



COMMONWEALTH OF KENTUCKY
OFFICE OF THE GOVERNOR

Andy Beshear
GOVERNOR

RECEIVED

MAR 22 2021

House Clerk's
Office

Capitol Building, Suite 100
700 Capitol Avenue
Frankfort, KY 40601
(502) 564-2611
Fax: (502) 564-2517

VETO MESSAGE FROM THE
GOVERNOR OF THE COMMONWEALTH OF KENTUCKY
REGARDING HOUSE BILL 518 OF THE
2021 REGULAR SESSION

I, Andy Beshear, Governor of the Commonwealth of Kentucky, pursuant to the authority granted under section 88 of the Kentucky Constitution, do hereby veto the following:

House Bill 518 of the 2021 Regular Session of the General Assembly in its entirety.

I am vetoing House Bill 518 because it undermines the importance of agriculture in the Commonwealth and puts hundreds of millions of taxpayer dollars at risk by allowing the State Fair Board to have complete control of its contracts with little to no oversight. Agriculture is a critical driver of the Kentucky economy as a multibillion dollar industry that employs tens of thousands of Kentuckians. Because of its significance, multiple constitutional officers have roles in the industry. The State Fair Board is a significant body for Kentucky agriculture. With an annual budget of approximately \$52 million, the State Fair Board is the governing body of Kentucky Venues, which operates the Kentucky Exposition Center and the Kentucky International Convention Center, both of which host events that each year have an economic impact of hundreds of millions of dollars for Kentucky. Every year, hundreds of thousands of people attend the Kentucky State Fair, which showcases the importance of agriculture in Kentucky and highlights our agricultural traditions. The Kentucky State Fair promotes itself as “the training ground, testing site, and the public showcase for the Commonwealth’s progress.” Members of the State Fair Board represent agriculture, business, and education, all of which are featured at the State Fair.

The agriculture industry’s recognition of its importance is evident in the Governor’s appointment of all the voting members of the State Fair Board based on his role with economic development. Removing the Governor’s involvement, even in part, will hurt both the agriculture industry and the Commonwealth. House Bill 518 removes the Governor’s central role in the State Fair Board, while allowing the State Fair Board to do business with little to no oversight.

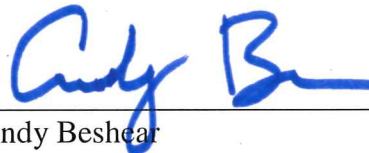
House Bill 518 gives the State Fair Board the sole authority to choose whether or not to follow KRS Chapter 45A – the Kentucky Model Procurement Code – for procurements or promulgate administrative regulations to establish its own procurement procedures, and allows its statutory chapter to control over KRS Chapter 45A where any inconsistency exists. The bill thus allows this important board within the executive department to establish procurement procedures with

minimal safeguards and no oversight by the Executive Branch, putting millions of dollars of taxpayers' money at risk.

I am also vetoing House Bill 518 because it is unconstitutional. House Bill 518 violates the Kentucky Constitution by attempting to make the Speaker of the House of Representatives and the President of the Senate ex officio, nonvoting members of the State Fair Board, a board within the executive department, which is invalid as a violation of Section 28 of the Kentucky Constitution under Legislative Research Comm'n By and Through Prather v. Brown, 664 S.W.2d 907 (Ky. 1984).

House Bill 518 also violates the Kentucky Constitution by removing the appointing authority of the Governor for the majority of the voting members of the State Fair Board – a board within the executive department – and giving that authority to the Commissioner of the Department of Agriculture. Under current law, the Governor appoints all 12 voting members of the State Fair Board; House Bill 518 strips the Governor of seven of those appointments and gives them to the Commissioner of the Department of Agriculture. House Bill 518 also gives the Commissioner of the Department of Agriculture the authority to appoint all members whose terms expire in 2021, regardless of whether or not the members are gubernatorial appointments under the bill. House Bill 518 violates Sections 69 and 76 of the Kentucky Constitution by infringing on the Governor's executive power to appoint members of a board within the executive department. House Bill 518 also violates Section 81 of the Kentucky Constitution by attempting to prevent the Governor from carrying out his duty to take care that the laws be faithfully executed through the complete removal of his authority to appoint members of a board within the executive department.

This the 22nd day of March, 2021.



Andy Beshear
Governor