

IC 15-13-5

Chapter 5. State Fair Board

IC 15-13-5-1

State fair board established

Sec. 1. The state fair board is established.

As added by P.L.2-2008, SEC.4.

IC 15-13-5-2

Membership of board; qualifications

Sec. 2. (a) The board consists of seventeen (17) members as follows:

- (1) The governor or the governor's designee.
- (2) The director of the Indiana state department of agriculture or the director's designee.
- (3) The director of the cooperative extension service of Purdue University or the director's designee.
- (4) Seven (7) members appointed under this chapter by the governor, one (1) from each district.
- (5) One (1) member elected under this chapter from each district.

(b) Not more than one (1) member appointed under subsection (a)(4) may reside in the same district.

(c) Not more than four (4) members appointed under subsection (a)(4) may be affiliated with the same political party.

(d) Each member appointed under subsection (a)(4) must have a recognized interest in agriculture or agribusiness.

(e) When an appointment of a member under subsection (a)(4) is required, the appointment may not be made until after the election of members under subsection (a)(5) for that year is certified under section 22 of this chapter.

As added by P.L.2-2008, SEC.4. Amended by P.L.120-2008, SEC.38.

IC 15-13-5-3

Board; terms; reappointment

Sec. 3. (a) Except as provided in subsection (d), the term of an individual as a member under section 2(a)(4) or 2(a)(5) of this chapter begins on the later of the following:

- (1) October 1 after the expiration of the term of the member whom the individual is appointed or elected to succeed.
- (2) For an individual appointed under section 2(a)(4) of this chapter, the day the individual is appointed by the governor.

(b) The term of a member under section 2(a)(4) or 2(a)(5) of this chapter expires on September 30 of the fourth year after the expiration of the term of the member's immediate predecessor.

(c) Except as provided in subsection (d), a member of the board may be reappointed or reelected for a new term. A member reappointed or reelected is the member's own:

- (1) successor for purposes of subsection (a); and
- (2) immediate predecessor for purposes of subsection (b).

(d) An individual may not serve as a member under section 2(a)(4) or 2(a)(5) of this chapter for more than eight (8) years in any twelve (12) year period, except as provided in section 4(c) of this chapter.

As added by P.L.2-2008, SEC.4.

IC 15-13-5-4

Board; vacancy

Sec. 4. (a) The governor shall appoint an individual qualified under sections 2 and 3 of this chapter to fill a vacancy on the board.

(b) The individual appointed by the governor under subsection (a) serves the remainder of the unexpired term of the member the individual replaces.

(c) The period of the unexpired term for which an individual serves after appointment under this section is not considered in determining the number of years that a member has served in a twelve (12) year period for purposes of section 3(d) of this chapter.

As added by P.L.2-2008, SEC.4.

IC 15-13-5-5

Presiding officer; other officers

Sec. 5. (a) The board shall elect a member serving under section 2(a)(5) of this chapter to be the presiding officer of the board. The member elected under this section is the presiding officer of the board until the earlier of the following:

- (1) The date the member's term expires.
- (2) The date the member is replaced as presiding officer by the board.

(b) The board may elect other officers for the board from the board's membership.

As added by P.L.2-2008, SEC.4.

IC 15-13-5-6

Per diem and travel expenses

Sec. 6. (a) Subject to subsection (c), each member of the board who is not a state employee is entitled to receive the following:

- (1) The minimum salary per diem provided by IC 4-10-11-2.1(b).
- (2) Subject to subsection (c), reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Subject to subsection (c), each member of the board who is a state employee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's

duties, as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

- (c) The commission shall adopt a policy for:
 - (1) the number of meetings the board may hold; and
 - (2) payment of per diem and travel expenses:
 - (A) for board meetings; and
 - (B) during the time the fair is held.

As added by P.L.2-2008, SEC.4.

IC 15-13-5-7

Expenses of the board

Sec. 7. The commission shall pay the expenses of the board approved by the commission from the money of the commission.

As added by P.L.2-2008, SEC.4.

IC 15-13-5-8

Holding property in name of board prohibited

Sec. 8. The board may not hold property in the board's name.

As added by P.L.2-2008, SEC.4.

IC 15-13-5-9

Certification of organization to vote

Sec. 9. If an organization wants to be certified to vote in an election under this chapter, the organization must apply to the director of the Indiana state department of agriculture.

As added by P.L.2-2008, SEC.4. Amended by P.L.120-2008, SEC.39.

IC 15-13-5-10

Requirements for certification of organization to vote

Sec. 10. (a) Subject to sections 11 through 13 of this chapter, the director of the Indiana state department of agriculture shall certify an organization that applies under section 9 of this chapter as eligible to vote in a district election under this chapter only if the organization:

- (1) is an agricultural interest;
- (2) is regularly organized within the district;
- (3) has at least ten (10) active members;
- (4) has elected officers;
- (5) has an annual meeting;
- (6) has been in existence for at least one (1) year before the application for certification is filed with the director of the Indiana state department of agriculture; and
- (7) before July 1 of the year of the election in which the organization wants to participate, files with the director of the Indiana state department of agriculture:
 - (A) the name of the organization;
 - (B) the names and addresses of the organization's officers;
 - (C) the name, address, and title of the individual who is

authorized by the organization to vote for the organization in an election under this chapter;

(D) the number of the organization's active members;

(E) a certification that the organization is eligible to be certified under this chapter; and

(F) other information required by the director of the Indiana state department of agriculture.

(b) A certification under subsection (a) expires July 1 of the fourth year after the certification is issued by the director of the Indiana state department of agriculture.

As added by P.L.2-2008, SEC.4. Amended by P.L.120-2008, SEC.40.

IC 15-13-5-11

State organizations; certification

Sec. 11. (a) If an organization organized on a statewide basis has an affiliated organization in any county of a district:

(1) the affiliated organization may be certified; and

(2) the organization organized on a statewide basis may not be certified;

for the district under section 10 of this chapter.

(b) If subsection (a) does not apply, but the organization organized on a statewide basis has an affiliated organization within the district:

(1) the affiliated organization may be certified; and

(2) the organization organized on a statewide basis may not be certified;

for the district under section 10 of this chapter. The affiliated organization may cast only one (1) vote in a district election.

(c) If subsections (a) and (b) do not apply, the organization organized on a statewide basis:

(1) may be certified for the district under section 10 of this chapter; and

(2) may cast only one (1) vote in a district election.

As added by P.L.2-2008, SEC.4.

IC 15-13-5-12

District organizations; certification

Sec. 12. (a) If an organization organized only on a district level basis has an affiliated organization in any county of a district:

(1) the affiliated organization may be certified; and

(2) the organization organized only on a district level basis may not be certified;

for the district under section 10 of this chapter.

(b) If subsection (a) does not apply, the organization organized only on a district level basis:

(1) may be certified for the district under section 10 of this chapter; and

(2) may cast only one (1) vote in a district election.

As added by P.L.2-2008, SEC.4.

IC 15-13-5-13

Certification when more than one organization represents county agriculture

Sec. 13. (a) The director of the Indiana state department of agriculture may not certify for a district under section 10 of this chapter more than two (2) organizations in a county in the district that satisfy the requirements of section 10 of this chapter.

(b) If more than two (2) organizations in a county in a district that satisfy the requirements of section 10 of this chapter apply for certification, the director of the Indiana state department of agriculture may certify any two (2) of those organizations, considering the following criteria:

- (1) Order of application for certification.
- (2) Number of members of each organization.
- (3) How long each organization has been in existence.
- (4) Activity of each organization in promotion of agricultural interests.
- (5) Diversity of representation of interests within the agricultural community.

As added by P.L.2-2008, SEC.4. Amended by P.L.120-2008, SEC.41.

IC 15-13-5-14

Convention to elect committee member; notice

Sec. 14. (a) Before September 1 of the year the term of a member representing a district expires, the director of the Indiana state department of agriculture shall notify each organization certified for the district under section 10 of this chapter that a district convention will be held to elect the member to represent the district.

(b) Subject to section 17 of this chapter, the director of the Indiana state department of agriculture shall:

- (1) state in the notice required by subsection (a) the date, time, and place of the district convention and the name of the presiding officer; and
- (2) choose a date, time, and place that will encourage maximum participation in the district convention by organizations referred to in subsection (a).

As added by P.L.2-2008, SEC.4. Amended by P.L.120-2008, SEC.42.

IC 15-13-5-15

Convention elections; credentials; copies

Sec. 15. The director of the Indiana state department of agriculture shall send copies of the credentials of each individual entitled to vote in a district convention to the following:

- (1) The board member representing the district.
- (2) The individual who will preside over the district convention.

As added by P.L.2-2008, SEC.4. Amended by P.L.120-2008, SEC.43.

IC 15-13-5-16**Presiding officer at convention**

Sec. 16. (a) The director of the Indiana state department of agriculture shall choose from among the members of the commission the individual to preside at a district convention.

(b) The presiding officer of the convention may vote in the case of a tie vote on any matter.

As added by P.L.2-2008, SEC.4. Amended by P.L.120-2008, SEC.44.

IC 15-13-5-17**Election of member's successor**

Sec. 17. (a) During September before the term of a member representing a district expires, the individuals designated under section 10(a)(7)(C) of this chapter for each organization certified under section 10 of this chapter for the district shall meet in a district convention to elect the member's successor.

(b) Voting under subsection (a) is by voice concurrent with the submission of a signed written ballot by each person voting indicating the person's vote.

As added by P.L.2-2008, SEC.4.

IC 15-13-5-18**District convention rules**

Sec. 18. The director of the Indiana state department of agriculture shall adopt rules for the business of a district convention. Rules adopted under this section may not be inconsistent with this chapter.

As added by P.L.2-2008, SEC.4. Amended by P.L.120-2008, SEC.45.

IC 15-13-5-19**Credentials to vote at convention; contesting credentials**

Sec. 19. (a) Except as provided in subsection (b), the credentials of an individual issued under this chapter are conclusive of the right of the individual to vote at the district convention.

(b) A person may contest the validity of the credentials of an individual by alleging facts constituting fraud or misrepresentation in securing the credentials. The affidavit must be filed with the presiding officer of the district convention not later than the date of the district convention.

(c) If a person contests the validity of the credentials of an individual under subsection (b), the validity of the individual's credentials shall be determined by a majority vote of all individuals representing the county of the individual whose credentials are contested.

As added by P.L.2-2008, SEC.4.

IC 15-13-5-20**Voting at district convention**

Sec. 20. Except as provided in section 16 of this chapter, an individual may not vote at a district convention if the individual does not have valid credentials issued under this chapter.

As added by P.L.2-2008, SEC.4.

IC 15-13-5-21

District representative; qualifications

Sec. 21. (a) To be elected as a member to represent a district, an individual must:

- (1) be a resident within the district; and
- (2) have the other qualifications to be a member of the board under this chapter.

(b) If an individual receives a majority of the votes cast at a district convention, the individual is elected as a member to represent the district.

As added by P.L.2-2008, SEC.4.

IC 15-13-5-22

Certified election results

Sec. 22. The presiding officer of a district convention shall certify the results of the election under section 21 of this chapter to the commission and to the board.

As added by P.L.2-2008, SEC.4.

IC 15-13-5-23

Rules; forms

Sec. 23. The director of the Indiana state department of agriculture may:

- (1) adopt rules under IC 4-22-2; and
- (2) prescribe forms;

to implement sections 9 through 22 of this chapter.

As added by P.L.2-2008, SEC.4. Amended by P.L.120-2008, SEC.46.