

H B

345

STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

HHESS	2-2-88	8:30 a.m.
HHESS	2-4-88	8:30 a.m.

HOUSE COMMITTEE REPORT

(7)

Date referred: 1/11/88

FURTHER REFERRALS: Finance

DATE: 2-4-88

The Health, Education and Social Services Committee has considered HB 345

"An Act relating to coroners' inquiries; and providing for an effective date.

RECOMMENDS:

- replace with CS HB 345 (HESS) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Bill E. Jones
John Ellis
Bill Anderson
Mark Anderson
Charles D. Kelley
Steve Rogers

Steve Rogers - No Rec

John Ellis
 Co-Chairman's signature
Steve Rogers



Alaska State Legislature

House of Representatives

Al Adams

Chairman

Committee on Finance

Official Business

DATE: January 29, 1988

TO: Representative Niilo Koponen
Co-Chair, House HESS Committee

Representative Johnny Ellis
Co-Chair, House HESS Committee

FROM: Representative Al Adams, ^{AAA}Chair
House Finance Committee

RE: HB 345, "An ACT relating to coroners' inquests; and
providing for an effective date."

I appreciate the House HESS Committee scheduling this bill so promptly.

The intent of this bill is to allow coroners the discretion in cases where the cause of death is clear, but statutes demand inquest proceedings, to be able to decide not to hold the inquest proceedings.

In particular, situations have arisen in my district in cases of suicide where the preponderance of evidence left no doubt of the cause of death, but coroners were left no discretionary ability. The inquest process put families of the deceased through unnecessary grief and incurred costs to a court system already functioning with a minimum of staff.

Beyond remedying this situation, there is another problem in the state of a lag time between suicidal deaths and that information being obtained by the Bureau of Vital Statistics. This has occurred because of the inquest procedure in these cases delaying information being given to the Bureau. One problem cited in The Daily News series on suicides among Alaska Natives touched on this issue of inaccurate records of suicidal deaths because of this delay.

Attached is a statement from the Alaska Court System supporting this legislation.

My staff person, Martha Stewart, would be willing to attend your committee meeting next week.

WHILE IN SESSION
P.O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-3706

OUT OF SESSION
P.O. Box 333
Kotzebue, Alaska 99752
(907) 442-3320

1024 W. 6th
Anchorage, Alaska 99501
(907) 274-0615

Position Paper

HB 345

For an Act entitled: "An Act relating to coroners' inquests; and providing for an effective date."

This Act amends AS 12.64 to allow the coroner discretion in deciding the need for an inquiry in the case of a death where the deceased is unattended by a physician or when no physician is prepared to execute the certificate of death. It further allows the coroner discretion in deciding the need for a formal inquiry in the case of a death that may have been occasioned by criminal means.

This increased coroner discretion will prevent the time and expense of unwarranted inquiries.

Position

This bill would have no direct impact on the Department of Health and Social Services. The position of the department is neutral.

Recommended by:

Elizabeth Ward
Elizabeth Ward, M.N.
Director
Division of Public Health

Date:

January 19, 1988

Approved by:

Myra M. Munson
Myra M. Munson
Commissioner
Department of Health and
Social Services

Date:

Feb 1, 1988

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to
coroners' inquests;...
Sponsor: Adams and Taylor
Requestor: _____

Agency Affected: Health & Social Services
BRU: State Health Services
Components: EMS Certification and
Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The enactment of HB 345 would have no direct fiscal impact on the Department of Health and Social Services.

Prepared by: Elizabeth Ward, Director *Elizabeth Ward* Phone: 465-3090
Division: Public Health Date: 1-19-88

Approved by Commissioner: Myra M. Mueser Date: Feb 1, 1988
Agency: Department of Health & Social Services

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Alaska Court System
State of Alaska
OFFICE OF ADMINISTRATIVE DIRECTOR

JANALEE R. STRANDBERG
Staff Counsel

303 K Street
Anchorage, AK 99501
(907) 264-8228

January 21, 1988

Representative Albert P. Adams
Alaska State Legislature
P. O. Box V
Juneau, AK 99811

Re: Act relating to coroners' inquests

Dear Representative Adams:

Thank you for this opportunity to comment on proposed legislation which would give coroners/public administrators the discretion to hold inquests in certain cases involving death by criminal means or suicide. The court system favors the concept of giving coroners/public administrators and magistrates discretion to dispense with inquests in these kinds of cases. We believe that guidance for the exercise of this discretion as well as a review process can be effected by court rule.

We also have two technical comments about this legislation. First, in section one, line 21, the change of the word "shall" to "may" could be interpreted to allow a coroner to dispense with an inquest even when the findings and information warrant an inquest. Because the discretionary nature of the inquest is clarified in the changes in section two, the present use of the word "shall" should be sufficient. Second, in section two, at lines 5 and 6, the phrase "unless the death is or will be inquired into by the grand jury, in which case an inquest by jury under this section is not required" should be deleted because the coroner is being given the discretion to hold inquests in these cases.

I would be happy to discuss this bill further with you or answer any questions you have.

Sincerely,

Janalee R. Strandberg
Janalee R. Strandberg
Staff Counsel

JRS:bh

1/29/88-7