

HCS HB 461 -- STATE WATER PATROL

SPONSOR: Cooper (155)

COMMITTEE ACTION: Voted "do pass" by the Committee on State Parks and Waterways by a vote of 7 to 0.

This substitute exempts the State Water Patrol from the merit system and specifies certain duties for the Commissioner of the State Water Patrol including:

- (1) Establishing rules for instruction and discipline and duty hours;
- (2) Dividing the state into districts and assigning patrol members to the districts;
- (3) Establishing, by general order, promotional procedures and increasing, by promotion, the rank of officers after at least one year of service; and
- (4) Appointing one assistant commissioner, two majors, nine captains, nine lieutenants, and one director of radio, each of who have the same qualifications as the commissioner.

The Lieutenant Colonel of the State Water Patrol will assume the duties of the commissioner in his or her absence or upon disability. If the commissioner and the lieutenant colonel are disabled, the Governor may designate a major as the acting commissioner.

All patrol officers and radio personnel are required to be 21 years of age or older, be United States and Missouri citizens, have certain educational and physical requirements, and never been convicted of a felony.

The substitute also establishes a disciplinary procedure for members of the patrol who have completed one year of probationary service. After a formal charge has been filed by or before the commissioner and a hearing before a six-member patrol board, a member may be disciplined. The hearing must be held within 30 days after the filing of the charge, and the board must report its findings, vote result, and recommendation of any disciplinary action. The commissioner makes the final decision on the disciplinary action to be taken.

Any complaint filed against a member will be provided to him or her unless the commissioner decides to postpone the notification because disclosure would compromise an investigation of the complaint. Unless waived in writing by the member, he or she

will not be interrogated until 48 hours after receiving a complaint and is entitled to have counsel present during questioning. The member is entitled to a copy of the investigation report and allowed to present a written response prior to an initial recommendation of discipline. The commissioner may withhold the investigation report if disclosure endangers any person.

FISCAL NOTE: No impact on General Revenue Fund in FY 2008, FY 2009, and FY 2010. Estimated Cost on Other State Funds of \$1,006,542 in FY 2008, \$1,244,086 in FY 2009, and \$1,281,410 in FY 2010.

PROPONENTS: Supporters say that the bill removes the State Water Patrol from the merit system and establishes the authority of the commissioner of the patrol to establish certain duties, including a pay plan. Recent increases to the boat fees are available to pay for increased salaries; however, the merit system prohibits these increases from being given.

Testifying for the bill were Representative Cooper (155); State Water Patrol; and Diana Jacobson, Missouri Water Patrol Association.

OPPONENTS: There was no opposition voiced to the committee.