

1 AN ACT relating to the Kentucky Horse Park.

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

3 ➔Section 1. KRS 148.258 is amended to read as follows:

4 As used in KRS 148.258~~[148.260]~~ to 148.320:~~[the term]~~

5 ***(1) "Commission" means***~~[shall mean]~~ the "Kentucky Horse Park Commission" unless  
6 the context clearly indicates otherwise; ***and***

7 ***(2) "Solely for administrative purposes" means for those limited functions and***  
8 ***purposes expressly requested by the commission to be performed by the Tourism,***  
9 ***Arts and Heritage Cabinet. The commission shall have sole discretion as to which***  
10 ***functions shall be deemed necessary for the efficient operation of the Kentucky***  
11 ***Horse Park and the properties in its custody and control.***

12 ➔Section 2. KRS 148.260 is amended to read as follows:

13 (1) There is hereby created and established an agency of state government to be known  
14 as the Kentucky Horse Park Commission, which shall constitute a separate  
15 administrative body of state government within the meaning of KRS 12.010(8) and  
16 under the provisions of KRS 12.015 shall be attached to the Tourism, Arts and  
17 Heritage Cabinet ***solely*** for administrative purposes.

18 (2) The commission shall be composed of the following ***eighteen (18)***~~[fifteen (15)]~~  
19 members:

20 (a) ***The secretary of the Tourism, Arts and Heritage Cabinet or designee;***

21 (b) ***The secretary of the Finance and Administration Cabinet or designee;***

22 (c) ***The Commissioner of Agriculture or designee;***

23 (d) ***The president of VisitLex or designee;***

24 (e) ***The executive director of Georgetown/Scott County Tourism or designee;***

25 (f) ***The dean of the University of Kentucky College of Agriculture, Food and***  
26 ***Environment or designee; and***

27 (g) ***Twelve (12)***~~[Thirteen (13)]~~ members appointed by the Governor who possess the

1 ability to provide broad management expertise and direction in the operation of the  
2 Kentucky Horse Park and, to the extent possible, represent the diverse interests of  
3 the Kentucky horse industry, four (4) or more of whom represent the equine  
4 industry and four (4) or more of whom are active in industry, tourism, or  
5 commerce. The members of the commission appointed under this paragraph shall  
6 serve **no more than three (3) consecutive terms**~~[for a term]~~ of four (4) years **per**  
7 **term.**~~[, except that initial appointments shall be as follows:]~~

8 1. ~~Four (4) members shall serve for a term of two (2) years;~~

9 2. ~~Five (5) members shall serve for a term of three (3) years; and~~

10 3. ~~Four (4) members shall serve for a term of four (4) years; and]~~

11 ~~(3)~~~~(b)~~ The secretary of the **Finance and Administration** Cabinet~~[ for Economic~~  
12 ~~Development]~~ and the secretary of the Tourism, Arts and Heritage Cabinet~~[, who]~~  
13 shall serve as ex officio members with full voting rights.

14 ~~(4)~~~~(3)~~ The Governor shall designate one (1) member of the commission to serve as  
15 chairperson and one (1) member of the commission to serve as vice chairperson,  
16 both of whom shall serve at the pleasure of the Governor. **The chairperson shall**  
17 **generally be a nonvoting member, but shall vote only when there is a tie among**  
18 **the other members.** The vice chairperson shall preside over meetings in the absence  
19 of the chairperson, **and shall retain the right to vote unless serving in the capacity**  
20 **of chairperson.**

21 **(5) If a vacancy occurs on the commission, the unexpired term shall be filled**  
22 **pursuant to the requirements and procedures for original appointments.**

23 ~~(6)~~~~(4)~~ The commission shall meet quarterly, and the chairperson shall preside over  
24 the meetings. The chairperson may call special meetings of the commission upon a  
25 request of the majority of the members of the commission, or upon request of the  
26 Governor.

27 ~~(7)~~~~(5)~~ Members shall be reimbursed only for expenses incurred in the discharge of

1 official business, subject to regulations established by the Finance and  
2 Administration Cabinet. All expenses reimbursed to members shall be paid from  
3 operating funds of the Kentucky Horse Park.

4 ~~(8)~~~~(6)~~ The commission shall establish and maintain an office at the Kentucky ~~State~~  
5 ~~Horse Park~~ for the transaction of its business and shall not establish any branch  
6 office. The commission may hold meetings at any other place when the  
7 convenience of the commission requires.

8 ~~(9)~~~~(7)~~ The commission shall be authorized to adopt bylaws providing for the call of  
9 its meetings, which shall be held at least quarterly, and for its operating procedures.  
10 A quorum of the commission shall consist of ten (10)~~eight (8)~~ members, and a  
11 quorum of members present at any duly-called meeting may act upon any matter  
12 before it for consideration. Each member shall have one (1) vote.

13 ~~(10)~~~~(8)~~ The Governor may establish an advisory committee to advise in the  
14 administration, development, and operation of the Kentucky Horse Park or other  
15 functions, activities, and programs provided for or authorized by KRS  
16 148.258~~[148.260]~~ to 148.320.

17 ➔Section 3. KRS 148.270 is amended to read as follows:

18 (1) The commission shall be a body corporate with usual corporate powers. *The*  
19 *General Assembly hereby recognizes and reaffirms that the operations of the*  
20 *Kentucky Horse Park and the operations of its facilities are unique activities for*  
21 *state government and that an independent corporate structure is best to enable*  
22 *the Kentucky Horse Park to be managed in an entrepreneurial and businesslike*  
23 *manner. The Kentucky Horse Park Commission shall be an independent, de jure*  
24 *municipal corporation and political subdivision of the Commonwealth of*  
25 *Kentucky, which shall be a public body corporate and politic. The Kentucky*  
26 *Horse Park Commission is a public agency as defined in KRS 61.805 and is*  
27 *subject to the Open Meetings Act, KRS 61.805 to 61.850. The Kentucky Horse*

1 *Park Commission shall be attached to the Tourism, Arts and Heritage Cabinet*  
2 *solely for administrative purposes and shall not be subject to reorganization*  
3 *under KRS Chapter 12.*

4 (2) Full minutes and records shall be kept of all meetings of the board and all official  
5 actions shall be recorded.

6 (3)~~(2)~~ The commission shall appoint *a president*~~[an executive director]~~, who shall  
7 hold *the position at the pleasure of the commission*~~[office during its pleasure]~~ and  
8 shall devote his *or her* entire time to the duties of *the*~~[his]~~ office. The  
9 *president*~~[executive director]~~ shall be the chief *executive*~~[administrative]~~ officer  
10 and secretary of the commission and shall provide the staff direction and  
11 coordination in implementing the program and discharging the duties of the  
12 commission. The *president*~~[executive director]~~ shall serve as the administrative  
13 head of the Kentucky ~~[State]~~ Horse Park, thereby overseeing daily operations of the  
14 park. The *president*~~[secretary]~~ shall keep a full and true record of all the  
15 proceedings of the commission, of all books and papers ordered filed by the  
16 commission, and of all orders made by the commission or approved and confirmed  
17 by it and ordered filed, and shall be responsible to it for the safe custody and  
18 preservation of all such documents in its office. All documents shall be subject to  
19 the open records provisions of KRS 61.870 to 61.884. The commission shall  
20 designate from time to time staff persons to perform the duties of the  
21 *president*~~[executive director]~~ during his *or her* absence, and during the absence, the  
22 persons so designated shall possess the same powers as *the president*~~[their~~  
23 ~~principal]~~.

24 (4) *The president may only be removed by an affirmative vote of a majority of the*  
25 *members of the commission, and upon thirty (30) days' written notice.*

26 (5) *The commission shall determine the term, conditions, and compensation of its*  
27 *president, provided the term does not exceed four (4) years. There is no limit on*

1 *the number of terms an individual can serve as president.*

2 *(6) The president shall have the authority to organize administrative divisions and*  
 3 *may designate chiefs of the divisions who, under the control and supervision of*  
 4 *the president, shall have the duties of direction of the divisions. The president*  
 5 *shall organize a Division of Personnel Management and Staff Development that*  
 6 *shall manage all personnel matters, including staff development and training*  
 7 *programs for affirmative action. The director of this division shall be appointed*  
 8 *by the president, and the appointment shall be subject to confirmation by the*  
 9 *commission. The president shall employ other employees and agents necessary to*  
 10 *carry out the policies of the commission and to conduct the affairs of the*  
 11 *Kentucky Horse Park, and shall fix the duties and compensation of any*  
 12 *employees or agents with the approval of the commission.*

13 *(7) The president and any persons newly employed under this section after July 1,*  
 14 *2023, shall not be subject to KRS Chapter 18A.*

15 ~~(8)(3)~~ The commission acting through the *president*~~[executive director]~~ may employ  
 16 such additional staff as necessary to perform the duties and exercise the powers  
 17 conferred upon it by the provisions of KRS *148.258*~~[148.260]~~ to 148.320.

18 ➔Section 4. KRS 148.280 is amended to read as follows:

19 (1) The commission:

20 (a) Shall have the authority and control of such property as now is under its  
 21 custody and control, and of such property as may hereafter be placed under its  
 22 control or transferred to it by the State Property and Buildings Commission,  
 23 for any purpose mentioned in this section;

24 (b) May erect and repair buildings on the *Kentucky*~~[State]~~ Horse Park and make  
 25 any and all necessary or proper improvements, and generally carry on a  
 26 program of development and extension of facilities designed to accomplish  
 27 the objectives defined in this section;

- 1 (c) Shall promote the progress of the state and stimulate public interest in the  
2 advancement and development of the state by providing the facilities of the  
3 Kentucky~~[State]~~ Horse Park for exhibitionary, competitive, and other events  
4 relative to various aspects of the horse industry and other functions calculated  
5 to advance and enhance the tourist industry, economy, entertainment, cultural,  
6 and educational interests of the public.
- 7 (2) The commission may take, acquire, and hold property, and all interest herein, by  
8 deed, gift, devise, bequest, lease, or by transfer from the state property so acquired  
9 in the manner provided by law, and may dispose of any property so acquired in the  
10 manner provided by law.
- 11 (3) The commission may promulgate~~[enact by]~~ administrative regulations~~[regulation]~~  
12 ~~as provided]~~ in accordance with KRS Chapter 13A to govern~~[, rules governing]~~ the  
13 operation, maintenance, or use of property under its custody and control, as are  
14 necessary to:
- 15 (a) Maintain decency and good order;  
16 (b) Protect the peace or safety of the general public;  
17 (c) Protect the public interest, convenience, or necessity; and  
18 (d) Govern the operation, maintenance, or use of property under its custody  
19 and control.
- 20 (4) The commission may:
- 21 (a) Employ or contract with other persons, firms, or corporations the commission  
22 may deem necessary or desirable to accomplish its duties and functions; may  
23 fix the compensation and the terms of employment or contract of those  
24 employed or contracted with; and may assign to them duties and  
25 responsibilities the commission may determine, including the responsibility of  
26 actual operation of any or all of the facilities under the control of the  
27 commission;

- 1        **(b) Purchase liability insurance for the members and executive officers**  
 2                **exempted from the classified service of the state by KRS 18A.115; and**  
 3        **(c) Operate shows and expositions that support the purpose and function of the**  
 4                **Kentucky Horse Park.**

5        ➔Section 5. KRS 148.285 is amended to read as follows:

6        The commission shall:

- 7        (1) Formulate policies and procedures as necessary to carry out the provisions of KRS  
 8                **148.258**~~[148.260]~~ to 148.320;  
 9        (2) Promulgate **administrative**~~[rules and]~~ regulations as necessary to carry out the  
 10                provisions of KRS **148.258**~~[148.260]~~ to 148.320;  
 11        (3) Annually provide the **Interim Joint Committee on Tourism, Small Business, and**  
 12                **Information Technology**~~[Governor]~~ a report by **December 1**~~[January 30]~~ and  
 13                provide the General Assembly a report by **December 1**~~[January 30]~~ showing the  
 14                status of the horse industry within the Commonwealth and recommend any action  
 15                necessary to preserve and strengthen that industry; and  
 16        (4) Employ staff personnel, if any, as it may deem necessary to implement the business  
 17                of the commission and the intent of KRS **148.258**~~[148.260]~~ to 148.320. The  
 18                commission shall fix the compensation of such employees and any employee of the  
 19                commission shall be reimbursed for expenses paid or incurred in the discharge of  
 20                official business when approved by the commission.

21        ➔Section 6. KRS 148.290 is amended to read as follows:

- 22        (1) The commission may enter into agreements with the law enforcement agency of  
 23                any urban-county or counties in which the **Kentucky**~~[State]~~ Horse Park is located or  
 24                in any adjacent county or with the Department of Kentucky State Police for proper  
 25                policing of the **Kentucky**~~[State]~~ Horse Park. If authorized to do so by the  
 26                commission and subject to KRS 61.300, the **president**~~[executive director]~~ may  
 27                commission employees of the park as patrol officers. These patrol officers shall

1 have all the powers of peace officers upon the property of the Kentucky[State]  
2 Horse Park and the public property and roads traversing or immediately adjacent  
3 thereto.

4 (2) The commission is authorized to establish by resolution speed limits governing the  
5 operation of motor vehicles on horse park property. Notice to the public of such  
6 speed limits shall be posted by signs or markings.

7 (3) The commission may by administrative regulation establish restrictions on the use,  
8 including the operation, parking, impoundment, and removal, of golf cart-type  
9 vehicles, all-terrain vehicles as defined by KRS 189.010(24), horse trailers, and  
10 automobiles operated on Kentucky[State] Horse Park property. The commission  
11 may prohibit the use of all-terrain vehicles on Kentucky[State] Horse Park property.

12 (4) The commission may by administrative regulation establish a permit system,  
13 including a fee schedule, for golf cart-type vehicles, require owners to purchase  
14 usage permits, and require that the usage permit be displayed on the vehicle when  
15 operated on Kentucky[State] Horse Park property.

16 (5) The commission may by administrative regulation establish a trailer permit system,  
17 including a fee schedule, for horse owners participating in events but not renting  
18 stalls at the Kentucky[State] Horse Park.

19 ➔Section 7. KRS 148.320 is amended to read as follows:

20 (1) All revenues derived by the commission from the use of properties and facilities  
21 under its custody and control shall be used exclusively for the purpose of defraying  
22 the expenses of the commission, the cost of the management and operation of such  
23 properties and facilities, the payment of interest and principal upon any  
24 indebtedness incurred by the commission for such properties and facilities, the  
25 creation of adequate reserves for the repair and replacement thereof and for the  
26 financing of further extensions, improvements, and additions thereto. Included in  
27 the cost of operation may be such promotional activities as the commission may



1 determine upon as calculated to stimulate and increase the use and the revenues of  
 2 such facilities, and to increase and stimulate the interest and usefulness of the  
 3 Kentucky[State] Horse Park. Any surplus revenues remaining after full provision  
 4 for these purposes shall be used to reduce the admission fees to the public for  
 5 admittance to the Kentucky Horse Park and for public use by the citizens of the  
 6 Commonwealth of the facilities, or reduce the annual appropriation by the  
 7 General Assembly to the Kentucky Horse Park. Surplus shall not be appropriated  
 8 to any other agency or function.

9 (2) The commission shall generally cause its funds to be deposited in the State  
 10 Treasurer's office to be withdrawn on appropriate vouchers approved by the  
 11 commission, but may create special accounts in other depositories for the purpose  
 12 of securing the prompt payment of interest and principal on any of its bonded  
 13 indebtedness if, in the judgment of the commission or if as determined by  
 14 competitive bids, the creation of such special accounts and depositories is  
 15 advantageous and economical to the commission.

16 (3) An annual accounting of the funds of the commission shall be made by the Auditor  
 17 of Public Accounts and reported to the Governor for the benefit of the Governor  
 18 and the General Assembly.

19 (4) The commission may receive tax revenues from any governmental unit and  
 20 financial contributions from local governments, private persons, or foundations.

21 ➔SECTION 8. A NEW SECTION OF KRS 148.258 TO 148.320 IS CREATED  
 22 TO READ AS FOLLOWS:

23 (1) The Kentucky Horse Park Commission shall:

24 (a) Conduct all procurements necessary for the performance of its duties in  
 25 accordance with KRS Chapter 45A and this chapter, provided that this  
 26 chapter controls if it is inconsistent with any provision of KRS Chapter 45A;

27 or

1        (b) Promulgate administrative regulations pursuant to KRS Chapter 13A to  
2                establish its procurement procedures.

3        (2) If the commission elects to promulgate administrative regulations establishing its  
4                procurement procedures rather than conduct procurements in accordance with  
5                KRS Chapter 45A, the commission may include sections of KRS Chapter 45A as  
6                part of its administrative regulations and shall require review of personal service  
7                contracts, tax incentive agreements, and memoranda of agreement by the  
8                Government Contract Review Committee as established by KRS 45A.705.

9        (3) Procurements for personal service contracts shall not be subject to the  
10                requirements of KRS 45A.695(2)(b), due to the unique operational activities  
11                conducted for state government by the commission as recognized in this chapter.

12        (4) The commission's procurement procedures or administrative regulations shall be  
13                designed to provide for the purchase of supplies, equipment, services, and  
14                construction items that provide the greatest long-term benefit to the state, the  
15                greatest integrity for the Kentucky Horse Park, and the best service and products  
16                for the public.

17        (5) In its bidding and negotiation processes, the commission may:

18                (a) Perform its own bidding and procurement;

19                (b) Utilize the services of the Finance and Administration Cabinet; or

20                (c) Utilize a combination thereof.

21        (6) The president of the Kentucky Horse Park may, in lieu of the secretary of the  
22                Finance and Administration Cabinet, declare an emergency for purchasing  
23                purposes.

24        ➔SECTION 9. A NEW SECTION OF KRS 148.258 TO 148.320 IS CREATED  
25 TO READ AS FOLLOWS:

26        (1) The Kentucky Horse Park Commission is authorized and empowered to issue and  
27                sell negotiable revenue bonds in denominations and in an amount or amounts as

1 may be deemed by the commission to be for the best interest of the  
2 Commonwealth, for any of the following purposes:

3 (a) To acquire real estate to be devoted to a revenue-producing use;

4 (b) To pay all or any part of the expense or cost of or incidental to a building  
5 project; and

6 (c) To defray the cost of plans, specifications, blueprints, architectural fees,  
7 and other expenses.

8 (2) Any revenue bonds so issued shall bear interest at a rate or rates or method of  
9 determining rates, payable at least annually, as the commission determines and  
10 shall become due and payable not more than forty (40) years from the date of  
11 issuance. The payment of the bonds, together with the interest thereon, may be  
12 secured by a pledge and a first lien on all the receipts and revenue derived or to  
13 be derived, from any physical property under the control of the commission.  
14 Neither the payment of any bond, nor the interest on the bond, issued under the  
15 authority of this section, shall constitute an indebtedness of the Commonwealth  
16 or of the commission, nor shall any bond or interest on the bond be payable out  
17 of any fund except any funds as may be derived from rentals or other revenues  
18 derived from the operation of the properties or from revenues as may have been,  
19 or may be, available for purpose or purposes, by law.

20 (3) All bonds which may be issued by the commission under this section shall be sold  
21 to the highest bidder after having been advertised by publication pursuant to KRS  
22 Chapter 424, and by other advertising as the commission may prescribe if it finds  
23 additional advertising is necessary.

24 (4) All competitive bids for the sale of revenue bonds shall be opened and read  
25 publicly by the commission or its representative at a designated place, day, and  
26 hour, all of which shall be announced in the advertising.

27 (5) Except as otherwise provided in this section, the board is vested with all of the

- 1 rights, powers, and duties set forth and enumerated under KRS Chapter 58.
- 2 (6) In the event the commission issues and sells revenue bonds for a building project  
3 as authorized in this section, it may carry insurance, including fire and  
4 windstorm, casualty, catastrophe, use and occupancy, and other insurance as the  
5 commission may deem advisable in connection with the building project, and may  
6 obligate and bind itself in a trust indenture securing the payment of bond. Any  
7 insurance shall be paid for out of the funds available for the project.
- 8 (7) All money from the sale of revenue bonds shall be paid to the State Treasurer and  
9 shall be held by him or her as a special trust fund to be designated as directed by  
10 the commission, and no part shall be withdrawn from the State Treasury except  
11 for the purposes authorized by this section, together with the cost incidental to the  
12 issuing and selling of the bonds and other directly related expenses. The  
13 commission may likewise provide in any trust indenture securing revenue bonds  
14 for additional terms and conditions, or for other restrictions not in conflict with  
15 this section.