

FILE

Subject

*Associations - Fair
Levies*

Copy to



STATE OF KANSAS

Office of the Attorney General

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER
Attorney General

October 17, 1974

Opinion No. 74- 347

Mr. E. Keith Beard
Wilson & Beard
148 N. Fowler
Meade, Kansas 67864

Dear Mr. Beard:

We have received your letter with its questions pertinent to the Meade County Fair Association.

K.S.A. 2-131b provides in part:

"The board of county commissioners....., upon the request of such fair association or society is hereby authorized and empowered to make an annual tax levy:...."

You inquire if the request must be made by the membership or if the request by the board of directors is sufficient. You note that the By-Laws provide that subject to the direction of the members, the board is vested with the operation, management and control of the association. K.S.A. 2-128 directs the members of the association upon incorporation and annually thereafter to meet and elect a board of directors. This board is to elect managing officers for the year. This board is empowered to act for the membership of the fair association. Therefore, the board in the name of the fair association could submit a request to the board of county commissioners under K.S.A. 2-131b.

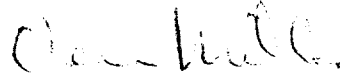
You next inquire about the necessity for petitions if the levy requested does not exceed three-tenths (3/10) of one mill. We concur in the opinion of then Attorney General Harold R. Fatzer in which he said:

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"We agree with you that the levy mentioned in subsection 1 of the above statute [now K.S.A. 2-131b] apparently may be submitted to the electors without the necessity of a petition, whereas the levy mentioned in subsection 2 may be levied after presentation of the petition without the necessity for an election."

We hope this information will be of assistance to you. However, if you have further questions, please contact us.

Yours very truly,



VERN MILLER
Attorney General

VM:DHM:tp