GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2016 REGULAR SESSION

SENATE BILL NO. 191

AS ENACTED

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ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

1 AN ACT relating to reorganization and declaring an emergency.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 247.090 is amended to read as follows:

4 (1) The State Fair Board shall be composed of ***seventeen (17)***[~~fifteen (15)~~] members, as

5 follows:

6 (a) The Governor ***or his or her designee***;

7 (b) The Commissioner ***of Agriculture or his or her designee***;

8 (c) The dean of the ***University of Kentucky*** College of Agriculture***, Food and***

9 ***Environment or his or her designee***[~~ of the University of Kentucky~~];

10 (d) ***Five (5)***[~~Nine (9)~~] members appointed ***by the Governor*** from the state at large

11 [~~by the Governor~~] with due consideration to geographical distribution

12 throughout the state;

13 (e) ***One (1) member appointed by the Governor from the state at large who is***

14 ***involved with, or experienced in, agribusiness;***

15 ***(f) One (1) member appointed by the Governor from a list of six (6) nominees***

16 ***that are representative of all segments of animal agriculture provided by***

17 ***trade organizations and commodity groups that may include but not be***

18 ***limited to the Kentucky Cattlemen's Association, Kentucky Dairy***

19 ***Development Council, Kentucky Livestock Improvement Association,***

20 ***Kentucky Pork Producers Association, Kentucky Poultry Federation, and***

21 ***Kentucky Sheep and Goat Development Office;***

22 ***(g) One (1) member appointed by the Governor from a list of six (6) nominees***

23 ***that are representative of all segments of crop or plant production provided***

24 ***by trade organizations or commodity groups that may include but not be***

25 ***limited to Kentucky Corn Growers Association, Kentucky Grape and Wine***

26 ***Council, Kentucky Horticulture Council, Kentucky Small Grain Growers***

27 ***Association, and Kentucky Soybean Association;***

1 ***(h) One (1) member appointed by the Governor from a list of six (6) nominees***
2 ***submitted by the governing body of the American Saddlebred Horse***
3 ***Association;***
4 ***(i) One (1) member appointed by the Governor from a list of six (6) nominees***
5 ***provided by the Kentucky Farm Bureau Federation;***
6 ***(j) One (1) member appointed by the Governor from a list of six (6) nominees***
7 ***provided by the Kentucky Association of Fairs and Horse Shows;***
8 ***(k) One (1) member appointed by the Governor from a list of six (6) nominees***
9 ***provided by the Louisville Convention and Visitors Bureau representing the***
10 ***hospitality and tourism industry;***
11 ***(l) The state president of the Kentucky FFA Association, who shall serve as an***
12 ***ex officio, nonvoting member for the duration of his or her term as student***
13 ***leader of the association; and***
14 ***(m) The state president of the Kentucky 4-H Organization, who shall serve as an***
15 ***ex officio, nonvoting member for the duration of his or her term as student***
16 ***leader of the organization***[~~One (1) member appointed by the Governor~~
17 ~~selected from a list provided by the Kentucky Association of Fairs and Horse~~
18 ~~Shows of six (6) eligible members of the association; and~~
19 ~~(f) One (1) member shall be appointed from the state at large by the President of~~
20 ~~the Senate of the Kentucky General Assembly and one (1) member shall be~~
21 ~~appointed from the state at large by the Speaker of the House of~~
22 ~~Representatives of the Kentucky General Assembly~~].
23 (2) The terms of the[~~ appointed~~] members of the board ***appointed by the Governor***
24 shall be ***staggered terms. Members of the board shall be appointed to a term of***[~~
25 ~~for~~] four (4) years ***and shall serve until their successors are duly appointed and***
26 ***qualified. Members of the board shall be appointed to no more than three (3)***
27 ***terms that began on or after the effective date of this Act. Terms that began prior***

1 ***to the effective date of this Act shall not count toward the term limits established***
2 ***by this subsection***[~~, dating from the beginning of the terms for which they were~~
3 ~~respectively appointed, and until their successors are appointed and qualify~~]. As the
4 terms of each group of members expire, the Governor shall appoint successors for
5 terms of four (4) years and until their successors are appointed and qualify. ***The***
6 ***initial appointments shall be for staggered terms, as follows:***
7 ***(a) Three (3) members shall be appointed for one (1) year;***
8 ***(b) Three (3) members shall be appointed for two (2) years;***
9 ***(c) Three (3) members shall be appointed for three (3) years; and***
10 ***(d) Three (3) members shall be appointed for four (4) years.***
11 ***Initial members shall be appointed by the Governor within thirty (30) days of the***
12 ***effective date of this Act.***[~~Beginning with the appointments to be made for the terms~~
13 ~~commencing December 12, 1948, one (1) member of the first group of successor~~
14 ~~members to be appointed shall be appointed from a list of six (6) nominees~~
15 ~~consisting of three (3) names from each of the two (2) political parties polling the~~
16 ~~largest number of votes in the state at general elections submitted to the Governor~~
17 ~~by the governing body of the Kentucky Livestock Improvement Association, and~~
18 ~~beginning December 12, 1972, one (1) member of the first group shall be appointed~~
19 ~~from a list of six (6) nominees so submitted by the governing body of the Kentucky~~
20 ~~State National Farmers Organization; one (1) member of the second such group~~
21 ~~shall be appointed from a list of six (6) nominees so submitted by the governing~~
22 ~~body of the American Saddle Horse Breeders Association; and one (1) member of~~
23 ~~the third group shall be appointed from a list of six (6) nominees so submitted by~~
24 ~~the governing body of the Kentucky Farm Bureau Federation.~~] It is the intention of
25 the General Assembly that the political affiliation of the appointed members shall
26 be as evenly divided as possible between the two (2) political parties polling the
27 largest number of votes in the state at general elections.

1 (3) In case of a vacancy among the appointed members of the board, the unexpired term
2 ~~[so occurring]~~shall be filled pursuant to the requirements and procedures for
3 original appointments.
4 ➔Section 2. KRS 247.100 is amended to read as follows:
5 ~~[(1)]~~The State Fair Board shall be a body corporate with the usual corporate powers.
6 Full minutes and records shall be kept of all meetings of the board and all official actions
7 of the board shall be recorded therein, and such minutes and records shall constitute
8 public records and be available at all reasonable times for public inspection.
9 ~~[(2) A quorum of the board shall consist of five (5) members, and a majority of those~~
10 ~~present at any meeting of the board may act for the board upon any matter which~~
11 ~~may legally come before such meeting.]~~
12 ➔Section 3. KRS 247.110 is amended to read as follows:
13 ***(1) The Governor shall appoint one (1) member of the board to serve as its chair. The***
14 ***Governor shall further designate a second member to serve as vice chair with***
15 ***authority to act in the absence of the chair. The chair and vice chair shall each***
16 ***serve for a period of one (1) year and may be reappointed by the Governor for***
17 ***subsequent years to those positions.***
18 ***(2) The board shall meet monthly, a minimum of ten (10) months per year. A***
19 ***majority of the voting members of the board shall constitute a quorum for the***
20 ***transaction of business.***
21 ***(3) The board shall adopt bylaws for the regulation of its affairs and the conduct of***
22 ***its business and to prescribe rules, regulations, and policies in connection with***
23 ***the performance of its function and duties.***
24 ***(4)*** ~~[The State Fair Board shall elect annually from among the members the Governor~~
25 ~~shall appoint a chairman and a vice chairman.]~~The board shall elect and employ a
26 secretary who shall be responsible directly to the board as the keeper of all records
27 pertaining to the operation of the fair or the business of the board. The president and chief

1 executive officer provided for in KRS 247.130 shall be ex officio treasurer to the board.

2 ➔Section 4. KRS 247.120 is amended to read as follows:

3 ***Members of the board, including the state president of the Kentucky FFA Association***
4 ***and the state president of the Kentucky 4-H Organization, shall receive one hundred***
5 ***dollars ($100) per day for each meeting attended, and shall be reimbursed for all***
6 ***reasonable and necessary expenses paid or incurred in the discharge of official***
7 ***business***[~~The members of the State Fair Board shall be allowed their necessary traveling~~
8 ~~and hotel expenses, and shall be allowed one hundred dollars ($100) per day for attending~~
9 ~~the meetings of the State Fair Board, which shall not exceed ninety-six (96) in number in~~
10 ~~any one (1) year, and for services rendered in carrying on the State Fair~~].

11 ➔Section 5. KRS 247.140 is amended to read as follows:

12 (1) The State Fair Board:

13 (a) Shall have the custody and control of such property as now is under its
14 custody and control, and of such property as may hereafter be placed under its
15 control or transferred to it by the State Property and Buildings Commission,
16 for any purposes mentioned in this section and the physical properties so
17 under its custody and control or transferred to it are hereinafter referred to in
18 this section, and in KRS 247.150 and 247.160, as the "state fairgrounds and an
19 area in a city of the first class to be used as an exhibition center."

20 (b) May erect and repair buildings on the state fairgrounds and exhibition center,
21 make any and all necessary or proper improvements, and generally carry on a
22 program of development and extension of facilities designed to accomplish
23 the objectives defined in this section.

24 (c) Shall promote the progress of the state and stimulate public interest in the
25 advantages and development of the state by providing the facilities of the state
26 fairgrounds for agricultural and industrial exhibitions, public gatherings,
27 cultural activities, and other functions calculated to advance the educational,

1 physical, and cultural interests of the public and by providing the facilities of
2 the exhibition center for conventions, trade shows, public gatherings, and
3 other functions calculated to advance and enhance the visitor industry,
4 economy, entertainment, cultural and educational interests of the public.
5 (d) ***Shall***[~~May~~] hold an annual fair on the state fairgrounds, for the exhibition of
6 agricultural, mechanical, horticultural, dairy, forestry, poultry, livestock,
7 mineral, and all other industrial interests of the state, and prepare premium
8 lists and establish rules of exhibition for the fair.
9 (e) May purchase liability insurance for the members and executive officers
10 exempted from the classified service of the state by KRS 18A.115.
11 (f) Shall operate ***shows and expositions that include but are not limited to*** the
12 North American International Livestock Exposition***, Kentucky State Fair and***
13 ***World's Championship Horse Show, and National Farm Machinery Show***[~~,~~
14 ~~which shall be under the direction of a director appointed by the Governor~~
15 ~~upon the recommendation of the North American International Livestock~~
16 ~~Exposition Executive Committee~~].
17 (2) The State Fair Board may take, acquire and hold property, and all interest therein,
18 by deed, gift, devise, bequest, lease, or eminent domain, or by transfer from the
19 State Property and Buildings Commission, and may dispose of any property so
20 acquired in the manner provided by law. In the exercise of its power of eminent
21 domain it shall proceed in the manner provided in the Eminent Domain Act of
22 Kentucky.
23 ➔Section 6. KRS 247.220 is amended to read as follows:
24 (1) The Commissioner of Agriculture shall make grants of state funds to qualified local
25 agricultural fairs on a matching basis, to be used by them to pay premium awards
26 for exhibits and displays of domestic livestock, poultry, harness horse racing, other
27 horse events, and agricultural products. The premiums actually awarded shall

1 conform to those appearing on the premium list issued by the fair.
2 (2) The state may provide funds for use in the establishment of new facilities and
3 improvement of existing facilities for use in conducting events at local agricultural
4 fairs as provided by this section. No grant for buildings shall be made until the local
5 fair board has complied with the local fair program and qualified for the state grant
6 as provided in subsection (5) of this section. Grants for facilities shall be made
7 under regulations promulgated by the Fair Council and the Commissioner of
8 Agriculture. In no event shall the allocation for facilities result in a decrease in the
9 number of approved agricultural classes or premiums.
10 (3) There shall be a Fair Council in the Department of Agriculture. The council shall
11 act in an advisory capacity to the Commissioner in all matters pertaining to the
12 administration of the department's fair program. It shall be called into session when
13 there are matters for its consideration. It shall meet at least twice each calendar year
14 at Frankfort or at any other place that may be determined.
15 (4) (a) The council shall be composed of the:
16 1. Commissioner as chairman ex officio;
17 2. Presidents or their designated representatives of the following state
18 groups:
19 ~~[a. Kentucky Livestock Improvement Association;]~~
20 ***a.***~~[b.]~~Kentucky Farm Bureau Federation;
21 ***b.***~~[c.]~~Kentucky Association of Fairs and Horse Shows, Inc.;
22 ***c.***~~[d.]~~Kentucky ***Colt Racing***~~[Harness Horse]~~ Association;
23 ***d.***~~[e.]~~American Saddlebred Horse Association; and
24 ***e.***~~[f.]~~ Kentucky Walking Horse Association;
25 3. ***Agricultural Education Consultant of the Kentucky Department of***
26 ***Education***~~[Director of Vocational Agriculture Education]~~;
27 4. Dean of the ***University of Kentucky*** College of Agriculture***, Food and***

1 ***Environment***~~[of the University of Kentucky]~~;~~[and]~~
2 5. Co-chairs of the Interim Joint Committee on Agriculture***; and***~~[.]~~
3 ***6. A representative appointed by the Commissioner who is involved with,***
4 ***or experienced in, animal agriculture.***
5 (b) The Commissioner may, with the concurrence of a majority of the members of
6 the council, appoint additional members to the council.
7 (5) To qualify for a grant of state funds, a fair shall meet standards set by the
8 Commissioner and his advisory council whose approval may be given only if the
9 fair:
10 (a) Provides in its bylaws for holding an annual fair running for at least three (3)
11 days;
12 (b) Presents, through the medium of youth organizations such as 4-H clubs,
13 Future Farmers of America, and other similar organizations, an educational
14 program concerning the production and marketing of the livestock, poultry,
15 and horse industries;
16 (c) Complies with all administrative regulations which the Department of
17 Agriculture is hereby authorized to promulgate; and
18 (d) Appoints one (1) or more members to its fair board from local livestock
19 associations, horsemen's associations, and county farm bureaus, and selects
20 one (1) or more county extension agents and vocational agriculture teachers
21 for counties served by the fair as members of the board. Wherever local
22 livestock associations, horsemen's associations, and farm bureaus are in
23 existence, appointees are to be nominated to the fair board by these
24 organizations. Where fairs serve an area, appointments may be made from all
25 counties within the particular area. It shall be the responsibility of the
26 appointees to aid in establishing premium lists and planning agricultural
27 exhibits.

1 (6) Any fair receiving a grant of state funds shall file with the director of the Division
2 of Show and Fair Promotion in the Department of Agriculture, by December 1 of
3 the year in which the grant is received, satisfactory proof that all state premium
4 awards have been paid and a certified notarized financial report submitted by the
5 treasurer of the local fair association.
6 ➔Section 7. KRS 247.226 is amended to read as follows:
7 There is created the North American International Livestock Exposition Executive
8 Committee which shall be attached for administrative purposes to the North American
9 International Livestock Exposition Branch within the Division of Expositions within the
10 State Fair Board.[~~ The membership of the committee shall consist of eleven (11)~~
11 ~~members as follows: two (2) members at-large appointed by the Governor; the chairman~~
12 ~~of the State Fair Board; the Commissioner of the Department of Agriculture; the dean of~~
13 ~~the University of Kentucky School of Agriculture; and the chairpersons of the six (6)~~
14 ~~advisory subcommittees of the committee. The committee shall elect one (1) of its~~
15 ~~members to serve as chairperson. The terms of the members appointed by the Governor~~
16 ~~shall be concurrent with that of the Governor. The terms of the other members shall be~~
17 ~~concurrent with their respective, representative positions.~~] The committee members shall
18 receive no salary but shall be reimbursed for their expenses incurred in the performance
19 of their duties in accordance with state regulations and such expenses shall be paid from
20 agency receipts.
21 ➔Section 8. KRS 247.228 is amended to read as follows:
22 The North American International Livestock Exposition Executive Committee shall have
23 [~~six (6)~~] advisory subcommittees which shall provide advice and recommendations to the
24 committee regarding exposition matters. ***These subcommittees shall be inclusive of all***
25 ***livestock approved to participate at the North American International Livestock***
26 ***Exposition. Members shall be experienced or knowledgeable in skills which would***
27 ***assist in the management of the Exposition.***[~~These subcommittees shall be the Dairy~~

1 ~~Advisory Subcommittee, the Beef Advisory Subcommittee, the Sheep Advisory~~
2 ~~Subcommittee, the Swine Advisory Subcommittee, the Equine Advisory Subcommittee,~~
3 ~~and the Consultant Advisory Subcommittee. The livestock subcommittee memberships~~
4 ~~shall be determined by the respective dairy, beef, sheep, swine, and equine breed~~
5 ~~associations approved to participate at the exposition, except that no breed association~~
6 ~~shall appoint more than three (3) of its members to the appropriate subcommittee. The~~
7 ~~consultant advisory subcommittee membership shall be determined by invitation of the~~
8 ~~State Fair Board and shall be no more than eight (8) people who are experienced or~~
9 ~~knowledgeable in skills which would assist in the management of the exposition.~~]
10 ➔Section 9. The following KRS section is repealed:
11 247.200 Free passes prohibited.
12 ➔Section 10. Upon the effective date of this Act, all authority, functions, and
13 responsibilities vested in the former Kentucky State Fair Board shall be transferred to the
14 newly re-created and established Kentucky State Fair Board, which shall utilize the
15 authority, functions, and responsibilities to carry out the functions of the board. The
16 Kentucky State Fair Board as it existed under Executive Order 2015-398, dated June 23,
17 2015, is hereby abolished, and the terms of office of the current appointees to the board
18 shall conclude on the effective date of this Act, regardless of the date of any individual's
19 appointment. All duties, functions, responsibilities, records, equipment, staff, and
20 supporting budgets of the former Kentucky State Fair Board and all functions, rights,
21 powers, duties, and obligations as set forth in the Kentucky Revised Statutes and other
22 relevant provisions of the law are hereby transferred to the newly re-created and
23 established board. On the effective date of this Act, Executive Order 2015-398 is nullified
24 and ceases to have any effect.
25 ➔Section 11. Whereas the Kentucky State Fair Board is instrumental in attracting
26 world-class events in the agricultural, agribusiness, and entertainment arenas, as well as
27 establishing regulatory and marketing considerations necessary to promote the safety and

1 success of these endeavors, an emergency is declared to exist, and this Act takes effect
2 upon its passage and approval by the Governor or upon its otherwise becoming law.

President of Senate

Speaker-House of Representatives

Attest: Chief Clerk of Senate

Approved Governor

Date 27 APRIL 2016