

SENATE BILL NO. 249

INTRODUCED BY HARP, B. BROWN, GLASER,
HAGER, MCLANE, BLAYLOCK, BENGTSON

IN THE SENATE

JANUARY 26, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
	FIRST READING.
FEBRUARY 3, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 6, 1989	PRINTING REPORT.
FEBRUARY 7, 1989	SECOND READING, DO PASS.
FEBRUARY 8, 1989	ENGROSSING REPORT.
FEBRUARY 9, 1989	THIRD READING, PASSED. AYES, 49; NOES, 1.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 9, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
FEBRUARY 20, 1989	FIRST READING.
MARCH 10, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 11, 1989	SECOND READING, CONCURRED IN.
MARCH 14, 1989	THIRD READING, CONCURRED IN. AYES, 89; NOES, 9.
	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 1, 1989

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 4, 1989

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *249*
2 INTRODUCED BY *HARP Bob Brown & Stan Hager*
3 *Norm Blaylock, Bengtson*
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A BOARD OF
5 COUNTY COMMISSIONERS TO CREATE A JOINT FAIR AND CIVIC CENTER
6 COMMISSION; CLARIFYING THE DUTIES OF A COUNTY FAIR
7 COMMISSION; AUTHORIZING A COUNTY FAIR COMMISSION TO LEASE
8 COUNTY FAIRGROUNDS AND BUILDINGS; AMENDING SECTIONS
9 7-21-3406, 7-21-3407, AND 7-21-3409, MCA; AND PROVIDING AN
10 EFFECTIVE DATE."
11

12 WHEREAS, it is necessary to clarify and revise the
13 general authority and powers of county fair commissions that
14 supervise and manage fairgrounds and buildings during the
15 course of the year and to coordinate the roles of county
16 building commissions in areas which have civic center
17 buildings on or contiguous to the fairgrounds.
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19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

20 NEW SECTION. Section 1. Authorization to create a
21 joint fair and civic center commission. (1) The board of
22 county commissioners shall have the power to create a joint
23 fair and civic center commission for the management and
24 operation of fairgrounds and civic centers within the
25 county.

1 (2) The board of county commissioners of a county,
2 upon application from the regularly appointed county fair
3 commission and county building commission, may by resolution
4 create a joint fair and civic center commission.

5 (3) The joint fair and civic center commission is
6 vested with the full powers granted to the county fair
7 commission and the county building commission.

8 NEW SECTION. Section 2. Organization of joint fair
9 and civic center commission. (1) The members of the county
10 fair commission and county building commission shall
11 constitute the joint fair and civic center commission and
12 shall act as a unified board.

13 (2) The joint fair and civic center commission shall
14 meet during the month of December of each year. The
15 commission shall elect a chairman, vice-chairman, and
16 secretary for the commission.

17 (3) Subsequent meetings may be held as necessary for
18 the conduct of the duties outlined in [section 4].

19 (4) The joint fair and civic center commission shall
20 have power to employ a secretary, whom they may vest with
21 managerial powers, and they shall also appoint a treasurer.
22 The office of secretary may be combined with that of
23 treasurer.

24 (5) The commission shall ensure that:

25 (a) all records and accounts are properly kept,

1 supervised, and approved;

2 (b) proper vouchers accompany all disbursements of
3 money; and

4 (c) the records are open to the public at all
5 reasonable hours.

6 NEW SECTION. **Section 3.** Term of office. The term of
7 office of each commissioner must coincide with this term of
8 office on the county fair commission or the county building
9 commission.

10 NEW SECTION. **Section 4.** Duties of joint commission.
11 The duties of the joint county fair and civic center
12 commission are the same as the duties of the county fair
13 commission and the county building commission.

14 NEW SECTION. **Section 5.** Preparation of county fair or
15 joint county fair and civic center budget. (1) To raise the
16 revenue necessary to hold a county fair and to manage the
17 operation of the fairgrounds and its buildings and the civic
18 center, the county fair commission or the joint fair and
19 civic center commission shall meet during the first week of
20 May of each year and prepare a budget for the management and
21 operation of the fair, the fairgrounds and its buildings,
22 and the civic center for the following year.

23 (2) The joint commission shall deduct from the budget
24 the probable income from the annual county fair and other
25 events and exhibitions to be held at the complex during the

1 following year.

2 (3) The secretary of the fair commission or the joint
3 commission shall certify to the board of county
4 commissioners the amount of the budget and the amount of
5 revenue expected to be raised by the county for these
6 purposes and shall file a certified copy thereof with the
7 clerk of the board of county commissioners on or before June
8 1 of each year.

9 NEW SECTION. **Section 6.** Meeting on county fair and
10 civic center budgets. The board of county commissioners
11 shall meet with the members of the joint fair and civic
12 center commission during the first week of June of each year
13 to jointly consider the budget proposed by the county fair
14 commission or joint fair and civic center commission and
15 authorize approval or suggest such amendments or
16 modifications as the county commissioners think proper and
17 desirable.

18 NEW SECTION. **Section 7.** Effect of failure of county
19 commissioners to meet or take action. If the county
20 commissioners fail to hold a joint meeting or fail to take
21 any action, the budget certified by the secretary of the
22 fair commission or the joint fair and civic center
23 commission must be approved without further action and the
24 sum of money apportioned to the county must be the sum to be
25 raised by special levy for this purpose under 7-21-3410

through 7-21-3412.

NEW SECTION. Section 8. General authority of county commissioners. Nothing herein may be construed to limit the general authority of the county commissioners established in 7-5-2101.

Section 9. Section 7-21-3406, MCA, is amended to read:

"7-21-3406. Powers of county fair commission. Said By resolution of the board of county commissioners, the county fair commissioners shall have control and operation of the fair and the supervision and management of the fairgrounds and also the leasing of buildings and fairgrounds on a continuous basis throughout the fiscal year and shall return to the fair fund of the county all revenue obtained from the leasing or renting of the same."

Section 10. Section 7-21-3407, MCA, is amended to read:

"7-21-3407. Duties of county fair commission. (1) Said The commission shall do all things necessary to hold a successful annual county agricultural fair in their respective counties, including:

- (a) employment of labor;
- (b) awarding of prizes;
- (c) making and signing of exhibition contracts;
- (d) charging admission and entrance fees; and
- (e) everything necessary in conducting the continuing

operation of the county fairgrounds and buildings.

(2) The commission and shall have charge of all fairgrounds and fair property."

Section 11. Section 7-21-3409, MCA, is amended to read:

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

(1) Boards of county commissioners or county fair commissions are hereby authorized to lease county fairgrounds and buildings thereon on such terms as they shall deem proper.

(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.

(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 commissioners or the county fair commission.

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

(5) All money received from the leasing of fairgrounds shall be deposited in the fair fund of the county.

(6) Nothing herein shall be construed to prevent

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1 county commissioners or the county fair commission from
2 allowing schools to use fairgrounds for athletic or other
3 public school purposes."

4 NEW SECTION. **Section 12.** Effective date. [This act]
5 is effective July 1, 1989.

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

SENATE BILL NO. 249

INTRODUCED BY HARP, B. BROWN, GLASER,
HAGER, MCLANE, BLAYLOCK, BENGTSON

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A BOARD OF
COUNTY COMMISSIONERS TO CREATE A JOINT FAIR AND CIVIC CENTER
COMMISSION; CLARIFYING THE DUTIES OF A COUNTY FAIR
COMMISSION; AUTHORIZING A COUNTY FAIR COMMISSION TO LEASE
COUNTY FAIRGROUNDS AND BUILDINGS; AMENDING SECTIONS
7-21-3406, 7-21-3407, AND 7-21-3409, MCA; AND PROVIDING AN
EFFECTIVE DATE."

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general authority and powers of county fair commissions that
supervise and manage fairgrounds and buildings during the
course of the year and to coordinate the roles of county
building commissions in areas which have civic center
buildings on or contiguous to the fairgrounds.

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

NEW SECTION. **Section 1.** Authorization to create a
joint fair and civic center commission. (1) The board of
county commissioners shall have the power to create a joint
fair and civic center commission for the management and
operation of fairgrounds and civic centers within the

county.

(2) The board of county commissioners of a county,
upon application from the regularly appointed county fair
commission and county building commission, may by resolution
create a joint fair and civic center commission.

(3) The joint fair and civic center commission is
vested with the full powers granted to the county fair
commission and the county building commission.

NEW SECTION. **Section 2.** Organization of joint fair
and civic center commission. (1) The members of the county
fair commission and county building commission shall
constitute the joint fair and civic center commission and
shall act as a unified board.

(2) The joint fair and civic center commission shall
meet during the month of December of each year. The
commission shall elect a chairman, vice-chairman, and
secretary for the commission.

(3) Subsequent meetings may be held as necessary for
the conduct of the duties outlined in [section 4].

(4) The joint fair and civic center commission shall
have power to employ a secretary, whom they may vest with
managerial powers, and they shall also appoint a treasurer.
The office of secretary may be combined with that of
treasurer.

(5) The commission shall ensure that:

(a) all records and accounts are properly kept, supervised, and approved;

(b) proper vouchers accompany all disbursements of money; and

(c) the records are open to the public at all reasonable hours.

NEW SECTION. Section 3. Term of office. The term of office of each commissioner must coincide with this term of office on the county fair commission or the county building commission.

NEW SECTION. Section 4. Duties of joint commission. The duties of the joint county fair and civic center commission are the same as the duties of the county fair commission and the county building commission.

NEW SECTION. Section 5. Preparation of county fair or joint county fair and civic center budget. (1) To raise the revenue necessary to hold a county fair and to manage the operation of the fairgrounds and its buildings and the civic center, the county fair commission or the joint fair and civic center commission shall meet during the first week of May of each year and prepare a budget for the management and operation of the fair, the fairgrounds and its buildings, and the civic center for the following year.

(2) The joint commission shall deduct from the budget the probable income from the annual county fair and other

events and exhibitions to be held at the complex during the following year.

(3) The secretary of the fair commission or the joint commission shall certify to the board of county commissioners the amount of the budget and the amount of revenue expected to be raised by the county for these purposes and shall file a certified copy thereof with the clerk of the board of county commissioners on or before June 1 of each year.

NEW SECTION. Section 6. Meeting on county fair and civic center budgets. The board of county commissioners shall meet with the members of the joint fair and civic center commission during BEFORE the first THIRD week of June JULY of each year to jointly consider the budget proposed by the county fair commission or joint fair and civic center commission and authorize approval or suggest such amendments or modifications as the county commissioners think proper and desirable.

NEW SECTION. Section 7. Effect of failure of county commissioners to meet or take action. If the county commissioners fail to hold a joint meeting or fail to take any action, the budget certified by the secretary of the fair commission or the joint fair and civic center commission must be approved without further action and the sum of money apportioned to the county must be the sum to be

1 raised by special levy for this purpose under 7-21-3410
2 through 7-21-3412.

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4 commissioners. Nothing herein may be construed to limit the
5 general authority of the county commissioners established in
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8 "7-21-3406. Powers of county fair commission. Said By
9 resolution of the board of county commissioners, the county
10 fair commissioners shall have control and operation of the
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13 continuous basis throughout the fiscal year and shall return
14 to the fair fund of the county all revenue obtained from the
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16 **Section 10.** Section 7-21-3407, MCA, is amended to
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18 "7-21-3407. Duties of county fair commission. (1) Said
19 The commission shall do all things necessary to hold a
20 successful annual county agricultural fair in their
21 respective counties, including:

- 22 (a) employment of labor;
- 23 (b) awarding of prizes;
- 24 (c) making and signing of exhibition contracts;
- 25 (d) charging admission and entrance fees; and

1 (e) everything necessary in conducting the continuing
2 operation of the county fairgrounds and buildings.

3 (2) The commission and shall have charge of all
4 fairgrounds and fair property."

5 **Section 11.** Section 7-21-3409, MCA, is amended to
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7 "7-21-3409. Lease of county fairgrounds and buildings.

8 (1) Boards of county commissioners or county fair
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10 fairgrounds and buildings thereon on such terms as they
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22 cancellation by the board or commission in case the lessee
23 fails to maintain order or to properly police the grounds.

24 (5) All money received from the leasing of fairgrounds
25 shall be deposited in the fair fund of the county.

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1 (6) Nothing herein shall be construed to prevent
2 county commissioners or the county fair commission from
3 allowing schools to use fairgrounds for athletic or other
4 public school purposes."

5 NEW SECTION. **Section 12.** Effective date. [This act]
6 is effective July 1, 1989.

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5 **Section 11.** Section 7-21-3409, MCA, is amended to
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SB 0249/02

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-End-

STANDING COMMITTEE REPORT

March 7, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Local Government report that SENATE BILL 249 (third reading copy -- blue) be concurred in as amended .

Signed: Paula A. Darko
Paula Darko, Chairman

[REP. GOOD WILL CARRY THIS BILL ON THE HOUSE FLOOR]

And, that such amendment read:

1. Page 3, line 8.

Strike: "this"

Insert: "his"

HOUSE

531630SC.HBV

SB 249

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3 HAGER, MCLANE, BLAYLOCK, BENGTON

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17 both, as may be required by the board of county
18 commissioners or the county fair commission.

19 (4) No lease shall be executed unless the lessee ~~shall~~
20 agree agrees to furnish adequate police protection over all
21 property so leased. Any lease shall be subject to immediate
22 cancellation by the board or commission in case the lessee
23 fails to maintain order or to properly police the grounds.

24 (5) All money received from the leasing of fairgrounds
25 shall be deposited in the fair fund of the county.

1 (6) Nothing herein shall be construed to prevent
2 county commissioners or the county fair commission from
3 allowing schools to use fairgrounds for athletic or other
4 public school purposes."

5 NEW SECTION. **Section 12.** Effective date. [This act]
6 is effective July 1, 1989.

-End-