

HOUSE BILL NO. 459

INTRODUCED BY HEMSTAD, STOBIE, ASAY, UNDERDAL, RYAN,  
C. SMITH, JONES, HARP, BERGENE, KOEHNKE

IN THE HOUSE

January 22, 1983	Introduced and referred to Committee on Local Government.
February 14, 1983	Committee recommend bill do pass. Report adopted.  Bill printed and placed on members' desks.
February 16, 1983	Second reading, do pass.
February 17, 1983	Considered correctly engrossed.
February 18, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 19, 1983	Introduced and referred to Committee on Local Government.
March 19, 1983	Committee recommend bill be concurred in. Report adopted.
March 21, 1983	Second reading, concurred in.
March 23, 1983	Third reading, concurred in. Ayes, 50; Noes, 0.

**IN THE HOUSE**

**March 23, 1983**

**Returned to House.**

**March 24, 1983**

**Sent to enrolling.**

**Reported correctly enrolled.**

*House* BILL NO. *459*

INTRODUCED BY

*Senstad* *Stelma Ann Hunderdal*  
*Ryan Smith Jones* *Harv Bergene* *Shirley*

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO COUNTY FAIRS; AMENDING SECTIONS 7-21-3403, 7-21-3408, 7-21-3409, 7-21-3414, AND 7-21-3425, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-21-3403, MCA, is amended to read:

"7-21-3403. Qualifications for office. ~~(1)~~ Persons appointed as county fair commissioners shall be well qualified to perform the duties of organizing and successfully carrying on the county fair.

~~(2) In case there is in any county a fair association or a horticultural or agricultural society, the board of county commissioners may appoint said fair commission from the members of said fair association or horticultural or agricultural society, giving preference in said appointments to the officers of the association or society."~~

Section 2. Section 7-21-3408, MCA, is amended to read:

"7-21-3408. Acquisition of property for fair purposes. (1) The board of county commissioners of any county in Montana may purchase, receive by donation, or own and hold a tract of land in their respective county, not exceeding 100 acres, as county fairgrounds and an additional tract of land

~~in their respective county, not exceeding 80 acres, as junior fairgrounds. These lands may be used by the county fair commission for the purpose of promoting the interests of horticulture, agriculture, and stockraising.~~

(2) The board which shall avail itself of the foregoing provisions may purchase, erect, construct, and maintain permanent improvements on such fairgrounds and junior fairgrounds."

Section 3. Section 7-21-3409, MCA, is amended to read:

"7-21-3409. Lease of county fairgrounds and buildings.

(1) Boards of county commissioners are hereby authorized to lease for ~~limited periods of time~~ county fairgrounds and buildings thereon on such terms as they shall deem proper. ~~No lease shall be executed to permit the use of said premises during any time within 3 weeks prior to the holding of a county fair.~~

(2) In the event same are leased for entertainment purposes, the county commissioners or county fair commission shall collect an amount deemed proper by them, ~~but not in excess of 20% of the gross receipts taken in by the lessee.~~ ~~said property shall not be leased unless the lessee shall give a bond such as the board may deem sufficient.~~

(3) No lease may be executed unless the lessee gives bond or public liability and property damage insurance, or both, as may be required by the board of county

1 commissioners or the county fair commission.

2 ~~(3)~~(4) No lease shall be executed unless the lessee  
3 shall agree to furnish adequate police protection over all  
4 property so leased. Any lease shall be subject to immediate  
5 cancellation by the board or commission in case the lessee  
6 fails to maintain order or to properly police the grounds.

7 ~~(4)~~(5) All money received from the leasing of  
8 fairgrounds shall be deposited in the poor fair fund of the  
9 county.

10 ~~(5)~~(6) Nothing herein shall be construed to prevent  
11 county commissioners or the fair commission from preventing  
12 allowing schools to use fairgrounds for athletic or other  
13 public school purposes."

14 Section 4. Section 7-21-3414, MCA, is amended to read:

15 "7-21-3414. Management of capital improvement fund.

16 (1) Money for the capital improvement fund shall be derived  
17 from the unexpended money obtained by the fair commission  
18 under 7-21-3410.

19 (2) The capital improvement fund may not exceed at any  
20 time a competent estimate of the cost of the adopted capital  
21 improvement program.

22 (3) All interest earned on the money in the capital  
23 improvement fund shall be paid into the county general fair  
24 fund."

25 Section 5. Section 7-21-3425, MCA, is amended to read:

1 "7-21-3425. Board of directors of fair district. (1)  
2 The members of the respective county fair commissions of the  
3 counties forming a fair district ~~constitute a~~ shall appoint  
4 one member of their commission to the board of directors for  
5 the fair district.

6 (2) After a district has been formed and a county is  
7 added thereto, the members of the county fair commission of  
8 the county added to the fair district ~~are likewise members~~  
9 of shall appoint one member of their commission to the board  
10 of directors of for the fair district."

-End-

Approved by Comm.  
on Local Government

1 *House* BILL NO. *459*  
 2 INTRODUCED BY *Senator Steve Ray Henderdal*  
 3 *Ryan Smith Jones Harp Bergene Schulte*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
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 12 qualified to perform the duties of organizing and  
 13 successfully carrying on the county fair.

14 ~~(2) In case there is in any county a fair association~~  
 15 ~~or a horticultural or agricultural society, the board of~~  
 16 ~~county commissioners may appoint said fair commission from~~  
 17 ~~the members of said fair association or horticultural or~~  
 18 ~~agricultural society, giving preference in said appointments~~  
 19 ~~to the officers of the association or society."~~

20 Section 2. Section 7-21-3408, MCA, is amended to read:

21 "7-21-3408. Acquisition of property for fair purposes.  
 22 (1) The board of county commissioners of any county in  
 23 Montana may purchase, receive by donation, or own and hold a  
 24 tract of land in their respective county, ~~not exceeding 168~~  
 25 ~~acres,~~ as county fairgrounds ~~and an additional tract of land~~

1 ~~in their respective county, not exceeding 80 acres, as~~  
 2 ~~junior fairgrounds. These lands may be used by the county~~  
 3 ~~fair commission for the purpose of promoting the interests~~  
 4 ~~of horticulture, agriculture, and stockraising.~~

5 (2) The board which shall avail itself of the  
 6 foregoing provisions may purchase, erect, construct, and  
 7 maintain permanent improvements on such fairgrounds ~~and~~  
 8 ~~junior fairgrounds."~~

9 Section 3. Section 7-21-3409, MCA, is amended to read:  
 10 "7-21-3409. Lease of county fairgrounds and buildings.

11 (1) Boards of county commissioners are hereby authorized to  
 12 ~~lease for limited periods of time~~ county fairgrounds and  
 13 buildings thereon on such terms as they shall deem proper.  
 14 ~~No lease shall be executed to permit the use of said~~  
 15 ~~premises during any time within 3 weeks prior to the holding~~  
 16 ~~of a county fair.~~

17 (2) In the event same are leased for entertainment  
 18 purposes, the county commissioners or county fair commission  
 19 shall collect an amount deemed proper by them, ~~but not in~~  
 20 ~~excess of 20% of the gross receipts taken in by the lessee.~~  
 21 ~~Said property shall not be leased unless the lessee shall~~  
 22 ~~give a bond such as the board may deem sufficient.~~

23 (3) No lease may be executed unless the lessee gives  
 24 bond or public liability and property damage insurance, or  
 25 both, as may be required by the board of county

*459*

1 ~~commissioners or the county fair commission.~~

2 ~~(3)(4)~~ No lease shall be executed unless the lessee  
3 shall agree to furnish adequate police protection over all  
4 property so leased. Any lease shall be subject to immediate  
5 cancellation by the board or commission in case the lessee  
6 fails to maintain order or to properly police the grounds.

7 ~~(4)(5)~~ All money received from the leasing of  
8 fairgrounds shall be deposited in the poor fair fund of the  
9 county.

10 ~~(5)(6)~~ Nothing herein shall be construed to prevent  
11 county commissioners or the fair commission from preventing  
12 allowing schools to use fairgrounds for athletic or other  
13 public school purposes."

14 Section 4. Section 7-21-3414, MCA, is amended to read:

15 "7-21-3414. Management of capital improvement fund.

16 (1) Money for the capital improvement fund shall be derived  
17 from the unexpended money obtained by the fair commission  
18 under 7-21-3410.

19 (2) The capital improvement fund may not exceed at any  
20 time a competent estimate of the cost of the adopted capital  
21 improvement program.

22 (3) All interest earned on the money in the capital  
23 improvement fund shall be paid into the county general fair  
24 fund."

25 Section 5. Section 7-21-3425, MCA, is amended to read:

1 "7-21-3425. Board of directors of fair district. (1)  
2 The members of the respective county fair commissions of the  
3 counties forming a fair district ~~constitute a~~ shall appoint  
4 one member of their commission to the board of directors for  
5 the fair district.

6 (2) After a district has been formed and a county is  
7 added thereto, the members of the county fair commission of  
8 the county added to the fair district are ~~likewise~~ members  
9 of shall appoint one member of their commission to the board  
10 of directors ~~of~~ for the fair district."

-End-

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 3 *Rep. Smith Jones Harp Bergene Schulte*  
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20 Section 2. Section 7-21-3408, MCA, is amended to read:

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 22 (1) The board of county commissioners of any county in  
 23 Montana may purchase, receive by donation, or own and hold a  
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 25 acres, as county fairgrounds and an additional tract of land

1 ~~in their respective county, not exceeding 80 acres, as~~  
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 15 premises during any time within 3 weeks prior to the holding  
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-End-