

HOUSE BILL No. 2432

By Committee on Appropriations

2-7

AN ACT concerning the Kansas highway patrol; relating to pay rates and prevailing total compensation in Kansas public law enforcement agencies; amending K.S.A. 75-2938 and K.S.A. 2000 Supp. 74-2114 and repealing the existing sections.

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

Section 1. K.S.A. 2000 Supp. 74-2114 is hereby amended to read as follows: 74-2114. (a) The personnel of the Kansas highway patrol shall be paid compensation for their services as determined by the superintendent in accordance with provisions of applicable laws, rules and regulations. Military service of any member of the Kansas highway patrol who leaves or has left the patrol for the purpose of serving in any branch of the armed forces of the United States, during any war or national emergency and who returns to the patrol within 60 days after release therefrom, shall be considered as service with the patrol for the purpose of calculating any longevity pay increase. The governor shall determine when a national emergency exists or has existed.

(b) The salary of each member of the Kansas highway patrol shall be fixed by the superintendent in accordance with the Kansas civil service act. All members of the patrol shall receive their actual and necessary traveling expenses and all salaries shall be paid monthly. The Kansas highway patrol superintendent shall hold office at the pleasure of the governor. The personnel of the Kansas highway patrol other than the superintendent shall serve upon first appointment for a probationary period of one year. The superintendent is authorized to assign any major, captain, lieutenant, sergeant or trooper for duty other than the place to which presently assigned. In such cases, the superintendent shall pay necessary moving expense from moneys appropriated for the Kansas highway patrol from the state general fund and available therefor in accordance with K.S.A. 75-3225 and amendments thereto.

(c) *For the fiscal year ending June 30, 2002, and for each fiscal year there after, the director of personnel services shall determine and maintain total compensation for troopers of the Kansas highway patrol in accordance with this subsection. For the purposes of determining and maintaining total compensation for troopers of the Kansas highway patrol, the*

1 *director of personnel services shall assign and reassign each trooper job*
2 *class in accordance with this subsection to a pay rate under the pay plan*
3 *for classified employees under the Kansas civil service act so that such*
4 *trooper job class is receiving total compensation which is equal to or*
5 *greater than the prevailing total compensation determined pursuant to*
6 *this subsection. The director of personnel services shall conduct annual*
7 *surveys of pay rates and other benefits and other compensation practices*
8 *to determine the prevailing total compensation for all public law enforce-*
9 *ment agencies with commissioned officers performing law enforcement*
10 *duties within Kansas. As used in this subsection, "total compensation"*
11 *means the amount of salary, benefits, including retirement benefits, and*
12 *premium pay practices and "prevailing total compensation" means that*
13 *total compensation that is equal to or greater than 99% of the average*
14 *total compensation provided to the commissioned law enforcement officers*
15 *of the three public law enforcement agencies performing law enforcement*
16 *duties within Kansas, having more than 100 commissioned officers and*
17 *having the highest actual average total compensation of all the public law*
18 *enforcement agencies performing law enforcement duties within Kansas.*

19 Sec. 2. K.S.A. 75-2938 is hereby amended to read as follows: 75-
20 2938. (a) Except as otherwise provided in the Kansas civil service act, the
21 director of personnel services, after consultation with the heads of state
22 agencies or persons designated by them, shall assign each position in the
23 classified service to a class according to the duties and responsibilities
24 thereof. Titles shall be specified by the director for each such class for
25 use in certifying the names of persons for appointment under this act. A
26 description of the duties and responsibilities with suitable qualifications
27 required for satisfactory performance in each class shall be specified by
28 the director. The classes and titles so specified and described shall be
29 used for: (1) Original appointments; (2) promotions; (3) payrolls; and (4)
30 all other records affecting the status of persons in the classified service.
31 Each class when approved or modified and approved as modified by the
32 governor shall take effect on a date or dates specified by the governor.
33 After consultation with the director of the budget and the heads of state
34 agencies or persons designated by them, the director shall recommend
35 changes in classes from time to time, and such changes, when approved
36 or modified and approved as modified by the governor, shall take effect
37 on a date or dates specified by the governor.

38 (b) The director of personnel services shall recommend to the gov-
39 ernor the assignment, and from time to time the reassignment, of each
40 class to a specified range approved or modified and approved as modified
41 by the governor, the same shall become effective on a date or dates spec-
42 ified by the governor. In adopting or revising any plans, the governor shall
43 give consideration to pertinent rates in other public and private employ-

1 ment in the appropriate labor markets, and for this purpose the director
2 shall have made periodic wage and salary surveys with one survey to be
3 conducted each year. The results of such survey and recommendations
4 for revisions in the pay plan are to be forwarded to the governor, the
5 secretary of administration, the director of the budget and the legislature.
6 The recommendations shall give consideration and weight to survey re-
7 sults, to changes in the cost-of-living and to proper internal alignment of
8 the various job classes. The director may use the results of other appro-
9 priate surveys conducted by public or private agencies in lieu of or in
10 addition to surveys authorized to be conducted under this subsection.

11 (c) The secretary of administration may delegate the authority to as-
12 sign positions in the classified service to a class according to the duties
13 and responsibilities thereof to the appointing authority. Such delegation
14 shall specify the particular classes, ranges, and schedules authorized. Ap-
15 pointing authorities delegated such assigning authority shall make
16 monthly reports of assigning transactions to the director of personnel
17 services. Any delegation of such authority is subject to review by the
18 secretary of administration who may modify any delegation made in order
19 to ensure consistency with the state classification plan and may withdraw
20 the delegated authority from the appointing authority upon evidence of
21 improper use of such authority by the appointing authority. The decision
22 of the secretary of administration in regard to the withdrawal of such
23 delegated authority shall be final.

24 (d) After consultation with the director of the budget and the sec-
25 retary of administration, the director of personnel services shall prepare
26 a pay plan which shall contain a schedule of salary and wage ranges and
27 steps, and from time to time changes therein. When such pay plan or any
28 change therein is approved or modified and approved as modified by the
29 governor, the same shall become effective on a date or dates specified by
30 the governor and any such modification, change of date shall be in ac-
31 cordance with any enactments of the legislature applicable thereto.

32 (e) The classes and pay plan for the classified service as approved by
33 the governor shall be used by the director of the budget in preparation
34 of the budget.

35 (f) Whenever any appropriation or other act specifies any pay plan or
36 any change, limitation or condition upon the pay plan, personnel or pol-
37 icies of the state or any state agency, such appropriation act or other act
38 shall control the provisions of this section to the extent of their application
39 thereto.

40 (g) *The provisions of this section and the pay plan for the classified*
41 *service are subject to the provisions of subsection (c) of K.S.A. 74-2114*
42 *and amendments thereto. The powers, duties and functions prescribed by*
43 *this section for the director of personnel services, the secretary of admin-*

1 *istration and the governor shall be performed subject to and in confor-*
2 *mance with the provisions of subsection (c) of K.S.A. 74-2114 and amend-*
3 *ments thereto.*

4 Sec. 3. K.S.A. 75-2938 and K.S.A. 2000 Supp. 74-2114 are hereby
5 repealed.

6 Sec. 4. This act shall take effect and be in force from and after its
7 publication in the statute book.

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