



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

July 13, 1978

ATTORNEY GENERAL OPINION NO. 78-225

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 determines that such activities insofar as it concerns state property are in the "public interest." Any fees collected 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 prospective 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

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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

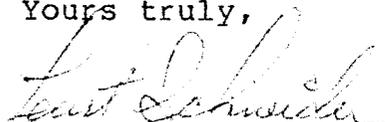
". . . the fund into which shall be placed all public moneys and revenue coming into the state treasury not specifically authorized by the Constitution or by statute to be placed in a separate fund"

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

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