
SUBSTITUTE SENATE BILL 5578

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on State & Local Government (originally sponsored by Senators Patterson, Horn, Costa, Honeyford, Kohl-Welles and Kline; by request of Forensic Investigation Council)

Read first time 02/16/1999.

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; creating a new
4 section; providing an effective date; and declaring an emergency.

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.

31 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
32 preservation of the public peace, health, or safety, or support of the
33 state government and its existing public institutions, and takes effect
34 July 1, 1999.

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