

SENATE BILL REPORT

SB 5540

As of February 5, 1997

Title: An act relating to the delegation of authority by the chief of the Washington state patrol.

Brief Description: Allowing the chief of the state patrol to delegate authority to a designee in certain circumstances.

Sponsors: Senators Rasmussen, Thibaudeau and Winsley; by request of Washington State Patrol.

Brief History:

Committee Activity: Transportation: 2/6/97.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Jerry Long (786-7306)

Background: The Chief of the Washington State Patrol has the decision-making authority for administrative and personnel issues as identified in the existing statute. The statute specifies that the chief must make the decisions or take the appropriate actions that apply to the items referenced. This means that when the Chief of the Washington State Patrol is not available, the actions must wait. If any action is taken by another person, the actions taken may be questioned both informally and through the legal process.

Presently, the chief may not delegate the following administrative or personnel actions to a designee:

- Officer disability determination;
- Disability retirement allowance determination;
- Mental or physical review direction to determine resumption of active duty;
- Selection of two patrol officers to be on a trial board for discharge, demotion or suspension for cause;
- Immediate suspension in criminal activities;
- Trial board report received and determination of proper disciplinary action with a potential review by the superior court if officer applies for a writ of review;
- Appoint staff or technical officers as necessary for efficient operation of the patrol;
- Return staff to their line rank or position;
- Designate traffic safety education officers;
- Permit traffic safety education officers to wear their uniforms in off-duty hours when giving programs in schools or the community;
- Employment of personnel for the affairs of the drug control assistance unit; and,
- Decisions on the transmission of information to agencies that are authorized by RCW 43.43.705 to make application to receive the information.

The existing statute has terminology that requires updating.

Summary of the Bill: Each of the above actions may be delegated based on the discretion of the Chief of the Washington State Patrol. The chief may delegate a power or duty vested in or transferred to the chief by law, or executive statute to an assistant or subordinate based on the needs of the Patrol. The Chief of the Washington State Patrol is still responsible for the official acts of the officers and employees.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.