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Sixty-fifth
Legislative Assembly
of North Dakota

SECOND DRAFT:
Prepared by the Legislative Council staff for the
Agriculture and Natural Resources Committee
May 2016

Introduced by

A BILL for an Act to create and enact chapter 4.1-55 of the North Dakota Century Code, relating to revision of statutory authority of the North Dakota state fair and state fair association; and to repeal chapter 4-02.1 of the North Dakota Century Code, relating to the North Dakota state fair and state fair association.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4-02.1-01 of the North Dakota Century Code is amended and reenacted as follows:

~~4-02.1-01~~4.1-55-01. State fair association - North Dakota state fair.

~~A state fair association, to be known as the~~The North Dakota state fair association~~, is hereby created for the purpose of conducting~~ shall conduct an annual North Dakota state fair ~~and for the purpose of exhibiting at such fair~~, including exhibition of the agricultural, stockbreeding, horticultural, mining, mechanical, industrial, and other products and resources of this state. The North Dakota state fair shall be held at Minot, North Dakota, at a site to be selected by the state fair association. No other fair ~~may be designated as, nor may any other fair call itself, the~~in the state may include in its name the words "state fair".

SECTION 2. AMENDMENT. Section 4-02.1-02 of the North Dakota Century Code is amended and reenacted as follows:

~~**4-02.1-02. Organization of state fair association - Initial members.**~~

~~For the purpose of organizing the state fair association, three residents from each county in the state shall compose the initial membership in the state fair association. One member must be selected by the county fair board, one member by the board of county commissioners, and one member by the county agent of each county. In cases where a county does not have a county agent or county fair board, the board of county commissioners shall select the resident that either the county agent, or county fair board, would normally have been entitled to select as~~

~~a member of the state fair association. Within thirty days after July 1, 1965, the names of the persons selected to serve as the initial members of the state fair association must be forwarded to the agriculture commissioner by the agencies making such selection. The agriculture commissioner shall compile a list of all such members and forward a copy to each member. Within three months of their selection the initial members of the state fair association shall meet at a time and place agreed upon by them for the purpose of adopting bylaws, electing a temporary board of directors for one-year terms or until successors are chosen and qualified, and generally organizing the state fair association pursuant to the provisions of this chapter. The initial members of the state fair association shall serve one-year terms of office, or until successors are chosen and qualified, but this provision does not prohibit such initial members from succeeding themselves as regular members of the fair association pursuant to the provisions of this chapter. The initial members and the board of directors selected therefrom shall have all the powers, and be subject to all the laws, as is provided in this chapter, except that the board of directors shall serve only one-year terms of office. The first annual meeting of the state fair association must be held at the call of the initial board of directors. A permanent board of directors, elected pursuant to the provisions of this chapter, must be selected at the first annual meeting and new or additional members of the association must be received into the state fair association according to the provisions of this chapter. The state fair association shall initiate plans at the first annual meeting for the purpose of conducting a state fair in the year 1966.~~

NOTE: The initial membership provision is no longer necessary. The following section provides for continuation of the terms and replacement of members.

SECTION 3. AMENDMENT. Section 4-02.1-03 of the North Dakota Century Code is amended and reenacted as follows:

~~4-02.1-03~~4.1-55-02. ~~Permanent members of state~~State fair association members.

The state fair association~~, after the expiration of the term of the initial members, must have a~~ membership must be selected in the following manner:

1. Three members ~~to be~~must be chosen annually from each ~~of the counties of the state~~county, ~~such members to be~~who are residents of ~~such~~the county~~, with~~. From each county, one member ~~to~~must be selected by the county fair board, one member selected by the board of county commissioners, and one member selected by the county agent. In a county in which there is no county fair board or county agent, or

neither, the board of county commissioners shall select the members for which there is no other appointing authority under this subsection. A majority of the members must be selected under this subsection.

NOTE: Not every county has a county fair board.

2. ~~Such~~By a two-thirds vote of the board of directors, the directors may elect individuals ~~who, by reason~~as nonvoting honorary life members in recognition of eminent services in agriculture, horticulture, or ~~in the~~associated arts and sciences ~~connected therewith, or of~~; long and faithful service in the association~~,~~; or ~~of~~ benefits conferred upon ~~it, may, by two-thirds vote of the directors at any annual meeting, be elected as honorary members~~the association.

NOTE: The fair manager requested elimination of the requirement for the vote under this subsection to be at an annual meeting.

~~3. Members elected by societies, corporations, limited liability companies, or associations as determined in the association bylaws, except that a majority of the members must always be selected in accordance with subsection 1.~~

NOTE: The fair manager requested elimination of this subsection and the reference to it below. Apparently this type of election is not authorized in the bylaws.

The election and selection of members must be made and certified to the state fair association on or before each annual meeting. The ~~terms~~term of ~~all members, except honorary members, must be for a one-year term or~~each member, except honorary life members, begins at the opening of the annual meeting after being chosen under subsection 1 and continues until the opening of the succeeding annual meeting ~~after such members have qualified as members, except that each~~. Each member ~~shall hold~~holds office until that member's successor is chosen and qualified ~~and a~~. A member who is a director ~~shall remain~~remains a member ~~until~~through that member's term of office as director ~~is terminated. Honorary members shall continue as such for life. The election and selection of members must be made and certified to the state fair association on or before each annual meeting. Each member is entitled to one vote on each matter submitted to a vote of the members, except honorary members may not vote~~. Any member may resign from membership by filing a written resignation with the secretary of the association but memberships are not transferable or assignable. ~~The board of directors, by affirmative vote of the~~By majority vote of all members of the board, the board of directors may suspend or expel a member for cause.

SECTION 4. AMENDMENT. Section 4-02.1-04 of the North Dakota Century Code is amended and reenacted as follows:

~~4-02.1-04~~4.1-55-03. Meetings of the association - Time and place - Notice.

1. The annual meeting of the ~~members of the~~ state fair association must be held as provided in the bylaws of the association. ~~Such~~The annual meeting must ~~be held for the purpose of electing~~include election of directors and ~~for~~ the transaction of ~~such~~ other business ~~as may come before the meeting~~of the association. If the election of directors is not held on the day designated for ~~any~~the annual meeting or at ~~any~~an adjournment ~~thereof~~of the annual meeting, the board of directors shall cause the election to be held at a special meeting ~~of the members~~ as soon thereafter as ~~may be~~ convenient. The failure to hold the annual meeting at the designated time does not ~~work~~result in a forfeiture or dissolution of the association.
2. A special meeting ~~of the members~~ may be held ~~at any time~~ upon the call of the president or by order of the board of directors~~, and it is the duty of the~~. The president ~~to~~shall call ~~such~~ a special meeting ~~whenever requested to do so~~upon request by ten percent or more of the association members ~~of the association~~.
3. The president or board of directors, whichever calls the meeting, may designate any place within the state as the place of an annual or special meeting ~~for any annual meeting or for any special meeting called by the board of directors~~.
4. ~~Written~~At least ten but not more than fifty days before an association meeting, written or printed notice stating the place, day, and hour of any meeting of ~~members~~the association must be delivered ~~either~~to each member entitled to vote at such meeting personally or by mail ~~to each member entitled to vote at such meeting, not less than ten, nor more than fifty, days before the date of such meeting~~or sent by electronic mail directed with verification of receipt to an electronic mail address at which the member has consented to receive notice. Delivery of notice must be done by, or at the direction of, the president or the secretary or the officers or persons calling the meeting. In case of a special meeting, or when required by law or the bylaws, the purpose or purposes for which the meeting is called must be stated in the notice. If mailed, the notice of the meeting must be deemed to be delivered when deposited in the United States mail,

addressed to the member at the member's address as it appears on the records of the association with prepaid postage ~~thereon prepaid~~.

SECTION 5. AMENDMENT. Section 4-02.1-05 of the North Dakota Century Code is amended and reenacted as follows:

~~4-02.1-05~~4.1-55-04. Compensation and expenses of members.

Each member of the board of directors is entitled to receive compensation in the amount of one hundred thirty-five dollars per day plus reimbursement of expenses as provided by law for state officers while attending meetings or performing duties directed by the board. The board of directors may pay to members rendering unusual or special services to the association special compensation appropriate to the value of the services.

SECTION 6. AMENDMENT. Section 4-02.1-06 of the North Dakota Century Code is amended and reenacted as follows:

~~4-02.1-06~~4.1-55-05. Board of directors - ~~Meetings - Notice~~Terms.

The affairs of the state fair association must be managed by its board of directors, which must consist of nine members unless ~~changed by an amendment to~~otherwise provided in the association bylaws~~, except that a~~. A decrease in the number of directors may not affect the term of any incumbent director. Each director shall hold office for a term of three years, and until that director's successor has been elected and qualified. The terms of the directors ~~elected at the first annual meeting~~ must be staggered so that three directors are elected annually ~~thereafter~~. The directors must be members of the state fair association and residents of the state.

SECTION 7. AMENDMENT. Section 4-02.1-07 of the North Dakota Century Code is amended and reenacted as follows:

~~4-02.1-07~~4.1-55-06. Annual meeting of the board of directors- ~~Directors to call special~~Special meetings - Notice.

A regular annual meeting of the board of directors must be held ~~without other notice than that provided for the annual meeting of the state fair association,~~ immediately after and at the same place as the annual meeting of the association. Notice of the regular annual meeting of the board of directors must be included in the notice of the annual meeting of the state fair association. The board of directors may provide by resolution the time and place for the holding of additional regular meetings of the board without other notice than such resolution.

Special meetings of the board of directors may be called by the president ~~whenever the president deems it necessary~~ or upon the written request of two of the directors. The president shall fix the time and place for the holding of any special meeting of the board of directors.

Notice of any special meeting of the board must be given to each director at least three days ~~previously thereto~~before the meeting by written notice delivered personally ~~or~~, sent by mail ~~or telegram to each director at the address as shown by the records of the association~~, or sent by electronic mail directed with verification of receipt to an electronic mail address at which the director has consented to receive notice. ~~If mailed, such notice is deemed to be delivered when the same is deposited in the United States mail in a sealed envelope so addressed, with postage thereon prepaid. If notice be given by telegram, such notice is deemed to be delivered when the telegram is delivered to the telegraph company.~~Any director may waive notice of any meeting. The attendance of a director at any meeting constitutes a waiver of notice of such meeting, except when a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted, nor the purpose of any regular or special meeting of the board of directors, need be specified in the notice or waiver of notice of such meeting.

SECTION 8. AMENDMENT. Section 4-02.1-08 of the North Dakota Century Code is amended and reenacted as follows:

~~4-02.1-08~~4.1-55-07. Quorum of board of directors to transact business.

A majority of the board of directors constitutes a quorum for the transaction of business at any meeting of the board~~, but if~~. If less than a majority of the directors are present at ~~such~~a meeting, a majority of those present may adjourn the meeting from time to time without further notice. The act of a majority of the directors present at a meeting at which a quorum is present is the act of the board of directors unless the act of a greater number is required by law or by the bylaws. A director participating in a meeting through an electronic communication medium may be considered to be present at the meeting for purposes of this chapter.

NOTE: The board allows members to "call in" for a meeting and they are counted as present. It was requested that this be included in the statutory provisions.

SECTION 9. AMENDMENT. Section 4-02.1-09 of the North Dakota Century Code is amended and reenacted as follows:

~~4-02.1-09~~4.1-55-08. Vacancies and special compensation of board members.

Any vacancy occurring on the board of directors must be filled by the board of directors for the unexpired term of the vacancy. The board of directors may contract for and pay directors rendering unusual or exceptional services to the association special compensation appropriate to the value of such services.

SECTION 10. AMENDMENT. Section 4-02.1-10 of the North Dakota Century Code is amended and reenacted as follows:

~~4-02.1-10~~4.1-55-09. Officers - Removal - Vacancies.

The officers of the association must be a president, vice president, secretary, treasurer, and such other officers as may be created by the board of directors ~~from time to time~~. ~~All officers~~An officer of the association shall perform ~~such~~the duties of the office as ~~may be~~ prescribed by law, the bylaws, or ~~by~~ the board of directors. Any two or more offices may be held by the same ~~person~~individual except the offices of president and secretary. The president, vice president, secretary, and treasurer must be elected annually by the board of directors~~, and any other officers~~. Any office created by the board may be filled by appointment at any meeting of the board. Each elected officer holds office until that officer's successor has been duly elected and qualified. Any officer elected or appointed may be removed by the ~~persons authorized to elect or appoint such officer, whenever in their judgment the best interests of the association shall be served thereby~~board. The removal of any officer is without prejudice to ~~the~~any contractual rights~~, if any,~~ of the officer. Election or appointment of an officer or agent does not ~~of itself~~ create contractual rights. ~~Vacancies~~A vacancy in any office ~~because of death, resignation, removal, disqualification, or otherwise~~ may be filled by the board of directors for the unexpired portion of the term.

SECTION 11. AMENDMENT. Section 4-02.1-11 of the North Dakota Century Code is amended and reenacted as follows:

~~4-02.1-11~~4.1-55-10. Officers - Duties.

1. The president is the principal executive officer of the association and shall~~, in general,~~ supervise and control ~~all of~~ the business and affairs of the association and ~~shall~~ preside at all meetings of the ~~members~~association and ~~of~~ the board of directors. The president may sign, with the secretary~~,~~ or any other ~~proper~~ officer of the association authorized by the board of directors, any deeds, mortgages, bonds, contracts, or other

instruments ~~which~~ the board of directors has authorized to be executed, except ~~in cases~~ when the signing ~~and direction thereof~~ is expressly delegated by the board of directors ~~or by~~, the bylaws, or ~~by~~ law to some other officer or agent of the association~~, and, in general, the~~. The president shall perform all duties incident to the office of president and ~~such other~~and duties as may be prescribed by the board of directors ~~from time to time~~.

2. In the absence, inability, or refusal to act of the president ~~or in the event of the president's inability or refusal to act~~, the vice president~~, or in the event there be more than one vice president through appointment by the board, the vice presidents in the order of their election,~~ shall perform the duties of the president and when so acting has all the power of and is subject to all the restrictions upon the president. If there is more than one vice president, the vice president elected or appointed earliest in time shall perform the duties of the president. ~~Any~~A vice president shall perform such ~~other~~ duties as ~~from time to time may be~~ assigned ~~to the vice president~~ by the president or ~~by the~~ board of directors.

3. If required by the board of directors, the treasurer shall give a bond for the faithful discharge of the treasurer's duties in such sum with such surety or sureties as determined by the board ~~shall determine. The treasurer shall have charge of and custody of and be responsible for all funds and securities of the association received, and give receipts for moneys due and payable to the association from any source whatsoever, and deposit and manage all moneys as prescribed by this chapter~~. The treasurer shall perform or supervise the performance of all the duties incident to the office of the treasurer and ~~such other duties as from time to time the board of directors may delegate to the treasurer~~shall:

   a. Keep accurate financial records for the association;

   b. Deposit all money, drafts, and checks in the name of and to the credit of the association in the depositories designated by the board;

   c. Endorse for deposit all notes, checks, and drafts received by the association as directed by the board, making proper vouchers;

   d. Disburse association funds and issue checks and drafts in the name of the association, as directed by the board;

e. Give to the president and the board, when requested, an account of all transactions by the treasurer and of the financial condition of the association; and

f. Perform other duties assigned by the board or the president.

4. The secretary shall keep the minutes of the meetings of the ~~members and of the~~ board of directors ~~in one or more books provided for that purpose~~; see that all notices are duly given in accordance with the ~~provisions of the~~ bylaws or as required by law; be custodian of the association records; keep a register of the post-office address of each member ~~which shall be~~as furnished to the secretary by ~~such~~the member; and, in general, perform or supervise the performance of all duties incident to the office of secretary and ~~such~~ other duties as ~~from time to time may be assigned to the secretary~~assigned by the president or by the board of directors.

5. Any other officers created by the board of directors may be required to give bonds for the faithful discharge of their duties in such sum and with such sureties as determined by the board of directors ~~may determine,~~ and shall perform ~~such~~ duties ~~as may be~~ assigned to them by the treasurer, secretary, president, or board of directors.

NOTE: The association requested it be made clear that the duties of treasurer and secretary may be performed by staff.

SECTION 12. AMENDMENT. Section 4-02.1-12 of the North Dakota Century Code is amended and reenacted as follows:

~~4-02.1-12~~4.1-55-11. Director's liability limited.

The individual members of the board of directors of the state 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 the state fair, nor for the negligence of any person employed by them.

SECTION 13. AMENDMENT. Section 4-02.1-13 of the North Dakota Century Code is amended and reenacted as follows:

~~4-02.1-13~~4.1-55-12. Bylaws, rules, regulations.

The state fair association may make all bylaws, ~~ordinances,~~ rules, and regulations, not inconsistent with law, which it ~~may deem~~deems necessary or proper ~~in carrying~~to carry out ~~the provisions of~~its responsibilities under this chapter and for the government of the state fair grounds ~~on which the state fair is to be held~~, and for all ~~fairs to be held~~activities thereon, and for

the protection, health, safety, and comfort of the public. Such bylaws, ~~ordinances,~~ rules, and regulations are in effect from the time of filing with the secretary of the association.

SECTION 14. AMENDMENT. Section 4-02.1-14 of the North Dakota Century Code is amended and reenacted as follows:

~~4-02.1-14~~4.1-55-13. Appointment of necessary employees.

The president, or any other person delegated such authority by the board of directors, shall appoint and employ ~~such~~ deputies and other subordinates~~, and such~~; contractors, architects, builders, clerks, accountants, and other experts~~,~~; and agents and servants as required to carry out the functions of the state fair association. Salaries and other compensation must be set by the president and board of directors and any expenses incurred in the performance of employment must be reimbursed in the same manner and for the same amounts as is provided for officials and employees of the state.

SECTION 15. AMENDMENT. Section 4-02.1-15 of the North Dakota Century Code is amended and reenacted as follows:

~~4-02.1-15~~4.1-55-14. State fair operating fund - ~~Maintained in state treasury - Expenditures~~Continuing appropriation.

A special fund for the North Dakota state fair association to be known as the state fair operating fund must be maintained in the state treasury~~, and all~~. All income, fees, rents, interest, ~~moneys which may be appropriated by the legislative assembly from time to time,~~ and any other moneys, from ~~whatever~~any source derived by the state fair association, ~~shall be placed in such~~must be deposited in that fund for the use of the North Dakota state fair association~~; provided, however, that moneys which may be appropriated by the legislative assembly must only be transferred from the general fund appropriation, and placed in the state fair operating fund by the state treasurer, upon order of the office of management and budget whenever the balance in such fund falls so low as to require supplementation. Any moneys or income in the state fair operating fund shall not revert or be canceled according to the provisions of~~. Moneys credited to the fund are appropriated as a standing appropriation for the purposes provided in this chapter. The fund is not subject to section 54-44.1-11. ~~All expenditures of the state fair association from the state fair operating fund must be made upon vouchers signed by the secretary, or other person authorized by the board of directors, and approved by the office of the budget, upon warrant-checks prepared by the office of management and budget. The~~

~~directors of the North Dakota state fair association may, not more than fifteen days in advance of the opening of any state fair, submit to the office of the budget a proposed budget of expenditures for operating the state fair, together with a signed voucher or vouchers for the withdrawal from the state fair operating fund of the total amount of the proposed expenditures. Upon approval of such proposed budget of expenditures by the office of the budget, the director of the office of management and budget shall prepare and issue a warrant-check or checks in such approved amount payable to the state fair association. Such warrant-checks must be deposited to the account of the North Dakota state fair association in the Bank of North Dakota or a Minot area bank selected by a majority vote of the state fair board of directors and qualifying in accordance with law as a public depository, and are subject to being withdrawn by check for the payment of prizes and costs of operation of the state fair. Not later than sixty days after the closing day of the state fair, the association shall file with the office of the budget a detailed and itemized statement of expenditures together with copies of all checks issued, and shall immediately close such account at the Bank of North Dakota or Minot area bank and transfer any remaining balance to the state treasurer for deposit in the state fair operating fund. The treasurer, or other officer delegated such authority by the office of the budget, shall remit monthly all income, fees, rents, interest, or other moneys received by the state fair association, to the state treasurer who shall credit the same to the state fair operating fund and such moneys credited to the fund are hereby appropriated as a standing appropriation for the purposes provided in this chapter.~~

NOTE: Our office has reviewed this section with the Office of Management and Budget staff. Much of what is provided in this section no longer complies with fiscal practice. The State Fair operating fund is the fund used by the association as its business account. General fund appropriations are not deposited in that fund. Warrant checks are archaic. The association does not obtain expenditure approval from the Office of the Budget. The State Fair operating fund is not subject to turnback but general fund appropriations may be, depending on the provisions of the appropriation measure.

SECTION 16. AMENDMENT. Section 4-02.1-16 of the North Dakota Century Code is amended and reenacted as follows:

~~4-02.1-16~~4.1-55-15. Organization under corporation laws - Real property transactions - Contracts.

The state fair association ~~possesses all~~has the rights, privileges, and liabilities ~~pertaining to corporations~~of a corporation under the corporation laws of this state except as ~~may be limited or specified~~provided by this chapter. The association may purchase, hold, lease, exchange, trade,

or sell real estate for the purpose of promoting and conducting a state fair. ~~Buildings and real~~Real estate controlled by the state fair association may be leased, subleased, rented, or used for other than fair purposes ~~other than the conducting of the fair during such times~~ when the property is not needed for fair purposes. The state fair association may contract in its own name, but as an agency of the state, and shall make all of its purchases ~~pursuant to~~under the purchasing laws of the state ~~through the office of management and budget~~, except as ~~may be~~ exempted ~~therefrom~~ by the director of the office of management and budget ~~as provided by law~~.

SECTION 17. AMENDMENT. Section 4-02.1-17 of the North Dakota Century Code is amended and reenacted as follows:

~~4-02.1-17~~4.1-55-16. Name in which business conducted and titles taken - Execution of written instruments.

All business of the association ~~shall~~must be conducted under the name of "North Dakota state fair association". Title to property obtained in regard to the operation of the association must be obtained and conveyed in the name of the state of North Dakota, doing business as the North Dakota state fair association. Written instruments must be executed in the name of the state of North Dakota.

SECTION 18. AMENDMENT. Section 4-02.1-18 of the North Dakota Century Code is amended and reenacted as follows:

~~4-02.1-18~~4.1-55-17. Certified audit of state fair association.

The state fair association shall submit annually to the governor and the legislative audit and fiscal review committee an audit report prepared by a certified public accountant based upon an audit of all records and accounts of the association.

SECTION 19. AMENDMENT. Section 4-02.1-19 of the North Dakota Century Code is amended and reenacted as follows:

~~4-02.1-19~~4.1-55-18. Attorney general to act as legal adviser.

The attorney general shall appoint an assistant attorney general or a special assistant attorney general to provide legal assistance to the state fair association. The appointment is revocable at the pleasure of the attorney general. ~~The provisions of this~~This section ~~do~~does not prohibit the state fair association from employing any other attorney to carry out the legal functions of the association or provide additional legal services, other than those provided

through the office of the attorney general, necessary for the proper administration of the state fair association.

SECTION 20. AMENDMENT. Section 4-02.1-20 of the North Dakota Century Code is amended and reenacted as follows:

~~4-02.1-20~~4.1-55-19. Law enforcement - Arrangements with local law enforcement agencies.

The state fair association shall make arrangements with local law enforcement agencies for the provision of law enforcement personnel. For the purpose of enforcing any state and local laws, rules, regulations, bylaws, and ordinances of the state fair association, negotiations may be entered into with local law enforcement agencies for the use of such law enforcement personnel or the deputizing of employees of the state fair association. The cost of providing such law enforcement personnel is the responsibility of the state fair association, except in the case of law enforcement officials who are functioning in their normal capacity as agents of the state or its political subdivisions. Law enforcement personnel shall wear appropriate badges of office while acting as such.

SECTION 21. AMENDMENT. Section 4-02.1-21 of the North Dakota Century Code is amended and reenacted as follows:

~~4-02.1-21~~4.1-55-20. Service of process.

In any action or proceeding upon a claim arising out of the conducting of the state fair, service of process may be made as provided ~~for~~ in section 53-05-04.

SECTION 22. AMENDMENT. Section 4-02.1-22 of the North Dakota Century Code is amended and reenacted as follows:

~~4-02.1-22. Exhibition date of fair to be filed.~~

~~The secretary or other officer delegated such duty shall file with the agriculture commissioner, on or before May first of each year, the date on which the state fair will be held.~~

NOTE: Is this of any significance? The dates of the fair are generally made public long before May 1. The association suggests removal of this provision because dates for holding the fair are established and advertised long before May 1.

SECTION 23. AMENDMENT. Section 4-02.1-23 of the North Dakota Century Code is amended and reenacted as follows:

~~4-02.1-23~~4.1-55-21. Regulation and licensing.

The state fair association shall regulate all shows, exhibitions, performances, establishments, and privileges carried on during the state fair and ~~to such end shall supervise and~~ ensure that such enterprises are properly licensed according to local and state laws. The state fair association may license any enterprises not required to be licensed by state or local laws~~, and is charged with the responsibility of seeing~~. The state fair association shall ensure that shows, exhibitions, performances, establishments, and exercise of fair privileges are conducted in compliance with all state and local laws and all rules and regulations of the state fair association ~~are complied with by such shows, exhibitions, performances, establishments, or those granted fair privileges~~.

SECTION 24. AMENDMENT. Section 4-02.1-25 of the North Dakota Century Code is amended and reenacted as follows:

~~4-02.1-25~~4.1-55-22. Nonliability of state for debts - Exception.

The state is not liable for any of the debts or liabilities of the state fair association except as appropriations are made ~~therefor from time to time~~for that purpose by the legislative assembly ~~and transferred to the state fair operating fund~~.

NOTE: General fund appropriations generally are not deposited in the operating fund.

SECTION 25. AMENDMENT. Section 4-02.1-26 of the North Dakota Century Code is amended and reenacted as follows:

~~4-02.1-26~~4.1-55-23. Annual report.

The secretary or other officer charged with ~~the duty to compile~~compiling an annual report of the proceedings of the state fair association and its financial condition for the preceding fiscal year by the annual meeting shall file a copy in the office of the agriculture commissioner. The commissioner shall include it, in whole or in part, in the commissioner's biennial report to the governor and the secretary of state.

NOTE: North Dakota Century Code Section 54-06-04 requires a biennial report to the Governor and Secretary of State from 21 listed officers and agencies, including the Agriculture Commissioner.

SECTION 26. AMENDMENT. Section 4-02.1-27 of the North Dakota Century Code is amended and reenacted as follows:

~~4-02.1-27~~4.1-55-24. The Iverson grandstand.

The grandstand constructed by the state fair association on the state fairgrounds during the 2009-11 biennium is designated the Iverson grandstand.

SECTION 27. REPEAL. Chapter 4-02.1 of the North Dakota Century Code is repealed.