

SENATE BILL REPORT

SB 5082

As Reported By Senate Committee On:
Law & Justice, January 26, 1995
Ways & Means, February 16, 1995

Title: An act relating to death investigations systems.

Brief Description: Providing for death investigations systems.

Sponsors: Senators Haugen, Owen and Loveland.

Brief History:

Committee Activity: Law & Justice: 1/17/95, 1/26/95 [DPS-WM].
Ways & Means: 2/15/95, 2/16/95 [DP2S].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5082 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Rinehart, Roach and Schow.

Staff: Martin Lovinger (786-7443)

Background: The state of Washington has a mixed death investigations system consisting of elected partisan county coroners, county prosecutors who serve as coroners in counties with fewer than 40,000 people, and four home-rule counties with appointed medical examiners who are certified forensic pathologists. The resources available also vary from county to county.

In 1983, the Legislature created the Death Investigations Council (council) to oversee and ensure the high and uniform quality of the death investigations systems of this state. The council oversees the state Toxicology Laboratory and the state forensic pathology specialist program in conjunction with the University of Washington (UW). In addition, it studies death investigations systems for possible improvements, and develops training programs for first responders, medical examiners, prosecutors and law enforcement personnel dealing with sudden, unexplained childhood death.

In 1983, the Legislature also established the death investigations account to help fund various activities associated with death investigations in order to ensure that state and local institutions are efficient, high quality and uniform. This account is funded by a \$3 portion of the fee charged for certified copies of vital records. In addition, the state Toxicology Laboratory is funded in part by 1.75 percent of class H liquor license fees, but no less than \$150,000 per biennium, and a portion of the assessment of \$125 on those convicted of a serious alcohol-related driving offense. The \$125 assessment was established by the Legislature in 1993 and is scheduled to expire June 30, 1995.

The council submits its budget directly to the Governor, but the budget for the state Toxicology Laboratory is included in the UW budget submittal, even though it receives no funding from the UW. In addition, the president of UW appoints the State Toxicologist with the consent of the council to a one-year term. The State Toxicologist may be reappointed to an unlimited number of one-year terms.

Since the death investigations account was established, the duties for those performing death investigations have expanded as a result of sophisticated investigatory methods, new technology, and a growing population. The increased responsibilities have not been matched by the natural increase in funding sources or by the \$125 assessment on alcohol-related driving offenses which is scheduled to expire this year. There is a predicted shortfall of over \$600,000 for the 1995-1997 biennium.

In 1994, the Legislature directed the council to prepare a plan for billing clients of the state Toxicology Laboratory in an amount sufficient to cover the projected deficit for 1995-1997. The council recommends abandoning this approach because it believes the current system works and the proposed change will adversely affect the efficiency, quality, and uniformity of services.

Summary of Substitute Bill: The fee for certified copies of birth and death certificates and other vital records is raised from \$11 to \$13, with the portion for the death investigations account being raised from \$3 to \$5.

Fifteen percent of the money forwarded to the State Treasurer from the assessment on drivers convicted of alcohol-related driving offenses is used to fund the state Toxicology Laboratory. The 1995 expiration date for this section of the law is repealed.

The amount of class H liquor license fees to fund the state Toxicology Laboratory operations is set at \$300,000 per biennium and the funds are to be deposited in the death investigations account.

The Death Investigations Council is given responsibility for funding the state Toxicology Laboratory from the death investigations account, to appoint the State Toxicologist for an indefinite term, set the salary of the State Toxicologist, and submit the budget for the state Toxicology Laboratory to the Governor.

Substitute Bill Compared to Original Bill: The original bill was not considered.

Appropriation: None.

Fiscal Note: Available.

Effective Date: There is an emergency clause for section 7 which takes effect immediately. All other sections become effective 90 days after adjournment of session in which bill is passed.

Testimony For: The Death Investigation Council has done a great deal to help local jurisdictions and has improved the quality of death investigations throughout the state. Death investigations systems are important in criminal matters, pensions, prevention of untimely

deaths, consumer safety, epidemiology and insurance matters. The state Toxicology Laboratory supports the work of medical examiners and coroners. The work of the state Toxicology Laboratory is very important in criminal investigations especially in time of guns and rampant violence. This bill will provide adequate funding for the Death Investigations Council and funding for better equipment for the state Toxicology Laboratory.

Testimony Against: None.

Testified: PRO: Dr. Donald Reay, King County Medical Examiner and Death Investigations Council Chair; Dr. Barry Logan, State Toxicologist; Diane Oberquell, Thurston County Commissioner; Mike Vandiver, Tumwater Police Chief; Judy Arnold, Thurston County Coroner; Debbie Wilke, WACO; James Noel, Washington State Funeral Directors Association.

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5082 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Drew, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, Moyer, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West and Winsley.

Staff: Linda Brownell (786-7913)

Second Substitute Bill Compared to Substitute Bill: The class H liquor licenses fees are to be deposited to the University of Washington, rather than the death investigations account, for the Toxicology Laboratory operations. A technical adjustment was made to statutory language clarifying that the Toxicology Laboratory is not located at the University of Washington Medical School, but was created in conjunction with the school.

Testimony For: The Toxicology Laboratory develops training materials, helps identify when a person died of natural causes or homicide, works to identify drug tampering, sudden infant death syndrome, and provides a final answer for families. The system works well and the Association of County Officials have stated this as a legislative priority for this session.

Testimony Against: None.

Testified: PRO: Dr. Barry Logan, State Toxicologist, State Toxicology Lab; Judy Arnold, Thurston County Coroner; Debbie Wilke, Washington Association of County Officials; Ken Stark, DSHS-DASA.