

As Amended by Senate Committee

SENATE BILL No. 56

By Committee on Agriculture

1-22

SO - Revisor's Balloon 1 - 3/11/13

1 AN ACT concerning county fairs; transferring recognition of county fairs
2 and fair associations from the secretary of agriculture to the board of
3 county commissioners; amending K.S.A. 19-1561b and K.S.A. 2012
4 Supp. 2-127, 2-129, 2-129i, 2-131b, 2-131d, 2-131e, 2-132, 2-137, 2-
5 144d and 2-158 and repealing the existing sections.

6 Be it enacted by the Legislature of the State of Kansas:

7
8 ~~New Section 1. Any county fair association which received official~~
9 ~~recognition from the secretary of agriculture prior to July 1, 2013, shall~~
10 ~~remain an officially recognized county fair association unless such~~
11 ~~recognition is revoked by a vote of the board of county commissioners in~~
12 ~~the county where such county fair association is located.~~

Official

13 ~~Section 1. Sec. 2. K.S.A. 2012 Supp. 2-127 is hereby amended to read~~
14 ~~as follows: 2-127. (a) To become a county fair association, 25 or more~~
15 ~~qualified electors representing the majority of the townships of the county~~
16 ~~shall have been incorporated as a nonprofit corporation with a paid-up~~
17 ~~capital of not less than \$5,000, and have received recognition as the~~

18 ~~county fair association from the secretary of agriculture~~
19 ~~board of county commissioners of the county. The secretary of agriculture~~

20 ~~board of county commissioners shall not give official recognition to any~~
21 ~~fair association until the fair association has submitted satisfactory~~
22 ~~evidence that it owns land or buildings of an appraised value of at least~~
23 ~~\$5,000 or has paid-up stock subscriptions in its treasury to this amount~~
24 ~~appropriated to the purchase of land or buildings or both.~~

25 (b) Fair associations located in counties: (1) Which have a population
26 of more than 5,000 and less than 6,000 and an assessed tangible valuation
27 of less than \$40,000,000; or (2) where there are facilities for the holding of
28 fairs which are available to a fair association and the value of such
29 facilities is in excess of \$75,000, may qualify without having lands or
30 buildings of an appraised value of at least \$5,000 or without paid-up stock
31 subscriptions in its treasury in the amount of \$5,000 appropriated to the
32 purchase of lands or buildings or both.

33 (c) Any incorporated or unincorporated fair association by whatever
34 name now recognized by the secretary of agriculture board of county
35 commissioners operating under previous laws may avail itself of the
36 provisions of K.S.A. 2-125 to 2-145a, inclusive, and amendments thereto,

and

or livestock show association

or livestock show association

or livestock show association

of such county

such

(b) Prior to January 1, 2014, the secretary of agriculture shall notify the board of county commissioners of any county in which the secretary of agriculture has recognized an official county fair association.

1 without changing its charter, articles of incorporation, name, constitution,
2 organization or methods of operation, except as provided in K.S.A. 2-137,
3 and amendments thereto. The ~~secretary of~~ ~~agritecture~~ *board of county*
4 *commissioners* shall not recognize more than one fair association in each
5 county, except where such recognition has already been accorded.

6 ~~Sec. 2.~~ 3. K.S.A. 2012 Supp. 2-129 is hereby amended to read as
7 follows: 2-129. Each fair association complying with the provisions of
8 K.S.A. 2-127 and 2-128, and amendments thereto, upon filing with the
9 clerk of the county an estimate and a report as provided in K.S.A. 2-130
10 and 2-131, and amendments thereto, shall be entitled to receive from the
11 county, and the board of county commissioners shall pay to each such fair
12 association, a sum equal to the actual cost of providing and paying for the
13 premiums and rewards actually awarded at its annual fair for the current
14 year including, but not limited to, the actual cost of the printing of the
15 premiums list and the amount to be paid judges of the fair exhibits for the
16 current year. In counties having a population of more than 125,000 and an
17 assessed tangible valuation of more than \$150,000,000, the ~~secretary of~~
18 ~~agritecture~~ *board of county commissioners* may give official recognition to
19 both a county fair association and a livestock show association, and where
20 such recognition is given, the county shall pay to each such county fair and
21 livestock show association a sum equal to the actual cost of providing and
22 paying for the premiums and rewards actually awarded at its annual show
23 for the current year including, but not limited to, the actual cost of the
24 printing of the premiums list and the amount to be paid judges of the fair
25 exhibits for the current year. In counties having a population of not less
26 than 17,500 nor more than 22,000 which have an assessed tangible
27 valuation of not less than \$31,000,000 nor more than \$47,000,000 and not
28 adjoining another state, the county may pay additional funds which may be
29 used for the purchase of grounds and the erecting and maintenance of
30 buildings to be used for such fair. In Leavenworth county and counties
31 having a population of not less than 34,000 and not more than 50,000 and
32 having an assessed taxable tangible valuation of more than \$60,000,000,
33 the county, in addition, may pay to another fair in such county, if such fair
34 has been established and in operation for more than 10 years, a sum for the
35 purpose of providing and paying for the premiums and rewards actually
36 awarded at its annual fair for the current year including, but not limited to,
37 the actual cost of the printing of the premiums list and the amount to be
38 paid judges of the fair exhibits for the current year. The board of county
39 commissioners may make an annual tax levy upon all of the assessed
40 taxable tangible valuation of such county to raise the funds for the
41 purposes hereinbefore authorized and to pay a portion of the principal and
42 interest on bonds issued under the authority of K.S.A. 12-1774, and
43 amendments thereto, by cities located in the county.

an officially recognized

1 Sec. ~~3~~. 4. K.S.A. 2012 Supp. 2-129i is hereby amended to read as
2 follows: 2-129i. The board of county commissioners of any county
3 designated as an urban area by K.S.A. 19-2654, and amendments thereto,
4 and in which there is a county fair association officially recognized by the
5 ~~secretary of agriculture board of county commissioners~~, upon request of
6 the fair association may make an annual tax levy of not to exceed $\frac{1}{10}$ mill
7 upon all the taxable tangible property of the county for the purpose of
8 raising funds to be used for the purchase of land and the erection and
9 maintenance of buildings and improvements thereon, including
10 construction of streets and sewers for such fair association and to pay a
11 portion of the principal and interest on bonds issued under the authority of
12 K.S.A. 12-1774, and amendments thereto, by cities located in the county.
13 No levy shall be made under the provisions of this section until a
14 resolution authorizing the making of such levy is passed by the county
15 commissioners and published for two consecutive issues in the official
16 county paper. Whereupon, such levies may be made unless a petition in
17 opposition thereto signed by not less than 5% of the qualified electors of
18 the county, as determined by the vote for secretary of state at the last
19 preceding election, is filed with the county election officer within 60 days
20 following the last publication of the resolution of the board. In the event
21 such a petition is filed, it shall be the duty of the board of commissioners
22 to submit the question to the voters at an election called for such purpose
23 or at the next general election. If no protest petition is filed or if the
24 question is submitted on a question submitted ballot and those voting on
25 the question shall vote in favor of such tax levy, then the board of county
26 commissioners shall make such tax levies. The amounts collected by the
27 county for the purposes hereinbefore specified from tax levies, except for
28 an amount to pay a portion of the principal and interest on bonds issued
29 under the authority of K.S.A. 12-1774, and amendments thereto, by cities
30 located in the county, shall be paid to the fair association, upon request of
31 the association.

32 Sec. ~~4~~. 5. K.S.A. 2012 Supp. 2-131b is hereby amended to read as
33 follows: 2-131b. The board of county commissioners of any county in
34 which there is a fair association or a society which is organized and
35 operating under the provisions of K.S.A. 2-125 to 2-131, inclusive, and
36 amendments thereto, upon request of such fair association or society is
37 hereby authorized and empowered to make an annual tax levy of not to
38 exceed five-tenths of one mill upon all the taxable tangible property of the
39 county for the purpose of raising funds to be used for the erection and
40 maintenance of buildings of such a fair association having obtained
41 recognition ~~from the secretary of agriculture board of county~~
42 ~~commissioners~~ as an official county fair association and to pay a portion of
43 the principal and interest on bonds issued under the authority of K.S.A. 12-

1 1774, and amendments thereto, by cities located in the county. No levy
2 shall be made for such purposes until a resolution authorizing the making
3 of such levy is passed by the county commissioners and published for two
4 consecutive issues in the official county paper. Whereupon, such levies
5 may be made unless a petition in opposition thereto signed by not less than
6 five percent of the qualified electors of the county, as determined by the
7 vote for secretary of state at the last preceding election, is filed with the
8 county election officer within sixty days following the last publication of
9 the resolution of the board. In the event such a petition is filed, it shall be
10 the duty of the board of commissioners to submit the question to the voters
11 at an election called for such purpose or at the next general election. If no
12 protest petition is filed or if the question is submitted on a question
13 submitted ballot and those voting on the question shall vote in favor of
14 such tax levy, then the board of county commissioners shall make such tax
15 levies. The board of county commissioners shall determine the amount
16 necessary to be raised by such levy for such purposes. The tax levy
17 authorized by this section shall be in addition to all other tax levies
18 authorized or limited by law and shall be outside the aggregate limitation
19 provided in K.S.A. 79-1947, and amendments thereto, and the amount
20 collected therefrom shall be paid to such association or society for the
21 purposes herein specified, and shall be in addition to the amount allowed
22 to such association or society under the provisions of K.S.A. 2-129, and
23 amendments thereto.

24 Sec. ~~5~~ 6. K.S.A. 2012 Supp. 2-131d is hereby amended to read as
25 follows: 2-131d. The board of county commissioners of any county in
26 which there is a county fair association officially recognized by the
27 ~~secretary of agriculture~~ board of county commissioners, upon the request
28 of such fair association, may make an annual tax levy for the purpose of
29 raising funds to be used for the purchase of grounds and the erection and
30 maintenance of buildings of such fair associations and to pay a portion of
31 the principal and interest on bonds issued under the authority of K.S.A. 12-
32 1774, and amendments thereto, by cities located in the county. No levy
33 shall exceed a rate, which multiplied by the total assessed tangible
34 valuation of the county, will result in producing more than \$33,000 and an
35 amount to pay a portion of the principal and interest on bonds issued under
36 the authority of K.S.A. 12-1774, and amendments thereto, by cities located
37 in the county in any one year. The tax levy authorized shall be in addition
38 to all other tax levies authorized or limited by law and shall not be subject
39 to or within the aggregate tax levy limit prescribed by K.S.A. 79-1947, and
40 amendments thereto. The amount collected by the county for such purpose,
41 except for an amount to pay a portion of the principal and interest on
42 bonds issued under the authority of K.S.A. 12-1774, and amendments
43 thereto, by cities located in the county, shall be paid to such fair

an officially recognized

1 associations for the purposes herein specified, upon request of such fair
2 association. The fair association may use any portion of this amount, not
3 needed for purchase of grounds and the erection and maintenance of
4 buildings, to supplement and increase premiums and awards for
5 exhibitions by 4-H members and organized F.F.A. members.

an officially recognized

6 Sec. ~~6~~ 7. K.S.A. 2012 Supp. 2-131e is hereby amended to read as
7 follows: 2-131e. Whenever the board of county commissioners of any
8 county in which there is a county fair association ~~officially recognized by~~
9 ~~the secretary of agriculture board of county commissioners,~~ and having a
10 population of not less than 35,000 nor more than 45,000, and having an
11 assessed tangible valuation of not less than \$50,000,000 and not more than
12 \$80,000,000, shall determine, upon the request of such fair association,
13 that it is in the best interest of the county to raise funds for the purchase of
14 grounds or the erection and maintenance of buildings for such fair
15 association, such board of commissioners is hereby authorized and
16 empowered to issue no-fund warrants in an amount not to exceed, in the
17 aggregate, \$5,000 for the purposes stated hereinbefore. No-fund warrants
18 issued hereunder shall be issued in the manner and form and bear interest
19 and be redeemed as prescribed by K.S.A. 79-2940, and amendments
20 thereto, except that they may be issued without the approval of the state
21 court of tax appeals, and without the notation required by K.S.A. 79-2940,
22 and amendments thereto. The authority to issue no-fund warrants, as
23 provided herein, shall not be exercised by the board of county
24 commissioners more than once in any ten-year period. Such warrants shall
25 mature serially in approximately equal annual installments at such yearly
26 dates as to be payable by not more than five tax levies, and the board of
27 county commissioners issuing such warrants shall make a tax levy at the
28 first tax levying period after such warrants are issued, and at such of the
29 next succeeding tax levying periods as may be required, sufficient to pay
30 such warrants as they mature and the interest thereon as the same becomes
31 due. The money collected from issuance of such warrants shall be paid to
32 such fair associations for the purposes herein specified. Such tax levy or
33 levies shall be in addition to all other tax levies authorized or limited by
34 law and shall not be subject to or within the aggregate tax levy limit
35 prescribed by K.S.A. 79-1947, and amendments thereto.

36 Sec. ~~7~~ 8. K.S.A. 2012 Supp. 2-132 is hereby amended to read as
37 follows: 2-132. Whenever, in the opinion of the board of county
38 commissioners of any county in this state, the agricultural and industrial
39 interests of such county can be advanced by the establishment and
40 maintenance of a county-owned and operated free fair, and a petition to the
41 same effect, signed by 60% of the landowners of such county, is presented
42 to the board of county commissioners therefor, it shall be the duty of the
43 board of county commissioners to call an election to submit to the voters a

officially recognized

1 proposition to purchase a fairground, and if a majority of the votes cast on
2 that proposition shall be favorable to such purchase it shall be the duty of
3 the board of county commissioners to purchase such grounds. In any
4 county which has established a free fair under this section and in which
5 there is no County fair association recognized by the secretary of
6 ~~agriculture board of county commissioners~~, such county free fair shall be
7 recognized by the secretary of ~~agriculture board of county commissioners~~
8 as the official county fair of such county if the secretary of ~~agriculture~~
9 ~~board of county commissioners~~ shall have first determined that the county
10 within which such county free fair is located: (1) Has fairgrounds, or
11 fairgrounds and buildings combined, with an appraised value of at least
12 \$5,000; (2) has conformed to adequate standards for a "fair" as defined in
13 K.S.A. 2-125, and amendments thereto; and (3) has paid premiums and
14 awards for exhibitors and contestants of at least \$2,000 annually for the
15 two consecutive years last preceding. Nothing in this act shall prevent the
16 board of county commissioners of any county in Kansas from receiving
17 and accepting as a gift, lands to be used as a fairground except that where
18 the board of county commissioners of any county in Kansas has received
19 and accepted lands for uses of fairgrounds as a gift from a fair association
20 organized under the provisions of K.S.A. 2-127 and 2-128, and
21 amendments thereto, and such fair association at the time of such gift had
22 official recognition ~~from the secretary of agriculture board of county~~
23 ~~commissioners~~ as an official county fair association, the board of county
24 commissioners of such county may make an annual tax levy on the
25 equalized assessed valuation of all tangible property in said county in an
26 amount which will produce at least \$2,000 and at least such amount shall
27 be spent by such county for premiums and awards for exhibitors and
28 contestants at such county free fair if there are exhibitors and contestants
29 qualifying for such premiums and awards. When any county has purchased
30 a fairground as provided herein, or when any county has provided a
31 suitable fairground, either by lease, devise or otherwise, the board of
32 county commissioners shall annually at the time set by law for making
33 levies, levy a tax for the erection, maintenance, upkeep and repair of the
34 equipment, buildings and improvements thereon, the care of the grounds,
35 the payment of premiums and awards, the actual expense of operating the
36 fair, and retiring any indebtedness on lands received through gift, devise or
37 purchase and to pay a portion of the principal and interest on bonds issued
38 under the authority of K.S.A. 12-1774, and amendments thereto, by cities
39 located in the county but no part of such levy shall be used for the expense
40 of purses and compensation for all purely entertainment features and
41 racing. No charge shall be made for access and admission entrance to
42 exhibits competing for premiums at any fair operating under the provisions
43 of this section and K.S.A. 2-133, and amendments thereto. Recognition of

1 any such county free fair, as an official county fair by the secretary of
2 ~~agriculture board of county commissioners~~, may be forfeited by the
3 ~~secretary of agriculture board of county commissioners~~ for failure to
4 comply with this act or for failure to pay at least \$2,000 each year, in
5 premiums and awards for exhibitors and contestants.

6 ~~Sec. 9. K.S.A. 2012 Supp. 2-137 is hereby amended to read as~~
7 ~~follows: 2-137. Any county fair association organized and operating under~~
8 ~~the provisions of this act failing to hold a fair each year shall forfeit all~~
9 ~~benefits provided in this act, including~~ **officially recognized** ~~by the secretary of~~
10 ~~agriculture board of county commissioners~~, and the secretary **officially**
11 ~~board of~~ **officially** ~~county commissioners~~ may, upon application, recognize some other
12 qualified fair in the same county, as provided in K.S.A. 2-127, and
13 amendments thereto. Upon application of the president and secretary,
14 approved by the board of directors of any recognized fair association, the
15 ~~secretary of agriculture board of county commissioners~~, for good cause
16 shown, may exempt such fair association from the provisions of this
17 section for the current year, in which case the fair premium fund for that
18 year shall be used to pay premiums for the next succeeding year's fair, and
19 no levy shall be made for the next succeeding year's fair in excess of the
20 limitations provided in K.S.A. 2-129, and amendments thereto. During the
21 emergency resulting from the United States being engaged in war, county
22 fair associations, as ~~recognized by the secretary of agriculture board of~~
23 ~~county commissioners~~, may discontinue holding such fairs until the next
24 regular fair date following a twelve months period after the termination of
25 such emergency.

26 ~~Sec. 10. K.S.A. 2012 Supp. 2-144d is hereby amended to read as~~
27 ~~follows: 2-144d. Any county free fair established pursuant to K.S.A. 2-~~
28 ~~142, and amendments thereto, may apply to the secretary of agriculture~~
29 ~~board of county commissioners~~ for designation as an official fair
30 association. If recognized as an official fair association, any county free
31 fair established pursuant to K.S.A. 2-142, and amendments thereto, shall
32 have all powers and duties as other officially recognized county fair
33 associations.

34 ~~Sec. 11. K.S.A. 2012 Supp. 2-158 is hereby amended to read as~~
35 ~~follows: 2-158. (a) A meeting shall be held at 7:00 p.m. on December~~
36 ~~8, 1987, at the Kaw Valley cooperative building at 5715 West 21st Street in~~
37 ~~Topeka, Kansas, for the purpose of electing the initial members of the~~
38 ~~board of directors of the Shawnee county fair association established under~~
39 ~~the provisions of this act. The qualified electors residing in each township~~
40 ~~in Shawnee county may participate in such meeting to elect from among~~
41 ~~the residents of that township one director of the fair association. The~~
42 ~~qualified electors residing in the city of Topeka may participate in such~~
43 ~~meeting to elect from among the residents of the city three directors of the~~

official

officially recognized

Remove this section from bill

1 fair association. Upon assembling at such meeting the qualified electors of
2 each such township and the qualified electors of the city shall separate into
3 their individual groups and make such election.

4 ~~(2) There are hereby created three additional directors of the Shawnee~~
5 ~~county fair association who shall be elected at large. The qualified electors~~
6 ~~residing in Shawnee county may participate in such meeting to elect from~~
7 ~~among the residents of Shawnee county three at large directors of the fair~~
8 ~~association in the manner provided in this section.~~

9 ~~(b) (1) Of the members first elected to the board of directors by the~~
10 ~~qualified electors of the city of Topeka at such election meeting, one~~
11 ~~director shall serve for a term of one year, one director shall serve for a~~
12 ~~term of two years and one director shall serve for a term of three years. Of~~
13 ~~the members first elected to the board of directors by the qualified electors~~
14 ~~of the various townships at such election meeting, directors elected from~~
15 ~~Auburn, Dover, Grove and Menoken townships shall serve for a term of~~
16 ~~one year, directors elected from Monmouth, Mission, Rossville and Silver~~
17 ~~Lake shall serve for a term of two years, and directors elected from~~
18 ~~Soldier, Tecumseh, Topeka and Williamsport townships shall serve for a~~
19 ~~term of three years.~~

20 ~~(2) Of the at large members first elected to the board of directors by~~
21 ~~the qualified electors of Shawnee county at such election meeting, one~~
22 ~~director shall serve for a term of one year, one director shall serve for a~~
23 ~~term of two years and one director shall serve for a term of three years. At~~
24 ~~the first election of these directors at large, the person receiving the highest~~
25 ~~number of votes shall serve a term of three years. The person receiving the~~
26 ~~second highest number of votes shall serve a term of two years. The person~~
27 ~~receiving the third highest number of votes shall serve a term of one year.~~
28 ~~The successor elected to each of these directors at large positions shall~~
29 ~~serve a term of three years.~~

30 ~~(3) The directors so elected shall constitute the Shawnee county fair~~
31 ~~association.~~

32 ~~(c) An annual election meeting shall be held on the first Tuesday of~~
33 ~~December in 1988 and each year thereafter at which meeting the qualified~~
34 ~~electors of the city and the qualified electors of each township shall elect~~
35 ~~from among the residents of such city or township a successor to serve for~~
36 ~~a term of three years for each director whose term expires on such date.~~
37 ~~The executive board, as provided for in K.S.A. 2-159, and amendments~~
38 ~~thereto, shall fix the time and place of such annual election meeting and~~
39 ~~shall cause a notice of the election meeting to be published once in a~~
40 ~~newspaper of general circulation in the county at least 10 days prior to the~~
41 ~~date fixed for such election meeting.~~

42 ~~(d) Elections of directors at such annual election meetings shall be~~
43 ~~conducted in the same manner as the elections conducted at the 1987~~

~~meeting were required to be conducted, except that the city shall elect only one director to succeed the director whose term has expired and only those townships having directors whose terms have expired shall elect directors to succeed such directors.~~

~~(e) Vacancies in the membership of the board of directors shall be filled by appointment by the executive board of the fair association for the unexpired term of office.~~

~~(f) The fair association established under the provisions of this act shall be given recognition by the secretary of agriculture board of county commissioners without having lands or buildings of an appraised value of at least \$5,000 or without paid-up stock subscriptions in its treasury in the amount of \$5,000 appropriated to the purchase of lands or buildings or both.~~

Sec. 12. K.S.A. 19-1561b is hereby amended to read as follows: 19-1561b. Upon the erection of such building or buildings and furnishings as herein provided, the board of county commissioners of the county wherein such building or buildings and furnishings are located is hereby authorized and empowered to levy annually a tax upon all taxable tangible property within said county for the purpose of purchasing additional equipment, maintaining and repairing such building or buildings and furnishings and for the payment of premiums and rewards awarded at agricultural livestock and 4-H club activities and approved by the board of county commissioners and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county. In any county in which there is a fair recognized by the secretary of agriculture or the board of county commissioners as an official county fair the amount of the payment for premiums and rewards under this section shall not exceed the amount of the payment by the county for premiums and awards for such county fair.

The board of county commissioners is authorized to pay any tax moneys collected and approved by said board for the payment of rewards and premiums to the executive board of the county agricultural extension council, except for an amount to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county. The executive board is authorized to accept such payments and upon acceptance of such moneys shall provide for the awarding of rewards and premiums for the authorized activities and shall make reports, under oath, to the county commissioners of the receipts and expenditures of the moneys so received, on or before December 31 of each year.

Sec. 13. K.S.A. 19-1561b and K.S.A. 2012 Supp. 2-127, 2-129, 2-129, 2-129, 2-131b, 2-131d, 2-131e, 2-132, 2-137, 2-144d and 2-158 are hereby

and

- 1 repealed.
- 2 Sec. ~~12~~ 14. This act shall take effect and be in force from and after
- 3 its publication in the statute book.