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HOUSE BILL 1560

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State of Washington

56th Legislature

1999 Regular Session

By Representatives McMorris, Scott, Ballasiotes, Mitchell, Romero, Dickerson, McDonald, Poulsen, Bush, Constantine, Fortunato and Murray; by request of Forensic Investigation Council

Read first time 01/28/1999. Referred to Committee on State Government.

1 AN ACT Relating to the state toxicology laboratory; amending RCW  
2 43.103.010, 43.103.020, 43.103.030, 43.103.090, 43.43.670, and  
3 68.50.107; reenacting and amending RCW 66.08.180; and creating a new  
4 section.

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

6 NEW SECTION. **Sec. 1.** (1) All powers, duties, and functions of  
7 the state toxicology laboratory are transferred to the bureau of  
8 forensic laboratory services of the Washington state patrol.

9 (2)(a) All reports, documents, surveys, books, records, files,  
10 papers, or written material in the possession of either the state  
11 toxicology laboratory or the state toxicologist pertaining to the  
12 powers, functions, and duties transferred shall be delivered to the  
13 custody of the Washington state patrol. All cabinets, furniture,  
14 office equipment, motor vehicles, and other tangible property employed  
15 by the state toxicology laboratory or the state toxicologist in  
16 carrying out the powers, functions, and duties transferred shall be  
17 delivered into the custody of the Washington state patrol. All funds,  
18 credits, or other assets held in connection with the powers, functions,

1 and duties transferred shall be assigned to the Washington state  
2 patrol.

3 (b) Any appropriations made to the state toxicology laboratory or  
4 the state toxicologist for carrying out the powers, functions, and  
5 duties transferred shall, on the effective date of this section, be  
6 transferred and credited to the Washington state patrol to carry out  
7 the responsibilities of the bureau of forensic laboratory services  
8 under RCW 43.43.670.

9 (c) Whenever any question arises as to the transfer of any  
10 personnel, funds, books, documents, records, papers, files, equipment,  
11 or other tangible property used or held in the exercise of the powers  
12 and the performance of the duties and functions transferred, the  
13 director of financial management shall make a determination as to the  
14 proper allocation and shall certify that determination to the state  
15 agencies concerned.

16 (3) All employees of the state toxicology laboratory engaged in  
17 performing the powers, functions, and duties of the state toxicology  
18 laboratory are transferred to the jurisdiction of the Washington state  
19 patrol. All employees classified under chapter 41.06 RCW, the state  
20 civil service law, are assigned to the Washington state patrol to  
21 perform their usual duties upon the same terms as formerly for the  
22 state toxicology laboratory, without any loss of rights, subject to any  
23 action that may be appropriate thereafter in accordance with the laws  
24 and rules governing state civil service.

25 (4) All rules and pending business before the state toxicologist  
26 pertaining to the powers, functions, and duties transferred shall be  
27 continued and acted upon by the Washington state patrol. All existing  
28 contracts and obligations shall remain in full force and shall be  
29 performed by the Washington state patrol.

30 (5) The transfer of the powers, duties, functions, and personnel of  
31 the state toxicology laboratory shall not affect the validity of any  
32 act performed before the effective date of this section.

33 (6) If the apportionments of budgeted funds are required because of  
34 the transfers directed by this section, the director of financial  
35 management shall certify the apportionments to the agencies affected,  
36 the state auditor, and the state treasurer. Each shall make the  
37 appropriate transfer and adjustments in funds and appropriation  
38 accounts and equipment records in accordance with the certification.

1 (7) Nothing contained in this section may be construed to alter any  
2 existing collective bargaining unit or the provisions of any existing  
3 collective bargaining agreement until the agreement has expired or  
4 until the bargaining unit has been modified by action of the personnel  
5 board as provided by law.

6 **Sec. 2.** RCW 43.103.010 and 1995 c 398 s 2 are each amended to read  
7 as follows:

8 The purposes of this act are declared by the legislature to be as  
9 follows:

10 (1) To preserve and enhance the state crime laboratory and state  
11 toxicology laboratory, which ~~((is an))~~ are essential parts of the  
12 criminal justice and death investigation systems in the state of  
13 Washington;

14 (2) To fund the death investigation system and to make related  
15 state and local institutions more efficient;

16 ~~(3) ((To preserve and enhance the state toxicology laboratory which  
17 is an essential part of the criminal justice and death investigation  
18 systems in the state of Washington;~~

19 ~~(4))~~ (4)) To provide resources necessary for the performance, by  
20 qualified pathologists, of autopsies which are also essential to the  
21 criminal justice and death investigation systems of this state and its  
22 counties;

23 ~~((+5))~~ (4) To improve the performance of death investigations and  
24 the criminal justice system through the formal training of county  
25 coroners and county medical examiners;

26 ~~((+6))~~ (5) To establish and maintain a dental identification  
27 system; and

28 ~~((+7))~~ (6) To provide flexibility so that any county may establish  
29 a county morgue when it serves the public interest.

30 **Sec. 3.** RCW 43.103.020 and 1995 c 398 s 3 are each amended to read  
31 as follows:

32 As used in this chapter, the following terms have the meanings  
33 indicated unless the context clearly requires otherwise.

34 (1) "Council" means the Washington state forensic investigations  
35 council.

1 (2) "Crime laboratory" means the Washington state patrol crime  
2 laboratory system created in RCW 43.43.670 and under the bureau of  
3 forensic laboratory services of the Washington state patrol.

4 (3) "State toxicology laboratory" means the Washington state  
5 toxicology laboratory and under the bureau of forensic laboratory  
6 services of the Washington state patrol.

7 **Sec. 4.** RCW 43.103.030 and 1995 c 398 s 4 are each amended to read  
8 as follows:

9 There is created the Washington state forensic investigations  
10 council. The council shall oversee the ~~((state toxicology))~~ bureau of  
11 forensic laboratory services and, ~~((together))~~ in consultation with the  
12 ~~((president))~~ chief of the ~~((University of))~~ Washington state patrol or  
13 the ~~((president's))~~ chief's designee, control the ~~((laboratory's))~~  
14 operation and establish policies of the bureau of forensic laboratory  
15 services. The council may also study and recommend cost-efficient  
16 improvements to the death investigation system in Washington and report  
17 its findings to the legislature.

18 Further, the council shall, jointly with the chairperson of the  
19 pathology department of the University of Washington's School of  
20 Medicine, or the chairperson's designee, oversee the state forensic  
21 pathology fellowship program, determine the budget for the program and  
22 set the fellow's annual salary, and take those steps necessary to  
23 administer the program.

24 The forensic investigations council shall be actively involved in  
25 the preparation of the ~~((crime))~~ bureau of forensic laboratory ~~((and~~  
26 ~~toxicology laboratory))~~ services budget~~((s))~~ and shall approve the  
27 ~~((crime))~~ bureau of forensic laboratory ~~((and toxicology laboratory))~~  
28 services budget~~((s))~~ prior to ~~((their))~~ its formal submission to the  
29 office of financial management pursuant to RCW 43.88.030.

30 **Sec. 5.** RCW 43.103.090 and 1995 c 398 s 8 are each amended to read  
31 as follows:

32 (1) The council may:

33 ~~((+1))~~ (a) Meet at such times and places as may be designated by  
34 a majority vote of the council members or, if a majority cannot agree,  
35 by the chair;

36 ~~((+2))~~ (b) Adopt rules governing the council and the conduct of  
37 its meetings;

1       ~~((3) Require reports from the state toxicologist on matters~~  
2 ~~pertaining to the toxicology laboratory;~~  
3       (4)) (c) Require reports from the chief of the Washington state  
4 patrol on matters pertaining to the ~~((crime))~~ bureau of forensic  
5 laboratory services;  
6       ~~((5) Be actively involved in the preparation of the crime~~  
7 ~~laboratory and toxicology laboratory budgets and shall approve the~~  
8 ~~crime laboratory and toxicology laboratory budgets prior to their~~  
9 ~~formal submission to the office of financial management pursuant to RCW~~  
10 ~~43.88.030;~~  
11       (6)) (d) Do anything, necessary or convenient, which enables the  
12 council to perform its duties and to exercise its powers; and  
13       ~~((7) Appoint a toxicologist as state toxicologist to serve at the~~  
14 ~~pleasure of the council; and~~  
15       (8)) (e) Be actively involved in the preparation of the bureau of  
16 forensic laboratory services budget and approve the bureau of forensic  
17 laboratory services budget prior to formal submission to the office of  
18 financial management pursuant to RCW 43.88.030.  
19       (2) The council shall:  
20       (a) Prescribe qualifications for the position of director of the  
21 bureau of forensic laboratory services, after consulting with the chief  
22 of the Washington state patrol. The council shall submit to the chief  
23 of the Washington state patrol a list containing the names of up to  
24 three persons who the council believes meet its qualifications to serve  
25 as director of the bureau of forensic laboratory services. Minimum  
26 qualifications for the director of the bureau of forensic laboratory  
27 services must include successful completion of a background  
28 investigation and polygraph examination. If requested by the chief of  
29 the Washington state patrol, the forensic investigations council shall  
30 submit one additional list of up to three persons who the forensic  
31 investigations council believes meet its qualifications. The  
32 appointment must be from one of the lists of persons submitted by the  
33 forensic investigations council, and the director of the bureau of  
34 forensic laboratory services shall report to the office of the chief of  
35 the Washington state patrol;  
36       (b) After consulting with the chief of the Washington state patrol  
37 and the director of the bureau of forensic laboratory services, the  
38 council shall appoint a toxicologist as state toxicologist, who shall  
39 report to the director of the bureau of forensic laboratory services.

1 The appointee shall meet the minimum standards for employment with the  
2 Washington state patrol including successful completion of a background  
3 investigation and polygraph examination;

4 (c) Establish, after consulting with the chief of the Washington  
5 state patrol, the policies, objectives, and priorities of the bureau of  
6 forensic laboratory services, to be implemented and administered within  
7 constraints established by budgeted resources by the director of the  
8 bureau of forensic laboratory services;

9 (d) Set the salary for the director of the bureau of forensic  
10 laboratory services; and

11 (e) Set the salary for the state toxicologist.

12 **Sec. 6.** RCW 43.43.670 and 1995 c 398 s 1 are each amended to read  
13 as follows:

14 (1) There is created in the Washington state patrol a ((crime))  
15 bureau of forensic laboratory services system which is authorized to:

16 ((+1)) (a) Provide laboratory services for the purpose of  
17 analyzing and scientifically handling any physical evidence relating to  
18 any crime.

19 ((+2)) (b) Provide training assistance for local law enforcement  
20 personnel.

21 ((The crime laboratory system shall assign priority to a request  
22 for services with due regard to whether the case involves criminal  
23 activity against persons. The Washington state forensic investigations  
24 council shall assist the crime laboratory system in devising policies  
25 to promote the most efficient use of laboratory resources consistent  
26 with this section. The forensic investigations council shall be  
27 actively involved in the preparation of the crime laboratory budget and  
28 shall approve the crime laboratory budget prior to its formal  
29 submission by the state patrol to the office of financial management  
30 pursuant to RCW 43.88.030.))

31 (c) Provide all necessary toxicology services requested by all  
32 coroners, medical examiners, and prosecuting attorneys.

33 (2) The bureau of forensic laboratory services shall assign  
34 priority to a request for services with due regard to whether the case  
35 involves criminal activity against persons. The Washington state  
36 forensic investigations council shall assist the bureau of forensic  
37 laboratory services in devising policies to promote the most efficient  
38 use of laboratory services consistent with this section. The forensic

1 investigations council shall be actively involved in the preparation of  
2 the bureau of forensic laboratory services budget and shall approve the  
3 bureau of forensic laboratory services budget prior to its formal  
4 submission by the state patrol to the office of financial management  
5 pursuant to RCW 43.88.030.

6 **Sec. 7.** RCW 66.08.180 and 1997 c 451 s 3 and 1997 c 321 s 57 are  
7 each reenacted and amended to read as follows:

8 Except as provided in RCW 66.24.290(1), moneys in the liquor  
9 revolving fund shall be distributed by the board at least once every  
10 three months in accordance with RCW 66.08.190, 66.08.200 and 66.08.210:  
11 PROVIDED, That the board shall reserve from distribution such amount  
12 not exceeding five hundred thousand dollars as may be necessary for the  
13 proper administration of this title.

14 (1) All license fees, penalties and forfeitures derived under this  
15 act from ~~((class H))~~ spirits, beer, and wine restaurant licenses or  
16 ~~((class H))~~ spirits, beer, and wine restaurant licensees shall every  
17 three months be disbursed by the board as follows:

18 (a) Three hundred thousand dollars per biennium, to the  
19 ~~((University of))~~ Washington state patrol for the ~~((forensic~~  
20 ~~investigations council to conduct the))~~ state ~~((toxicological~~  
21 ~~laboratory))~~ toxicology program pursuant to RCW 68.50.107; and

22 (b) Of the remaining funds:

23 (i) 6.06 percent to the University of Washington and 4.04 percent  
24 to Washington State University for alcoholism and drug abuse research  
25 and for the dissemination of such research; and

26 (ii) 89.9 percent to the general fund to be used by the department  
27 of social and health services solely to carry out the purposes of RCW  
28 70.96A.050;

29 (2) The first fifty-five dollars per license fee provided in RCW  
30 66.24.320 and 66.24.330 up to a maximum of one hundred fifty thousand  
31 dollars annually shall be disbursed every three months by the board to  
32 the general fund to be used for juvenile alcohol and drug prevention  
33 programs for kindergarten through third grade to be administered by the  
34 superintendent of public instruction;

35 (3) Twenty percent of the remaining total amount derived from  
36 license fees pursuant to RCW 66.24.320, 66.24.330, 66.24.350, and  
37 66.24.360, shall be transferred to the general fund to be used by the

1 department of social and health services solely to carry out the  
2 purposes of RCW 70.96A.050; and

3 (4) One-fourth cent per liter of the tax imposed by RCW 66.24.210  
4 shall every three months be disbursed by the board to Washington State  
5 University solely for wine and wine grape research, extension programs  
6 related to wine and wine grape research, and resident instruction in  
7 both wine grape production and the processing aspects of the wine  
8 industry in accordance with RCW 28B.30.068. The director of financial  
9 management shall prescribe suitable accounting procedures to ensure  
10 that the funds transferred to the general fund to be used by the  
11 department of social and health services and appropriated are  
12 separately accounted for.

13 **Sec. 8.** RCW 68.50.107 and 1995 c 398 s 10 are each amended to read  
14 as follows:

15 There shall be established in conjunction with the ((University  
16 of)) chief of the Washington ((Medical School)) state patrol and under  
17 the authority of the state forensic investigations council a state  
18 toxicological laboratory under the direction of the state toxicologist  
19 whose duty it will be to perform all necessary toxicologic procedures  
20 requested by all coroners, medical examiners, and prosecuting  
21 attorneys. The state forensic investigations council, after consulting  
22 with the chief of the Washington state patrol and director of the  
23 bureau of forensic laboratory services, shall appoint a toxicologist as  
24 state toxicologist, who shall report to the director of the bureau of  
25 forensic laboratory services and the office of the chief of the  
26 Washington state patrol. ((The laboratory)) Toxicological services  
27 shall be funded by disbursement from the ((class H)) spirits, beer, and  
28 wine restaurant license fees as provided in RCW 66.08.180 and by  
29 appropriation from the death investigations account as provided in RCW  
30 43.79.445.

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