

Approved 3-12-90
Date

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION.

The meeting was called to order by Senator Lana Oleen at
Chairperson

1:35 ~~xxx~~ p.m. on February 27, 1990 in room 531-N of the Capitol.

All members were present except:

Committee staff present: Julian Efird - Research
Fred Carman - Revisor

Conferees appearing before the committee: Murray Rhodes, Wyandotte County Surveyor
John Young, President, Kansas Society of
Land Surveyors
Mark Wettig, Special Asst., Secretary of
Revenue

A motion was made by Senator Francisco to approve minutes of the February 19 and February 20 meetings; seconded by Senator Bogina. Motion carried.

Hearing on: SB 651 - Division of Surveys

Murray Rhodes stated that land use today is determined by social, economic and political values, thus accurate information must be available. Land records are maintained independently by many agencies with each serving a single purpose and responding to statutory requirement. The system of monuments established in the late 19th century are the fabric of land ownership and must be restored where deterioration, road construction and maintenance have caused loss of these important markers. Record keeping for this program needs to be enhanced. All surveying systems and disciplines need a specific agency to coordinate types of services available and one to receive complaints from the public. Such an agency as proposed in this bill would fill a void in counties where there is no registered surveyor or engineer. (Attachment 1)

John Young testified that a large percentage of land corner monuments have been lost or destroyed and these are crucial to location of boundaries and modern geographic information systems. Mr. Young spoke of the foresight of the state of Missouri in establishing a Land Survey Program which restores 500 corners annually, processes survey records and ties related state programs together, to produce \$2½ million annually. Mr. Young feels Kansas would realize from \$2 to \$3 in benefits from each dollar spent without drawing upon the General Fund, except for set up operations. (Attachment 2)

A fiscal note of \$141,496 has been submitted by the Department of Administration. Discussion was held regarding the financial savings to the public with use of the monuments now in place and restoration where needed.

Hearing on: SB 539 - Dealers Review Board; licensing

Chairman Oleen ask the committee to give attention to the Substitute for SB 539 and requested Mark Wettig to review the bill. Mr. Wettig stated the Department of Revenue objects to the authority given the Dealer Review Board to commence prosecution against a licensee and inserting the board in the chain of appeal between the Director of Vehicles and the District Court. The Substitute bill gives four responsibilities to the board which were detailed. Section 2 is basically cleanup language. Section 3 establishes the board and continues its existence and Section 4 repeals provisons of the sunset. (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION,
room 531-N Statehouse, at 1:35 ~~xx~~/p.m. on February 27, 1990

At the request of the Chairman, Kevin Allen, representing the Kansas Motor Car Dealers testified this legislation would be acceptable but they are not in full agreement with it. A stronger, more consistent appeal process for the dealers in manufacturer/dealer disputes is desired as in the original bill, with the board an integral part of the appeal process.

Staff informed the committee that constitutional problems might occur should the appeals process function as requested by the Kansas Motor Car Dealers Association. Discussion was held regarding clarification of the manufacturers role and a proposed fee collection in legislation before the House.

A motion was made by Senator Bogina to introduce Substitute SB 539; seconded by Senator Francisco. Motion carried.

A motion was made by Senator Bogina to conceptually amend Substitute SB 539 to include a representative of manufactured housing as a member of the board; seconded by Senator Francisco. Motion carried.

A motion was made by Senator Bogina to recommend favorably Substitute SB 539 as amended; seconded by Senator Francisco. Motion carried.

Discussion on: SB 623 - Concerning establishment of the Film Commission

During prior discussion of this legislation, it was proposed to add the Executive Director of the Arts Commission, or a designee, as a member of the Film Commission.

A motion was made by Senator Vidricksen that the Executive Director of the Arts Commission, or a designee, be a member of the Film Commission; seconded by Senator Bogina. Motion carried.

A motion was made by Senator Vidricksen to recommend favorably SB 623 as amended; seconded by Senator Doyen. Motion carried.

Discussion on: SB 241 - Licensure of auctioneers

Chairman Oleen requested Ron Hein to explain to the committee the suggested amendments to the bill incorporating request by conferees. (Attchment 4)

It is hoped this bill with amendments will be model legislation for other states to follow. A representative of the Kansas League of Municipalities was also contacted regarding language of Section 14 which addresses fees, and was not in opposition to the amendment at this time. Further discussions will be held with the auctioneers and municipality representative regarding language in the bill.

Joe Rickabach was asked to respond on behalf of the Kansas Livestock Asso. to the amendments being offered. He stated that the Association feels rather than the state providing a model, a national policy should be adopted with legislation at the federal level applying to all states. He indicated that the KLA Board of Directors did not favor the bill. Committee members expressed their concerns regarding merits of the bill.

Opposition to this legislation was expressed by a committee member and concern was expressed regarding possible revenue loss to cities with a reciprocal license for auctioneers. It was also noted that licensing could be an aid to the general public regarding the co-mingling of funds and better control of sales tax collection of auctions could be accomplished.

A motion was made by Senator Bogina to recommend favorably SB 241 as amended; seconded by Senator Doyen. Motion carried by show of hands 5 to 3.

Meeting adjourned.

GUEST LIST

COMMITTEE: SENATE GOVERNMENTAL ORGANIZATION

DATE 2-27-90

NAME	COMPANY / ORGANIZATION	ADDRESS
John Young	Ks. Society of Land Surveyors	R3, Lawrence
Helen Stephens	K. S. L. S.	Topeka
Murray L. Rhodes	Ks. Society of Land Surveyors	Kansas City, Ks.
Mark W. [unclear]	KDOR	Topeka
Kevin Allen	KMCDA	Topeka
Jacques Dales	Ks. Ind. Auto Assoc.	Topeka
Milo Kratochvil	KDOT	Topeka
George Barbee	Ks Consulting Engrs	Topeka
Mike Shoen	Ks. Automobile Dealers Regulatory Coalition	Topeka
Sherry Brown	Dept. of Admin.	Topeka
[unclear]	KMHA	Topeka
RANDALL FOSTER	Sec. of State	TOPEKA

POSITIONS STATEMENT FOR SENATE BILL NO. 651
FEBRUARY 27, 1990

The opportunities of tomorrow will be determined by land use decisions made today. Decisions concerning the allocation and use of land are shaped by social, economic, and political values, but the effectiveness and efficiency of the decision-making process depends on the information available to the participants.

It is not just a question of the quality of information, about the land that has been collected, but it is too a question concerning whether or not that information is accurate, accessible, and appropriate.

The United States Public Land Survey System (USPLSS), geodetic control, land registries, topographic mapping, planning, etc...are fundamental public services required for the security, stability, and economic well-being of today's society.

Generally land records in the U.S.A. are decentralized. Land records are maintained independently, often at different scales by separate agencies at all levels of government. Thus, each record serves a single purpose and usually responds to some statutory requirement.

Natural deterioration due to time, construction and maintenance of roads, and development are erasing the system of monuments that are the very fabric of our land ownership system. Most local entities do not have the incentive, expertise, and resources for the preservation or restoration of these monuments. The state must take the responsibility.

Kansas Department of Transportation is working on geodetic network specific to their needs -- Local agencies need someone to look to at the state level that can be responsive to their needs.

Record keeping in regard to monumentation needs to be enhanced, particularly with the proliferation of Geographic Information Systems (GIS) / Land Information Systems (LIS). In particular, this needs to be overseen by a state agency specifically interested in surveying and mapping issues in information and assistance on GIS, LIS.

These systems and other surveying disciplines need a visible, specific agency to make the public aware of types of services available, and what they should expect from those services. In addition, the public needs to have an agency with which to register complaints.

This agency would fill the void in the many counties where there is no County Surveyor or County Engineer registered to practice surveying.

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POSITION STATEMENT
February 27, 1990
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As a result of no state agency being available the many survey issues addressed and required by statutes are now being ignored.

GIS isn't simply a system but an information technology which analyzes, stores, and displays both spatial and non-spatial data. Spatial data is data which represents objects which have physical dimensions -- they take up space. If it is geographical spatial data, then they must also occur on or in the planet earth.

Spatial data occurs in three forms: points, lines and polygons or areas. A soil type, subdivision, park or forrest stand appears on the land as a polygon. Rivers and roads are lines, and wells, stream intersections or eagle nests are points.

For the purpose of this statement, the term "land information systems (LIS)" is used, and refers to an information system that is designed to collect store, manipulate, and retrieve data associated with or related to land parcels within the legal jurisdiction and administrative boundaries of a governmental unit. An LIS has two main parts: spatial data and attribute data. Spatial data must be linked through a common coordinate system that will provide a standard geographic locator. Attribute data must include some common link that will relate to the spatial data.

The bottom line is that there must be an agency responsible for surveying sciences on the state level to provide guidelines and regulations to protect the public. In addition this agency should be responsible for collection, storage and maintenace of information related to the foundation of our land record systems.

Murray L. Rhodes, RLS
Wyandotte County Surveyor



KANSAS SOCIETY OF LAND SURVEYORS

Affiliated With the American Congress on Surveying and Mapping

To: Senate Committee on Governmental Affairs

The original government surveys placed over 247,000 land corner monuments in the State of Kansas. A large percentage of these crucial monuments, probably over half, have been lost or destroyed. The positions of these monuments are the very fabric of land ownership in Kansas, and are vital to the location of physical boundaries as well as to the integrity of modern geographic information systems.

In Missouri, where through great foresight the Land Survey Program was established in 1969, the performance measures portion of the State Land Survey Core Budget indicates that:

Over 500 corners are recovered or restored annually;

2,800 corners are registered in cooperation with local agencies annually;

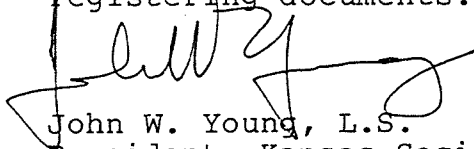
Over 100 corners are tied to state plan coordinates annually;

Over 1,700 requests for survey records are processed annually.

Benefit to the State of Missouri for these activities is established at approximately \$2 1/2 million per year.

Based on the Missouri experience, the Division of Surveys, Mapping, Geodetic Control in Kansas can be expected to return \$2 to \$3 in benefits for every \$1 spent... without drawing on the General Fund except for temporary funds for set-up that can be returned in the 1st year.

The additional \$3 fee for filing of documents with Register of Deeds is small and should not present a hardship on those registering documents.


John W. Young, L.S.
President, Kansas Society of Land Surveyors

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**Fiscal Projections for Proposed Division
of Surveys, Mapping and Geodetic Control (S.B. 651)**

Proposed Revenue Source: \$3.00 add-on fee for filing documents
with Registers of Deeds.

Estimated number of documents filed annually =	350,000
Estimated revenue generated by proposed fee =	\$1,050,000.00

1st Year Set-up and Operating Expense.

Estimated capital outlay =	\$ 375,000.00
Estimated expense for office space and utilities =	\$ 40,000.00
Other 1st year operating expense =	\$ 50,000.00
Limited staffing for set-up and organization =	<u>\$ 271,000.00</u>
Total 1st year set-up and operating expense =	\$ 736,000.00
Projected normal annual operating expense = (Beginning with Year 2)	\$ 943,000.00

CONCLUSIONS: 1st year set-up and operational expense covered in
year 1 by proposed revenues, probably by 3rd 1/4 distributions;
Proposed Revenues Exceed Normal Annual Operating Expenses.

Re-cap of Set-up Capital Outlay (Est.)

Survey Equipment	\$150,000.00
Data Processing Equipment and Software	\$ 75,000.00
Vehicles	\$ 60,000.00
Communications Equipment	\$ 15,000.00
Office Equipment and Furniture	<u>\$ 75,000.00</u>
	\$375,000.00

Re-Cap of Other 1st Year Operating Expense

Travel and Vehicle Expense	\$ 20,000.00
Office Expense	\$ 10,000.00
Communications Expense	\$ 10,000.00
Data Processing Expense	<u>\$ 10,000.00</u>
Total Estimated "Other 1st Year Operating Expense"	\$ 50,000.00

Re-Cap of Proposed Staffing Costs

Position Description	F.T.E.'s	Est. Max. Salary Cost (Top of Range)
* Director of S.M. & G.C.	1.0	\$ 60,000.00
* Chief Surveyor	1.0	\$ 45,000.00
* Chief Cartographer	1.0	\$ 45,000.00
Field Crew Chief	2.0	\$ 60,000.00
Instrument Technician	2.0	\$ 50,000.00
Field Crew Technician	2.0	\$ 40,000.00
Drafting Technician	1.0	\$ 20,000.00
* Land Records Technician	2.0	\$ 50,000.00
* Administrative Assistant	1.0	\$ 25,000.00
* Clerk/Stenographer	1.0	\$ 20,000.00
Clerk/Typist II	2.0	\$ 32,000.00
* Clerk/Typist I	2.0	<u>\$ 26,000.00</u>
Total Estimated Annual Personnel Costs (Beginning with Year 2)		\$473,000.00

* Positions Required for 1st Year Operations and Set-Up.

Re-Cap of Proposed Annual Operating Expense

Travel and Vehicle Expense	\$ 35,000.00
Office Expense	\$ 20,000.00
Communications Expense	\$ 20,000.00
Instrument and Physical Expense	\$ 25,000.00
Data Processing Expense	\$ 20,000.00
Professional Services	\$300,000.00
Contingencies	\$ 10,000.00
Office Space Expense	<u>\$ 40,000.00</u>
<u>Total Estimated Annual Operating Expense =</u> (Full Operation Beginning Year 2)	\$470,000.00

Estimated Grand Total Annual Costs
(Full Operation Beginning Year 2)

Personnel	=	\$473,000.00
Operating Expense	=	<u>\$470,000.00</u>
Grand Total Annual	=	\$943,000.00

SUBSTITUTE FOR SENATE BILL NO. 539

By Committee on Governmental Organization

AN ACT amending the vehicle dealers' and manufacturers' licensing act; concerning the dealer review board; amending K.S.A. 1989 Supp. 8-2411 and repealing the existing section; also repealing K.S.A. 1989 Supp. 74-7276.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) The dealer review board created by K.S.A. 8-2412 and amendments thereto shall:

- (1) Confer with the director on matters related to regulations relating to improved vehicle dealer practices;
- (2) serve to make suggestions and recommendations for changes in current law relating to vehicle sales and trade;
- (3) act as a resource for vehicle industry problems; and
- (4) provide expertise to uncover operating problems created by current law, while balancing problems against the greater public interest.

(b) The provisions of this section shall not require any action prior to adoption of any rules and regulations by the secretary of revenue.

Sec. 2. K.S.A. 1989 Supp. 8-2411 is hereby amended to read as follows: 8-2411. (a) When any licensee is found to be allegedly violating any of the applicable provisions of this act, or any order or rule ~~or~~ and regulation adopted pursuant thereto, the director upon the director's own motion or upon complaint may commence a hearing against the licensee, which hearing shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(b) Any person who is found to have violated any applicable provisions of this act, any rule and regulation adopted pursuant thereto or any applicable order of the director shall be subject

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to a civil penalty of not less than \$50 nor more than \$1,000 for each violation or such person's license may be suspended or revoked or both civil penalty and license suspension or revocation.

(c) Any party aggrieved by the decision of the board director may appeal the same to the district court in accordance with the provisions of the act for judicial review and civil enforcement of agency actions.

New Sec. 3. The dealer review board established by K.S.A. 8-2412, and amendments thereto, shall be and is hereby continued in existence in the manner set forth in K.S.A. 8-2412, and amendments thereto, on and after July 1, 1990.

Sec. 4. K.S.A. 1989 Supp. 8-2411 and 74-7276 are hereby repealed.

Sec. 5. This act shall take effect and be in force ~~from~~ and after its publication in the statute book.

SENATE BILL No. 241

By Committee on Local Government

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16 AN ACT enacting the auctioneers license law; providing for the
17 licensure of auctioneers; creating the board of auctioneers and
18 providing for the powers, duties and functions thereof; declaring
19 certain acts to be unlawful and providing penalties for violations;
20 amending K.S.A. 1988 Supp. 75-3170a and repealing the existing
21 section. 1989

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23 *Be it enacted by the Legislature of the State of Kansas:*

24 New Section 1. Sections 1 to 12, inclusive, and amendments
25 thereto shall be known and may be cited as the auctioneers license
26 law.

27 New Sec. 2. As used in the auctioneers license law, unless the
28 context otherwise requires:

29 (a) "Auction" means the public sale of real property or personal
30 property, or both, in which the sale price of the property offered
31 is increased by bids until the highest accepted bidder becomes the
32 purchaser.

33 (b) "Auctioneer" means any person who offers, negotiates or at-
34 tempts to negotiate a listing contract, sale, purchase or exchange of
35 goods, chattels, merchandise, real or personal property, or of any
36 other commodity which may lawfully be kept or offered for sale by
37 or at public auction, or who sells the same at auction;

38 (c) "Board" means the board of auctioneers created under section
39 3;

40 (d) "Goods" means any chattels, goods, merchandise, real or per-
41 sonal property, or commodities of any form or type which may be
42 lawfully kept or offered for sale;

43 (e) "Person" includes an individual, association, partnership and
44 corporation.

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45 New Sec. 3. (a) There is hereby created the board of auctioneers.
 46 The board shall consist of five members appointed by the governor.
 47 The members of the board immediately prior to their date of ap-
 48 pointment shall have been residents of this state for at least five
 49 years and shall be of good reputation, and at least three members
 50 of the board shall have been engaged in the vocation of auctioneering
 51 for at least five years and shall be knowledgeable in the auction
 52 profession.

53 (b) The terms of the members appointed to the board shall be
 54 for three years and until their successors are appointed and qualified
 55 except that of the members first appointed to the board one shall ~~1991~~
 56 be appointed for a term ending June 30, ~~1990~~ two shall be appointed ~~1992~~
 57 for terms ending June 30, ~~1991~~ and two shall be appointed for terms ~~1993~~
 58 ending June 30, ~~1992~~ as designated by the governor. Before the
 59 expiration of the term of a member, the governor shall appoint a
 60 successor whose term begins on July 1 following the appointment.
 61 If a vacancy on the board exists for any cause, the governor for that
 62 vacant position shall make an appointment to become immediately
 63 effective for the unexpired term. Whenever there is a member to
 64 be appointed to the board, the Kansas auctioneers association may
 65 submit to the governor a list of at least three names for each such ~~may~~
 66 member to be appointed, and the governor ~~shall~~ consider the names
 67 on such list prior to making the appointment.

68 (c) The first meeting of the board shall be at a time and place
 69 designated by the governor. The first member of the board appointed
 70 by the governor shall act as temporary chairperson of the board. At
 71 the first meeting of the board and annually thereafter, the board
 72 shall elect a chairperson and a vice-chairperson from among the
 73 members of the board. A majority of the members of the board shall
 74 constitute a quorum for the transaction of business. Meetings sub-
 75 sequent to the first meeting of the board shall be at a time and
 76 place specified by the call of the chairperson or of a majority of the
 77 members of the board.

78 (d) Members of the board attending meetings of the board, or
 79 attending a subcommittee meeting thereof authorized by the board,
 80 shall be paid compensation, subsistence allowances, mileage and
 81 other expenses as provided in K.S.A. 75-3223, and amendments

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thereto.

New Sec. 4. (a) On and after January 1, ~~1990~~ it shall be unlawful for any person to act as an auctioneer or to advertise or to assume to act as an auctioneer unless such person holds a valid license issued by the board of auctioneers.

(b) A violation of this section is a class B misdemeanor.

New Sec. 5. (a) Auctioneer licenses shall be granted only to persons who are found to be of good repute, trustworthy and competent to transact the business of an auctioneer in such a manner as to safeguard the interest of the public.

(b) The board is authorized to require information from every applicant to determine the applicant's honesty and truthfulness.

(c) An examination, conducted by the board or its authorized representative shall be held four times each year, and an examination fee of not to exceed \$100 as established by rules and regulations of the board shall be collected from each applicant for auctioneer. Examination fees shall be nonrefundable and shall defray the expenses of processing the application and of conducting the examination. The examination shall include questions on ethics, mathematics, principles of land economics and a general knowledge of the statutes of Kansas relating to the bulk sales law, ~~deeds~~, mortgages, contracts of sale, agency, leases, auctions, brokerage and the provisions of this act.

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(d) No examination shall be required for the renewal of any current or future license, unless such license has been revoked, suspended or is allowed to expire without renewal. In any of these cases, the board may require the applicant to take and pass the written examination before a new license may be issued.

(e) The provisions of subsection (c) requiring applicants to pass a written examination to obtain a license shall not apply to an auctioneer furnishing satisfactory proof to the board that the auctioneer actively engaged in the auction business for a period of at least one

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~~year prior to July 1, 1989, and that the auctioneer has been an auctioneer in at least five auctions of either real or personal property during this period of time.~~ Such an applicant shall file an application

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and proof with the board no later than October 1, ~~1989~~ and the application and proof shall be accompanied by a license fee in ac-

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119 cordance with the provisions of this act.

120 New Sec. 6. (a) In addition to the other qualifications provided
121 for by this act, every applicant for an auctioneer's license shall be
122 at least 18 years of age and shall have graduated from an accredited
123 high school or obtained the equivalent thereof. Every application
124 for a license shall be submitted on forms prepared by the board.

125 (b) Every applicant shall furnish pertinent background data as
126 outlined on the application forms furnished by the board.

127 (c) The issuance fee for each auctioneer's license shall be not
128 more than \$50 and the annual renewal fee for each license shall be
129 not more than \$50, as such fees are established by the board by
130 rules and regulations. All licenses shall expire on June 30 of each
131 year. In the absence of any reason or condition which might warrant
132 the refusal of the renewing of the license, and upon receipt of the
133 written request of the applicant and the annual fee, the board shall
134 issue a renewal license for each ensuing year.

135 (d) The board shall prepare and deliver to each licensee a license
136 certificate and pocket card. The certificate shall be displayed con-
137 spicuously at all times in the office of the licensee.

138 New Sec. 7. Any nonresident applicant who is a licensed auc-
139 tioneer in ~~and who resides in~~ another state or country where the
140 qualifications prescribed at the time of licensing were, in the opinion
141 of the board, ~~equal to~~ those prescribed in this state at the date of
142 application, and where reciprocal licensing privileges satisfactory to
143 the board are granted to licensees ~~and residents~~ of this state may
144 be granted a license without an examination. ~~A fee of not to exceed~~
145 ~~\$100 in addition to the fees set out in section 5 shall be collected~~ no less than
146 ~~from each applicant meeting the above requirements.~~)

147 New Sec. 8. (a) Every auctioneer licensed under this act shall
148 maintain a designated office or location where such auctioneer may
149 be reached or may be served with legal documents. The board shall
150 be notified by the licensed auctioneer of any change of such des-
151 ignated office or location within 30 days subsequent to such change.

152 (b) The board may adopt rules and regulations as necessary to
153 administer the provisions of this act.

154 New Sec. 9. The board may refuse to grant a license or may
155 suspend or revoke the license of an auctioneer for any of the following

Each applicant meeting the above requirements shall pay a fee equivalent to the fee prescribed in Section 6(c) of this act or, in the event there is a multi-state agreement with the applicants state of licensure, such fee, if any, as the agreement shall provide.

The commission has the authority to enter into a multi-state agreement with other states' commissions or boards that would allow auctioneers to conduct auctions in each other's state without having to obtain that state's license, thus permitting the home state licensed auctioneer to conduct auctions that foreign state pursuant to the multi-state agreement.

156 causes:

157 (a) Attempting to obtain or obtaining a license through false or
158 fraudulent representation:

159 (b) making any misrepresentation:

160 (c) pursuing a continued and flagrant course of misrepresentation
161 or making false promises through agents or advertising or otherwise:

162 (d) failing to account for or to remit, within a reasonable time,
163 any money belonging to others that comes into the licensee's possession,
164 commingling funds of others with the licensee's own or failing to

165 keep such funds of others in an escrow or trustee account:

166 (e) paying valuable consideration to any person for services per-
167 formed which were known to the licensee to be in violation of this

168 act:

169 (f) being convicted in a court of competent jurisdiction of this or
170 any other state of a criminal offense involving moral turpitude, fraud
171 or a felony;

172 (g) violation of any rule and regulation adopted by the board;

173 (h) failure to furnish voluntarily at the time of execution copies
174 of all written instruments prepared by the auctioneer;

175 (i) any conduct of an auctioneer which demonstrates bad faith,
176 dishonesty, incompetency or untruthfulness;

177 (j) any other conduct that constitutes improper, fraudulent or
178 dishonest dealings.

179 New Sec. 10. Any person making a complaint against a licensee
180 shall submit the complaint to the board in verified form. Upon
181 receipt of a properly verified complaint, the board shall send a copy
182 of the complaint to the affected licensee by certified mail, return
183 receipt requested, and the licensee shall answer the complaint in
184 writing within 20 days of receipt of the complaint. The licensee shall
185 mail a copy of the response of the licensee to the board and the
186 complainant. Upon receipt of the licensee's response or lapse of 20
187 days, the board shall make investigation of the underlying allegations
188 of the complaint, and upon a finding of probable cause to believe
189 a cause for suspension or revocation of a license under section 9 and
190 amendments thereto exists, may order a hearing for the licensee to
191 appear and show cause why the licensee should not be disciplined
192 under section 9 and amendments thereto.

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193 New Sec. 11. (a) The auctioneers license law shall not apply to:

194 (1) Sales at auction conducted by or under the direction of any
195 public authority or pursuant to any judicial order or decree.

196 (2) Sales at auction of any real or personal property conducted
197 exclusively by an individual who personally owns such real or per-
198 sonal property and who did not acquire such real or personal property
199 for resale. This subsection is applicable only to individuals. It does
200 not apply to any other "persons" as defined in section 1, nor does
201 it apply to any officer, director or employee thereof.

202 (3) ~~Any person licensed under federal law relating to packers and~~
203 ~~shippers and the auctioneering of livestock.~~

204 (4) A sale conducted by or on behalf of any political party, church
205 or charitable corporation or association if the individual conducting
206 the sale receives no compensation and does not, by advertising or
207 otherwise, hold oneself out as being available to engage in the sale
208 of goods or real estate at auction.

209 (5) Any person licensed under the real estate brokers' and sa-
210 lespersons' license act so long as such person is not conducting an
211 auction.

212 (6) Any person licensed under the vehicle dealers and manufac-
213 turers licensing act while engaged in performing the duties such
214 person is authorized to perform under the vehicle dealers and man-
215 ufacturers licensing act.

216 (7) Notwithstanding the provisions of this section, no licensee
217 under this act shall be exempted from any of the provisions of this
218 act in connection with or by reason of participation in any sale
219 excepted under this section.

220 New Sec. 12. Proceedings under the auctioneers license law shall
221 be conducted in accordance with the Kansas administrative procedure
222 act. Judicial review and civil enforcement of agency actions under
223 the auctioneers license law shall be in accordance with the act for
224 judicial review and civil enforcement of agency actions.

225 New Sec. 13. The board shall remit all moneys received by or
226 for the board from fees, charges or penalties to the state treasurer
227 at least monthly. Upon receipt of any such remittance the state
228 treasurer shall deposit the entire amount thereof in the state treasury.
229 Twenty percent of such amount shall be credited to the state general

Sales of livestock by:

(i) any person licensed as a public livestock
market pursuant to K.S.A. Section 47-101 et.
seq., and any person employed as an auctioneer
by such public livestock market; and

(ii) any person registered with the Packers
and Stockyards Administration of the United
States Department of Agriculture as a livestock
dealer pursuant to the Packers and Stockyards
Act, 1921 (7 U.S.C. §181 et. seq.) unless
such livestock dealer is selling livestock
at auction.

(8) Any properly enrolled student in a
regularly scheduled term of an auction school
approved by the Department of Education while
participating in an auction school approved
auction.

220 fund and the balance shall be credited to the board of auctioneers
 231 fee fund. All expenditures from the board of auctioneers fee fund
 232 shall be made in accordance with appropriation acts upon warrants
 233 of the director of accounts and reports issued pursuant to vouchers
 234 approved by the chairperson of the board or by a person or persons
 235 designated by the chairperson.

Section 14. No municipality or other political
 subdivision of this state has authority, after
 the effective date of this amendment, to levy or
 collect any license tax or fee, as a regulatory
 or revenue measure, or to require the licensing
 in any manner of any auctioneer.

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236 Sec. ~~44~~ ~~K.S.A. 4988~~ Supp. 75-3170a is hereby amended to read
 237 as follows: 75-3170a. (a) The 20% credit to the state general fund
 238 required by section 13 and by K.S.A. 1-204, 2-2609, 2-3008, 9-1703,
 239 16-609, 16a-2-302, 17-1271, 17-2236, 17-5609, 17-5610, 17-5612, 17-
 240 5701, 20-1a02, 20-1a03, 34-102b, 44-324, 44-926, 47-820, 49-420, 55-
 241 131, 55-155, 55-609, 55-711, 55-901, 58-3074, 65-6b10, 65-1718, 65-
 242 1817a, 65-2011, 65-2418, 65-2855, 65-2911, 65-4610, 66-1-155, 66-
 243 1503, 74-715, 74-1108, 74-1405, 74-1503, 74-1609, 74-2704, 74-2902a,
 244 74-3903, 74-5805, 74-7009, 74-7506, 75-1119b, 75-1308 and 75-1509
 245 and K.S.A. ~~4987~~ 1988 Supp. 65-5413, 65-5513, 84-9-411 and 84-9-
 246 413, and acts amendatory of any of the foregoing including
 247 amendments by other sections of this act is amendments thereto,
 248 to reimburse the state general fund for accounting, auditing, budg-
 249 eting, legal, payroll, personnel and purchasing services, and any and
 250 all other state governmental services, which are performed on behalf
 251 of the state agency involved by other state agencies which receive
 252 appropriations from the state general fund to provide such services.

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253 (b) Nothing in this act or in the sections amended by this act
 254 or referred to in subsection (a) of this section, shall be deemed to
 255 authorize remittances to be made less frequently than is authorized
 256 under K.S.A. 75-4215, and amendments thereto.

257 (c) Notwithstanding any provision of any section referred to in
 258 or amended by this act or referred to in subsection (a) of this section,
 259 whenever in any fiscal year such 20% credit to the state general
 260 fund in relation to any particular fee fund is \$200,000, in that fiscal
 261 year the 20% credit no longer shall apply to moneys received from
 262 sources applicable to such fee fund and for the remainder of such
 263 year the full 100% so received shall be credited to such fee fund,
 264 except as otherwise provided in subsection (d) of this section.

265 (d) Notwithstanding any provision of K.S.A. 2-2609 and 2-3008,
 266 and amendments thereto, or any provision of any section referred

267 to in subsection (a) of this section, the 20% credit to the state general
268 fund no longer shall apply to moneys received from sources appli-
269 cable to the grain research and market development agencies funds,
270 as specified for each such fund by this subsection, and for the re-
271 mainder of a fiscal year the full 100% of the moneys so received
272 shall be credited to the appropriate fund of such funds, whenever
273 in any fiscal year:

274 (1) With respect to the Kansas wheat commission fund, such 20%
275 credit to the state general fund in relation to such fund in that fiscal
276 year is equal to that portion of \$100,000 that bears the same pro-
277 portion to \$100,000 as the amount credited to the Kansas wheat
278 commission fund during the preceding fiscal year bears to the total
279 of the amounts credited to the Kansas wheat commission fund, the
280 Kansas corn commission fund, the Kansas grain sorghum commission
281 fund and the Kansas soybean commission fund during the preceding
282 fiscal year:

283 (2) with respect to the Kansas corn commission fund, such 20%
284 credit to the state general fund in relation to such fund in that fiscal
285 year is equal to that portion of \$100,000 that bears the same pro-
286 portion to \$100,000 as the amount credited to the Kansas corn com-
287 mission fund during the preceding fiscal year bears to the total of
288 the amounts credited to the Kansas wheat commission fund, the
289 Kansas corn commission fund, the Kansas grain sorghum commission
290 fund and the Kansas soybean commission fund during the preceding
291 year;

292 (3) with respect to the Kansas grain sorghum commission fund,
293 such 20% credit to the state general fund in relation to such fund
294 in that fiscal year is equal to that portion of \$100,000 that bears the
295 same proportion to \$100,000 as the amount credited to the Kansas
296 grain sorghum commission fund during the preceding fiscal year
297 bears to the total of the amounts credited to the Kansas wheat
298 commission fund, the Kansas corn commission fund, the Kansas grain
299 sorghum commission fund and the Kansas soybean commission fund
300 during the preceding fiscal year; and

301 (4) with respect to the Kansas soybean commission fund, such
302 20% credit to the state general fund in relation to such fund in that
303 fiscal year is equal to that portion of \$100,000 that bears the same

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304 proportion to \$100,000 as the amount credited to the Kansas soybean
 305 commission fund during the preceding fiscal year bears to the total
 306 of the amounts credited to the Kansas wheat commission fund, the
 307 Kansas corn commission fund, the Kansas grain sorghum commission
 308 fund and the Kansas soybean commission fund during the preceding
 309 fiscal year.

310 (e) As used in this section, "grain research and market devel-
 311 opment agencies" means the Kansas wheat commission, the Kansas
 312 corn commission, the Kansas grain sorghum commission and the
 313 Kansas soybean commission. Such agencies have been created to
 314 fund appropriate research projects; to conduct campaigns of devel-
 315 opment, education and publicity; and to find new markets or maintain
 316 existing markets for commodities and products made from those
 317 commodities, among their other duties. Such grain research and
 318 market development agencies shall be funded by an assessment col-
 319 lected from the grower at the time of the sale of such commodity
 320 by the first purchaser. The assessment shall be sent to the proper
 321 grain research and market development agency.

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322 Sec. ~~15.~~ K.S.A. 1989 Supp. 75-3170a is hereby repealed. 16

323 Sec. ~~16.~~ This act shall take effect and be in force from and after 17
 324 its publication in the statute book.
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