

FILE

Subject

*State Boards
Civil Rights*

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STATE OF KANSAS

Office of the Attorney General

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER
Attorney General

January 2, 1974

Opinion No. 74-1

Mr. Anthony D. Lopez
Executive Director
Commission on Civil Rights
Room 1155W
State Office Building
Topeka, Kansas 66612

Dear Mr. Lopez:

I have your letter of December 13, inquiring whether a letter dated September 21, 1973, addressed to myself as chairman of the State Rules and Regulations Board, may be "utilized as completing the formal receipt requirements needed in order to adopt permanent Rules and Regulations?"

K.S.A. 77-426 states in pertinent part thus:

"[A]ll new regulations and all amendments, revivals, or revocations of regulations regularly adopted during the period from January 1 to October 1, inclusive, in any year shall be filed with the revisor of statutes on or before October 1 of such year...."

The State Rules and Regulations Board has no responsibility or authority whatever for rules and regulations proposed as permanent regulations. The cited statute requires that permanent regulations be filed with the Revisor of Statutes, and only with the Revisor. The letter to which you refer cannot satisfy the statutory requirement for it was not, you state, in fact filed with the Revisor. Any regulations which are proposed to be adopted as emergency regulations should be forwarded to the Revisor, as secretary of the State Rules and Regulations Board, together with a statement of the circumstances which warrant approval under K.S.A. 77-422 as necessary for "preservation of the public peace, health, safety, or welfare...."

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At its meeting on December 28, however, the State Rules and Regulations Board approved adoption of those regulations on an emergency basis.

Very truly yours,



VERN MILLER
Attorney General

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