ATTORNEY GENERAL OPINION NO. 78-116

The Honorable Charlie L. Angell  
State Senator  
3rd Floor - State Capitol  
Topeka, Kansas 66612

Re: Forestry, Fish and Game Commission--Oil and Gas Leases--1978 House Bill 2840

Synopsis: 1978 House Bill 2840 provides authority for non-drilling leases to be executed by the State Forestry, Fish and Game Commission. Such authority is permissive only, and does not conflict with the existing authority for oil and gas leases under K.S.A. 74-3315.

Dear Senator Angell:

Section 1 of 1978 House Bill 2840 provides in pertinent part thus:

"The forestry, fish and game commission is hereby authorized to lease any of the lands under its control, the title of which is vested in the state, for the non-drilling of oil and gas."

You advise that committee discussion of the bill has prompted your request, as chairman of the Senate Committee on Energy and Natural Resources, concerning such non-drilling leases "in accordance with the provisions of K.S.A. 74-3315." The referenced
section authorizes the Commission to lease any of its lands, title
to which is vested in the State of Kansas, for the production
of oil, gas and other minerals. This authority is permissive
only, and we have not construed this statute to authorize non-
drilling leases. The additional authority for non-drilling leases
does not conflict with the existing authority, but merely supple-
ments it.

I cannot determine from your letter what other questions may have
arisen concerning the bill. If, however, further questions remain
unanswered, please feel free to contact this office for clarifica-
tion or a supplemental opinion.

Yours truly,

CURT T. SCHNEIDER
Attorney General