

## **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Repealed by S.L. 1995, ch. 61, § 14.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.**

Repealed by S.L. 2011, ch. 60, § 2.

### **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 - County funding.**

A county fair association may be organized in any county. The executive officers and directors must be residents of the county. The association may make written application 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 fair exhibits. An application 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. 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 provide funding from revenues derived from the county general fund levy authority. If the funding is approved, the county treasurer shall pay to the secretary of the association, by the following July thirty-first, the amount of funding approved and shall take the receipt of the association for the payment.

Any amount received by the county fair association must be deposited by the secretary of the association in a fund to be known as the "county fair fund". To promote holding a county fair, the board of county commissioners may purchase or lease in the name of the county not to exceed two hundred forty acres [97.12 hectares] of real estate and construct buildings and improvements for the conduct of a county fair. The board of county commissioners may issue bonds in the name of the county if approved by electors of the county in accordance with sections 21-03-06 and 21-03-07 to purchase, not to exceed two hundred forty acres [97.12 hectares], of real estate and construct buildings and improvements for the conduct of a county fair.

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

The authority of this section may be used by a county to join in formation and funding of a multicounty fair association under terms of an agreement with one or more other counties.

#### **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.**

Repealed by S.L. 2015, ch. 439, § 104.

#### **4-02-27.1. Additional levy authorized.**

Repealed by S.L. 2015, ch. 439, § 104.

#### **4-02-27.2. Additional levy in certain counties.**

Repealed by S.L. 2015, ch. 439, § 104.

#### **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. 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, at the discretion of the board of county commissioners, may be transferred to the county general fund. The board of county commissioners of any county in which a county fair has not been held for five consecutive years shall transfer any funds in the county fair fund or funds budgeted for county fairs to the county general fund to be used for general county purposes. The funding from revenues derived from

the county general fund levy authority authorized by section 4-02-26, expenditures of those proceeds, and the conduct of the fair shall be governed by sections 4-02-07 through 4-02-31 to the extent such sections are consistent with section 4-02-26 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.**

Repealed by S.L. 2015, ch. 439, § 104.

**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.**

Repealed by S.L. 2015, ch. 439, § 104.