

1 AN ACT relating to the establishment of the Kentucky Healthy Farm and Food
2 Innovation Board and making an appropriation therefor.

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

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 246 IS CREATED TO
5 READ AS FOLLOWS:

6 *As used in Sections 1 to 4 of this Act, unless the context otherwise requires:*

- 7 *(1) "Board" means the Kentucky Healthy Farm and Food Innovation Board*
8 *established in Section 2 of this Act;*
9 *(2) "Commissioner" means the Commissioner of the Department of Agriculture;*
10 *(3) "Government-issued nutritional assistance" means federal programs such as the*
11 *Supplemental Nutrition Assistance Program, the Special Supplemental Nutrition*
12 *Program for Women, Infants, and Children, the Farmers' Market Nutrition*
13 *Program, and the Seniors Farmers' Market Nutrition Program; and*
14 *(4) "USDA" means the United States Department of Agriculture.*

15 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 246 IS CREATED TO
16 READ AS FOLLOWS:

- 17 *(1) The Kentucky Healthy Farm and Food Innovation Board is hereby established*
18 *and shall be composed of thirteen (13) voting members, as follows:*
19 *(a) The Commissioner of Agriculture or his or her designee, who shall serve as*
20 *chair;*
21 *(b) The secretary of the Cabinet for Health and Family Services or his or her*
22 *designee; and*
23 *(c) Eleven (11) members appointed by the Commissioner from the state at large*
24 *with due consideration to geographical distribution throughout the state,*
25 *who shall be subject to Senate confirmation in accordance with KRS*
26 *11.160:*
27 *1. Five (5) active farmers who produce fresh fruits and vegetables, at*

- 1 least four (4) of whom shall represent one (1) of the following
2 categories:
- 3 a. Young or beginning farmer;
4 b. Farmer who identifies as a person of color;
5 c. Female farmer; or
6 d. Representative of a protein industry;
- 7 2. One (1) representative of the Kentucky Farm Bureau;
8 3. One (1) representative of Community Farm Alliance;
9 4. One (1) representative of Feeding Kentucky;
10 5. One (1) representative of the Foundation for a Healthy Kentucky;
11 6. One (1) representative of the University of Kentucky Cooperative
12 Extension Service Nutrition Education Program; and
13 7. One (1) representative of the Kentucky Horticulture Council.
- 14 (2) The members appointed under subsection (1)(c)2. to 7. of this section shall be
15 chosen from a list of three (3) nominees submitted to the Commissioner by each
16 of the respective organizations.
- 17 (3) Consideration shall be given to racial and gender equity in the appointment of
18 board members.
- 19 (4) Members of the board shall be reimbursed for expenses incurred in the
20 performance of their duties.
- 21 (5) The terms of the members appointed by the Commissioner shall be for four (4)
22 years and until their successors are appointed and confirmed. A vacancy on the
23 board shall be filled for the remainder of the unexpired term in the same manner
24 as the original appointment. Members may be reappointed.
- 25 (6) The board shall meet quarterly or at the call of the chair or a majority of the
26 voting members.
- 27 (7) A quorum of the board shall consist of at least seven (7) voting members.

1 (8) The board shall be attached for administrative purposes to the Department of
2 Agriculture.

3 (9) The Department of Agriculture may promulgate administrative regulations to
4 carry out Sections 1 to 4 of this Act.

5 (10) The Kentucky Healthy Farm and Food Innovation Board shall not be subject to
6 reorganization under KRS Chapter 12.

7 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 246 IS CREATED TO
8 READ AS FOLLOWS:

9 The duties of the board shall include but are not limited to:

10 (1) Administering the healthy farm and food innovation fund established in Section 4
11 of this Act;

12 (2) Receiving applications for funds and authorizing the distribution of funds;

13 (3) Developing procedures, guidelines, and criteria for fund applications, eligibility,
14 and disbursement of funds, and the review of applications, including:

15 (a) Eligible applicants shall:

16 1. Be federally and state-authorized nonprofits based in Kentucky;

17 2. Be eligible to apply to USDA and other federal grant programs; and

18 3. Demonstrate a history of effectively managing food access programs;

19 and

20 (b) Guidelines established by the board shall ensure that funds disbursed are
21 used by shoppers enrolled in government-issued nutritional assistance at
22 participating retailers authorized by the USDA Food and Nutrition Service;

23 (4) Completing a comprehensive plan and updating the plan no less than every five
24 (5) years;

25 (5) Preparing a biennial budget and seeking funding sources;

26 (6) Adopting bylaws for the regulation of its affairs and the conduct of its business
27 and prescribing rules, regulations, and policies relating to the performance of its

1 functions and duties, including the development of intergovernmental
2 relationships at the state and federal level, the seeking of funding sources, and
3 the administrative functions of the board;

4 (7) Preparing meeting minutes and full meeting reports and maintaining all records
5 and official actions of the board; and

6 (8) Preparing and submitting an annual board report to the Governor, the
7 Commissioner of Agriculture, the secretary of the Cabinet for Health and Family
8 Services, and the Legislative Research Commission on the administrative,
9 financial, and programmatic activities of the board.

10 Nothing in this section prohibits the board from applying for other sources of funding,
11 including funds through the Kentucky Agricultural Finance Corporation and the
12 Agricultural Development Board in accordance with KRS 247.944 and 248.707.

13 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 246 IS CREATED TO
14 READ AS FOLLOWS:

15 (1) There is hereby established in the State Treasury a restricted fund to be known as
16 the healthy farm and food innovation fund. The fund shall consist of moneys
17 received from state appropriations, private funds, grants, and federal funds.

18 (2) The fund shall be administered by the Department of Agriculture.

19 (3) Amounts deposited in the fund shall be used for disbursement to eligible healthy
20 farm and food innovation fund applicants.

21 (4) Notwithstanding KRS 45.229, fund amounts not expended at the close of the
22 fiscal year shall not lapse but shall be carried forward into the next fiscal year.

23 (5) Any interest earnings of the fund shall become part of the fund and shall not
24 lapse.

25 (6) Moneys deposited in the fund are hereby appropriated for the purposes set forth
26 in this section and shall not be appropriated or transferred by the General
27 Assembly for any other purposes.

1 ➔Section 5. KRS 18A.115 is amended to read as follows:

- 2 (1) The classified service to which KRS 18A.005 to 18A.200 shall apply shall comprise
3 all positions in the state service now existing or hereafter established, except the
4 following:
- 5 (a) The General Assembly and employees of the General Assembly, including the
6 employees of the Legislative Research Commission;
 - 7 (b) Officers elected by popular vote and persons appointed to fill vacancies in
8 elective offices;
 - 9 (c) Members of boards and commissions;
 - 10 (d) Officers and employees on the staff of the Governor, the Lieutenant
11 Governor, the Office of the Secretary of the Governor's Cabinet, and the
12 Office of Program Administration;
 - 13 (e) Cabinet secretaries, commissioners, office heads, and the administrative heads
14 of all boards and commissions, including the executive director of Kentucky
15 Educational Television;
 - 16 (f) Employees of Kentucky Educational Television who have been determined to
17 be exempt from classified service by the Kentucky Authority for Educational
18 Television, which shall have sole authority over such exempt employees for
19 employment, dismissal, and setting of compensation, up to the maximum
20 established for the executive director and his ***or her*** principal assistants;
 - 21 (g) One (1) principal assistant or deputy for each person exempted under
22 subsection (1)(e) of this section;
 - 23 (h) One (1) additional principal assistant or deputy as may be necessary for
24 making and carrying out policy for each person exempted under subsection
25 (1)(e) of this section in those instances in which the nature of the functions,
26 size, or complexity of the unit involved are such that the secretary approves
27 such an addition on petition of the relevant cabinet secretary or department

1 head and such other principal assistants, deputies, or other major assistants as
2 may be necessary for making and carrying out policy for each person
3 exempted under subsection (1)(e) of this section in those instances in which
4 the nature of the functions, size, or complexity of the unit involved are such
5 that the board may approve such an addition or additions on petition of the
6 department head approved by the secretary. Effective August 1, 2010:

- 7 1. All positions approved under this paragraph prior to August 1, 2010,
8 shall be abolished effective December 31, 2010, unless reapproved
9 under subparagraph 2. of this paragraph; and
- 10 2. A position approved under this paragraph on or after August 1, 2010,
11 shall be approved for a period of five (5) years, after which time the
12 position shall be abolished unless reapproved under this subparagraph
13 for an additional five (5) year period;
- 14 (i) Division directors subject to the provisions of KRS 18A.170. Division
15 directors in the classified service as of January 1, 1980, shall remain in the
16 classified service;
- 17 (j) Physicians employed as such;
- 18 (k) One (1) private secretary for each person exempted under subsection (1)(e),
19 (g), and (h) of this section;
- 20 (l) The judicial department, referees, receivers, jurors, and notaries public;
- 21 (m) Officers and members of the staffs of state universities and colleges and
22 student employees of such institutions; officers and employees of the
23 Teachers' Retirement System; and officers, teachers, and employees of local
24 boards of education;
- 25 (n) Patients or inmates employed in state institutions;
- 26 (o) Persons employed in a professional or scientific capacity to make or conduct a
27 temporary or special inquiry, investigation, or examination on behalf of the

- 1 General Assembly, or a committee thereof, or by authority of the Governor,
2 and persons employed by state agencies for a specified, limited period to
3 provide professional, technical, scientific, or artistic services under the
4 provisions of KRS 45A.690 to 45A.725;
- 5 (p) Interim employees;
- 6 (q) Officers and members of the state militia;
- 7 (r) Department of Kentucky State Police troopers;
- 8 (s) University or college engineering students or other students employed part-
9 time or part-year by the state through special personnel recruitment programs;
10 provided that while so employed such aides shall be under contract to work
11 full-time for the state after graduation for a period of time approved by the
12 commissioner or shall be participants in a cooperative education program
13 approved by the commissioner;
- 14 (t) Superintendents of state mental institutions, including heads of centers for
15 individuals with an intellectual disability, and penal and correctional
16 institutions as referred to in KRS 196.180(2);
- 17 (u) Staff members of the Kentucky Historical Society, if they are hired in
18 accordance with KRS 171.311;
- 19 (v) County and Commonwealth's attorneys and their respective appointees;
- 20 (w) Chief district engineers and the state highway engineer;
- 21 (x) Veterinarians employed as such by the Kentucky Horse Racing Commission;
- 22 (y) Employees of the Kentucky Peace Corps;
- 23 (z) Employees of the Council on Postsecondary Education;
- 24 (aa) Executive director of the Commonwealth Office of Technology;
- 25 (ab) Employees of Serve Kentucky;
- 26 (ac) Persons employed in certified teaching positions at the Kentucky School for
27 the Blind and the Kentucky School for the Deaf;

- 1 (ad) Federally funded time-limited employees as defined in KRS 18A.005; and
- 2 (ae) Employees of the Department of Agriculture who are employed to support the
- 3 Agricultural Development Board, ~~and~~ the Kentucky Agricultural Finance
- 4 Corporation, **and the Kentucky Healthy Farm and Food Innovation Board.**
- 5 (2) Nothing in KRS 18A.005 to 18A.200 is intended, or shall be construed, to alter or
- 6 amend the provisions of KRS 150.022 and 150.061.
- 7 (3) Nothing in KRS 18A.005 to 18A.200 is intended or shall be construed to affect any
- 8 nonmanagement, nonpolicy-making position which must be included in the
- 9 classified service as a prerequisite to the grant of federal funds to a state agency.
- 10 (4) Career employees within the classified service promoted to positions exempted
- 11 from classified service shall, upon termination of their employment in the exempted
- 12 service, revert to a position in that class in the agency from which they were
- 13 terminated if a vacancy in that class exists. If no such vacancy exists, they shall be
- 14 considered for employment in any vacant position for which they were qualified
- 15 pursuant to KRS 18A.130 and 18A.135.
- 16 (5) Nothing in KRS 18A.005 to 18A.200 shall be construed as precluding appointing
- 17 officers from filling unclassified positions in the manner in which positions in the
- 18 classified service are filled except as otherwise provided in KRS 18A.005 to
- 19 18A.200.
- 20 (6) The positions of employees who are transferred, effective July 1, 1998, from the
- 21 Cabinet for Workforce Development to the Kentucky Community and Technical
- 22 College System shall be abolished and the employees' names removed from the
- 23 roster of state employees. Employees that are transferred, effective July 1, 1998, to
- 24 the Kentucky Community and Technical College System under KRS Chapter 164
- 25 shall have the same benefits and rights as they had under KRS Chapter 18A and
- 26 have under KRS 164.5805; however, they shall have no guaranteed reemployment
- 27 rights in the KRS Chapter 151B or KRS Chapter 18A personnel systems. An

1 employee who seeks reemployment in a state position under KRS Chapter 151B or
2 KRS Chapter 18A shall have years of service in the Kentucky Community and
3 Technical College System counted towards years of experience for calculating
4 benefits and compensation.

5 (7) On August 15, 2000, all certified and equivalent personnel, all unclassified
6 personnel, and all certified and equivalent and unclassified vacant positions in the
7 Department for Adult Education and Literacy shall be transferred from the
8 personnel system under KRS Chapter 151B to the personnel system under KRS
9 Chapter 18A. The positions shall be deleted from the KRS Chapter 151B personnel
10 system. All records shall be transferred including accumulated annual leave, sick
11 leave, compensatory time, and service credit for each affected employee. The
12 personnel officers who administer the personnel systems under KRS Chapter 151B
13 and KRS Chapter 18A shall exercise the necessary administrative procedures to
14 effect the change in personnel authority. No certified or equivalent employee in the
15 Department for Adult Education and Literacy shall suffer any penalty in the
16 transfer.

17 (8) On August 15, 2000, secretaries and assistants attached to policymaking positions
18 in the Department for Technical Education and the Department for Adult Education
19 and Literacy shall be transferred from the personnel system under KRS Chapter
20 151B to the personnel system under KRS Chapter 18A. The positions shall be
21 deleted from the KRS Chapter 151B system. All records shall be transferred
22 including accumulated annual leave, sick leave, compensatory time, and service
23 credit for each affected employee. No employee shall suffer any penalty in the
24 transfer.

25 (9) On May 1, 2017, all contract employees of Eastern Kentucky University who are
26 engaged in providing instructional and support services to the Department of
27 Criminal Justice Training shall be transferred to the personnel system under KRS

1 Chapter 18A. All records shall be transferred, including accumulated annual leave,
2 sick leave, compensatory time, and service credit for each affected employee. The
3 personnel officers who administer the personnel systems for Eastern Kentucky
4 University and under KRS Chapter 18A shall exercise the necessary administrative
5 procedures to effect the change in personnel authority. No employee shall suffer
6 any penalty in the transfer.

7 ➔Section 6. (1) Notwithstanding subsection (5) of Section 2 of this Act, the
8 terms of the initial appointments to the Kentucky Healthy Farm and Food Innovation
9 Board under subsection (1)(c) of Section 2 of this Act shall be staggered as follows:

- 10 (a) Two members shall be appointed for one year;
11 (b) Three members shall be appointed for two years;
12 (c) Three members shall be appointed for three years; and
13 (d) Three members shall be appointed for four years.

14 (2) After the initial appointments under subsection (1) of this section, all
15 appointments to the board shall be for four-year terms.