

Approved: June 22, 2012
(Date)

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The Chairman called the meeting to order at 9:35 a.m. on March 13, 2012, in Room 548-S of the Capitol.

All members were present.

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes
Katherine McBride, Office of the Revisor of Statutes
Lauren Douglass, Kansas Legislative Research Department
Bob Allison-Gallimore, Kansas Legislative Research Department
Theresa Kiernan, Committee Assistant

Conferees Appearing before the Committee:

Representative Marc Rhoades
Pam Scott, Executive Director, Kansas Funeral Directors Assn.
Bud Burke, Issues Management Group, Inc.
Ed Klumpp, KSA, KACP and KPOA
Todd G. Thompson, Leavenworth County Attorney
Christopher Masoner, American Cancer Society
James Hicks, Kansas Self Storage Owners Assn.

Others in Attendance:

See Attached List

The Chairman opened the hearings on **HB 2121–Relating to the coroner’s permit to cremate.**

Mr. Thompson reviewed the bill. He stated the bill would provide for a coroner's permit to cremate to be authorized by the coroner of the jurisdiction in Kansas in which the death occurs. It also would allow the coroner to transfer jurisdiction to another, in or out of the state, if the coroners of both jurisdictions agree, in writing. If the transfer occurs, the authority to cremate would follow and be limited to the new jurisdiction. The bill would allow the coroner of a Kansas jurisdiction to authorize cremation when the death occurs out of state and cremation of the body is intended to take place in such Kansas jurisdiction.

Representative Marc Rhoades testified in support of **HB 2121**. He stated the bill would require the coroner with jurisdiction in the location of the death to give written approval to the transport of a body to another jurisdiction. (Attachment 1).

Dr. Donald V. Pojman, M.D. submitted written testimony in support of **HB 2121**. (Attachment 2).

Senator Vratil expressed concern with the language in the bill relating to the “location of cause of death” and

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suggested the phrase be re-worded to state “location of the events that caused the death” or to otherwise clarify the language.

Pam Scott testified in opposition to **HB 2121**. She stated her main concern with the bill is the impact it will have on deaths which occur outside the state of Kansas where the body is brought back to Kansas for cremation. Unreasonable delays in obtaining a permit create a hardship on families. (Attachment 3).

The Chairman closed the hearings on **HB 2121**.

The Chairman opened the hearings on **HB 2470–Relating to scrap metal dealers; unlawful acts; fees**.

Mr. Thompson reviewed the bill. He stated the bill is a follow-up to the scrap metal bill passed last year and would remove non-sheathed wire or cable from the list of items dealers are prohibited from buying without obtaining proof of authorization to sell. The bill also would clarify dealer registration fees.

Bud Burke testified in support of **HB 2470**. He stated the bill would correct an inadvertent error in the bill passed last year. (Attachment 4).

Ed Klumpp testified in support of **HB 2470**. He stated the bill would address an issue resulting from an Attorney General Opinion concerning the fee paid at the time of renewal of registration. (Attachment 5).

Representative Ed Trimmer submitted written testimony in support of **HB 2470**. (Attachment 6).

The Chairman closed the hearings on **HB 2470**.

The Chairman opened the hearings on **HB 2324–Making it unlawful to furnish electronic cigarettes to people under 18 years of age**.

Mr. Thompson reviewed the bill. He stated the bill would make it unlawful to sell, furnish, or distribute electronic cigarettes to any person under 18 years of age and, with some exceptions, to sell electronic cigarettes by means of a vending machine in any establishment open to minors or a self-service display in any establishment. The bill also would make it unlawful for any person who is under 18 to purchase, attempt to purchase, possess, or attempt to possess electronic cigarettes. The bill would require a retail dealer to add electronic cigarettes to the sign explaining cigarettes and tobacco products cannot be sold to minors.

Todd G. Thompson testified in support of **HB 2324**. He stated the bill is an effort to protect the health of the children of Kansas. He said electronic cigarettes contain nicotine and could have cancer causing agents. (Attachment 7).

Christopher Masoner testified in support of **HB 2324**. He stated the biggest concern with electronic cigarettes is that they will provide an attractive way to introduce young people to a potentially life-long

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addiction to nicotine. (Attachment 8).

Written testimony in support of **HB 2324** was submitted by Mary Jane Hellebust. (Attachment 9).

The Chairman closed the hearings on **HB 2324**.

The Chairman opened the hearings on **HB 2647 – Relating to the self-service storage act**.

Mr. Thompson reviewed the bill. He stated the bill would amend provisions regarding sale of stored property when the occupant is in default. The bill would require the operator to notify the occupant by e-mail, if available, in addition to current requirement of notice by first-class mail. The bill also would remove the requirement that the sale be advertised in a classified section of a newspaper and gives the operator the option of advertising the sale either in a newspaper of general circulation or in any other commercially reasonable manner that results in the attendance of at least three independent bidders at the sale.

James Hicks testified in support of **HB 2647**. He requested the Committee to consider passing the bill in its original form, without the amendments adopted by the House. (Attachment 10).

The Chairman closed the hearings on **HB 2647**.

Senator King moved, Senator Kelly seconded, that the Committee reconsider its action taken yesterday on **HB 2704–Repealing statutes related to the Topeka correctional facility which are no longer applicable**. Motion adopted.

Senator King moved, Senator Kelly seconded, that **HB 2704** be amended to to include additional statutes that reference the role of the Topeka Correctional Facility at the reception and diagnostic facility. Motion adopted.

Senator King moved, Senator Kelly seconded, that **HB 2704** be passed, as amended. Motion adopted.

Senator Donovan moved, Senator Haley seconded, that **HB 2470** be passed. Motion adopted.

The next meeting is scheduled for March 14, 2012.

The meeting was adjourned at 10:30 a.m.