

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

750M0091

SENATE BILL NO. 104

Introduced by: Senator Kloucek and Representative Lange

1 FOR AN ACT ENTITLED, An Act to place the administration of the state fair under the South
2 Dakota State Fair Commission.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 1-21-1 be amended to read as follows:

5 1-21-1. There is created a State Fair Commission within the Department of Agriculture. ~~The~~
6 ~~commission shall act in an advisory capacity to the secretary of agriculture.~~ The commission
7 ~~may~~ shall consist of ~~up to thirteen~~ seven members appointed by ~~and serving at the pleasure of~~
8 the Governor. ~~Seven of the members may be appointed at large; an additional six members may~~
9 ~~be appointed from each of the following: 4-H Clubs of South Dakota, a resident of the city of~~
10 ~~Huron, a resident of Beadle County, a vendor, an exhibitor, and an employee of the South~~
11 ~~Dakota State University. Not all of the members may be of the same political party. The~~
12 ~~commission shall meet periodically at the call of the secretary and shall assist the Department~~
13 ~~of Agriculture in planning, promoting, and presenting the state fair and such other duties as~~
14 ~~assigned by the secretary. Not all of the members may be of the same political party. The~~
15 commission as in existence on the effective date of this Act is dissolved, and the Governor shall
16 appoint a new commission so that three members are appointed for terms of one year, three are



1 appointed for terms of two years, and one is appointed for a term of four years. Subsequent
2 appointments are for four-year terms. Any member appointed to fill a vacancy arising from other
3 than the natural expiration of a term may serve only the unexpired portion of the term. In
4 addition to the seven appointed members, the secretary of agriculture is an ex officio member
5 of the commission.

6 Section 2. That chapter 1-21 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 The State Fair Commission shall be administered under the direction and supervision of the
9 secretary of the Department of Agriculture, but shall exercise the quasi-judicial, quasi-
10 legislative, advisory, and other nonadministrative functions as defined in § 1-32-1 otherwise
11 vested in it and shall exercise those functions independently of the secretary of agriculture.

12 Section 3. That § 1-21-2 be amended to read as follows:

13 1-21-2. The State Fair Commission shall hold an annual meeting on the third Tuesday in
14 January each year, ~~at the office of the secretary-treasurer at Huron, South Dakota.~~ It may hold
15 other meetings at places and at times ~~requested by the secretary of agriculture~~ necessary for the
16 proper administration of its duties. ~~The secretary-treasurer~~ state fair manager appointed pursuant
17 to § 1-21-4 shall give notice of all meetings, except the regular annual meeting, to all members
18 in ample time to enable them to attend by ordinary methods of travel. At the regular annual
19 meeting the commission shall elect from its own membership, a president and a vice-president.
20 Each member of the commission ~~shall have~~ has an equal voice and equal voting power on the
21 commission and in conduct of the affairs of the commission.

22 Section 4. That § 1-21-4 be amended to read as follows:

23 1-21-4. The ~~secretary of agriculture~~ State Fair Commission shall appoint and may, at
24 pleasure, remove, subject to the approval by the Governor, a state fair manager. The manager

1 shall perform such duties as may be required by the ~~secretary of agriculture~~ commission. The
2 state fair manager shall serve as an ex-officio member of the State Fair Commission.

3 Section 5. That § 1-21-6 be amended to read as follows:

4 1-21-6. The ~~secretary of agriculture~~ State Fair Commission has supervision and control of
5 the state fairgrounds throughout the year, the holding of an annual fair on the fairgrounds, the
6 collection of exhibits for the fair, and the promotion of agriculture, horticulture, manufacturing,
7 and the domestic arts.

8 Section 6. That § 1-21-6.1 be amended to read as follows:

9 1-21-6.1. The ~~secretary of agriculture~~ State Fair Commission may appoint as many law
10 enforcement officers, as defined in § 23-3-27 and certified by the state, as may be necessary to
11 serve as state fair law enforcement officers to ensure peace and good order on or about the
12 fairgrounds during the annual fair. The ~~secretary~~ commission shall issue to each officer a
13 certificate of authority. Each officer shall possess all the powers of a certified law enforcement
14 officer with jurisdiction to make arrests within Beadle County. The ~~secretary~~ commission may
15 promulgate rules pursuant to chapter 1-26 establishing additional qualifications in excess of the
16 certification requirements for a certified law officer.

17 Section 7. That chapter 1-21 be amended by adding thereto a NEW SECTION to read as
18 follows:

19 The State Fair Commission may sue and be sued; contract and be contracted with; purchase,
20 hold, and sell property; and erect buildings in connection with the state fair. The commission
21 shall preserve and protect the buildings, trees, grounds, and other property placed under its care.

22 Section 8. That § 1-21-9 be amended to read as follows:

23 1-21-9. The ~~secretary of agriculture~~ State Fair Commission shall hold one state fair each year
24 upon the grounds provided for such purposes by the state at the city of Huron.

1 The term, fair, as used in this chapter means a bona fide exhibit of the four principal classes
2 of livestock and of poultry, together with mineral, agricultural, and horticultural products,
3 machinery, mechanical, and fine arts.

4 Section 9. That § 1-21-10 be amended to read as follows:

5 1-21-10. The ~~Department of Agriculture~~ State Fair Commission may hold state fairs and
6 other activities at the city of Huron at such times as it may determine. The ~~secretary of~~
7 ~~agriculture~~ commission may promulgate rules pursuant to chapter 1-26 concerning:

- 8 (1) Traffic and camping regulation;
- 9 (2) Advertising on the fairgrounds;
- 10 (3) Admission policies;
- 11 (4) Employee policies;
- 12 (5) Exhibitor policies;
- 13 (6) Maintenance responsibilities;
- 14 (7) Entry requirements;
- 15 (8) Department superintendent duties;
- 16 (9) Health and heredity requirements for animals;
- 17 (10) The provision of feed and forage;
- 18 (11) Administration of stalls;
- 19 (12) Judges and judging;
- 20 (13) Protests and appeals;
- 21 (14) Premiums and awards;
- 22 (15) Space rental provisions and requirements;
- 23 (16) The establishment of opening and closing dates;
- 24 (17) The establishment and collection of fees for admission, parking, camping, entry, and

1 exhibits, solicitation booths, and commercial exhibits; and

2 (18) Terms, conditions, and fees for the use of the fairgrounds and fairgrounds facilities
3 when the state fair is not in progress.

4 The ~~department~~ commission may collect exhibits, offer and pay premiums, fix the terms and
5 times of admission to the grandstand and outside gate, appoint judges, employ personnel, and
6 do any act necessary in the conduct of the state fairs and other activities. The ~~department~~
7 commission may adopt special rules governing specific premiums, awards, entry, and exhibit
8 requirements and related policies pursuant to subdivision 1-26-1(8) within the scope of the
9 general rules authorized pursuant to this section.

10 Section 10. That § 1-21-14 be amended to read as follows:

11 1-21-14. All sums received for admissions, concessions, and privileges, or for any purpose,
12 by the ~~secretary of agriculture~~ State Fair Commission, shall be placed in the state fair fund and
13 shall be budgeted and expended in accordance with Title 4 on warrants drawn by the state
14 auditor upon vouchers approved by the secretary of agriculture.

15 Section 11. That § 1-21-17 be amended to read as follows:

16 1-21-17. The terms of any contract and the negotiations for any contract between the
17 ~~secretary of agriculture~~ State Fair Commission and any performers or entertainers may be kept
18 confidential. However, sixty days after the expiration of such contract, the terms of ~~such~~ the
19 contract shall become a public record.

20 Section 12. That § 1-21-18 be amended to read as follows:

21 1-21-18. Unless inconsistent with other provisions of this chapter, all rules that are in effect
22 on ~~July 1, 2003, as adopted by the State Fair Commission~~ January 1, 2007, as promulgated
23 pursuant to this chapter, shall continue with full force and effect until they are specifically
24 altered, amended, or revoked by the ~~adoption~~ promulgation of superseding rules by the ~~secretary~~

1 ~~of agriculture~~ State Fair Commission.

2 Section 13. This Act is effective on January 1, 2007.