

CHAPTER 3

(HB 146)

AN ACT relating to reorganization.

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

➔Section 1. KRS 246.030 is amended to read as follows:

The department shall consist of:

- (1) The Office of the Commissioner; ~~which shall include the Division of Public Relations.~~
- ~~(2) The Office of the Chief Executive Officer.~~
- ~~(3)~~ (3) The Office ~~of~~ ~~for~~ Agricultural Marketing ~~and Product Promotion~~, which shall include the following:
 - (a) The *Promotion and Development* Division ~~of Agriculture Marketing and Agribusiness Recruitment~~;
 - (b) The *Shows and Fairs* Division ~~of Show and Fair Promotion~~;
 - (c) The *Livestock* Division ~~of Value Added Animal and Aquaculture Production~~;
 - (d) The *Plant* Division ~~of Value Added Plant Production~~;
 - (e) The *Education and Outreach* Division ~~of Agricultural Education, Farm Safety, and Farmland Preservation~~; and
 - (f) The *Direct Farm Marketing* Division; ~~of Agritourism.~~
- ~~(4)~~ (4) The Office for Consumer and Environmental Protection, which shall include the following:
 - (a) The Division of Regulation and Inspection;
 - (b) The Division of Food Distribution; and
 - (c) The Division of Environmental Services; ~~;~~
- ~~(5)~~ (5) The Office of State Veterinarian, which shall include the following:
 - (a) The Division of Animal Health; and
 - (b) The Division of Producer Services; ~~;~~
- ~~(6)~~ (6) The Office *of Administrative Services* ~~for Strategic Planning and Administration~~, which shall include the following:
 - (a) The Division of *Human Resources*; ~~Personnel and Budget~~
 - (b) *The Division of Administrative Services*; and
 - ~~(c)~~ ~~(b)~~ The Division of Information Technology; ~~;~~
- (6) *The Office of Communications*;
- (7) *The Office of Legal Services*; and
- ~~(8)~~ (7) The State Board of Agriculture.

➔Section 2. KRS 246.130 is amended to read as follows:

The board shall meet ~~in Frankfort~~ at least *four (4) times per year* ~~once every two (2) months, or at any other place it may determine,~~ to consider the general agricultural, horticultural, and forestry interests of the state, and to take the necessary steps for carrying out the purpose of the board. The Commissioner may, and at the request of six (6) of its voting members shall, call its meetings and the board may adjourn any meeting to a time and place as may be determined. Six (6) voting members shall constitute a quorum. Six (6) members may call the board together for the transaction of business if the Commissioner, upon their request, refuses to do so.

➔Section 3. KRS 247.220 is amended to read as follows:

- (1) The Commissioner of Agriculture shall make grants of state funds to qualified local agricultural fairs on a matching basis, to be used by them to pay premium awards for exhibits and displays of domestic livestock, poultry, harness horse racing, other horse events, and agricultural products. The premiums actually awarded shall conform to those appearing on the premium list issued by the fair.
- (2) The state may provide funds for use in the establishment of new facilities and improvement of existing facilities for use in conducting events at local agricultural fairs as provided by this section. No grant for buildings shall be made until the local fair board has complied with the local fair program and qualified for the state grant as provided in subsection (5) of this section. Grants for facilities shall be made under regulations promulgated by the Fair Council and the Commissioner of Agriculture. In no event shall the allocation for facilities result in a decrease in the number of approved agricultural classes or premiums.
- (3) There shall be a Fair Council in the Department of Agriculture. The council shall act in an advisory capacity to the Commissioner in all matters pertaining to the administration of the department's fair program. It shall be called into session when there are matters for its consideration. It shall meet at least twice each calendar year at Frankfort or at any other place that may be determined.
- (4)
 - (a) The council shall be composed of the:
 1. Commissioner as chairman ex officio;
 2. Presidents or their designated representatives of the following state groups:
 - a. Kentucky Farm Bureau Federation;
 - b. Kentucky Association of Fairs and Horse Shows, Inc.;
 - c. Kentucky Colt Racing Association;
 - d. American Saddlebred Horse Association; and
 - e. Kentucky Walking Horse Association;
 3. Agricultural Education Consultant of the Kentucky Department of Education;
 4. Dean of the University of Kentucky College of Agriculture, Food and Environment;
 5. Co-chairs of the Interim Joint Committee on Agriculture; and
 6. A representative appointed by the Commissioner who is involved with, or experienced in, animal agriculture.
 - (b) The Commissioner may, with the concurrence of a majority of the members of the council, appoint additional members to the council.
- (5) To qualify for a grant of state funds, a fair shall meet standards set by the Commissioner and his advisory council whose approval may be given only if the fair:
 - (a) Provides in its bylaws for holding an annual fair running for at least three (3) days;
 - (b) Presents, through the medium of youth organizations such as 4-H clubs, Future Farmers of America, and other similar organizations, an educational program concerning the production and marketing of the livestock, poultry, and horse industries;
 - (c) Complies with all administrative regulations which the Department of Agriculture is hereby authorized to promulgate; and
 - (d) Appoints one (1) or more members to its fair board from local livestock associations, horsemen's associations, and county farm bureaus, and selects one (1) or more county extension agents and vocational agriculture teachers for counties served by the fair as members of the board. Wherever local livestock associations, horsemen's associations, and farm bureaus are in existence, appointees are to be nominated to the fair board by these organizations. Where fairs serve an area, appointments may be made from all counties within the particular area. It shall be the responsibility of the appointees to aid in establishing premium lists and planning agricultural exhibits.
- (6) Any fair receiving a grant of state funds shall file with the director of the *Shows and Fairs* Division ~~of Show and Fair Promotion~~ in the Department of Agriculture, by December 1 of the year in which the grant is received, satisfactory proof that all state premium awards have been paid and a certified notarized financial report submitted by the treasurer of the local fair association.

➔Section 4. KRS 247.800 is amended to read as follows:

The Department of Agriculture, in conjunction with the Tourism, Arts and Heritage Cabinet, shall create an interagency ~~Office of~~ agritourism **program** to be housed in the ~~Division of Agritourism within the~~ Office ~~of~~ ~~for~~ Agricultural Marketing ~~and Product Promotion~~ in the Department of Agriculture. It shall be the purpose of the ~~Office of~~ agritourism **program** to:

- (1) Promote agritourism in Kentucky to potential visitors, both national and international; and
- (2) Assist in sustaining the viability and growth of the agritourism industry in Kentucky.

➔Section 5. KRS 260.020 is amended to read as follows:

- (1) The Office ~~of~~ ~~for~~ Agricultural Marketing ~~and Product Promotion~~ in the Department of Agriculture shall be under the supervision of the Commissioner, and shall consist of personnel determined and appointed by the Commissioner.
- (2) The Office ~~of~~ ~~for~~ Agricultural Marketing ~~and Product Promotion~~ shall be headed by an executive director appointed by the Commissioner.
- (3) The Commissioner may promulgate administrative regulations to carry out the provisions of any programs established under the Office ~~of~~ ~~for~~ Agricultural Marketing ~~and Product Promotion~~, and may establish fees for the administration of those programs.

➔Section 6. KRS 260.030 is amended to read as follows:

- (1) The Office ~~of~~ ~~for~~ Agricultural Marketing ~~and Product Promotion~~ shall:
 - (a) Promote and develop markets for Kentucky agricultural products, assist in setting up farm cooperatives, and assist in coordinating feasibility studies, loans, grants, and funding activities for producers and cooperatives;
 - (b) Gather and disseminate information concerning supply, demand, prevailing prices, and commercial movement, including common and cold storage of food products, and maintain market news service for the purpose of disseminating this information;
 - (c) Foster and encourage the inspection, grading, standardizing, labeling, and branding of farm products; provide standards of excellence and brands for the use of producers and consumers in the marketing of Kentucky-grown products; and promote the standardization of packages and containers for those purposes;
 - (d) Promulgate administrative regulations for the grading, packing, hauling, storing, and sale of farm products if the administrative regulations are authorized by statutes, and enforce those administrative regulations;
 - (e) Act as mediator or arbitrator, when invited, in any issue that may arise between producers and distributors of agricultural products;
 - (f) Encourage the establishment of public markets and direct dealing between producer and consumer;
 - (g) Promote the sale of Kentucky-grown products locally, and in domestic and international markets;
 - (h) Encourage the development of a market for the commercial production of earthworms;
 - (i) Negotiate and enter into cooperative agreements with the United States Department of Agriculture or any other appropriate federal agency for carrying out the provisions of this section;
 - (j) Develop opportunities for the diversification of Kentucky agriculture, including additional crops and enterprises for tobacco growers; and
 - (k) Establish an Organic Agricultural Product Certification Program.
- (2) The functions of the office shall be supplementary to, and not in duplication of, the educational activities of the College of Agriculture of the University of Kentucky.
- (3) In accomplishing its purposes, the office shall not compete with business operated by private capital.

➔Section 7. The General Assembly hereby confirms Executive Order 2017-001, dated November 16, 2017, relating to the reorganization of the Department of Agriculture, to the extent that it is not otherwise confirmed or superseded by this Act.

Became law without Governor's signature February 19, 2018.