



STATE OF KANSAS

Office of the Attorney General

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

Curt T. Schneider
Attorney General

December 6, 1977

ATTORNEY GENERAL OPINION NO. 77-380

Mr. Fred Warders
Assistant Director
Kansas Forestry, Fish and Game Commission
Post Office Box 54A
Pratt, Kansas 67124

Re: State Boards, Commissions and Authorities--Forestry,
Fish and Game Commission--Appointment of Deputy or Aux-
iliary Game Protectors

Synopsis: Director of Forestry, Fish and Game Commission has no
statutory authority to appoint either auxiliary or
deputy game protectors.

* * *

Dear Mr. Warders:

You request my opinion whether the Director of the Kansas Forestry,
Fish and Game Commission is authorized by law to appoint "aux-
iliary or deputy game protectors" to augment the Commission's
present game protector staff.

I draw your attention to the provisions of K.S.A. 1976 Supp. 74-
3302 which delineates the powers of the director and provides
in part thus:

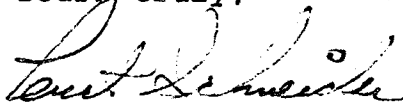
"Said director shall by and with the
consent and approval of the commission, or-
ganize a game protection service and employ
game protectors. The director may with the
approval of the commission, appoint local
preserve protectors, for the purpose of

Mr. Fred Warders
Page Two
December 6, 1977

protecting and supervising fish and game on preserves under the jurisdiction of the forestry, fish and game commission." [Emphasis added.]

No mention is made of auxiliary or deputy protectors, nor does language appear here or elsewhere in the Forestry, Fish and Game Commission Act which implies that subcategories of game protectors are authorized. Absent such provision I am constrained to conclude that the director has no statutory authority to appoint auxiliary or deputy game protectors.

Yours truly,



CURT T. SCHNEIDER
Attorney General

CTS:JPS:kj