

HOUSE BILL REPORT

2SSB 5082

As Reported By House Committee On:

Law & Justice

Title: An act relating to death investigations systems.

Brief Description: Providing for death investigations systems.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Haugen, Owen and Loveland).

Brief History:

Committee Activity:

Law & Justice: 3/31/95 [DPA].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended. Signed by 16 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Smith; Thibaudeau and Veloria.

Staff: Bill Perry (786-7123).

Background: The county coroner or medical examiner is charged with determining the cause of death when a person dies under suspicious or unnatural circumstances, or dies while unattended by a physician. The state has a mixed system of coroners and medical examiners. Four home rule counties have appointed medical examiners who are certified forensic pathologists. In counties with populations of 40,000 or less, the county prosecutor acts as the coroner. In the remaining counties, there is an elected coroner.

In 1983, the Legislature created the Washington State Death Investigations Council to oversee the state toxicology laboratory. The council consists of nine members appointed by the Governor and includes a coroner, prosecutor, prosecutor who serves as a coroner, medical examiner, sheriff, chief of police, State Patrol representative, county legislative authority representative, and a pathologist.

The Legislature also established the death investigations account to fund various activities associated with death investigations. This account is funded by \$3 from the fee charged for copies of vital records, such as birth and death certificates. The toxicology lab is funded in part by 1.75 percent of class H liquor license fees, or \$150,000 from such fees, per biennium, whichever is more. (The University of Washington receives 5.95 percent, and Washington State University receives 3.97 percent, of the revenue from these license fees for alcoholism research, and the Department of Social and Health Services [DSHS] receives the remainder for alcoholism treatment.) In addition, in 1993, the Legislature provided for funding of the lab by a part of a \$125 fee imposed on those convicted of driving under the influence (DUI) and other alcohol-related driving offenses. That \$125 fee is scheduled to expire June 30, 1995.

The council submits its own budget request, but the budget for the state toxicology lab is submitted by the University of Washington, even though funding for the lab by the Legislature is not part of the university's budget. The president of the university appoints the state toxicologist, with the consent of the council, to a one-year term with unlimited reappointments possible.

In 1994, the Legislature directed the council to prepare a plan for billing clients to cover a projected deficit in its funding for the next biennium. The council has submitted a report that recommends not adopting this approach to funding. The report recommends increasing funding through increases in the fees for copies of vital records, through increases in the portion of class H liquor licenses that goes to the council, and through extension and reapportioning of the \$125 fee on alcohol-related driving convictions.

Summary of Amended Bill: The split of the \$125 fee on alcohol-related driving convictions is changed, and the expiration date for the fee is removed. The uses to which the state patrol's share of the fee may be put are expanded to include grants and activities related to DUI reduction. Until July 1, 1997, the death investigations account and the state patrol highway account will split their share of the fee equally. After that date, the death investigations account will receive 15 percent and the state patrol highway account 85 percent.

The amount from class H liquor license fees to fund the state toxicology laboratory operations is set at \$300,000 per biennium. Fee revenue above this amount is split as follows: 6.06 percent to the University of Washington and 4.04 percent to Washington State University for alcoholism research; and 89.9 percent to DSHS for treatment for alcoholism, intoxication, and drug addiction.

Any additional funding for the state toxicology laboratory must be appropriated from the death investigations account.

The Death Investigations Council appoints the state toxicologist for an indefinite term, sets the salary of the state toxicologist, and submits the budget for the state toxicology laboratory to the Governor.

Amended Bill Compared to Second Substitute Bill: The amended bill expands the uses to which the state patrol's share of the DUI fee may be used. It also provides for the 50 percent - 50 percent split of a portion of the fee until July 1, 1997. The amendment removes a proposed \$2 fee increase for copies of vital records.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: Section 7 regarding extending the \$125 fee for driving offense convictions takes effect immediately. The remainder of the bill takes effect ninety days after adjournment of session in which bill is passed.

Testimony For: The bill will allow continued statewide services to local law enforcement to accommodate an increasing demand for death investigations and drug analysis.

Testimony Against: None.

Testified: Barry Logan, State Toxicologist, State Toxicology Laboratory (pro); Tom McBride, Washington Association of Prosecuting Attorneys (pro); Donald Reay, King County Medical Examiner and Chair, Death Investigations Council (pro); Bob Leichner, Washington State Patrol (pro); and Steve Lind, Washington Traffic Safety Commission.