

CHAPTER 4-02

AGRICULTURAL FAIR ASSOCIATIONS

4-02-01. Power to make regulations governing premises. Fair associations may make rules, regulations, and provisions necessary and proper for the government, management, and control of the premises used by them for the holding of fairs and expositions and for the regulation of the use of such premises by and department of the public thereon.

4-02-02. Director's liability limited. The individual members of the board of directors of any fair association are not liable for the negligence of any person, firm, corporation, or limited liability company staging any show, race, or other amusement at any county or municipal fair, nor for the negligence of any person employed by the board of directors or the association conducting such fair.

4-02-03. Debts - Limitation of amount. Repealed by S.L. 1995, ch. 61, § 14.

4-02-04. Income and expenses - Membership in association and terms thereof. An agricultural fair association may not be conducted for profit and may not have capital stock. The bylaws of the association must provide for charges to the public for admission to the grounds, fees for concessions, charges to exhibitors, and rental of the association's property, and the amounts thereof may not be greater than is sufficient to discharge the association's debts for real estate and improvements thereon, to defray the current expenses of fairs, to carry on the business of the association, and to create a sinking fund in an amount not exceeding twenty thousand dollars. However, if the association is receiving property tax levy funds, the association with the consent of the board of county commissioners may establish a sinking fund in excess of twenty thousand dollars. The method of acquiring membership in the association, and the term of such membership, must be provided in the association's bylaws.

4-02-05. Real property - District associations - Limitations on holding. Any district fair association may purchase, hold, or lease any quantity of land, with the buildings and improvements erected thereon, and may sell, lease, or otherwise dispose of the same at pleasure. The real estate shall be held for the purpose of erecting buildings and making other improvements thereon, to promote and encourage agriculture, horticulture, mechanics, manufactures, stockraising, and general domestic industry.

4-02-06. Exhibition dates to be filed - Penalty. The secretary or other executive officer of every county or district fair association, or other exhibition at which the resources or products of the state are displayed, shall file with the agriculture commissioner, on or before May first of each year, the dates on which such fair or exhibition will be held, together with the name of the place where the same will be held and the name of the president and secretary of such association. Failure to comply with this section shall be an infraction.

4-02-07. Treasurer to give bond - Duty of directors. The directors of any fair association shall require the treasurer thereof to give a sufficient bond to such directors, conditioned for the faithful keeping of such money as may come into the treasurer's hands as such treasurer. No funds shall be received by the treasurer of a fair association until the treasurer is properly bonded.

4-02-08. Organization under corporation laws. A fair association may be organized by three or more persons as in the case of other corporations, with all the rights, privileges, and liabilities pertaining to corporations under the corporation laws of this state, including the rights and privileges specified in sections 4-02-04 and 4-02-05.

4-02-09. Fairs - Location at Grand Forks and Fargo. Repealed by S.L. 1995, ch. 61, § 14.

4-02-10. Purpose of fair associations. An association conducting a fair under any provision of this chapter shall exhibit agricultural, livestock, horticultural, mining, mechanical,

industrial, and other products and resources of the state of North Dakota, including proper exhibits of the arts and sciences, and may exhibit other public displays of human art, industry, and skill.

4-02-11. Premises - Custody and control. Repealed by S.L. 1995, ch. 61, § 14.

4-02-12. Nonliability of state for debts - Exception. The state shall not be liable for any of the debts or liabilities of a fair association except as appropriations are made therefor from time to time by the legislative assembly.

4-02-13. Board of directors - State associations. Repealed by S.L. 1961, ch. 332, § 26.

4-02-14. Executive committee appointed by directors - Duties. Repealed by S.L. 1961, ch. 332, § 26.

4-02-15. Association may lease property. Repealed by S.L. 1995, ch. 61, § 14.

4-02-16. Failure of association to comply with chapter. Repealed by S.L. 1965, ch. 73, § 38.

4-02-17. District fair - Location. Repealed by S.L. 1979, ch. 92, § 3.

4-02-18. Premises of district fair - Custody and control. Repealed by S.L. 1979, ch. 92, § 3.

4-02-19. Minot district fair - Title to land. Repealed by S.L. 1979, ch. 92, § 3.

4-02-20. Board of directors of Minot fair. Repealed by S.L. 1979, ch. 92, § 3.

4-02-21. Board of directors of Mandan fair. Repealed by S.L. 1971, ch. 86, § 3.

4-02-22. Executive committee appointed by directors - Duties. Repealed by S.L. 1979, ch. 92, § 3.

4-02-23. Townships, municipalities may contribute to district fair associations. Repealed by S.L. 1979, ch. 92, § 3.

4-02-24. Disposition of money contributed. Repealed by S.L. 1979, ch. 92, § 3.

4-02-25. Report of prize list to be given. Repealed by S.L. 1979, ch. 92, § 3.

4-02-26. County fairs - Association - Aiding. A county fair association may be organized in any county having taxable property of a taxable valuation of not less than seven hundred fifty thousand dollars. The executive officers and directors must be residents of the county. The association may apply to the board of county commissioners of the county for a grant to aid in the erection of suitable buildings and other improvements to accommodate its patrons and exhibits, and to pay premiums and expenses that may be awarded on such exhibits at any fair. An application for the grant must be in writing and must state the incorporation of the association, the names and places of residence of all its executive officers, and the ownership of real property in the county sufficient in area for the purpose of its fair and of the value of at least two thousand five hundred dollars. If the board of county commissioners is satisfied that the statements in the application are true and that the association intends in good faith to hold a fair within the county annually for the exhibition of agricultural, horticultural, mechanical, and manufactured products of the county, and of such articles as are usually exhibited at fairs, it may levy for the first year's grant of aid a tax not exceeding the limitation in section 57-15-06.7 which must be collected as other taxes are collected. If the tax is levied, the board of county commissioners shall pay to the secretary of the association, not later than July thirty-first thereafter, the amount of the tax levied and shall take the receipt of the association therefor. The

board of county commissioners may continue the levy under this section after the first year's grant of aid upon the board's own motion.

4-02-26.1. County fair authorization - Forfeiture. Any county fair association which fails to hold a county fair for ten years shall forfeit its official authorization. After such time, other fair associations may organize within a county and apply to the board of county commissioners for official county fair authorization and aid as provided by this chapter.

4-02-27. Reports required of county fair associations - Tax levies for support thereof. Any county fair association receiving the aid provided for in this chapter, at the regular meeting of the board of county commissioners held in the month of January following the holding of such county fair, shall make a full report to the board of all moneys received by it from all sources and of all disbursements. The report must show the amount of the debts and the amount of moneys in the treasury of the association, and the amount of any deficit after the payment of its expenses, and must contain an estimate of the amount, if any, which it will be necessary to raise above the estimated ordinary receipts of the association for the purposes of its fair for the ensuing year. The report and estimate must be verified by the oath of the president, or vice president, the secretary, treasurer, and a majority of the board of directors of the association. After the filing and approval of the report, the board of county commissioners shall levy a tax for the current year equal to the estimate contained in the association's report, if the report filed shows that the funds have been expended legally and if the levy has been approved by the voters or the board of county commissioners, as required by law. The tax levied for the current year may not exceed the limitation in section 57-15-06.7, and the amount levied must be paid to the association as provided in section 4-02-26.

4-02-27.1. Additional levy authorized. The board of county commissioners may, by appropriate resolution, submit to the electors of the county at the next special or general election, the question of whether an annual tax levy, in addition to the levy provided in section 4-02-27, shall be authorized for the purposes of aiding a county fair association. If an additional levy is approved by the electors, the board of county commissioners may make the additional annual levy, not to exceed the limitation in section 57-15-06.7, and disburse the proceeds in the manner provided in section 4-02-27 for the levy and disbursement of other county fair association aid funds. The failure of the electors to approve any additional mill levy under this section may not be construed as invalidating a levy approved prior to the election.

4-02-27.2. Additional levy in certain counties. The board of county commissioners of any county, when petitioned by at least five percent of the qualified electors of the county, including qualified electors residing in at least one-half of the voting precincts of the county as determined by the number of votes cast in the county for the office of governor at the preceding general election, shall submit to the qualified electors of the county at any general election or special election called for such purpose, the proposition of authorizing the board of county commissioners to purchase or lease in the name of the county not to exceed two hundred forty acres [97.12 hectares] of real estate and to construct thereon such buildings and other improvements as may be deemed desirable for the conduct of a county fair and authorizing the board of county commissioners, if the county general fund is deemed insufficient to provide funds therefor, to levy a tax not exceeding the limitation in subsection 2 of section 57-15-06.7. If a majority of the votes cast by qualified electors on the question at the election are in favor of the proposition, including the proposed levy, the tax must be levied and collected as are other property taxes, with the proceeds to be placed into a fund to be known as the "county fair fund". The tax is in addition to any mill levy limitations provided by law, including the levies authorized by sections 4-02-27 and 4-02-27.1.

4-02-27.3. Disposition of property. Any property used for county fair purposes may be sold by the board of county commissioners upon such terms and conditions as the board shall determine, and the proceeds of such sale shall be placed in the county fair fund and used exclusively for county fair purposes, provided that if the county fails to hold a fair within the county for two successive years, any property on hand may be sold and the proceeds of such sale, together with any other unexpended balance in the county fair fund may, at the discretion of the board of county commissioners, be transferred to the county general fund. The levy of the

tax authorized by section 4-02-27.2, expenditures of the proceeds thereof, and the conduct of the fair shall be governed by the provisions of sections 4-02-06 through 4-02-31 to the extent such sections are consistent with the provisions of section 4-02-27.2 and this section.

4-02-28. Associations entitled to aid. The aid provided for by this chapter shall not be granted to more than one agricultural association in any one county or to any association organized for profit.

4-02-29. Levy of taxes to cease when fair not held - Misappropriation of funds. The board of county commissioners shall refuse to make a further levy of taxes for any association failing to hold a fair within the county in any year for which it has received aid from the county. In such a case, the board of county commissioners shall inquire into the disposition of moneys paid by the county to the association after its last annual report, and if there has been any misappropriation it shall institute proceedings at once to recover the sum misappropriated. For any such misappropriation, the officers, trustees, or directors of the association shall be liable personally to the county.

4-02-30. Tax to be submitted to vote. If the board of county commissioners has voted and ordered a tax levied in aid of an agricultural fair and a petition is addressed to the board, asking the discontinuance of the tax and containing the signatures of the qualified electors of the county in a number equal to twenty percent of the total vote cast in the county at the last preceding general election, and the petition is filed in the office of the county auditor, the board shall submit to the qualified electors of the county at the next succeeding general election the question of whether or not the levying of the tax shall be continued. The ballot must be in the following form:

Shall the board of county commissioners continue the annual levy of a tax in aid of a county fair? Yes
No

If a majority of all the ballots cast on the question at the election is in favor of discontinuing the tax, the board of county commissioners may not thereafter levy any tax under this chapter until the question of resuming the annual levy and collection of the tax is submitted to a vote of the qualified electors of the county. The ballots to be used at the election must be in the following form:

Shall the board of county commissioners resume the annual levy of a tax in aid of a county fair? Yes
No

If a majority of all of the ballots cast on the question at the election is in favor of resuming the tax, the board of county commissioners shall resume the annual levy as long as the provisions of section 4-02-29 are complied with and until otherwise directed as herein provided.

Before every election, the county auditor shall certify and give notice of the submission of the question as provided by law.

4-02-31. Purchase or lease of land - Election required. The board of county commissioners in any county in the state may submit, or when petitioned by at least five percent of the qualified electors of the county in at least one-half of the voting precincts, based upon the votes cast in the county for secretary of state at the last general election, shall submit, to the qualified electors of the county at any general election the proposition of purchasing or leasing not more than eighty acres [32.37 hectares] of land in the name of the county to be used for county fair purposes. If a majority of the qualified electors voting on the question at the election vote in favor of purchasing or leasing land for such purposes, the board of county commissioners shall purchase or lease, in conformity with this chapter, a tract of land not to exceed eighty acres [32.37 hectares], in the name of the county. The board of county commissioners shall construct such buildings and improvements on the land as it shall deem necessary for the operation and management of the fair. The election on the purchase or lease of land must be conducted and the votes counted as at other elections.

4-02-32. Expenses of leasing and purchasing - How paid. Repealed by S.L. 1995, ch. 61, § 14.

4-02-33. Board of county commissioners to make rules and regulations governing county fair. Repealed by S.L. 1995, ch. 61, § 14.

4-02-34. Moneys received and expended - Regulations governing. Repealed by S.L. 1995, ch. 61, § 14.

4-02-35. County fair fund - Transfer to county general fund. The board of county commissioners of any county in which a county fair has not been held for five consecutive years may transfer any funds in the county fair fund or funds levied or budgeted for county fairs to the county general fund to be used for general county purposes.

4-02-36. Chapter not applicable to state fair association. The provisions of this chapter shall not be applicable to the holding of the state fair and shall not apply to the North Dakota state fair association.

4-02-37. Multicounty fairs - Association - Tax levy. A county fair association may be organized in two or more counties having taxable property of a taxable valuation of not less than seven hundred fifty thousand dollars. The executive officers and directors must be residents of the counties. The association may apply to the boards of county commissioners of the counties for a grant to aid in the erection of suitable buildings and other improvements to accommodate its patrons and exhibits, and to pay premiums and expenses that may be awarded on such exhibits at any fair. An application for the grant must be in writing and must state the incorporation of the association, the names and places of residence of all its executive officers, and the ownership of real property in one of the counties sufficient in area for the purpose of its fair and the value of at least two thousand five hundred dollars. If the boards of county commissioners are satisfied that the statements in the application are true and that the association intends in good faith to hold a fair within one of the counties annually for the exhibition of agricultural, horticultural, mechanical, and manufactured products of the county, and of such articles as are usually exhibited at fairs, it may levy for the first year's grant of aid a tax not exceeding the limitation in section 57-15-06.8, and it must be collected as other taxes are collected. If the tax is levied, the boards of county commissioners shall pay to the secretary of the association, not later than July thirty-first thereafter, the amount of tax levied and shall take the receipt of the association therefor. A multicounty fair association authorized by this section and the boards of county commissioners of such counties may do all the things allowed by law that a county fair association organized under section 4-02-26 may do.