

CHAPTER 36

(SB 83)

AN ACT relating to county agricultural development councils.

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

➔Section 1. KRS 248.721 is amended to read as follows:

- (1) Each county shall establish an agricultural development council to evaluate the needs of the local agricultural economy and to devise a plan for the county that would identify programs best suited for the agricultural development of the county. The council shall assist prospective applicants in the council's county in obtaining moneys from the agricultural development fund. ~~Consideration shall be given to racial and gender equity in the appointment of council members.~~ Each council shall consist of **nine (9)** ~~eight (8)~~ members as follows:
 - (a) Two (2) farmers selected by the Farm Service Agency county committee;
 - (b) Two (2) members selected by the board or boards of the soil conservation district or districts serving the county;
 - (c) Two (2) members selected by the county extension council, one (1) of whom shall have experience in agricultural diversification; and
 - (d) **Three (3) at-large members with farm experience and familiarity with the county's agricultural development opportunities and processes selected by the six (6) members in paragraphs (a) to (c) of this subsection.**
- (2) (a) **No less than two (2) of the nine (9) members appointed to the county agricultural development council under subsection (1) of this section shall be** ~~Two (2)~~ young farmers between the ages of twenty-one (21) and forty (40).
 - (b) **At least one (1) of the nine (9) members appointed to the county agricultural development council under subsection (1) of this section shall represent a gender or race that is not represented on the council at the time of the selection** ~~selected by the six (6) members in paragraphs (a) to (c) of this subsection~~.
- (3) ~~(2)~~ (a) ~~Members of the councils shall be initially appointed by August 1, 2000. These members shall serve until June 30, 2002.~~ On July 1, 2002, and every two (2) years thereafter, members shall be appointed for two (2) year terms. **Beginning on July 1, 2010, persons appointed to serve on county agricultural development councils shall be limited to two (2) consecutive two (2) year terms, but shall be eligible for appointment to additional consecutive terms after being absent from a council for a period of two (2) years between each cycle of consecutive terms.**
 - (b) **Any vacancy occurring on a county agricultural development council before the expiration of the vacating member's term shall be filled within sixty (60) days by the authority or members making the original appointment, in the same manner as the original appointment was made under subsection (1) of this section.**
- (4) ~~(3)~~ Each council shall be attached to the county cooperative extension service for administrative support.
- (5) ~~(4)~~ Each council shall receive guidance and assistance from the board as the council devises plans and assists applicants as provided in subsection (1) of this section.
- (6) ~~(5)~~ Councils shall make applicants aware of criteria for projects set out in KRS 248.711.
- (7) ~~(6)~~ Councils shall be responsible for developing local strategies for enhancing agricultural opportunities and assisting local farmers.
- (8) ~~(7)~~ Each council shall utilize the resources of the Agricultural Entrepreneurship Program created in KRS 248.717, the Kentucky Small Business Development Center Network, and the Kentucky Department of Agriculture for assistance and support in aiding prospective applicants in obtaining moneys from the fund.
- (9) ~~(8)~~ Each county council shall provide its plan to the board. If the state board recommends changes in the county plan that the council does not agree with, the council may take the plan before the subcommittee created in KRS 248.723 for discussion and possible resolution of differences.

➔Section 2. By July 1, 2010, each county agricultural development council appointing authority set out in subsection (1)(a) to (c) of Section 1 of this Act shall replace its longest-serving member on the council with a new appointee, provided the longest-serving member has served on the council for four or more years. By July 1, 2012, each appointing authority set out in subsection (1)(a) to (c) of Section 1 of this Act shall replace its longest-serving member on the county council with a new appointee, provided the longest-serving member has served on the council for four or more years. If two council appointees have served the same amount of time, the appointing authority shall determine which council appointee shall leave the council. Council members who are not reappointed in 2010 or 2012 shall be eligible for reappointment two years after their departure from the council.

➔Section 3. KRS 248.723 is amended to read as follows:

- (1) There is created a permanent subcommittee of the Legislative Research Commission to be known as the Tobacco Settlement Agreement Fund Oversight Committee. The subcommittee shall be composed of twelve (12) members and shall include four (4) members of the House of Representatives appointed by the Speaker; two (2) members of the minority party in the House of Representatives appointed by the Minority Floor Leader; four (4) members of the Senate appointed by the President; and two (2) members of the minority party in the Senate appointed by the Minority Floor Leader. The members of the subcommittee shall serve for terms of two (2) years. The appointed members from each chamber shall elect one (1) member from their chamber to serve as co-chair. Any vacancy that may occur in the membership of the subcommittee shall be filled pursuant to this subsection by the same appointing authority who made the original appointment.
- (2) The co-chairs shall have joint responsibilities for committee meeting agendas and presiding at committee meetings. The members of the subcommittee shall be compensated for attending meetings as provided in KRS 7.090(3) and 7.110(5).
- (3) A majority of the entire membership of the Tobacco Settlement Agreement Fund Oversight Committee shall constitute a quorum, and all actions of the subcommittee shall be by vote of a majority of its entire membership.
- (4) Any professional, clerical, or other employees required by the subcommittee shall be provided in accordance with KRS 7.090(4) and (5).
- (5)
 - (a) Subsections (6) to (10) of this section shall apply only to the expenditures from and projects under the agricultural development fund;
 - (b) Subsection (11) shall apply to all expenditures under the tobacco settlement agreement fund created in KRS 248.654; and
 - (c) Subsection (12) shall apply to expenditures from the early childhood development fund and the Kentucky health care improvement fund created in KRS 200.151 and 194A.055.
- (6) The subcommittee shall review each project being submitted to the Agricultural Development Board. In reviewing the projects, the subcommittee shall determine whether the criteria or requirements required by KRS 248.701 to 248.727 have been met and whether any other relevant requirements have been met.
- (7)
 - (a) If the subcommittee determines that any of the criteria or requirements required by KRS 248.701 to 248.727, except as provided in subsection (5) of this section, have not been met, the subcommittee may, by majority vote, recommend to the board in writing that a project not be approved.
 - (b) If the subcommittee determines that all relevant criteria were met for proposals not approved by the board, the subcommittee may, by majority vote, recommend to the board in writing that the project be approved.
 - (c) The reasons for recommending that a project be approved or not approved shall be stated in correspondence from the subcommittee, which shall be issued within thirty (30) days of action of the subcommittee.
- (8) If the board proceeds with approval of a project under the agricultural development fund that the subcommittee has recommended in writing not be approved, or refuses to approve a project that the subcommittee has recommended in writing be approved, the board shall provide a written explanation to the subcommittee as to why the board took that action on the project. The written explanation shall be sent within thirty (30) days of receiving the subcommittee's notification.

- (9) The subcommittee shall also hear cases that arise under KRS 248.721(9)~~((8))~~ and 248.711(4). In these cases the subcommittee shall provide a forum for discussion and possible resolution of differences between the board and the affected party. If the differences are not resolved, the subcommittee may, by majority vote, recommend to the board in writing a course of action.
- (10) The subcommittee shall maintain records of its findings and determinations. The records shall be transmitted to the appropriate interim joint committees of the Legislative Research Commission within thirty (30) days of making any determination.
- (11) The subcommittee shall issue an annual written report to the Legislative Research Commission regarding the findings of the subcommittee.
- (12) All expenditures under the early childhood development fund and the Kentucky health care improvement fund created in KRS 200.151 and 194A.055 shall be reported to the subcommittee. The expenditures shall be submitted in an electronic format in a manner approved by the Legislative Research Commission in order for the Commission to have a repository of information in Master Settlement Agreement funding expenditures.

Signed by the Governor March 20, 2009.