

**SENATE BILL No. 369**

By Committee on Utilities

2-5

1 AN ACT concerning the Kansas highway patrol; relating to minimum rank  
2 for certain persons; amending K.S.A. 2017 Supp. 74-2113 and  
3 repealing the existing section.  
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2017 Supp. 74-2113 is hereby amended to read as  
7 follows: 74-2113. (a) There is hereby created a Kansas highway patrol.  
8 The patrol shall consist of: (1) A superintendent, who shall have the rank  
9 of colonel and who shall have special training and qualifications for ~~such~~  
10 *the* position; (2) an assistant superintendent, who shall have the rank of  
11 lieutenant colonel; and (3) officers and troopers who are appointed in  
12 accordance with appropriation acts and as provided in this section. The  
13 superintendent and assistant superintendent shall be within the unclassified  
14 service under the Kansas civil service act. ~~The assistant superintendent~~  
15 ~~servng on the effective date of this act shall be appointed to such position~~  
16 ~~by the superintendent. Thereafter,~~ The assistant superintendent shall be  
17 appointed by the superintendent from among the members of the patrol,  
18 and shall serve at the pleasure of the superintendent. If a person appointed  
19 as superintendent ~~or,~~ assistant superintendent *or major* is a member of the  
20 patrol when appointed, ~~such the~~ person in each case, upon termination of  
21 the term as superintendent ~~or,~~ assistant superintendent *or major*,  
22 respectively, shall be returned to a rank not lower than the rank ~~such the~~  
23 person held when appointed as superintendent ~~or,~~ assistant superintendent  
24 *or major*. If ~~such the~~ rank is filled at that time, a temporary additional  
25 position shall be created in ~~such the~~ rank until a vacancy occurs in such  
26 rank. All other officers, troopers and employees shall be within the  
27 classified service under the Kansas civil service act.

28 (b) The superintendent of the patrol shall be appointed by the  
29 governor, subject to confirmation by the senate as provided in K.S.A. 75-  
30 4315b, and amendments thereto, and shall receive an annual salary fixed  
31 by the governor. Except as provided by K.S.A. 46-2601, and amendments  
32 thereto, no person appointed as superintendent shall exercise any power,  
33 duty or function as superintendent until confirmed by the senate. The  
34 assistant superintendent shall receive an annual salary fixed by the  
35 superintendent and approved by the governor.

36 (c) All other members of the patrol shall be appointed by the

1 superintendent in accordance with appropriation acts and with the Kansas  
2 civil service act. No person shall be appointed as an officer of the patrol,  
3 other than superintendent, unless the person has had at least five years of  
4 service in the patrol as an officer or trooper. No person shall be appointed  
5 as a trooper unless the person meets the following requirements:

- 6 (1) Is a citizen of the United States;
- 7 (2) is at least 21 years of age at the time of appointment;
- 8 (3) has not been convicted by any state or the federal government of a  
9 crime which is a felony or its equivalent under the uniform code of  
10 military justice;
- 11 (4) has been fingerprinted and a search of local, state and national  
12 fingerprint files has been made to determine whether the applicant has a  
13 criminal record;
- 14 (5) is the holder of a high school diploma or furnishes evidence of  
15 successful completion of an examination indicating an equivalent  
16 achievement; and

17 (6) is free of any physical or mental condition which might adversely  
18 affect the applicant's performance of duties as a trooper and whose  
19 physical health has been certified by an examining physician appointed by  
20 the superintendent.

21 (d) No member of the patrol shall: (1) Hold any other elective or  
22 appointive commission or office, except:

23 (A) In the Kansas national guard or in the organized reserve of the  
24 United States army, air force or navy.

25 (B) In the governing body of a municipality:

26 (i) If the position to be held is appointed; or

27 (ii) if the position to be held is elected on a nonpartisan basis.

28 (C) On any appointed board, commission or task force which the  
29 superintendent of the highway patrol deems necessary as part of ~~such~~  
30 member's or officer's duties.

31 (2) Accept any employment or compensation from any licensee of the  
32 director of alcoholic beverage control of the department of revenue or  
33 from any licensee of the Kansas racing commission or from any officer,  
34 director, member or employee of any such licensee.

35 (3) Accept any employment or compensation for services which  
36 require the use of any state-owned equipment provided by the Kansas  
37 highway patrol or the wearing of the patrol uniform.

38 (4) Accept any reward or gift pertaining to the performance of ~~such~~  
39 the member's or officer's duties except with the written permission of the  
40 superintendent.

41 (e) For the purposes of this section, the terms "governing body" and  
42 "municipality" shall have the meanings ascribed to such terms in K.S.A.  
43 12-105a, and amendments thereto.

1       Sec. 2. K.S.A. 2017 Supp. 74-2113 is hereby repealed.

2       Sec. 3. This act shall take effect and be in force from and after its

3       publication in the statute book.