

# HOUSE BILL REPORT

## HB 2398

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**As Passed House:**

February 7, 1996

**Title:** An act relating to the appointment of a medical examiner in more populous counties.

**Brief Description:** Allowing appointment of a medical examiner in more populous counties.

**Sponsors:** Representatives Sterk, Ogden, Boldt, Brown and Dellwo.

**Brief History:**

**Committee Activity:**

Government Operations: 2/2/96 [DP].

**Floor Activity:**

Passed House: 2/7/96, 97-0.

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### HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

**Majority Report:** Do pass. Signed by 15 members: Representatives Reams, Chairman; Cairnes, Vice Chairman; Goldsmith, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Conway; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; Scheuerman; D. Schmidt; Van Luven and Wolfe.

**Staff:** Steve Lundin (786-7127).

**Background:** Article XI, Section 5, of the state constitution, requires the Legislature to enact general and uniform laws providing for the election of a board of county commissioners, sheriff, county clerk, treasurer, prosecuting attorney, and such other offices as public convenience may require, in each county that does not operate under a county "Home Rule" charter. However, the Legislature may classify counties by population and in counties of a designated class provide for elected officers to exercise powers and perform duties of two or more offices.

Besides the county elective offices listed in the constitution, the Legislature has enacted legislation providing for the election an auditor, assessor, and coroner, in each county that does not operate under a county charter. However, in a county with

a population of less than 40,000, the separate office of coroner does not exist and the prosecuting attorney also acts as the ex-officio coroner, except that

- In a county that increases in population to 40,000 or more, the new elective office of coroner is not filled until the next election when the prosecuting attorney is elected; and
- In a county with a population of 40,000 or more that loses population below 40,000, the coroner remains in office for the remainder of his or her term of office, and a coroner is not elected when the office otherwise would have been elected, unless the county legislative authority adopts an ordinance retaining the office of coroner as a separate elective office.

Since prior to statehood, a board of county commissioners has been required to consist of three members. However, legislation was enacted in 1990 that does not combine county elective offices, but allows a county with a population of 300,000 or more to submit a ballot proposition to voters authorizing a five-member board of county commissioners, instead of the normal three members. No county has expanded the size of its board of county commissioners under the 1990 legislation.

The six largest counties in the state are (1) King County, with a population of 1,613,600; (2) Pierce County, with a population of 660,200; (3) Snohomish County, with a population of 525,600; (4) Spokane County, with a population of 401,200; (5) Clark County, with a population of 291,000; and (6) Kitsap County, with a population of 220,600. King, Pierce, and Snohomish Counties operate under county "Home Rule" charters.

**Summary of Bill:** A county with a population of 250,000 or more may adopt a system under which a medical examiner is appointed to replace an elected coroner, if voters of the county approve a ballot proposition authorizing the change. No provision is made to combine the office of coroner with another county office.

At least 30 days prior to the first day of filing for county elective office, the county legislative authority may submit a ballot proposition to voters authorizing the appointment of a medical examiner in lieu of electing a coroner. The ballot proposition is submitted to voters at the next special election that is 45 or more days after the action was taken. If voters approve the appointment of a medical examiner, no election is held for the position of coroner, and the coroner's position is abolished following the expiration of the coroner's term of office or upon vacating of the office of coroner. Presumably, if a person were nominated for the office of coroner at that same election when the ballot proposition was approved, the ballot at the general election would not include the nominees for the office of coroner.

A person appointed as medical examiner must be certified as a forensic pathologist by the American Board of Pathology or be a qualified physician eligible to take the American Board of Pathology exam within one year of being appointed. A physician specializing in pathology who is appointed to the position of medical examiner who is not certified as a forensic pathologist must pass the pathology exam within three years of being appointed.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Many groups support this legislation. This will reduce costs and improve services.

**Testimony Against:** None.

**Testified:** W. P. Weschler, Washington State Medical Association; and Cliff Nelson, Clark County coroner's office.