

SENATE BILL REPORT

SB 5031

As Reported By Senate Committee On:
Government Operations & Elections, March 4, 2003

Title: An act relating to Washington state patrol communication charges under the Interlocal Cooperation Act.

Brief Description: Requiring the Washington state patrol to provide radio services on a reimbursable basis.

Sponsors: Senator Morton.

Brief History:

Committee Activity: Government Operations & Elections: 1/17/03, 3/4/03 [DP-HT].
Ways & Means: 3/7/03.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass and be referred to Committee on Highways & Transportation.
Signed by Senators Roach, Chair; Stevens, Vice Chair; McCaslin and Reardon.

Staff: Diane Smith (786-7410)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Chelsea Buchanan (786-7446)

Background: Currently, the Department of Fish and Wildlife uses and pays for all of its radio dispatch and some other communication services through the Washington State Patrol (WSP). For example, members of the public reporting a poaching incident can call the WSP, who dispatches a Fish and Wildlife officer. Also, Fish and Wildlife supervisors use WSP services to contact officers in the field.

In January 2001, WSP completed a fee study for communication fees. WSP currently charges agencies that use communications services based on this study, which includes some indirect costs.

Various other state governmental agencies have their own law enforcement authority. These state agencies include the Department of Natural Resources, Liquor Control Board, and the Department of Social and Health Services, among others. Occasions could arise when these state agencies would require more radio capacity than usual to dispatch their officers and to communicate both inter- and intra-agency.

Summary of Bill: The Washington State Patrol must provide both radio dispatch and communication services to any state agency with law enforcement authority when that agency requests these services under the Interlocal Cooperation Act.

The Washington State Patrol must calculate its charges for dispatch and communication services on a cost-added basis. Above that, only personnel and equipment can be counted when directly attributable to the requesting agency. No other indirect costs can be included in the fee.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The Washington State Parks Service has 240 rangers who are full commissioned law enforcement officers, 50 percent of whom are armed. They have an increased need for communication because the original rules of engagement in place since 1921 have changed. This is a good bill because it guarantees access to the patrol's communications services at reasonable cost.

Testimony Against: There are problems with the bill's exclusion of indirect costs from the calculation of reimbursement to the patrol from the agencies with which it must contract. Both the existing statute that applies to all state agencies and the state Constitution could be violated if full costs, especially of external service that is not traffic related, were not reimbursed. Likewise, in order to preserve the federal grant money the patrol receives, recoupment of indirect costs is necessary. The patrol must preserve federal approval of their state agency's cost plan. If this plan were to be declared invalid, all indirect costs collected on federal grants would have to be forfeited.

Testified: Philip Shave, WA State Parks (pro); Glenn Cramer, WA State Patrol (con); Bruce Bjork, WDFW (pro).