

HCS HB 461 -- STATE WATER PATROL

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

- (1) Developing rules for instruction and discipline, making administrative rules and regulations, and establishing 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 whom must 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 the commissioner becoming disabled. If the commissioner and the lieutenant colonel become 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, physical strength, and mental health requirements; and have no felony convictions.

The bill 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 by 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 for any disciplinary action. The commissioner will make the final decision on the disciplinary action to be taken.

A copy of any complaint filed against a member will be given to him or her unless the commissioner decides to postpone the notification because the 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 copy of the complaint and is entitled to have counsel present during questioning. The member is entitled to a copy of the investigation report and is allowed to present a written

response prior to an initial recommendation of discipline. The commissioner may withhold the investigation report if the disclosure might endanger any person.

The bill becomes effective July 1, 2007.