

HOUSE BILL No. 2022

By Committee on Corrections and Juvenile Justice

1-11

1 AN ACT concerning the Kansas highway patrol; providing for
2 appointment of the superintendent by the attorney general; establishing
3 the highway patrol as a division under the jurisdiction of the attorney
4 general; transferring functions concerning the highway patrol from the
5 governor to the attorney general; amending K.S.A. 66-1302, 68-2025,
6 74-2113 and 74-2114 and repealing the existing sections.
7

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

9 Section 1. K.S.A. 66-1302 is hereby amended to read as follows: 66-
10 1302. The superintendent of the Kansas highway patrol may adopt rules
11 and regulations to secure proper and efficient enforcement of the laws of
12 the state in relation to motor carriers of passengers and property for hire,
13 not inconsistent with or in derogation of the powers, duties, and
14 responsibilities placed by existing statutes upon the corporation
15 commission. It is declared necessary for the corporation commission, the
16 department of transportation, the department of revenue, and the Kansas
17 highway patrol to cooperate and to coordinate their actions and effort for
18 the proper and efficient enforcement of laws relating to motor carriers of
19 passengers and property for compensation.

20 If the corporation commission, department of transportation or
21 department of revenue ~~shall feel aggrieved by~~ *determines* any order, rule,
22 or regulation adopted by the superintendent of the Kansas highway patrol
23 ~~and shall desire to resist~~ *is not consistent with the laws of the state and is*
24 *opposed to* the same, it shall serve, within 30 days after its adoption,
25 written notice upon the superintendent that it appeals from the order, rule
26 or regulation to the ~~governor~~ *attorney general*, and the superintendent shall
27 ~~forthwith~~ *promptly* certify to the ~~governor~~ *attorney general* the order, rule
28 or regulation so appealed from, and the ~~governor~~ *attorney general* shall fix
29 a time and place for a hearing thereon. The superintendent shall cause all
30 interested parties to be notified of such time and place of such hearing, and
31 at the hearing, all persons interested shall be given opportunity to be fully
32 heard, and the ~~governor~~ *attorney general* shall thereupon decide the
33 appeal, and the decision of the ~~governor~~ *attorney general* shall be final,
34 conclusive and binding.

35 Sec. 2. K.S.A. 68-2025 is hereby amended to read as follows: 68-
36 2025. The Kansas turnpike authority and the superintendent of the Kansas

1 highway patrol are hereby authorized to provide by contract or agreement,
2 as provided ~~herein~~ *by this section*, for the policing of any toll or turnpike
3 constructed and operated as permitted and provided by law. *On and after*
4 *July 1, 2023*, all such contracts or agreements shall be subject to the
5 approval of the ~~governor~~ *attorney general* and, if made, shall provide that
6 the total cost of ~~said~~ *such* policing, including, but not limited to, all
7 salaries, expenses, uniforms, equipment, retirement benefits provided for
8 members of the Kansas highway patrol assigned to any toll or turnpike
9 facility, vehicles, communication equipment, training of members and
10 other items properly chargeable as costs of said policing shall be paid by
11 the Kansas turnpike authority. Payments to the Kansas highway patrol due
12 under such contracts or agreements shall be made not less than monthly
13 and amounts so paid by the Kansas turnpike authority shall be deposited in
14 and credited to such fund as may be used for the support of the Kansas
15 highway patrol and shall be available for its use: ~~Provided, That~~. Payments
16 made to provide retirement benefits shall be deposited in and credited to
17 the ~~state highway patrol pension~~ *Kansas public employees retirement* fund.

18 Sec. 3. K.S.A. 74-2113 is hereby amended to read as follows: 74-
19 2113. (a) There is hereby created a Kansas highway patrol. The patrol shall
20 consist of: (1) A superintendent, who shall have the rank of colonel and
21 who shall have special training and qualifications for the position; (2) an
22 assistant superintendent, who shall have the rank of lieutenant colonel; and
23 (3) officers and troopers who are appointed in accordance with
24 appropriation acts and as provided in this section. The superintendent and
25 assistant superintendent shall be within the unclassified service under the
26 Kansas civil service act. The assistant superintendent shall be appointed by
27 the superintendent from among the members of the patrol, and shall serve
28 at the pleasure of the superintendent. If a person appointed as
29 superintendent, assistant superintendent or major is a member of the patrol
30 when appointed, the person in each case, upon termination of the term as
31 superintendent, assistant superintendent or major, respectively, shall be
32 returned to a rank not lower than the rank the person held when appointed
33 as superintendent, assistant superintendent or major. If the rank is filled at
34 that time, a temporary additional position shall be created in the rank until
35 a vacancy occurs in such rank. All other officers, troopers and employees
36 shall be within the classified service under the Kansas civil service act.

37 (b) *On and after July 1, 2023:*

38 (1) *The Kansas highway patrol is hereby under the jurisdiction of the*
39 *attorney general, a division to be known as the Kansas highway patrol.*

40 (2) The superintendent of the patrol shall be appointed by the
41 ~~governor~~ *attorney general*, subject to confirmation by the senate as
42 provided in K.S.A. 75-4315b, and amendments thereto, and shall receive
43 an annual salary fixed by the ~~governor~~ *attorney general*. Except as

1 provided by K.S.A. 46-2601, and amendments thereto, no person
2 appointed as superintendent shall exercise any power, duty or function as
3 superintendent until confirmed by the senate. The assistant superintendent
4 shall receive an annual salary fixed by the superintendent and approved by
5 the ~~governor~~ attorney general.

6 (3) *All of the powers, duties and functions of the attorney general
7 concerning the Kansas highway patrol are hereby transferred to and
8 conferred and imposed upon the attorney general. The attorney general
9 shall be the successor in every way to the powers, duties and functions of
10 the governor concerning the Kansas highway patrol in which the same
11 were vested prior to July 1, 2023. Every act performed in the exercise of
12 such powers, duties and functions by or under the authority of the
13 governor concerning the Kansas highway patrol shall be deemed to have
14 the same force and effect as if performed by the attorney general in which
15 such powers, duties and functions were vested prior to July 1, 2023.
16 Whenever the governor, or words of like effect concerning the Kansas
17 highway patrol, is referred to or designated by a statute, contract or other
18 document, such reference or designation shall be deemed to apply to the
19 attorney general. All orders and directives of the governor concerning the
20 Kansas highway patrol in existence on July 1, 2023, shall continue to be
21 effective and shall be deemed to be orders and directives of the attorney
22 general until revised, amended or nullified pursuant to law.*

23 (c) All other members of the patrol shall be appointed by the
24 superintendent in accordance with appropriation acts and with the Kansas
25 civil service act. No person shall be appointed as an officer of the patrol,
26 other than superintendent, unless the person has had at least five years of
27 service in the patrol as an officer or trooper. No person shall be appointed
28 as a trooper unless the person meets the following requirements:

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

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

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

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

37 (5) is the holder of a high school diploma or furnishes evidence of
38 successful completion of an examination indicating an equivalent
39 achievement; and

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

1 (d) No member of the patrol shall:

2 (1) Hold any other elective or appointive commission or office,
3 except:

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

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

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

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

9 (C) On any appointed board, commission or task force which the
10 superintendent of the highway patrol deems necessary as part of the
11 member's or officer's duties.

12 (2) Accept any employment or compensation from any licensee of the
13 director of alcoholic beverage control of the department of revenue or
14 from any licensee of the Kansas racing commission or from any officer,
15 director, member or employee of any such licensee.

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

19 (4) Accept any reward or gift pertaining to the performance of the
20 member's or officer's duties except with the written permission of the
21 superintendent.

22 (e) For the purposes of this section, the terms "governing body" and
23 "municipality" ~~shall have the meanings ascribed to such terms~~ *mean the*
24 *same as defined* in K.S.A. 12-105a, and amendments thereto.

25 Sec. 4. K.S.A. 74-2114 is hereby amended to read as follows: 74-
26 2114. (a) The personnel of the Kansas highway patrol shall be paid
27 compensation for their services as determined by the superintendent in
28 accordance with provisions of applicable laws, rules and regulations.
29 Military service of any member of the Kansas highway patrol who leaves
30 or has left the patrol for the purpose of serving in any branch of the armed
31 forces of the United States, during any war or national emergency and who
32 returns to the patrol within 60 days after release therefrom, shall be
33 considered as service with the patrol for the purpose of calculating any
34 longevity pay increase. The governor shall determine when a national
35 emergency exists or has existed.

36 (b) The salary of each member of the Kansas highway patrol shall be
37 fixed by the superintendent in accordance with the Kansas civil service
38 act. All members of the patrol shall receive their actual and necessary
39 traveling expenses and all salaries shall be paid monthly. *On and after July*
40 *1, 2023, the Kansas highway patrol superintendent shall hold office at the*
41 *pleasure of the* ~~governor~~ *attorney general.* The personnel of the Kansas
42 highway patrol other than the superintendent shall serve upon first
43 appointment for a probationary period of one year. The superintendent is

1 authorized to assign any major, captain, lieutenant, sergeant or trooper for
2 duty other than the place to which presently assigned. In such cases, the
3 superintendent shall pay necessary moving expense from moneys
4 appropriated for the Kansas highway patrol from the state general fund and
5 available therefor in accordance with K.S.A. 75-3225, *and amendments*
6 *thereto*.

7 Sec. 5. K.S.A. 66-1302, 68-2025, 74-2113 and 74-2114 are hereby
8 repealed.

9 Sec. 6. This act shall take effect and be in force from and after its
10 publication in the statute book.