

2012 Kansas Statutes

58-3310. General powers and duties. (a) The commissioner shall prescribe reasonable rules which shall be adopted, amended, or repealed in compliance with K.S.A. 77-415 *et seq.* and amendments thereto, after a public hearing with notice thereof published once in a newspaper or newspapers with statewide circulation not less than five (5) days nor more than fifteen (15) days prior to the hearing and mailed to all subdividers not less than five (5) days nor more than fifteen (15) days prior to the public hearing. The rules shall include but not be limited to provisions for advertising standards to assure full and fair disclosure; provisions for escrow or trust agreements or other means reasonably to assure that all improvements referred to in the application for registration and advertising will be completed and that purchasers will receive the interest in land contracted for; provisions for operating procedures; and other rules as are necessary and proper to accomplish the purpose of this act.

(b) The commissioner by rule or by an order, after reasonable notice and hearing, may require the filing of advertising material relating to subdivided lands prior to its distribution.

(c) If it appears that a person has engaged or is about to engage in an act or practice constituting a violation of a provision of this act, or a rule or order hereunder, the commissioner, with or without prior administrative proceedings may bring an action in the district court to enjoin the acts or practices and to enforce compliance with this act or any rule or order hereunder. Upon proper showing, injunctive relief or temporary restraining orders shall be granted, and a receiver or conservator may be appointed. The commissioner is not required to post a bond in any court proceedings.

(d) The commissioner may intervene in a suit involving subdivided lands. In any suit by or against a subdivider involving subdivided lands, the subdivider promptly shall furnish the commissioner notice of the suit and copies of all pleadings.

(e) The commissioner may:

- (1) Accept registrations filed in other states or with the federal government;
- (2) contract with similar agencies in this state or other jurisdictions to perform investigative functions;
- (3) accept grants-in-aid from any source.

(f) The commissioner shall cooperate with similar agencies in other jurisdictions to establish uniform filing procedures and forms, uniform public offering statements, advertising standards, rules and common administrative practices.

History: L. 1967, ch. 311, § 10; L. 1976, ch. 241, § 9; July 1.