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**SUBSTITUTE SENATE BILL 5082**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** Senate Committee on Law & Justice (originally sponsored by Senators Haugen, Owen and Loveland)

Read first time 01/30/95.

1 AN ACT Relating to death investigations systems; amending RCW  
2 46.61.5054, 43.103.030, 43.103.090, 66.08.180, 68.50.107, and  
3 70.58.107; repealing 1994 c 275 s 44 (uncodified); and declaring an  
4 emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 46.61.5054 and 1994 c 275 s 7 are each amended to read  
7 as follows:

8 (1)(a) In addition to penalties set forth in RCW 46.61.5051 through  
9 46.61.5053, a one hundred twenty-five dollar fee shall be assessed to  
10 a person who is either convicted, sentenced to a lesser charge, or  
11 given deferred prosecution, as a result of an arrest for violating RCW  
12 46.61.502, 46.61.504, 46.61.520, or 46.61.522. This fee is for the  
13 purpose of funding the Washington state toxicology laboratory and the  
14 Washington state patrol breath test program.

15 (b) Upon a verified petition by the person assessed the fee, the  
16 court may suspend payment of all or part of the fee if it finds that  
17 the person does not have the ability to pay.

18 (c) When a minor has been adjudicated a juvenile offender for an  
19 offense which, if committed by an adult, would constitute a violation

1 of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, the court shall  
2 assess the one hundred twenty-five dollar fee under (a) of this  
3 subsection. Upon a verified petition by a minor assessed the fee, the  
4 court may suspend payment of all or part of the fee if it finds that  
5 the minor does not have the ability to pay the fee.

6 (2) The fee assessed under subsection (1) of this section shall be  
7 collected by the clerk of the court and distributed as follows:

8 (a) Forty percent shall be subject to distribution under RCW  
9 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, or 10.82.070.

10 (b) (~~If the case involves a blood test by the state toxicology~~  
11 ~~laboratory,~~) The remainder of the fee shall be forwarded to the state  
12 treasurer (~~for~~) who shall deposit: Fifteen percent in the death  
13 investigations account to be used solely for funding the state  
14 toxicology laboratory blood or breath testing programs(~~(-~~

15 ~~(c) Otherwise, the remainder of the fee shall be forwarded to the~~  
16 ~~state treasurer for deposit)); and eighty-five percent in the state  
17 patrol highway account to be used solely for funding the Washington  
18 state patrol breath test program.~~

19 **Sec. 2.** RCW 43.103.030 and 1991 c 176 s 2 are each amended to read  
20 as follows:

21 There is created the Washington state death investigations council.  
22 The council shall oversee the state toxicology laboratory and, together  
23 with the president of the University of Washington or the president's  
24 designee, control the laboratory's operation. The council may also  
25 study and recommend cost-efficient improvements to the death  
26 investigation system in Washington and report its findings to the  
27 legislature.

28 Further, the council shall, jointly with the chairperson of the  
29 pathology department of the University of Washington's School of  
30 Medicine, or the chairperson's designee, oversee the state forensic  
31 pathology fellowship program, determine the budget for the program and  
32 set the fellow's annual salary, and take those steps necessary to  
33 administer the program.

34 **Sec. 3.** RCW 43.103.090 and 1983 1st ex.s. c 16 s 9 are each  
35 amended to read as follows:

36 The council has the following powers:

1 (1) To meet at such times and places as may be designated by a  
2 majority vote of the council members or, if a majority cannot agree, by  
3 the chairman;

4 (2) To adopt rules governing the council and the conduct of its  
5 meetings;

6 (3) To require reports from the state toxicologist on matters  
7 pertaining to the toxicology laboratory;

8 (4) To review and, if necessary, require changes in the budget  
9 request of the toxicology laboratory((~~+~~)). and submit the budget  
10 request to the office of financial management for inclusion in the  
11 governor's budget documents under RCW 43.88.030;

12 (5) To do anything, necessary or convenient, which enables the  
13 council to perform its duties and to exercise its powers;

14 (6) To appoint a toxicologist as state toxicologist to serve at the  
15 pleasure of the council; and

16 (7) To set the salary for the state toxicologist.

17 **Sec. 4.** RCW 66.08.180 and 1987 c 458 s 10 are each amended to read  
18 as follows:

19 Moneys in the liquor revolving fund shall be distributed by the  
20 board at least once every three months in accordance with RCW  
21 66.08.190, 66.08.200 and 66.08.210: PROVIDED, That the board shall  
22 reserve from distribution such amount not exceeding five hundred  
23 thousand dollars as may be necessary for the proper administration of  
24 this title(~~(: AND PROVIDED FURTHER, That))~~).

25 (1) All license fees, penalties and forfeitures derived under this  
26 act from class H licenses or class H licensees shall every three months  
27 be disbursed by the board as follows:

28 ~~((1) 5.95 percent to the University of Washington and 3.97 percent~~  
29 ~~to Washington State University for alcoholism and drug abuse research~~  
30 ~~and for the dissemination of such research;~~

31 ~~(2) 1.75 percent, but in no event less than one)) (a) Three hundred~~  
32 ~~((fifty)) thousand dollars per biennium, to the ((University of~~  
33 ~~Washington)) death investigations account for the death investigations~~  
34 council to conduct the state toxicological laboratory pursuant to RCW  
35 ~~((68.08.107)) 68.50.107; and~~

36 ~~((3) 88.33)) (b) Of the remaining funds:~~

1 (i) 6.06 percent to the University of Washington and 4.04 percent  
2 to Washington State University for alcoholism and drug abuse research  
3 and for the dissemination of such research; and

4 (ii) 89.9 percent to the general fund to be used by the department  
5 of social and health services solely to carry out the purposes of RCW  
6 ((70.96.085, as now or hereafter amended)) 70.96A.050;

7 ~~((4))~~ (2) The first fifty-five dollars per license fee provided  
8 in RCW 66.24.320 and 66.24.330 up to a maximum of one hundred fifty  
9 thousand dollars annually shall be disbursed every three months by the  
10 board to the general fund to be used for juvenile alcohol and drug  
11 prevention programs for kindergarten through third grade to be  
12 administered by the superintendent of public instruction;

13 ~~((5))~~ (3) Twenty percent of the remaining total amount derived  
14 from license fees pursuant to RCW 66.24.320, 66.24.330, 66.24.340,  
15 66.24.350, 66.24.360, and 66.24.370, shall be transferred to the  
16 general fund to be used by the department of social and health services  
17 solely to carry out the purposes of RCW ~~((70.96.085))~~ 70.96A.050; and

18 ~~((6))~~ (4) One-fourth cent per liter of the tax imposed by RCW  
19 66.24.210 shall every three months be disbursed by the board to  
20 Washington State University solely for wine and wine grape research,  
21 extension programs related to wine and wine grape research, and  
22 resident instruction in both wine grape production and the processing  
23 aspects of the wine industry in accordance with RCW 28B.30.068. The  
24 director of financial management shall prescribe suitable accounting  
25 procedures to ensure that the funds transferred to the general fund to  
26 be used by the department of social and health services and  
27 appropriated are separately accounted for.

28 **Sec. 5.** RCW 68.50.107 and 1986 c 87 s 2 are each amended to read  
29 as follows:

30 There shall be established at the University of Washington Medical  
31 School under the authority of the state death investigations council a  
32 state toxicological laboratory under the direction of the state  
33 toxicologist whose duty it will be to perform all necessary toxicologic  
34 procedures requested by all coroners, medical examiners, and  
35 prosecuting attorneys. ~~((Annually the president of the University of~~  
36 ~~Washington, with the consent of the state death investigations~~  
37 ~~council,))~~ The state death investigations council shall appoint a  
38 ~~((competent))~~ toxicologist as state toxicologist ~~((who shall serve a~~

1 one year term. The state toxicologist may be reappointed to as many  
2 additional one year terms as the president of the university and the  
3 death investigations council deem proper. The facilities of the police  
4 school of the Washington State University and the services of its  
5 professional staff shall be made available to coroners, medical  
6 examiners, and prosecuting attorneys in their investigations under this  
7 chapter. This)). The laboratory shall be funded by disbursement from  
8 the class H license fees as provided in RCW 66.08.180 and by  
9 appropriation from the death investigations account as provided in RCW  
10 43.79.445.

11 **Sec. 6.** RCW 70.58.107 and 1991 c 3 s 343 are each amended to read  
12 as follows:

13 The department of health shall charge a fee of ((eleven)) thirteen  
14 dollars for certified copies of records and for copies or information  
15 provided for research, statistical, or administrative purposes, and  
16 eight dollars for a search of the files or records when no copy is  
17 made. The department shall prescribe by regulation fees to be paid for  
18 preparing sealed files and for opening sealed files.

19 No fee may be demanded or required for furnishing certified copies  
20 of a birth, death, fetal death, marriage, divorce, annulment, or legal  
21 separation record for use in connection with a claim for compensation  
22 or pension pending before the veterans administration.

23 The department shall keep a true and correct account of all fees  
24 received and turn the fees over to the state treasurer on a weekly  
25 basis.

26 Local registrars shall charge the same fees as the state as  
27 hereinabove provided and as prescribed by department regulation, except  
28 that local registrars shall charge ((eleven)) thirteen dollars for the  
29 first copy of a death certificate and ((six)) eight dollars for each  
30 additional copy of the same death certificate when the additional  
31 copies are ordered at the same time as the first copy. All such fees  
32 collected, except for ((three)) five dollars of each fee for the  
33 issuance of a certified copy, shall be paid to the jurisdictional  
34 health department.

35 All local registrars in cities and counties shall keep a true and  
36 correct account of all fees received under this section for the  
37 issuance of certified copies and shall turn ((three)) five dollars of

1 the fee over to the state treasurer on or before the first day of  
2 January, April, July, and October.

3 ((Three)) Five dollars of each fee imposed for the issuance of  
4 certified copies, except for copies suitable for display issued under  
5 RCW 70.58.085, at both the state and local levels shall be held by the  
6 state treasurer in the death investigations account established by RCW  
7 43.79.445.

8 NEW SECTION. **Sec. 7.** 1994 c 275 s 44 (uncodified) is repealed.

9 NEW SECTION. **Sec. 8.** Section 7 of this act is necessary for the  
10 immediate preservation of the public peace, health, or safety, or  
11 support of the state government and its existing public institutions,  
12 and shall take effect immediately.

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