

74-2113. Kansas highway patrol created; appointment and salary of superintendent and assistant superintendent; qualifications of officers and troopers; holding elected or appointed office, when allowed. (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. Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as superintendent shall exercise any power, duty or function as superintendent until confirmed by the senate. 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 than superintendent, unless the person has had at least five years of service in the patrol as an officer or trooper. No person shall be appointed as a trooper unless the person meets the following requirements:

- (1) Is a citizen of the United States;
- (2) is at least 21 years of age at the time of appointment;
- (3) has not been convicted by any state or the federal government of a crime which is a felony or its equivalent under the uniform code of military justice;
- (4) has been fingerprinted and a search of local, state and national fingerprint files has been made to determine whether the applicant has a criminal record;
- (5) is the holder of a high school diploma or furnishes evidence of successful completion of an examination indicating an equivalent achievement; and
- (6) is free of any physical or mental condition which might adversely affect the applicant's performance of duties as a trooper and whose physical health has been certified by an examining physician appointed by the superintendent.

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

- (A) In the Kansas national guard or in the organized reserve of the United States army, air force or navy.
- (B) In the governing body of a municipality:
 - (i) If the position to be held is appointed; or
 - (ii) if the position to be held is elected on a nonpartisan basis.

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

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

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

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

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

History: L. 1937, ch. 330, § 1; L. 1939, ch. 286, § 1; L. 1943, ch. 266, § 1; L. 1945, ch. 305, § 1; L. 1947, ch. 398, § 1; L. 1949, ch. 407, § 1; L. 1953, ch. 368, § 1; L. 1955, ch. 347, § 1; L. 1957, ch. 427, § 1; L. 1959, ch. 314, § 3; L. 1961, ch. 382, § 1; L. 1963, ch. 402, § 5; L. 1963, ch. 400, § 1; L. 1965, ch. 458, § 9; L. 1965, ch. 437, § 1; L. 1967, ch. 443, § 9; L. 1968, ch. 320, § 1; L. 1969, ch. 365, § 1; L. 1970, ch. 310, § 1; L. 1972, ch. 290, § 1; L. 1973, ch. 312, § 1; L. 1974, ch. 361, § 64; L. 1975, ch. 401, § 1; L. 1982, ch. 347, § 32; L. 1984, ch. 283, § 1; L. 1991, ch. 234, § 1; L. 2001, ch. 172, § 3; L. 2008, ch. 121, § 11; L. 2009, ch. 134, § 1; May 28.