

As Amended by House Committee

As Amended by Senate Committee

Session of 2013

SENATE BILL No. 56

By Committee on Agriculture

1-22

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, 2-137₅ and
5 2-144d ~~and 2-158~~ and repealing the existing sections.

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

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

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

19 ~~Section 1.~~ **Sec. 2.** K.S.A. 2012 Supp. 2-127 is hereby amended to
20 read as follows: 2-127. (a) To become a county fair association, 25 or more
21 qualified electors representing the majority of the townships of the county
22 shall have been incorporated as a nonprofit corporation with a paid-up
23 capital of not less than \$5,000, and have received recognition as the
24 ~~secretary of agriculture~~ **official** county fair association **of such county** from the
25 ~~secretary of agriculture~~ **board of county commissioners of the such county.**
26 The ~~secretary of agriculture~~ **board of county commissioners** shall not give
27 official recognition to any fair association until the fair association has
28 submitted satisfactory evidence that it owns land or buildings of an
29 appraised value of at least \$5,000 or has paid-up stock subscriptions in its
30 treasury to this amount appropriated to the purchase of land or buildings or
31 both.

32 (b) Fair associations located in counties: (1) Which have a population
33 of more than 5,000 and less than 6,000 and an assessed tangible valuation
34 of less than \$40,000,000; or (2) where there are facilities for the holding of

1 fairs which are available to a fair association and the value of such
2 facilities is in excess of \$75,000, may qualify without having lands or
3 buildings of an appraised value of at least \$5,000 or without paid-up stock
4 subscriptions in its treasury in the amount of \$5,000 appropriated to the
5 purchase of lands or buildings or both.

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

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

1 purpose of providing and paying for the premiums and rewards actually
2 awarded at its annual fair for the current year including, but not limited to,
3 the actual cost of the printing of the premiums list and the amount to be
4 paid judges of the fair exhibits for the current year. The board of county
5 commissioners may make an annual tax levy upon all of the assessed
6 taxable tangible valuation of such county to raise the funds for the
7 purposes hereinbefore authorized and to pay a portion of the principal and
8 interest on bonds issued under the authority of K.S.A. 12-1774, and
9 amendments thereto, by cities located in the county.

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

41 Sec. ~~4~~ 5. K.S.A. 2012 Supp. 2-131b is hereby amended to read as
42 follows: 2-131b. The board of county commissioners of any county in
43 which there is a fair association or a society which is organized and

1 operating under the provisions of K.S.A. 2-125 to 2-131, inclusive, and
2 amendments thereto, upon request of such fair association or society is
3 hereby authorized and empowered to make an annual tax levy of not to
4 exceed five-tenths of one mill upon all the taxable tangible property of the
5 county for the purpose of raising funds to be used for the erection and
6 maintenance of buildings of such a fair association having obtained
7 recognition ~~from the secretary of agriculture board of county~~
8 ~~commissioners~~ as an official county fair association and to pay a portion of
9 the principal and interest on bonds issued under the authority of K.S.A. 12-
10 1774, and amendments thereto, by cities located in the county. No levy
11 shall be made for such purposes until a resolution authorizing the making
12 of such levy is passed by the county commissioners and published for two
13 consecutive issues in the official county paper. Whereupon, such levies
14 may be made unless a petition in opposition thereto signed by not less than
15 five percent of the qualified electors of the county, as determined by the
16 vote for secretary of state at the last preceding election, is filed with the
17 county election officer within sixty days following the last publication of
18 the resolution of the board. In the event such a petition is filed, it shall be
19 the duty of the board of commissioners to submit the question to the voters
20 at an election called for such purpose or at the next general election. If no
21 protest petition is filed or if the question is submitted on a question
22 submitted ballot and those voting on the question shall vote in favor of
23 such tax levy, then the board of county commissioners shall make such tax
24 levies. The board of county commissioners shall determine the amount
25 necessary to be raised by such levy for such purposes. The tax levy
26 authorized by this section shall be in addition to all other tax levies
27 authorized or limited by law and shall be outside the aggregate limitation
28 provided in K.S.A. 79-1947, and amendments thereto, and the amount
29 collected therefrom shall be paid to such association or society for the
30 purposes herein specified, and shall be in addition to the amount allowed
31 to such association or society under the provisions of K.S.A. 2-129, and
32 amendments thereto.

33 Sec.-5- 6. K.S.A. 2012 Supp. 2-131d is hereby amended to read as
34 follows: 2-131d. The board of county commissioners of any county in
35 which there is **a an officially recognized** county fair association officially
36 recognized by the secretary of agriculture board of county commissioners,
37 upon the request of such fair association, may make an annual tax levy for
38 the purpose of raising funds to be used for the purchase of grounds and the
39 erection and maintenance of buildings of such fair associations and to pay
40 a portion of the principal and interest on bonds issued under the authority
41 of K.S.A. 12-1774, and amendments thereto, by cities located in the
42 county. No levy shall exceed a rate, which multiplied by the total assessed
43 tangible valuation of the county, will result in producing more than

1 \$33,000 and an amount to pay a portion of the principal and interest on
2 bonds issued under the authority of K.S.A. 12-1774, and amendments
3 thereto, by cities located in the county in any one year. The tax levy
4 authorized shall be in addition to all other tax levies authorized or limited
5 by law and shall not be subject to or within the aggregate tax levy limit
6 prescribed by K.S.A. 79-1947, and amendments thereto. The amount
7 collected by the county for such purpose, except for an amount to pay a
8 portion of the principal and interest on bonds issued under the authority of
9 K.S.A. 12-1774, and amendments thereto, by cities located in the county,
10 shall be paid to such fair associations for the purposes herein specified,
11 upon request of such fair association. The fair association may use any
12 portion of this amount, not needed for purchase of grounds and the
13 erection and maintenance of buildings, to supplement and increase
14 premiums and awards for exhibitions by 4-H members and organized
15 F.F.A. members.

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

1 other tax levies authorized or limited by law and shall not be subject to or
2 within the aggregate tax levy limit prescribed by K.S.A. 79-1947, and
3 amendments thereto.

4 Sec. ~~7~~ **8**. K.S.A. 2012 Supp. 2-132 is hereby amended to read as
5 follows: 2-132. Whenever, in the opinion of the board of county
6 commissioners of any county in this state, the agricultural and industrial
7 interests of such county can be advanced by the establishment and
8 maintenance of a county-owned and operated free fair, and a petition to the
9 same effect, signed by 60% of the landowners of such county, is presented
10 to the board of county commissioners therefor, it shall be the duty of the
11 board of county commissioners to call an election to submit to the voters a
12 proposition to purchase a fairground, and if a majority of the votes cast on
13 that proposition shall be favorable to such purchase it shall be the duty of
14 the board of county commissioners to purchase such grounds. In any
15 county which has established a free fair under this section and in which
16 there is no **officially recognized** county fair association ~~recognized by the~~
17 ~~secretary of agriculture board of county commissioners~~, such county free
18 fair shall be recognized by the ~~secretary of agriculture board of county~~
19 ~~commissioners~~ as the official county fair of such county if the ~~secretary of~~
20 ~~agriculture board of county commissioners~~ shall have first determined that
21 the county within which such county free fair is located: (1) Has
22 fairgrounds, or fairgrounds and buildings combined, with an appraised
23 value of at least \$5,000; (2) has conformed to adequate standards for a
24 "fair" as defined in K.S.A. 2-125, and amendments thereto; and (3) has
25 paid premiums and awards for exhibitors and contestants of at least \$2,000
26 annually for the two consecutive years last preceding. Nothing in this act
27 shall prevent the board of county commissioners of any county in Kansas
28 from receiving and accepting as a gift, lands to be used as a fairground
29 except that where the board of county commissioners of any county in
30 Kansas has received and accepted lands for uses of fairgrounds as a gift
31 from a fair association organized under the provisions of K.S.A. 2-127 and
32 2-128, and amendments thereto, and such fair association at the time of
33 such gift had official recognition ~~from the secretary of agriculture board of~~
34 ~~county commissioners~~ as an official county fair association, the board of
35 county commissioners of such county may make an annual tax levy on the
36 equalized assessed valuation of all tangible property in said county in an
37 amount which will produce at least \$2,000 and at least such amount shall
38 be spent by such county for premiums and awards for exhibitors and
39 contestants at such county free fair if there are exhibitors and contestants
40 qualifying for such premiums and awards. When any county has purchased
41 a fairground as provided herein, or when any county has provided a
42 suitable fairground, either by lease, devise or otherwise, the board of
43 county commissioners shall annually at the time set by law for making

1 levies, levy a tax for the erection, maintenance, upkeep and repair of the
2 equipment, buildings and improvements thereon, the care of the grounds,
3 the payment of premiums and awards, the actual expense of operating the
4 fair, and retiring any indebtedness on lands received through gift, devise or
5 purchase and to pay a portion of the principal and interest on bonds issued
6 under the authority of K.S.A. 12-1774, and amendments thereto, by cities
7 located in the county but no part of such levy shall be used for the expense
8 of purses and compensation for all purely entertainment features and
9 racing. No charge shall be made for access and admission entrance to
10 exhibits competing for premiums at any fair operating under the provisions
11 of this section and K.S.A. 2-133, and amendments thereto. Recognition of
12 any such county free fair, as an official county fair ~~by the secretary of~~
13 ~~agriculture board of county commissioners~~, may be forfeited by the
14 ~~secretary of agriculture~~ *board of county commissioners* for failure to
15 comply with this act or for failure to pay at least \$2,000 each year, in
16 premiums and awards for exhibitors and contestants.

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

37 Sec.-9: **10.** K.S.A. 2012 Supp. 2-144d is hereby amended to read as
38 follows: 2-144d. Any county free fair established pursuant to K.S.A. 2-
39 142, and amendments thereto, may apply to the ~~secretary of agriculture~~
40 ~~board of county commissioners~~ for designation as an official fair
41 association. If recognized as an official fair association, any county free
42 fair established pursuant to K.S.A. 2-142, and amendments thereto, shall
43 have all powers and duties as other officially recognized county fair

1 associations.

2 ~~Sec. 10. **II.** K.S.A. 2012 Supp. 2-158 is hereby amended to read as~~
3 ~~follows: 2-158. (a) (1) A meeting shall be held at 7:00 p.m. on December~~
4 ~~8, 1987, at the Kaw Valley cooperative building at 5715 West 21st Street in~~
5 ~~Topeka, Kansas, for the purpose of electing the initial members of the~~
6 ~~board of directors of the Shawnee county fair association established under~~
7 ~~the provisions of this act. The qualified electors residing in each township~~
8 ~~in Shawnee county may participate in such meeting to elect from among~~
9 ~~the residents of that township one director of the fair association. The~~
10 ~~qualified electors residing in the city of Topeka may participate in such~~
11 ~~meeting to elect from among the residents of the city three directors of the~~
12 ~~fair association. Upon assembling at such meeting the qualified electors of~~
13 ~~each such township and the qualified electors of the city shall separate into~~
14 ~~their individual groups and make such election.~~

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

20 ~~(b) (1) Of the members first elected to the board of directors by the~~
21 ~~qualified electors of the city of Topeka 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. Of~~
24 ~~the members first elected to the board of directors by the qualified electors~~
25 ~~of the various townships at such election meeting, directors elected from~~
26 ~~Auburn, Dover, Grove and Menoken townships shall serve for a term of~~
27 ~~one year, directors elected from Monmouth, Mission, Rossville and Silver~~
28 ~~Lake shall serve for a term of two years, and directors elected from~~
29 ~~Soldier, Tecumseh, Topeka and Williamsport townships shall serve for a~~
30 ~~term of three years.~~

31 ~~(2) Of the at large members first elected to the board of directors by~~
32 ~~the qualified electors of Shawnee county at such election meeting, one~~
33 ~~director shall serve for a term of one year, one director shall serve for a~~
34 ~~term of two years and one director shall serve for a term of three years. At~~
35 ~~the first election of these directors at large, the person receiving the highest~~
36 ~~number of votes shall serve a term of three years. The person receiving the~~
37 ~~second highest number of votes shall serve a term of two years. The person~~
38 ~~receiving the third highest number of votes shall serve a term of one year.~~
39 ~~The successor elected to each of these director at large positions shall~~
40 ~~serve a term of three years.~~

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

43 ~~(c) An annual election meeting shall be held on the first Tuesday of~~

~~1 December in 1988 and each year thereafter at which meeting the qualified
2 electors of the city and the qualified electors of each township shall elect
3 from among the residents of such city or township a successor to serve for
4 a term of three years for each director whose term expires on such date.
5 The executive board, as provided for in K.S.A. 2-159, and amendments
6 thereto, shall fix the time and place of such annual election meeting and
7 shall cause a notice of the election meeting to be published once in a
8 newspaper of general circulation in the county at least 10 days prior to the
9 date fixed for such election meeting.~~

~~10 (d) Elections of directors at such annual election meetings shall be
11 conducted in the same manner as the elections conducted at the 1987
12 meeting were required to be conducted, except that the city shall elect only
13 one director to succeed the director whose term has expired and only those
14 townships having directors whose terms have expired shall elect directors
15 to succeed such directors.~~

~~16 (e) Vacancies in the membership of the board of directors shall be
17 filled by appointment by the executive board of the fair association for the
18 unexpired term of office.~~

~~19 (f) The fair association established under the provisions of this act
20 shall be given recognition by the secretary of agriculture board of county
21 commissioners without having lands or buildings of an appraised value of
22 at least \$5,000 or without paid-up stock subscriptions in its treasury in the
23 amount of \$5,000 appropriated to the purchase of lands or buildings or
24 both.~~

~~25 **Sec. 12.** 11. *K.S.A. 19-1561b is hereby amended to read as follows:
26 19-1561b. Upon the erection of such building or buildings and
27 furnishings as herein provided, the board of county commissioners of
28 the county wherein such building or buildings and furnishings are
29 located is hereby authorized and empowered to levy annually a tax upon
30 all taxable tangible property within said county for the purpose of
31 purchasing additional equipment, maintaining and repairing such
32 building or buildings and furnishings and for the payment of premiums
33 and rewards awarded at agricultural livestock and 4-H club activities
34 and approved by the board of county commissioners and to pay a portion
35 of the principal and interest on bonds issued under the authority of
36 K.S.A. 12-1774, and amendments thereto, by cities located in the county.
37 In any county in which there is a fair recognized by the secretary of
38 agriculture or the board of county commissioners as an official county
39 fair, the amount of the payment for premiums and rewards under this
40 section shall not exceed the amount of the payment by the county for
41 premiums and awards for such county fair.*~~

~~42 *The board of county commissioners is authorized to pay any tax
43 moneys collected and approved by said board for the payment of rewards*~~

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

10 Sec. ~~11~~: ~~13~~. K.S.A. 19-1561b and K.S.A. 2012 Supp. 2-127, 2-
11 129, 2-129i, 2-131b, 2-131d, 2-131e, 2-132, 2-137; and 2-144d ~~and 2-158~~
12 are hereby repealed.

13 Sec. ~~12~~: ~~14~~. This act shall take effect and be in force from and
14 after its publication in the statute book.