

1 AN ACT relating to the State Fair Board 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 ***eighteen (18)***~~[sixteen (16) voting~~
 5 ~~members and five (5) ex officio, nonvoting]~~ members, as follows:
- 6 (a) The Governor or his or her designee;
- 7 (b) The Commissioner of Agriculture or his or her designee;
- 8 (c) ~~[The President of the Senate or his or her designee, who shall serve as an ex~~
 9 ~~officio, nonvoting member for the duration of his or her service as President~~
 10 ~~of the Senate;~~
- 11 (d) ~~The Speaker of the House of Representatives or his or her designee, who shall~~
 12 ~~serve as an ex officio, nonvoting member for the duration of his or her service~~
 13 ~~as Speaker of the House of Representatives;~~
- 14 (e) ~~]~~The secretary of the Finance and Administration Cabinet or his or her
 15 designee, who shall serve as an ex officio, nonvoting member for the duration
 16 of his or her service as secretary of the cabinet. The secretary shall provide
 17 additional financial expertise to the Kentucky State Fair Board, with no
 18 resulting personnel impact, fiscal impact, nor expense to Kentucky state
 19 government;
- 20 (d)~~(f)~~ The dean of the University of Kentucky College of Agriculture, Food
 21 and Environment or his or her designee;
- 22 (e)~~(g)~~ ***Five (5)***~~[Four (4)]~~ members appointed by the Governor from the state at
 23 large with due consideration to geographical distribution throughout the state;
- 24 (f)~~(h)~~ ***One (1) member***~~[Three (3) members]~~ appointed by the
 25 ***Governor***~~[Commissioner of Agriculture]~~ from the state at large who ***is***~~[are]~~
 26 involved with, or experienced in, agriculture or agriculture-related businesses;
- 27 (g)~~(i)~~ One (1) member appointed by the ***Governor***~~[Commissioner of~~

1 ~~Agriculture~~] from a list of six (6) nominees that are representative of all
2 segments of animal agriculture provided by trade organizations and
3 commodity groups that may include but not be limited to the Kentucky
4 Cattlemen's Association, Kentucky Dairy Development Council, Kentucky
5 Livestock Improvement Association, Kentucky Pork Producers Association,
6 Kentucky Poultry Federation, and Kentucky Sheep and Goat Development
7 Office;

8 ~~(h)~~~~(j)~~ One (1) member appointed by the Governor~~[Commissioner—of~~
9 ~~Agriculture]~~ from a list of six (6) nominees that are representative of all
10 segments of crop or plant production provided by trade organizations or
11 commodity groups that may include but not be limited to Kentucky Corn
12 Growers Association, Kentucky Grape and Wine Council, Kentucky
13 Horticulture Council, Kentucky Small Grain Growers Association, and
14 Kentucky Soybean Association;

15 ~~(i)~~~~(k)~~ One (1) member appointed by the Governor~~[Commissioner—of~~
16 ~~Agriculture]~~ from a list of six (6) nominees submitted by the governing body
17 of the American Saddlebred Horse Association;

18 ~~(j)~~~~(l)~~ One (1) member appointed by the Governor~~[Commissioner—of~~
19 ~~Agriculture]~~ from a list of six (6) nominees provided by the Kentucky Farm
20 Bureau Federation;

21 ~~(k)~~~~(m)~~ One (1) member appointed by the Governor~~[Commissioner—of~~
22 ~~Agriculture]~~ from a list of six (6) nominees provided by the Kentucky
23 Association of Fairs and Horse Shows;

24 ~~(l)~~~~(n)~~ One (1) member appointed by the Governor from a list of six (6)
25 nominees provided by the Louisville Convention and Visitors Bureau
26 representing the hospitality and tourism industry;

27 ~~(m)~~~~(o)~~ The state president of the Kentucky FFA Association, who shall serve as

1 an ex officio, nonvoting member for the duration of his or her term as student
2 leader of the association; and

3 ~~(n)~~~~(p)~~ The state president of the Kentucky 4-H Organization, who shall serve
4 as an ex officio, nonvoting member for the duration of his or her term as
5 student leader of the organization.

6 (2) The terms of the members of the board appointed by the ~~{Commissioner of~~
7 ~~Agriculture or the }Governor~~~~[, respectively,]~~ shall be staggered terms and shall be
8 subject to confirmation as provided in KRS 11.160(2). Members of the board shall
9 be appointed to a term of four (4) years and shall serve until their successors are
10 duly appointed and qualified. Members of the board shall be appointed to no more
11 than three (3) terms that began on or after the effective date of this Act~~[March 29,~~
12 ~~2021]~~. Terms that began prior to the effective date of this Act~~[March 29, 2021]~~,
13 shall not count toward the term limits established by this subsection. As the terms of
14 each group of members expire, the Governor~~{Commissioner of Agriculture or the~~
15 ~~Governor, as the case may be,}~~ shall appoint successors for terms of four (4) years
16 and until their successors are appointed and qualify. The initial appointments~~[of the~~
17 ~~members designated in subsection (1)(g) and (h) of this section]~~ shall be for
18 staggered terms, as follows:

19 (a) Three (3) members shall be appointed for one (1) year~~[Pursuant to~~
20 ~~subsection (1)(g) of this section, the Governor shall appoint one (1) at large~~
21 ~~member in 2022, one (1) at large member in 2023, and two (2) at large~~
22 ~~members in 2024 to replace or reappoint current members whose terms expire~~
23 ~~in each of these years];~~

24 (b) Three (3) members shall be appointed for two (2) years~~[Pursuant to~~
25 ~~subsection 1(h) of this section, the Commissioner of Agriculture shall appoint~~
26 ~~one (1) at large member in 2021, one (1) at large member in 2022, and one (1)~~
27 ~~at large member in 2023 to replace or reappoint current members whose terms~~

1 expire in each of these years];

2 (c) **Three (3) members shall be appointed for three (3) years**~~[On March 29,~~
3 2021, and pursuant to subsection (1)(h) of this section, the Commissioner of
4 Agriculture shall appoint one (1) at large member to serve a one (1) year term
5 in order to establish the number of voting members as required by this
6 section]; and

7 (d) **Three (3) members shall be appointed for four (4) years**~~[Those members~~
8 whose terms expire in 2021 shall be appointed by the Commissioner of
9 Agriculture].

10 It is the intention of the General Assembly that the political affiliation of the
11 appointed members shall be as evenly divided as possible between the two (2)
12 political parties polling the largest number of votes in the state at general elections.

13 (3) In case of a vacancy among the appointed members of the board, the unexpired term
14 shall be filled pursuant to the requirements and procedures for original
15 appointments.

16 ~~[(4) The State Fair Board shall not be subject to reorganization under KRS Chapter 12.]~~

17 ➔Section 2. KRS 247.100 is amended to read as follows:

18 (1) ~~[As used in this section, "solely for administrative purposes" means those limited~~
19 ~~functions and purposes expressly requested by the State Fair Board to be performed~~
20 ~~by the Tourism, Arts and Heritage Cabinet. The State Fair Board shall have sole~~
21 ~~discretion as to which functions shall be deemed necessary for the efficient~~
22 ~~operation of the State Fair Board and the properties in its custody and control.~~

23 ~~(2)]~~The State Fair Board shall be a body corporate with **the usual**~~[full]~~ corporate
24 powers.~~[The General Assembly hereby recognizes and reaffirms that the operations~~
25 ~~of the State Fair Board and the operation of its facilities are unique activities for~~
26 ~~state government and that an independent corporate structure is best to enable the~~
27 ~~State Fair Board to be managed in an entrepreneurial and business-like manner. The~~

1 ~~State Fair Board shall be an independent, de jure municipal corporation and~~
 2 ~~political subdivision of the Commonwealth of Kentucky, which shall be a public~~
 3 ~~body corporate and politic. The State Fair Board shall be deemed a public agency~~
 4 ~~within the meaning of KRS 61.805 and 61.870.]~~ The State Fair Board shall be
 5 attached to the Tourism, Arts and Heritage Cabinet~~[solely]~~ for administrative
 6 purposes.

7 **(2)**~~[(3)]~~ Full minutes and records shall be kept of all meetings of the board and all
 8 official actions of the board shall be recorded therein, and such minutes and records
 9 shall constitute public records and be available at all reasonable times for public
 10 inspection.

11 ~~[(4) It is the intent of the General Assembly that the State Fair Board shall be~~
 12 ~~accountable to the Governor, the Commissioner of Agriculture, the General~~
 13 ~~Assembly, and the people of the Commonwealth through a system of audits,~~
 14 ~~reports, and thorough financial disclosures.]~~

15 **(3)**~~[(5)]~~ **Upon the effective date of this Act**~~[On March 29, 2021]~~, any records, files, or
 16 documents associated with functions previously performed by the **State Fair**
 17 **Board**~~[Tourism, Arts and Heritage Cabinet]~~, but for which it is no longer deemed
 18 responsible, shall be transferred to the **Tourism, Arts and Heritage Cabinet**~~[State~~
 19 ~~Fair Board]~~.

20 ➔Section 3. KRS 247.110 is amended to read as follows:

21 (1) **The Governor shall appoint one (1) member of the board to serve as its chair. The**
 22 **Governor shall further designate a second member to serve as vice chair with**
 23 **authority to act in the absence of the chair. The chair and vice chair shall each**
 24 **serve for a period of one (1) year and may be reappointed by the Governor for**
 25 **subsequent years to those positions**~~[The members of the State Fair Board shall~~
 26 ~~select a chair and vice chair from among the voting membership, effective on~~
 27 ~~March 29, 2021. The chair and vice chair shall serve in that capacity for one (1)~~

1 ~~year and shall be eligible for reelection. The chair shall preside at all meetings and~~
2 ~~shall have all of the powers and privileges of the other members. The vice chair~~
3 ~~shall preside in the absence of the chair at all meetings and shall have all the powers~~
4 ~~and privileges of the other members].~~

5 (2) The board shall meet monthly, a minimum of ten (10) months per year. A majority
6 of the voting members of the board shall constitute a quorum for the transaction of
7 business.

8 (3) The board shall adopt bylaws for the regulation of its affairs and the conduct of its
9 business and to prescribe rules, regulations, and policies in connection with the
10 performance of its function and duties.

11 (4) The board shall elect and employ a secretary who shall be responsible directly to the
12 board as the keeper of all records pertaining to the operation of the fair or the
13 business of the board. The president and chief executive officer provided for in
14 KRS 247.130 shall be ex officio treasurer to the board.

15 ~~[(5) The board as set out in the bylaws adopted under subsection (3) of this section may~~
16 ~~establish an executive committee from among its membership with full authority to~~
17 ~~act between its meetings to the extent delegated by the board.]~~

18 ➔Section 4. KRS 247.130 is amended to read as follows:

19 (1) The State Fair Board **may**~~[shall have the sole authority to]~~ employ or contract with a
20 president who shall not be one of their number. The president shall be the chief
21 executive officer for the board. The employment or contract of a president shall be
22 on the basis of training, ability, and experience. A president shall hold his position
23 during the pleasure of the board, but may be removed only by an affirmative vote of
24 a majority of the members of the board and upon thirty (30) days written notice. A
25 president shall be responsible for the administration of the policies set by the board
26 and shall devote his entire time and attention to the performance of such duties and
27 work as may be required of him by law or be assigned to him by the board. The

1 board shall determine the term, conditions, and compensation of its president,
2 provided such term does not exceed four (4) years.

3 (2) The president ~~may~~~~[shall have the authority to]~~ organize such administrative
4 divisions as may be necessary and may designate chiefs of such divisions who,
5 under his control and supervision, shall have the duties of direction of such
6 divisions. The president shall organize a Division for Personnel Management and
7 Staff Development which shall manage all personnel matters, including staff
8 development and training and programs for affirmative action. The director of this
9 division shall be appointed, **with prior written approval of the Governor,** by the
10 president~~[, and said appointment shall be subject to confirmation by the board]~~. The
11 president ~~may~~~~[shall]~~ employ such other employees and agents as he deems
12 necessary for the carrying out of the policies of the board and to conduct the affairs
13 of the State Fair, and ~~may~~~~[shall]~~ fix the duties and compensation of any employees
14 or agents with the approval of the board.

15 (3) The board ~~may~~~~[shall have the sole authority to]~~ employ or contract with such other
16 persons, firms, or corporations as the board may deem necessary or desirable to
17 accomplish its duties and functions; ~~may~~~~[shall]~~ fix the compensation and the terms
18 of employment or contract of those employed or contracted with; and may assign to
19 them such duties and responsibilities as the board may determine, including the
20 responsibility of actual operation of any or all of the facilities under the control of
21 the board.

22 (4) The president and any persons employed under this section shall not be subject to
23 the provisions of KRS Chapter 18A.

24 ➔Section 5. KRS 247.145 is amended to read as follows:

25 (1) The state fair board in governing the operation, maintenance, or use of property
26 under its custody and control is authorized to promulgate such reasonable and
27 lawful administrative regulations~~[, as provided in KRS Chapter 13A,]~~ as are

1 necessary:

2 (a) To maintain decency and good order;

3 (b) To protect the peace or safety of the general public; or

4 (c) To protect the public interest, convenience, or necessity; ~~or~~

5 ~~(d) To govern the operation, maintenance, or use of property under its custody~~
6 ~~and control.~~

7 (2) All administrative regulations promulgated by the state fair board shall be printed
8 and posted at not less than three (3) public places on the property under its custody
9 and control.

10 (3) All persons using, occupying or going upon any property under the custody and
11 control of the state fair board shall comply with all administrative regulations
12 promulgated by it.

13 ➔Section 6. KRS 247.160 is amended to read as follows:

14 (1) The State Fair Board shall have exclusive control of ~~[all operations and events~~
15 ~~occurring upon the state fairgrounds and exhibition center and any other properties~~
16 ~~under the custody and control of the State Fair Board, including but not limited to]~~
17 concessions, exhibitions, shows, ~~[facility rental, property development,]~~
18 entertainments, and attractions at any place on the state fairgrounds and exhibition
19 center and may, in the discretion of the board, operate any or all of such
20 concessions, exhibitions, shows, entertainments and attractions, but the board shall
21 not allow the operation of any gambling device or game of chance therein. It may
22 delegate such control or operation to any of its employees or agents, or to an
23 executive committee. This section shall not apply to the sale of lottery tickets sold
24 under the provisions of KRS Chapter 154A.

25 (2) The State Fair Board shall have a prior lien upon the property of any concessionaire,
26 exhibitor, lessee, or person, immediately upon its coming or being brought on the
27 grounds, or the center, to secure existing or future indebtedness.

1 (3) Any designated employee or agent of the State Fair Board may sell the property to
2 satisfy the indebtedness after giving ten (10) days' notice to the owner or agent of
3 the owner or, if notice cannot be given to the owner, after a notice is posted for ten
4 (10) days in the office of the State Fair Board on the grounds, announcing that the
5 property is to be sold. The State Fair Board, through its designated agent, may bid
6 and buy in the property offered for sale for the use and benefit of the State Fair.

7 ➔Section 7. KRS 247.165 is amended to read as follows:

8 None of the provisions of KRS Chapter 137 and none of the provisions of KRS 91.200
9 shall apply to any operations on state fairgrounds~~[,]~~ or the exhibition center~~[, or any other~~
10 ~~properties under the custody and control of the State Fair Board]~~ wherein the State Fair
11 Board shares in the receipts and proceeds of such operations.

12 ➔Section 8. The following KRS section is repealed:

13 247.147 State Fair Board's procurement procedures -- Administrative regulations.

14 ➔Section 9. Whereas, the Kentucky State Fair Board is a vital part of the
15 agricultural and tourism economies within the Commonwealth, and it is imperative that
16 immediate oversight of this board include the Office of the Governor, an emergency is
17 declared to exist, and this Act takes effect upon its passage and approval by the Governor
18 or upon its otherwise becoming a law.