filed with the state registrar within three days after such death and prior to removal of the body from the state and shall be registered by the state registrar if such death certificate or stillbirth certificate has been completed and filed in accordance with this section. If the place of death is unknown, a death certificate shall be filed indicating the location where the body was found as the place of death. A certificate shall be filed within three days after such occurrence; if death occurs in a moving conveyance, the death certificate shall record the location where the dead body was first removed from such conveyance as the place of death.

(b) The funeral director or person acting as such who first assumes custody of a dead body or fetus shall file the death certificate. Such person shall obtain the personal data from the next of kin or the best qualified person or source available and shall obtain the medical certification of cause of death from the physician last in attendance prior to burial. The death certificate filed with the state registrar shall be the official death record, except that a funeral director licensed pursuant to K.S.A. 65-1714, and amendments thereto, may

1 verify as true and accurate information pertaining to a death on a
2 form provided by the state registrar, and any such form, verified
3 within 21 days of date of death, shall be prima facie evidence of the
4 facts therein stated for purposes of establishing death. The secretary
5 of health and environment shall fix and collect a fee for each form
6 provided a funeral director pursuant to this subsection. The fee shall
7 be collected at the time the form is provided the funeral director
8 and shall be in the same amount as the fee for a certified copy of
9 a death certificate.

10 (c) When death occurred without medical attendance or when
11 inquiry is required by the laws relating to postmortem examinations,
12 the coroner shall investigate the cause of death and shall complete
13 and sign the medical certification ~~within 24 hours~~ ~~as soon as possible~~
14 ~~after taking charge of the case.~~

15 (d) In every instance a certificate shall be filed prior to interment
16 or disposal of the body.

17 Sec. 9. K.S.A. 65-2414 is hereby amended to read as follows:
18 65-2414. If the cause of death cannot be determined within three
19 days, the certification of the cause of death may be filed ~~after the~~
20 ~~prescribed period; but the attending physician or coroner shall~~
21 ~~give the state registrar written notice of the reason for the delay.~~

22 Sec. 10. K.S.A. 65-2416 is hereby amended to read as follows:
23 65-2416. (a) Certificates filed within six (6) months after the time
24 prescribed therefor shall be prima facie evidence of the facts therein
25 stated. Data therein pertaining to the father of a child are prima
26 facie evidence only if the alleged father is the husband of the mother,
27 or if the father has consented in writing that ~~his the father's~~ name
28 be entered as the father on the certificate as provided in K.S.A. 65-
29 2409, ~~and amendments thereto~~; if not, the data pertaining to the
30 father of a child are not evidence in any proceeding adverse to the
31 interest of the alleged father, or of ~~his the alleged father's~~ heirs,
32 next of kin, devisees, legatees or other successors in interest, if the
33 paternity ~~in~~ is controverted.

34 (b) The state registrar of vital statistics is authorized to prepare
35 typewritten, photographic, or other reproductions of original records
36 and files ~~in his office of vital statistics~~. Such reproductions when
37 certified by ~~him the state registrar~~ shall be accepted as the original
38 record. ~~For deaths occurring on and after the effective date of this~~
39 ~~act, the state registrar shall not certify a death certificate in which~~
40 ~~the~~ ~~cause of death is not marked~~ ~~natural unless the death certificate~~
41 ~~is signed by a district coroner.~~

42 Sec. 11. K.S.A. 65-2422c is hereby amended to read as follows:
43 65-2422c. The secretary may by regulation, prescribe procedures for

within 24 hours after receipt of the death
certificate or as provided in K.S.A. 65-2414
and amendments thereto

as pending

In such cases, the cause of death is to be
reported to the state registrar as soon as
possible.

manner of death is marked other than

1 making minor corrections to certificates or records. Any certificate
2 so corrected shall be marked "amended," and shall have such further
3 marking as shall be prescribed by the secretary. *A death certificate*
4 *signed by a district coroner acting in the district coroner's official*
5 *capacity shall not be modified by anyone except the district coroner*
6 *who signed the death certificate.*

7 Sec. 12. K.S.A. 65-2426a is hereby amended to read as follows:
8 65-2426a. No dead body, as such term is defined in subsection (4)
9 of K.S.A. 65-2401, *and amendments thereto*, shall be cremated unless
10 a coroner's permit to cremate has been furnished to authorize such
11 cremation. *A telefacsimile signed copy of the coroner's permit to*
12 *cremate which authorizes the cremation shall constitute legal au-*
13 *thorization for such cremation under this section.* The provisions of
14 this section shall be construed as supplemental to and as a part of
15 the uniform vital statistics act. Any person who knowingly violates
16 this section ~~shall~~, upon conviction, *shall* be fined not more than
17 \$500.

18 Sec. 13. K.S.A. 75-2749 is hereby amended to read as follows:
19 75-2749. (a) Any person who knows or has reason to know that a
20 violation of K.S.A. 75-2748, *and amendments thereto*, is being or
21 has been committed must immediately notify the law enforcement
22 agency of the jurisdiction where the violation occurred. A law en-
23 forcement agency shall notify the state historical society of any vi-
24 olation of K.S.A. 75-2748, *and amendments thereto*, which becomes
25 known to the law enforcement agency.

26 (b) Any person who discovers human skeletal remains immedi-
27 ately shall notify the law enforcement agency of the jurisdiction
28 where the remains were found. Upon receipt of such notice, the
29 law enforcement agency immediately shall notify the district coroner
30 or deputy district coroner ~~if required by K.S.A. 22a-231 and~~
31 ~~amendments thereto. If notice to the coroner or deputy coroner~~
32 ~~is not required by K.S.A. 22a-231 and amendments thereto, the~~
33 ~~law enforcement agency immediately shall notify and the state~~
34 ~~historical society.~~

35 (c) Failure to give notice as required by subsection (a) or (b) is
36 a misdemeanor punishable by a fine of not less than \$100 nor more
37 than \$500.

38 (d) Upon notification pursuant to this section or K.S.A. 22a-232,
39 and amendments thereto, the state historical society shall assume
40 jurisdiction over the human skeletal remains, and any goods interred
41 with such remains. The state historical society shall carry out society
42 actions in as expeditious a manner as possible, with particular con-
43 sideration given to circumstances such as construction sites, agri-

The medical certification portion

1 cultural interests and kin or descent groups. After disinterment, the
2 remains and goods may be under the control of the state historical
3 society for purposes of study for a period of one year. On a showing
4 of need, the board may extend such period for additional periods
5 of six months. After any period of study authorized by this subsection,
6 disposition or reinterment of the remains and goods shall be under
7 the direction of the board.

8 Sec. 14. K.S.A. 22a-204, 22a-205, 22a-206, 22a-207, 22a-208,
9 22a-209, 22a-210, 22a-211, 22a-212, 22a-213, 22a-214, 22a-215, 22a-
10 227, 22a-228, 22a-230, 28-111, 65-2412, 65-2414, 65-2416, 65-2422c,
11 65-2426a and 75-2749 and K.S.A. 1992 Supp. 22a-231, 22a-232, 22a-
12 233, and 22a-237 are hereby repealed.

13 Sec. 15. This act shall take effect and be in force from and after
14 its publication in the statute book.

Sec. 15. K.S.A. 1992 Supp. 75-6115,
see attached.

22a-226,

and 75-6115

Sec. 2. K.S.A. 22a-226 is hereby amended to read as follows:
22a-2266. (a) There is hereby established the office of district coroner in each judicial district of the state. The district coroner shall be a resident of the state of Kansas licensed to practice medicine and surgery by the state board of healing arts or shall be a resident of a military or other federal enclave within the state and shall be duly licensed to practice medicine and surgery within such enclave.

(b) The local medical society or societies in each judicial district shall nominate one or more candidates for the office of district coroner and submit the names of the persons so nominated to the ~~administrative--judge--of--the--judicial--district~~ county commissioners of a single county judicial district or the county commissioners of the county with the largest population in multiple county judicial districts on or before January 1, ~~1981~~ 1995, and every four years thereafter. The ~~administrative--judge and-district-judges-of-the-judicial-district~~ county commissioners of a single county judicial district or the county commissioners of the county with the largest population in multiple county judicial districts shall appoint a district coroner for the district. The appointee may be one of the persons nominated or some other qualified person.

(c) The district coroner shall serve for a term of four years, which term shall begin on the second Monday in January of the year in which such coroner is appointed, and such coroner's compensation shall be as provided by law. Vacancies in the office

of district coroner shall be filled in the same manner as appointments for regular terms of district coroner. Such an appointment shall be for the remainder of the regular term and shall be effective from the date the coroner is appointed and is otherwise qualified for the office.

(d) The coroner shall, before entering upon the duties of the office, take and subscribe an oath or affirmation that such coroner will faithfully, impartially and to the best of the coroner's skill and ability discharge the duties of district coroner.

(e) The district coroner, with the approval of the ~~district judges--of-the-judicial-district~~ county commissioners of a single county judicial district or the county commissioners of the county with the largest population in multiple county judicial districts, may appoint one or more deputy coroners, who shall have the qualifications of and shall have the same duties and authority as the district coroner, except that, whenever a district coroner is unable to appoint a qualified deputy, a special deputy coroner who does not possess the requisite qualifications may be appointed for a term not to exceed one year or until a qualified deputy is appointed, whichever occurs first. The district coroner shall have supervisory authority over all deputy coroners. Deputy coroners, before entering upon the discharge of their duties shall take and subscribe an oath or affirmation to faithfully discharge the duties of their office to the same extent and with like effect as the district coroner. And by renumbering the remaining sections accordingly

Sec. 15. K.S.A. 1992 Supp. 75-6115 is hereby amended to read as follows: 75-6115. (a) The Kansas tort claims act shall not be applicable to claims arising from the rendering of or failure to render professional services by a health care provider other than a charitable health care provider , a district coroner appointed pursuant to K.S.A. 22a-226, and amendments thereto, or a hospital owned by a municipality and the employees thereof. Claims for damages against a health care provider that is a governmental entity or an employee of a governmental entity other than a charitable health care provider , a district coroner appointed pursuant to K.S.A. 22a-226, and amendments thereto, or a hospital owned by a municipality and the employees thereof, arising out of the rendering of or failure to render professional services by such health care provider, may be recovered in the same manner as claims for damages against any other health care provider.

(b) As used in this section:

(1) "Charitable health care provider" shall have the meaning provided by K.S.A. 75-6102, and amendments thereto.

(2) "Health care provider" shall have the meaning provided by K.S.A. 40-3401, and amendments thereto.

(3) "Hospital" means a medical care facility as defined in K.S.A. 65-425, and amendments thereto, and includes within its meaning any clinic, school of nursing, long-term care facility, child-care facility and emergency medical or ambulance service operated in connection with the operation of the medical care facility.

And by renumbering remaining sections accordingly



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John T. Torbert, CAE

TO: House Judiciary Committee
Chairman Mike O'Neal

FROM: Anne Smith
Director of Legislation

DATE: February 18, 1993

RE: HB 2008

The Kansas Association of Counties appears before you again on HB 2008.

At the last hearing on HB 2008, a proposal was made to the committee that would leave the determination of the coroners' salaries with the county commissioners. The KAC would support that proposal. It is felt the negotiating of these salaries should be left between the commissioners and the coroners.

The KAC envisions a number of ways to reduce the burden of the coroners' salaries on county general funds.

The first recommendation the KAC would make to the committee is to allow an exemption to the tax lid for public safety. Coroners' salaries could then be included in this category since it is often a cost associated with law enforcement and related public safety areas.

Another proposal that has been brought to our attention as a possibility for reducing the fiscal burden of the coroners' salaries is the idea of a number of judicial districts sharing a coroner. This concept might permit judicial districts with limited funds to pool their resources with other judicial districts to retain a highly qualified, experienced coroner. Deputies could then be hired at lower salaries to assist the coroner to cover the increased jurisdiction.

Thank you for your consideration of these proposals.

HOUSE JUDICIARY
Attachment #2
02-18-93

HOUSE BILL No. 2132

By Representative O'Neal

1-26

8 AN ACT concerning the mobile home parks residential landlord and
9 tenant act; relating to the duties of the landlord; amending K.S.A.
10 1992 Supp. 58-25,107 and 58-25,111 and repealing the existing
11 sections.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 1992 Supp. 58-25,107 is hereby amended to
15 read as follows: 58-25,107. A rental agreement, assignment, con-
16 veyance, trust deed or security instrument shall not permit the
17 receipt of rent, unless the landlord has agreed to comply with sub-
18 section (a) of K.S.A. 1992 Supp. 58-25,111.

19 Sec. 2. K.S.A. 1992 Supp. 58-25,111 is hereby amended to read
20 as follows: 58-25,111. (a) Except as provided in subsection (c), when
21 prevented by an act of God, the failure of public utility services or
22 other conditions beyond the landlord's control, the landlord shall:

subsections (c) and (d)

23 (1) Comply with the requirements of all applicable city, county
24 and state codes materially affecting health and safety which are pri-
25 marily imposed upon the landlord. If the duty imposed by this
26 paragraph is greater than any duty imposed by any other paragraph
27 of this subsection, the landlord's duty shall be determined in ac-
28 cordance with the provisions of this paragraph.

29 (2) Make all repairs and do whatever is necessary to put and
30 keep the mobile home space in a fit and habitable condition.

31 (3) Keep all common areas of the mobile home park in a clean
32 and safe condition.

33 (4) Maintain in good and safe working order and condition all
34 facilities supplied or required to be supplied by the landlord.

35 (5) Provide for removal of garbage, rubbish, and other waste from
36 the mobile home park.

37 (6) Furnish outlets for electric, water and sewer services and
38 provide to such outlets an adequate, safe and sanitary supply of such
39 services.

40 (b) A landlord shall not impose any conditions of rental or oc-
41 cupancy which restrict the tenant in the choice of a seller of fuel,
42 furnishings, goods, services or mobile homes connected with the
43 rental or occupancy of a mobile home space unless such condition

1 is reasonably necessary to protect the health, safety or welfare of
2 mobile home tenants in the park. The landlord may impose reason-
3 able requirements designed to standardize methods of utility con-
4 nection and hookup. If any such conditions are imposed which result
5 in charges for such goods or services, the charges shall not exceed
6 the actual cost incurred in providing the tenant with such goods or
7 services.

8 ~~(c) The landlord and tenant may agree in the rental agreement~~
9 ~~to waive any or all of the requirements of the landlord established~~
10 ~~in subsection (a). Such rental agreement shall state specifically which~~
11 ~~services the tenant will be providing and which services will remain~~
12 ~~a duty of the landlord.~~

13 Sec. 3. K.S.A. 1992 Supp. 58-25,107 and 58-25,111 are hereby
14 repealed.

15 Sec. 4. This act shall take effect and be in force from and after
16 its publication in the statute book.

writing that the tenant is to perform the
landlord's duties specified in subsection (a)(5)
and (6) and also specified repairs, maintenance
tasks, alterations or remodeling, but only if the
transaction is entered into in good faith and not
for the purpose of evading the obligations of the
landlord.

(d) The landlord and tenant may agree that
the tenant is to perform specified repairs,
maintenance tasks, alterations or remodeling only
if:

(1) The agreement of the parties is entered
into in good faith, and not to evade the
obligations of the landlord, and is set forth in a
separate written agreement signed by the parties
and supported by adequate consideration;

(2) the work is not necessary to cure
noncompliance with subsection (a)(1); and

(3) the agreement does not diminish or affect
the obligation of the landlord to other tenants