

LEGISLATIVE BILL 398

Approved by the Governor February 11, 1992

Introduced by Schellpeper, 18; Kristensen, 37

AN ACT relating to county agricultural societies and fairs; to amend sections 2-203.06, 2-219, 2-220.01, and 2-229, Reissue Revised Statutes of Nebraska, 1943; to require compliance with the Records Management Act and provisions regarding open meetings; to provide that the budget shall be subject to annual review and audit as prescribed; to require votes to be cast personally and not by proxy; to limit the tax levy for capital construction and other work as prescribed; to change provisions relating to activities prohibited during fairs; to change a provision on security required of carnival companies, booking agencies, and shows; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. County agricultural societies and county fair boards set out in Chapter 2, article 2, shall comply with the Records Management Act and sections 84-1408 to 84-1414.

Sec. 2. The budget of each county agricultural society and each county fair board shall be subject to annual review, audit, and approval by the county board of the county in which such society or fair board is located.

Sec. 3. The vote of a member of a county agricultural society or county fair board for any election held within such society or board shall be cast by the member personally and shall not be cast by a proxy vote.

Sec. 4. That section 2-203.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-203.06. The Pursuant to a request by a county agricultural society, the county board of any county may levy an additional levy of three and five-tenths cents on each one hundred dollars of actual valuation or any part thereof, for the purpose of capital construction on and renovation, repair, improvement, and maintenance of the county fairgrounds,

over and above the tax levy and dollar limitations set forth in sections 2-203 to 2-203.03 and 2-203.05; except that in but not to exceed the amount actually required for such work. In counties having a population of more than sixty thousand inhabitants but not more than three hundred thousand inhabitants and also containing a city of the primary class, such additional levy or any part thereof may be levied for the purpose of capital construction on and renovation, repair, improvement, and maintenance of the county fairgrounds or the Nebraska State Fairgrounds over and above the levy and dollar limitations set forth in section 2-203.01.

Sec. 5. That section 2-219, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-219. No person shall be permitted to ~~sell intoxicating liquors, wine, or beer of any kind; or exhibit or conduct indecent shows or dances; or to engage be engaged in any gambling or other games of chance or horseracing, either inside the enclosure where any state, district, or county agricultural society fair is being held or within forty rods thereof, during the time of holding such fairs. Nothing in this section shall be construed to prohibit wagering on the results of horseraces by the parimutuel or certificate method when conducted by licensees within the racetrack enclosure at licensed horserace meetings, or to prohibit the operation of bingo games as provided in the Nebraska Bingo Act, to prohibit the conduct of lotteries pursuant to the Nebraska County and City Lottery Act, or to prohibit the sale of pickle cards pursuant to the Nebraska Pickle Card Lottery Act.~~ Nothing in this section shall be construed to prohibit the sale of intoxicating liquors, wine, or beer by a person properly licensed pursuant to Chapter 53 on premises under the control of the State Board of Agriculture or any county agricultural society. Any person who violates this section shall be guilty of a Class V misdemeanor. The trial of speed of horses under direction of the society shall not be included in the term horseracing. Upon the filing of proof with the State Treasurer of a violation of this section inside the enclosure of such fair, the amount of money appropriated shall be withheld from any money appropriated for the ensuing year.

Sec. 6. That section 2-220.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-220.01. All carnival companies, booking agencies, or shows that ~~shall; after February 21; 1949;~~

enter into any contract with the State Board of Agriculture, any county agricultural society, or any county fair board, ~~shall~~ may be required, within thirty days after the execution of ~~such~~ the contract, to either deposit ~~in~~ cash or a certified check payable to the State of Nebraska in the sum of fifteen hundred dollars; or ~~to~~ execute and file with the secretary of the State Board of Agriculture a good and sufficient bond with a corporate surety in the sum of fifteen hundred dollars running to the State of Nebraska conditioned that ~~any~~ such ~~the~~ carnival company, booking agency, or show will faithfully perform any contract entered into by it in the State of Nebraska during a period of one year from the date of execution of ~~such~~ the contract and shall, at the time of the filing of the cash, certified check, or bond, file with the secretary a sworn statement giving the names and addresses of the owners of ~~said~~ the carnival company, booking agency, or show. Further cash, certified check, or bond shall not be required on signing any subsequent contract during the year such bond is in force. Upon entering into any contract with county fairs, the ~~said~~ carnival company, booking agency, or show calling for a performance in any specific county in the State of Nebraska shall, within thirty days after signing of such contract, file with the county clerk of such county a duplicate receipt or certificate showing that the cash, certified check, or bond provided for in this section has been filed with the secretary.

Sec. 7. That section 2-229, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-229. During the month of November each year, the county fair board shall prepare and submit to the county board an estimate, itemized as far as possible, of the amount of money which shall be necessary to be collected by taxation for the support and management of the fair for the ensuing year. The county board shall levy such amount of taxes as may be necessary but not to exceed the amount actually required for county fair purposes, including capital construction on and renovation, repair, improvement, and maintenance of county fairgrounds. ~~Such and such~~ tax shall be levied and collected in like manner as general taxes for the county.

Sec. 8. That original sections 2-203.06, 2-219, 2-220.01, and 2-229, Reissue Revised Statutes of Nebraska, 1943, are repealed.