Mr. Joseph W. Snell  
Executive Director  
Kansas State Historical Society  
10th and Jackson Streets  
Topeka, Kansas 66612

Re:  State Departments; Public Offices, Employees--State  
Historical Society--Craft Fairs

Synopsis: The State Historical Society may conduct art fairs and  
charge fees for certain activities on state property  
managed and administered by it and providing it deter-  
mines that such activities insofar as it concerns state  
property are in the "public interest." Any fees collect-  
ed therefrom must be deposited into the state general  
fund.

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Dear Mr. Snell:

You request my opinion whether the Historical Society has the  
authority to conduct a "craft fair" on the Pottawatomie Baptist  
Mission site west of Topeka (state property) and charge prospec-  
tive craft vendors a rental fee for space to display and sell  
their wares. You also ask whether the participants may sell their  
crafts.

The provisions of Chapter 75, Article 27 delineate the Society's  
authority to administer state property. K.S.A. 75-2701 provides  
in pertinent part:

"... any state-owned historic site, structure  
or property which has been placed by law under
the jurisdiction and supervision of the society shall be administered by the society in the public interest, and the society is hereby authorized and directed to provide for the preservation thereof and to adopt such rules and regulations as are necessary for the proper use and enjoyment thereof." [Emphasis added.]

The property here concerned was of course acquired pursuant to K.S.A. 76-2036, et seq. and is now under the control and management of the Society. Accordingly, the Society must supervise and administer the property in the "public[s] interest." Thus, the determination to permit the selling of crafts by private citizens and charging fees therefor must be an exercise of the discretion thus vested in the Society by applying the necessary tests for determining the "public interest" requirement and then satisfying it.

K.S.A. 75-3036 defines the state general fund in part as:

"... the fund into which shall be placed all public monies and revenue coming into the state treasury not specifically authorized by the constitution or by statute to be placed in a separate fund, ... ."

K.S.A. 75-4215 requires all fees or charges of whatever nature be remitted to the state treasurers daily or in other words the moneys so remitted are placed in the treasury. [See, K.S.A. 75-604.] K.S.A. 75-3036 defines the state general fund as

"... the fund into which shall be placed all public moneys and revenue coming into the state treasury not specifically authorized by the Constitution or by statute to be placed in a separate fund . . . ."

Thus, if the Society determines that the fair will carry out the public interest objective, and decides to require any fee, the monies so collected must be placed in the general fund, however,
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the monies so placed cannot be used by the Society absent specific appropriation by the legislature.

Yours truly,

CURT T. SCHNEIDER  
Attorney General

CTS:JPS:kj