

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

448I0721

## SENATE BILL NO. 199

Introduced by: Senators Duxbury and Greenfield and Representatives Williamson, Burg, and Hargens

1 FOR AN ACT ENTITLED, An Act to revise the powers and composition of the South Dakota  
2 State Fair Commission within the Department of Agriculture.

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 ~~perform all functions exercised by the former State Fair Board~~ act in an  
7 advisory capacity to the secretary of agriculture. The commission ~~shall~~ may consist of ~~seven~~ up  
8 to thirteen members appointed by and serving at the pleasure of the Governor ~~for a term of four~~  
9 ~~years. The members shall not be all of the same political party. The terms of members who are~~  
10 ~~first appointed after the effective date of the order shall be: three appointed for a term of one~~  
11 ~~year; three appointed for a term of two years; and one for a term of four years, and such initial~~  
12 ~~terms shall be designated by the Governor. Any member appointed to fill a vacancy arising from~~  
13 ~~other than the natural expiration of a term shall serve for only the unexpired portion of the term.~~  
14 Seven of the members may be appointed at large; an additional six members may be appointed  
15 from each of the following: 4-H Clubs of South Dakota, a resident of the city of Huron, a



1 resident of Beadle County, a vendor, an exhibitor, and an employee of the South Dakota State  
2 University. Not all of the members may be of the same political party. The commission shall meet  
3 periodically at the call of the secretary and shall assist the Department of Agriculture in planning,  
4 promoting, and presenting the state fair and such other duties as assigned by the secretary.

5 Section 2. That § 1-21-1.1 be repealed.

6 ~~—1-21-1.1. The State Fair Commission shall be administered under the direction and~~  
7 ~~supervision of the secretary of the Department of Agriculture, but shall retain the quasi-judicial,~~  
8 ~~quasi-legislative, advisory, and other nonadministrative functions as defined in § 1-32-1~~  
9 ~~otherwise vested in it and shall exercise those functions independently of the secretary of~~  
10 ~~agriculture.~~

11 Section 3. That § 1-21-4 be amended to read as follows:

12 1-21-4. The State Fair Commission secretary of agriculture shall appoint some suitable  
13 ~~person, not a member thereof, as secretary-treasurer, who shall receive a salary and his necessary~~  
14 ~~traveling expenses while engaged in the discharge of his duties, which salary shall be in full~~  
15 ~~compensation for all his services as secretary-treasurer of such commission. He shall qualify by~~  
16 ~~executing a bond to the State of South Dakota in the penal sum of not less than five thousand~~  
17 ~~dollars conditioned for the faithful performance of all the duties of his office which bond shall~~  
18 ~~be approved and filed as provided by law for approval and filing of bonds for state officers. He~~  
19 ~~shall perform such duties as may be prescribed by law or required by the State Fair Commission.~~  
20 and may , at pleasure, remove, subject to the approval by the Governor, a state fair manager. The  
21 manager shall perform such duties as may be required by the secretary of agriculture. The state  
22 fair manager shall serve as an ex-officio member of the State Fair Commission.

23 Section 4. That § 1-21-7 be repealed.

24 ~~—1-21-7. The State Fair Commission as such shall have the power of a body corporate to sue~~

1 ~~and be sued; to contract and be contracted with; to purchase, hold, and sell property; and to erect~~  
2 ~~buildings in connection with the state fair.~~

3 Section 5. That § 1-21-8 be repealed.

4 ~~— 1-21-8. It shall be the duty of such State Fair Commission to preserve and protect the~~  
5 ~~buildings, trees, grounds, and other property placed under its care.~~

6 Section 6. That § 1-21-10 be amended to read as follows:

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

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

- 1 (15) Space rental provisions and requirements;
- 2 (16) The establishment of opening and closing dates;
- 3 (17) The establishment and collection of fees for admission, parking, camping, entry, and
- 4 exhibits, solicitation booths, and commercial exhibits; and
- 5 (18) Terms, conditions, and fees for the use of the fairgrounds and fairgrounds facilities
- 6 when the state fair is not in progress.

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

13 Section 7. That § 1-21-11 be repealed.

14 ~~— 1-21-11. The State Fair Commission shall have authority, for the proper protection of the~~  
15 ~~public buildings at the state fairgrounds and all livestock there exhibited, to require the presence~~  
16 ~~of the secretary of agriculture, the state veterinarian, and any necessary deputies thereof, at the~~  
17 ~~annual state fair, and the actual and necessary expenses thereof shall be paid by the state in the~~  
18 ~~usual manner.~~

19 Section 8. That § 1-21-12 be repealed.

20 ~~— 1-21-12. The State Fair Commission shall have the power to select and appoint as many~~  
21 ~~persons to act as special policemen during the annual fair as may be necessary to ensure peace~~  
22 ~~and good order on or about the fairgrounds, and shall issue to each of such policemen a~~  
23 ~~certificate of authority to act as such, signed by the president and secretary of the commission.~~  
24 ~~Each policeman so appointed shall possess all the powers of a peace officer.~~

1 Section 9. That § 1-21-14 be amended to read as follows:

2 1-21-14. All sums received for admissions, concessions, and privileges, or for any purpose,  
3 by the ~~State Fair Commission~~ secretary of agriculture, shall be placed in the state fair fund and  
4 shall be budgeted and expended in accordance with Title 4 on warrants drawn by the state  
5 auditor upon vouchers approved by the secretary of agriculture.

6 Section 10. That § 1-21-17 be amended to read as follows:

7 1-21-17. The terms of any contract and the negotiations for any contract between the ~~state~~  
8 ~~fair commission~~ secretary of agriculture and any performers or entertainers may be kept  
9 confidential. However, sixty days after the expiration of such contract, the terms of such contract  
10 shall become a public record.

11 Section 11. That chapter 1-21 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13 Unless inconsistent with other provisions of this chapter, all rules that are in effect on July 1,  
14 2003, as adopted by the State Fair Commission, shall continue with full force and effect until  
15 they are specifically altered, amended, or revoked by the adoption of superseding rules by the  
16 secretary of agriculture.