

CHAPTER 22

(SB 26)

AN ACT relating to reorganization.

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

SECTION 1. A NEW SECTION OF KRS CHAPTER 148 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 7 of this Act, unless the context indicates otherwise:

- (1) "Authority" means the Appalachian/Kentucky Artisans Gateway Center Authority;*
- (2) "Board" means the board of directors of the Appalachian/Kentucky Artisans Gateway Center Authority; and*
- (3) "Center" means the Appalachian/Kentucky Artisans Gateway Center.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 148 IS CREATED TO READ AS FOLLOWS:

The Appalachian/Kentucky Artisans Gateway Center Authority is created and established as an independent, de jure municipal corporation and political subdivision of the Commonwealth that shall be a public body corporate and politic. The authority shall develop, operate, and manage the Appalachian/Kentucky Artisans Gateway Center funded by 1998 Ky. Acts ch. 615, Part X, under the reference "Artisans Center--Berea." The authority shall be attached to the Tourism Development Cabinet for administrative purposes.

SECTION 3. A NEW SECTION OF KRS CHAPTER 148 IS CREATED TO READ AS FOLLOWS:

- (1) The authority shall be governed by a board of directors consisting of thirteen (13) members as follows:*
 - (a) Secretary of the Tourism Development Cabinet, or his or her designee;*
 - (b) Secretary of the Transportation Cabinet, or his or her designee;*
 - (c) Secretary of the Education, Arts, and Humanities Cabinet, or his or her designee;*
 - (d) Secretary of the Finance and Administration Cabinet, or his or her designee;*
 - (e) Three (3) members appointed by the Governor, one (1) to be a representative of the Kentucky Arts Council, and two (2) to be at-large members; and*
 - (f) Six (6) members appointed by the mayor of the city of Berea to include two (2) representatives of Berea city government, two (2) representatives of Berea College recommended by the president of Berea College, one (1) representative of Eastern Kentucky University recommended by the president of Eastern Kentucky University, and one (1) at-large member.*
- (2) Members shall serve for staggered terms of four (4) years beginning August 1, 2000, except that of the initial appointments:*
 - (a) One (1) appointment by the Governor and two (2) appointments by the mayor of the city of Berea shall each serve a term of four (4) years;*

- (b) *Two (2) appointments by the mayor of the city of Berea and one (1) appointment by the Governor shall each serve a term of three (3) years;*
 - (c) *One (1) appointment by the Governor and one (1) appointment by the mayor of the city of Berea shall each serve a term of two (2) years; and*
 - (d) *One (1) appointment by the mayor of the city of Berea shall serve a term of one (1) year.*
- (3) *The Governor shall appoint a chair from among the members of the board.*
 - (4) *A quorum of the board shall consist of seven (7) members, with a majority of members present authorized to act upon any matter legally before the authority.*
 - (5) *A member may be removed by the appointing authority only for neglect of duty, misfeasance, or malfeasance, and after being afforded an opportunity for a hearing in accordance with KRS Chapter 13B, relating to administrative hearings.*

SECTION 4. A NEW SECTION OF KRS CHAPTER 148 IS CREATED TO READ AS FOLLOWS:

- (1) *An executive director shall be appointed in accordance with KRS 12.050.*
 - (a) *The executive director shall at all times attempt to accommodate the desires expressed by the board of directors.*
 - (b) *The executive director shall keep all minutes, records, and orders of the authority and shall be responsible for the preservation of all the documents. The documents shall be public records subject to KRS 61.870 to 61.884, relating to open records.*
- (2) *The staff of the authority, including its executive director, shall be employees of the Tourism Development Cabinet.*

SECTION 5. A NEW SECTION OF KRS CHAPTER 148 IS CREATED TO READ AS FOLLOWS:

- (1) *The board shall develop articles of incorporation and appropriate documentation to establish its existence as a nonprofit corporation under KRS 58.180.*
- (2) *The board may establish from among its membership an executive committee, which shall have full authority to act between board meetings to the extent delegated by the board.*
- (3) *The board may enact bylaws concerning the election of officers and other administrative procedures it deems necessary.*

SECTION 6. A NEW SECTION OF KRS CHAPTER 148 IS CREATED TO READ AS FOLLOWS:

The authority shall have the following duties and authorities:

- (1) *The authority shall supervise the design, construction, and operation of the center and shall provide all management functions for the facility and for any other property acquired or leased under its powers established by law.*
- (2) *The authority shall promote the growth and development of statewide tourism related to arts and crafts destinations throughout the state and shall ensure that its efforts conform to marketing and promotion strategies devised by the Tourism Cabinet.*

- (3) *The authority shall have the exclusive control of scheduling all exhibitions, performances, retail activities, and concessions in the center. The authority shall have a prior lien upon the property of any private exhibitor, concessionaire, or other person holding an exhibition or performance or operating a concession in the center and may sell the property upon ten (10) days' notice to satisfy any indebtedness.*
- (4) *The authority shall participate with local hotels and the travel industry to develop tourist packages and additional services to attract events, conferences, and conventions to the region.*
- (5) *The authority may take, acquire, and hold property, and all interests therein, by deed, purchase, gift, devise, bequest, or lease, or by transfer from the State Property and Buildings Commission and may dispose of any property so acquired in any manner provided by law.*
- (6) *The authority may adopt administrative regulations in accordance with KRS Chapter 13A only for governing the operation, maintenance, or use of property under its custody and control.*
- (7) *The authority may levy a surcharge on tickets for functions held within the center to contribute to operating revenue.*
- (8) *The authority may sue and be sued and maintain and defend legal actions in its name.*
- (9) *Members of the authority shall serve without compensation, but shall be reimbursed for actual and necessary travel expenses incurred in the performance of their duties. The reimbursement shall be in accordance with administrative regulations promulgated under KRS Chapter 13A by the Finance and Administration Cabinet.*

SECTION 7. A NEW SECTION OF KRS CHAPTER 148 IS CREATED TO READ AS FOLLOWS:

All revenues derived by the authority from the use of the center and from contributions to the center from other sources, and any additional revenues derived by the authority from any other source, shall be used solely for the expenses of the center, including payment on debt; the cost of management and operation of its facilities; the creation of an adequate reserve for repair, replacement, debt service, and capital improvements; the procurement of insurance; and promotional activities.

Section 8. The General Assembly confirms Executive Order 99-331, dated March 12, 1999, to the extent it is not otherwise confirmed or superseded by this Act.

Approved February 21, 2000