

STATE OF KANSAS

Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

Curt T. Schneider
Attorney General

October 12, 1976

ATTORNEY GENERAL OPINION NO. 76- 318

Mr. Floyd Dibbern
State Fire Marshal
211 West Seventh
Topeka, Kansas 66603

Re: Fire Protection--Fire Safety and Prevention--
Regulations

Synopsis: Senate Bill 1011 as it appears in the 1976 Session
Laws did not revoke K.A.R. 22-13-4 as it existed
prior to the 1976 Session of the Legislature.

* * *

Dear Mr. Dibbern:

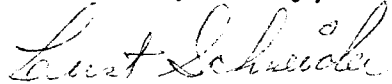
As you are aware, your office submitted a proposed amendment for K.A.R. 22-13-4 to the 1976 session of the legislature. The purpose of that amendment was to clarify the requirements for the installation and servicing of automatic range hood extinguishing systems, and to bring those requirements in compliance with the code of the National Fire Protection Association (NFPA #96).

Senate Bill 1011, Chapter 360, 1976 Session Laws rejected the proposed amendment to K.A.R. 22-13-4 as it was adopted by the fire marshal and submitted to the legislature. In other words, Senate Bill 1011 rejected the amended form of K.A.R. 22-13-4, but it did not revoke K.A.R. 22-13-4 in its entirety. To revoke any regulation it would have been necessary to submit a formal revocation as was required by K.S.A. 1975 Supp. 77-426 which was in effect at that time. No such formal revocation was ever submitted to the legislature.

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As no formal revocation was ever submitted to the legislature, K.A.R. 22-13-4 is still in effect and you may exercise all power and authority which is vested in your office by that regulation.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Curt T. Schneider".

CURT T. SCHNEIDER
Attorney General

CTS:CAB:jj