

## SENATE BILL No. 56

By Committee on Agriculture

1-22

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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. 2012 Supp. 2-127, 2-129, 2-  
4 129i, 2-131b, 2-131d, 2-131e, 2-132, 2-137, 2-144d and 2-158 and  
5 repealing the existing sections.  
6

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

8 Section 1. K.S.A. 2012 Supp. 2-127 is hereby amended to read as  
9 follows: 2-127. (a) To become a county fair association, 25 or more  
10 qualified electors representing the majority of the townships of the county  
11 shall have been incorporated as a nonprofit corporation with a paid-up  
12 capital of not less than \$5,000, and have received recognition as the  
13 \_\_\_\_\_ county fair association from the ~~secretary of agriculture~~  
14 *board of county commissioners of the county*. The ~~secretary of agriculture~~  
15 *board of county commissioners* shall not give official recognition to any  
16 fair association until the fair association has submitted satisfactory  
17 evidence that it owns land or buildings of an appraised value of at least  
18 \$5,000 or has paid-up stock subscriptions in its treasury to this amount  
19 appropriated to the purchase of land or buildings or both.

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

28 (c) Any incorporated or unincorporated fair association by whatever  
29 name now recognized by the ~~secretary of agriculture~~ *board of county*  
30 *commissioners* operating under previous laws may avail itself of the  
31 provisions of K.S.A. 2-125 to 2-145a, inclusive, and amendments thereto,  
32 without changing its charter, articles of incorporation, name, constitution,  
33 organization or methods of operation, except as provided in K.S.A. 2-137,  
34 and amendments thereto. The ~~secretary of agriculture~~ *board of county*  
35 *commissioners* shall not recognize more than one fair association in each  
36 county, except where such recognition has already been accorded.

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

39       Sec. 3. K.S.A. 2012 Supp. 2-129i is hereby amended to read as  
40 follows: 2-129i. The board of county commissioners of any county  
41 designated as an urban area by K.S.A. 19-2654, and amendments thereto,  
42 and in which there is a county fair association officially recognized by the  
43 ~~secretary of agriculture~~ *board of county commissioners*, upon request of

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

27 Sec. 4. K.S.A. 2012 Supp. 2-131b is hereby amended to read as  
28 follows: 2-131b. The board of county commissioners of any county in  
29 which there is a fair association or a society which is organized and  
30 operating under the provisions of K.S.A. 2-125 to 2-131, inclusive, and  
31 amendments thereto, upon request of such fair association or society is  
32 hereby authorized and empowered to make an annual tax levy of not to  
33 exceed five-tenths of one mill upon all the taxable tangible property of the  
34 county for the purpose of raising funds to be used for the erection and  
35 maintenance of buildings of such a fair association having obtained  
36 recognition from the ~~secretary of agriculture~~ *board of county*  
37 *commissioners* as an official county fair association and to pay a portion of  
38 the principal and interest on bonds issued under the authority of K.S.A. 12-  
39 1774, and amendments thereto, by cities located in the county. No levy  
40 shall be made for such purposes until a resolution authorizing the making  
41 of such levy is passed by the county commissioners and published for two  
42 consecutive issues in the official county paper. Whereupon, such levies  
43 may be made unless a petition in opposition thereto signed by not less than

1 five percent of the qualified electors of the county, as determined by the  
2 vote for secretary of state at the last preceding election, is filed with the  
3 county election officer within sixty days following the last publication of  
4 the resolution of the board. In the event such a petition is filed, it shall be  
5 the duty of the board of commissioners to submit the question to the voters  
6 at an election called for such purpose or at the next general election. If no  
7 protest petition is filed or if the question is submitted on a question  
8 submitted ballot and those voting on the question shall vote in favor of  
9 such tax levy, then the board of county commissioners shall make such tax  
10 levies. The board of county commissioners shall determine the amount  
11 necessary to be raised by such levy for such purposes. The tax levy  
12 authorized by this section shall be in addition to all other tax levies  
13 authorized or limited by law and shall be outside the aggregate limitation  
14 provided in K.S.A. 79-1947, and amendments thereto, and the amount  
15 collected therefrom shall be paid to such association or society for the  
16 purposes herein specified, and shall be in addition to the amount allowed  
17 to such association or society under the provisions of K.S.A. 2-129, and  
18 amendments thereto.

19 Sec. 5. K.S.A. 2012 Supp. 2-131d is hereby amended to read as  
20 follows: 2-131d. The board of county commissioners of any county in  
21 which there is a county fair association officially recognized by the  
22 ~~secretary of agriculture~~ *board of county commissioners*, upon the request  
23 of such fair association, may make an annual tax levy for the purpose of  
24 raising funds to be used for the purchase of grounds and the erection and  
25 maintenance of buildings of such fair associations and to pay a portion of  
26 the principal and interest on bonds issued under the authority of K.S.A. 12-  
27 1774, and amendments thereto, by cities located in the county. No levy  
28 shall exceed a rate, which multiplied by the total assessed tangible  
29 valuation of the county, will result in producing more than \$33,000 and an  
30 amount to pay a portion of the principal and interest on bonds issued under  
31 the authority of K.S.A. 12-1774, and amendments thereto, by cities located  
32 in the county in any one year. The tax levy authorized shall be in addition  
33 to all other tax levies authorized or limited by law and shall not be subject  
34 to or within the aggregate tax levy limit prescribed by K.S.A. 79-1947, and  
35 amendments thereto. The amount collected by the county for such purpose,  
36 except for an amount to pay a portion of the principal and interest on  
37 bonds issued under the authority of K.S.A. 12-1774, and amendments  
38 thereto, by cities located in the county, shall be paid to such fair  
39 associations for the purposes herein specified, upon request of such fair  
40 association. The fair association may use any portion of this amount, not  
41 needed for purchase of grounds and the erection and maintenance of  
42 buildings, to supplement and increase premiums and awards for  
43 exhibitions by 4-H members and organized F.F.A. members.

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

31       Sec. 7. K.S.A. 2012 Supp. 2-132 is hereby amended to read as  
32 follows: 2-132. Whenever, in the opinion of the board of county  
33 commissioners of any county in this state, the agricultural and industrial  
34 interests of such county can be advanced by the establishment and  
35 maintenance of a county-owned and operated free fair, and a petition to the  
36 same effect, signed by 60% of the landowners of such county, is presented  
37 to the board of county commissioners therefor, it shall be the duty of the  
38 board of county commissioners to call an election to submit to the voters a  
39 proposition to purchase a fairground, and if a majority of the votes cast on  
40 that proposition shall be favorable to such purchase it shall be the duty of  
41 the board of county commissioners to purchase such grounds. In any  
42 county which has established a free fair under this section and in which  
43 there is no county fair association recognized by the ~~secretary of~~

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

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

21       Sec. 9. K.S.A. 2012 Supp. 2-144d is hereby amended to read as  
22 follows: 2-144d. Any county free fair established pursuant to K.S.A. 2-  
23 142, and amendments thereto, may apply to the ~~secretary of agriculture~~  
24 ~~board of county commissioners~~ for designation as an official fair  
25 association. If recognized as an official fair association, any county free  
26 fair established pursuant to K.S.A. 2-142, and amendments thereto, shall  
27 have all powers and duties as other officially recognized county fair  
28 associations.

29       Sec. 10. K.S.A. 2012 Supp. 2-158 is hereby amended to read as  
30 follows: 2-158. (a) (1) A meeting shall be held at 7:00 p.m. on December  
31 8, 1987, at the Kaw Valley cooperative building at 5715 West 21<sup>st</sup> Street in  
32 Topeka, Kansas, for the purpose of electing the initial members of the  
33 board of directors of the Shawnee county fair association established under  
34 the provisions of this act. The qualified electors residing in each township  
35 in Shawnee county may participate in such meeting to elect from among  
36 the residents of that township one director of the fair association. The  
37 qualified electors residing in the city of Topeka may participate in such  
38 meeting to elect from among the residents of the city three directors of the  
39 fair association. Upon assembling at such meeting the qualified electors of  
40 each such township and the qualified electors of the city shall separate into  
41 their individual groups and make such election.

42       (2) There are hereby created three additional directors of the Shawnee  
43 county fair association who shall be elected at large. The qualified electors

1 residing in Shawnee county may participate in such meeting to elect from  
2 among the residents of Shawnee county three at large directors of the fair  
3 association in the manner provided in this section.

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

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

25 (3) The directors so elected shall constitute the Shawnee county fair  
26 association.

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

37 (d) Elections of directors at such annual election meetings shall be  
38 conducted in the same manner as the elections conducted at the 1987  
39 meeting were required to be conducted, except that the city shall elect only  
40 one director to succeed the director whose term has expired and only those  
41 townships having directors whose terms have expired shall elect directors  
42 to succeed such directors.

43 (e) Vacancies in the membership of the board of directors shall be



1 filled by appointment by the executive board of the fair association for the  
2 unexpired term of office.

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

9 Sec. 11. K.S.A. 2012 Supp. 2-127, 2-129, 2-129i, 2-131b, 2-131d, 2-  
10 131e, 2-132, 2-137, 2-144d and 2-158 are hereby repealed.

11 Sec. 12. This act shall take effect and be in force from and after its  
12 publication in the statute book.