



STATE OF KANSAS

## Office of the Attorney General

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Curt T. Schneider  
Attorney General

January 20, 1977

ATTORNEY GENERAL OPINION NO. 77- 25

Colonel Allen Rush  
Superintendent  
Kansas Highway Patrol  
Building 2, Suite 130  
Townsite Plaza  
200 East Sixth Street  
Topeka, Kansas 66603

Re: State Officers--Defense--Capitol Area Security Patrol

Synopsis: Members of the Capitol Area Security Patrol who are not members of the Kansas Highway Patrol are not eligible for defense services extended under K.S.A. 1976 Supp. 75-4360.

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Dear Colonel Rush:

K.S.A. 1976 Supp. 75-4360 provides for the defense of certain actions in which certain state officers and employees are named as defendants. This protection is extended to the "superintendent of the highway patrol or any officer or trooper of the highway patrol. . . ." You inquire whether the defense services provided under this section now extend to members of the Capitol Area Security Patrol.

K.S.A. 1976 Supp. 75-4503 established the capitol area security patrol thus:

"There is hereby created the capitol area security patrol which shall be under the supervision and management of the superintendent of the highway patrol."

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Prior to the 1976 amendment, the patrol was within the division of administrative services of the Department of Administration. The effect of the 1976 amendment above, and other found at ch. 394, L. 1976, is to remove the capitol area security patrol from division of administrative services, and to place it under the supervision and management of the Highway Patrol superintendent. However, the highway patrol and the capitol area security patrol were not merged into a single agency. Each is created and exists under the authority of separate statutory provisions. The Kansas Highway Patrol and the Capitol Area Security Patrol remain intact as separate and distinct state agencies. The 1976 amendments merely placed the latter under the supervision and management of the head of the former. Members of the Capitol Area Security Patrol do not become members of the Highway Patrol by virtue of this change, and are not entitled to the defense services extended by K.S.A. 1976 Supp. 75-4360 as a result of the 1976 amendments.

Yours very truly,



CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj