

SENATE BILL No. 314

By Committee on Ways and Means

2-13

AN ACT concerning the Kansas highway patrol; relating to restrictions on certain political activity; amending K.S.A. 74-2113 and repealing the existing section.

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

Section 1. K.S.A. 74-2113 is hereby amended to read as follows: 74-2113. (a) There is hereby created a Kansas highway patrol. The patrol shall consist of: (1) A superintendent, who shall have the rank of colonel and who shall have special training and qualifications for such position; (2) an assistant superintendent, who shall have the rank of lieutenant colonel; and (3) officers and troopers who are appointed in accordance with appropriation acts and as provided in this section. The superintendent and assistant superintendent shall be within the unclassified service under the Kansas civil service act. The assistant superintendent serving on the effective date of this act shall be appointed to such position by the superintendent. Thereafter, the assistant superintendent shall be appointed by the superintendent from among the members of the patrol, and shall serve at the pleasure of the superintendent. If a person appointed as superintendent or assistant superintendent is a member of the patrol when appointed, such person in each case, upon termination of the term as superintendent or assistant superintendent, respectively, shall be returned to a rank not lower than the rank such person held when appointed as superintendent or assistant superintendent. If such rank is filled at that time, a temporary additional position shall be created in such rank until a vacancy occurs in such rank. All other officers, troopers and employees shall be within the classified service under the Kansas civil service act.

(b) The superintendent of the patrol shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and shall receive an annual salary fixed by the governor. The assistant superintendent shall receive an annual salary fixed by the superintendent and approved by the governor.

(c) All other members of the patrol shall be appointed by the superintendent in accordance with appropriation acts and with the Kansas civil service act. No person shall be appointed as an officer of the patrol, other

1 than superintendent, unless the person has had at least five years of serv-
2 ice in the patrol as an officer or trooper. No person shall be appointed as
3 a trooper unless the person meets the following requirements:

4 (1) Is a citizen of the United States;

5 (2) is at least 21 years of age at the time of appointment;

6 (3) has not been convicted by any state or the federal government of
7 a crime which is a felony or its equivalent under the uniform code of
8 military justice;

9 (4) has been fingerprinted and a search of local, state and national
10 fingerprint files has been made to determine whether the applicant has
11 a criminal record;

12 (5) is the holder of a high school diploma or furnishes evidence of
13 successful completion of an examination indicating an equivalent achieve-
14 ment; and

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

19 (d) No member of the patrol shall hold any other elective or appoint-
20 ive commission or office, except in the Kansas national guard or in the
21 organized reserve of the United States army, air force or navy. No mem-
22 ber of the patrol shall accept any employment or compensation from any
23 licensee of the director of alcoholic beverage control of the department
24 of revenue or from any licensee of the Kansas racing commission or from
25 any officer, director, member or employee of any such licensee, nor shall
26 any member of the patrol accept any employment or compensation for
27 services which require the use of any state-owned equipment provided
28 by the Kansas highway patrol or the wearing of the patrol uniform. No
29 member of the patrol shall accept any reward or gift except with the
30 written permission of the superintendent.

31 ~~(e) No member of the patrol, including the superintendent, shall in~~
32 ~~any way be active or participate in any political contest in any primary,~~
33 ~~general or special election or participate in politics, except to cast such~~
34 ~~member's ballot. For any violation of this provision, the offender shall be~~
35 ~~summarily removed by the superintendent from the patrol.~~

36 Sec. 2. K.S.A. 74-2113 is hereby repealed.

37 Sec. 3. This act shall take effect and be in force from and after its
38 publication in the statute book.

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