

Subject

FILE

State Boards

Copy to

Economic Development



STATE OF KANSAS

Office of the Attorney General

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

VERN MILLER
Attorney General

April 29, 1974

Opinion No. 74- 132

Mr. Perry Murray
Fuel Allocation Attorney
Department of Economic Development
801 Harrison
Topeka, Kansas 66612

Dear Mr. Murray:

You advise that by executive order, Governor Docking has created the State of Kansas Fuel Allocation Office, and a Board of Review, all in compliance with the mandatory petroleum allocation program of the federal government. The Board of Review acts as a policy-making arm for the coordinator of the Fuel Allocation Office. Federal regulations, you state, specifically require that an appeals procedure be developed by state energy offices. You state that you have complied with this requirement, authorizing the Board of Review to hear such appeals.

You inquire whether the regulations prescribing and governing this procedure are subject to the filing and other requirements of chapter 77, article 4, of the Kansas Statutes Annotated. They are.

Under that article, every "state agency" must file their regulations in accordance with its provisions. K.S.A. 77-415(1) defines that term thus:

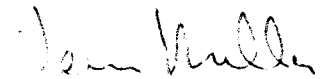
"'State agency' means any officer, department, bureau, division, board, authority, agency, commission, or institution of this state, except the judicial and legislative branches, which is authorized by law to promulgate rules and regulations concerning the administration, enforcement or interpretation of any law of this state." [Emphasis supplied.]

The underscored language makes clear that any rule or regulation for the promulgation of which there exists lawful authority is

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subject to the requirements of K.S.A. 77-415 et seq. Nothing in your letter indicates any misgiving regarding the authority of the Fuel Allocation Office to adopt rules and regulations for the purposes described in your letter. If these regulations are within the lawful authority of the Office, they are subject to K.S.A. 77-415 et seq.

Yours very truly,



VERN MILLER
Attorney General

VM:JRM:jsm