

Approved _____

Date

Fred A. Kerr

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

The meeting was called to order by Senator Fred A. Kerr at _____
Chairperson

10:00 a.m./~~p.m.~~ on Wednesday, March 2, 1983, 19 in room 423-S of the Capitol.

All members were present except: Senator Ed Reilly (Excused)

Committee staff present: Bruce Hurd, Revisor's office
Raney Gilliland, Research Department
Lorraine Cobb, secretary

Conferees appearing before the committee:

Senator Francis Gordon
Kenneth Wilke, Attorney, Department of Agriculture
Senator Arasmith moved the March 1 minutes be approved, seconded by
SENATE BILL 204 Senator Allen. Motion carried.

Senator Gordon read from Attachment 1 relative to the background and contents of this bill. He also called attention to Attachment 2, a balloon draft of the amendments requested. He called special attention to the deletion of the words "equal to that appropriated by said city as above provided, and" and the addition of the words "which shall not exceed \$5,000. The board..." The county currently gives \$3,000 toward the fair and they do not want the city to be required to pay an equal amount. Senator Gannon questioned limiting the amount to \$5,000, but Senator Gordon stated that was the desire of the fair board at this time.

Mr. Wilke pointed out as the bill is written changing the wording from cities of the third class to cities of the second class, it could affect perhaps a dozen free fairs in the state of Kansas.

After some discussion, Senator Allen moved that a conceptual amendment be drafted to localize the bill to apply to Brown County only, seconded by Senator Karr. Motion carried.

Senator Arasmith moved the new Section 2 be adopted as printed, with the following sections to be numbered in sequence and the title be amended accordingly, seconded by Senator Gannon. Motion carried.

After further discussion, Senator Allen moved the bill be passed favorably as amended, seconded by Senator Karr. Motion carried.

SENATE BILL 295

There seemed to be a lack of substantiating evidence for the passage of this bill. Discussion of this bill followed.

Since a number of the committee felt the Accounts and Reports Division was doing a prompt job in processing vouchers but that the delay seems to be the necessity of too many signatures, no action was taken on this bill.

SENATE BILL 367

Senator Montgomery said he felt the Rules and Regulations Committee was adequately addressing this issue. There was no action taken on the bill.

Senator Kerr announced there would be a Joint Senate-House Committee meeting on March 10 at 9 a.m., or after the Session if one is called at 9 a.m., to hear a presentation by the Task Force on Agriculture in the Classroom.

The meeting was adjourned.

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Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

SENATE

AGRICULTURE AND SMALL BUSINESS COMMITTEE

10:00 a.m., Room 423-S

Wednesday, March 2, 1983

Date

NAME	ADDRESS	ORGANIZATION
<i>Pat Jackson</i>	<i>701 E. Main, Merion</i>	<i>Merion N.S.</i>
<i>Don Jacka</i>	<i>TOPEKA</i>	<i>KANSAS STATE BOARD OF AGRIC.</i>
<i>Kenneth M. Wilke</i>	<i>"</i>	<i>" " " " "</i>
<i>M. Howe</i>	<i>"</i>	<i>090-1001</i>
<i>Becky Crenshaw</i>	<i>Topeka</i>	<i>OSFD</i>

Under present law, K.S.A. 2-142 through 2-144 applies to cities of the third class in which county free fairs have been held annually for at least five years. K.S.A. 2-142 requires that to be eligible, the city of the third class must have had a population of not less than 9,500 nor more than 11,500 people in the year 1928 as shown by the census in the office of the State Board of Agriculture and a property valuation for the year 1928 of not less than \$17 million and not more than \$21 million as shown by the assessed valuation in the office of the Public Service Commission. State Historical Society records show that only Chautauqua and Norton Counties could have met these population and assessed valuation restrictions. Under present law, K.S.A. 2-144 provided for the county free fair to be managed by a board of seven members for whom would be appointed by the governing body of the city and three by the board of county commissioners.

Senate Bill 204 makes the following changes:

1. Section 1 deletes the population and assessed valuation restrictions from K.S.A. 2-142 and permits the section to apply to any county in which there is a city of the second or third class in which a county free fair has been held annually for five years. It also makes technical changes of a clean-up nature to allow the city to levy a tax to pay for premiums and awards for exhibits at the fair.
2. Section 2 amends K.S.A. 2-144 to permit the board of directors for the county free fair to contain one for each commission district if a county commission contains more than three members.
3. Section 3 of the bill is new and permits any county free fair established pursuant to K.S.A. 2-142 to apply to the State Board of Agriculture for designation as an official fair association. This section is not in current law. One concern would be that the term "county free fair" does not appear to have been defined except in K.S.A. 2-132 which would require a county free fair, if established subsequent to May 28, 1929, to have been established by the circulation of a petition as prescribed in that section or by a pre-established county fair association turning over operation of the fair to the county commission.
4. The proposed amendment changes the existing language to require the county to pay an amount not to exceed \$5,000 to the fair to defray expenses of premiums and awards. While present language does not specify the amount to be paid, it does require the county to match the amount raised by the city's tax levy. This change may conflict with the general levy for county fairs in K.S.A. 2-129 which provides for county aid in the amount of premiums and awards, including actual cost awards, judges fees and printing of the premium list.

Historically speaking, this bill appears to be designed to help out a fair held at Horton, Kansas, every year under the name of the Tri-County Fair. An examination of agency files indicates there has been quite a bit of correspondence starting as far back as 1939 concerning the apportionment of county funds for premium lists and awards at fairs, said apportionment being between the Horton Fair Association (Tri-County Fair) and possibly an officially recognized fair association in Brown County. Subsequently Mr. Ray Foster, who has worked with the Tri-County Fair, has been in contact with this office off and on over the last couple of years. Mr. Foster has been supplied with copies of the correspondence in our file pertaining to the Tri-County Fair in Brown County.

Atch. 1

2-12
2-13

SENATE BILL No. 204

By Senator Gordon

2-0

2-143

0017 AN ACT concerning county fairs; amending K.S.A. 2-142 and
0018 2-144 and repealing the existing sections.

0019 *Be it enacted by the Legislature of the State of Kansas:*

0020 Section 1. K.S.A. 2-142 is hereby amended to read as follows:
0021 2-142. In any county in the state of Kansas having a population of
0022 not less than nine thousand five hundred (9,500) nor more than
0023 eleven thousand five hundred (11,500) in the year 1988 as shown
0024 by the census in the office of the state board of agriculture of
0025 Kansas; and which had a property valuation for the year 1988 of
0026 not less than seventeen million dollars (\$17,000,000) and not
0027 more than twenty-one million dollars (\$21,000,000) as shown by
0028 the assessed valuation in the office of the public service com-
0029 mission; and in which there is a city of the third class where a
0030 county free fair has been held annually for five (5) years; The
0031 governing body of said *any city of the second or third class in*
0032 *which a county free fair has been held annually for five years,* may
0033 each year hereafter levy a tax upon all of the taxable tangible
0034 property in said *the city and budget* and appropriate the amount
0035 raised by said *the levy* for the purpose of defraying to defray
0036 expenses incident to the maintenance and support of a county
0037 free fair and to pay awards and premiums for exhibits at the fair.

0038 Sec. 2. K.S.A. 2-144 is hereby amended to read as follows:
0039 2-144. The county free fair shall be managed by a board of ~~seven~~
0040 members, four of whom shall be appointed by the governing
0041 body of the said *the city* and three of whom shall be appointed by
0042 the board of county commissioners of the county in which said
0043 *the city* is located, one from each commissioner district. In any
0044 county having more than three county commisstioners, the board
0045 of county commisstioners may appoint a member to the fair board

Sec. 2. K.S.A. 2-143 is hereby amended to read as follows:
2-143. Whenever any such city shall ~~levy~~ levies a tax for the
purpose of maintaining a county free fair, the board of county
commissioners of the county in which said the city is located
shall appropriate from the general fund of said the county an
amount of money ~~equal-to-that-appropriated-by-said-city-as--above~~
provided,--and which shall not exceed \$5,000. The board shall
cause a warrant to be issued in favor of the treasurer of the
county free fair board, in the amount so paid by the said county
together with the amount raised by the said city to be used for
the purpose of defraying all of the expenses and maintenance of
said the county free fair and to pay awards and premiums for
exhibits at the fair.

at least

Attch. 2

0046 from each commtstioner district. The fair board shall select a
0047 chairman chatrperson and treasurer from its membership and
0048 may appoint such other officers as may be necessary.

0049 New Sec. 3. 4Any county free fair established pursuant to
0050 K.S.A. 2-142, and amendments thereto, may apply to the state
0051 board of agriculture for designation as an official fair association.
0052 If recognized as an official fair association, any county free fair
0053 established pursuant to K.S.A. 2-142, and amendments thereto,
0054 shall have all powers and duties as other officially recognized
0055 county fair associations.

2-143

0056 Sec. 4 K.S.A. 2-142 and 2-144 are hereby repealed.

0057 Sec. 5. This act shall take effect and be in force from and after
0058 its publication in the statute book.