

# House File 2403

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HOUSE FILE 2403

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1 3 AN ACT  
1 4 PROVIDING FOR THE ADMINISTRATION OF FAIRS, PROVIDING FOR THE  
1 5 ALLOCATION OF MONEYS, AND PROVIDING FOR AN EFFECTIVE DATE.  
1 6  
1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
1 8  
1 9 Section 1. Section 21.2, subsection 1, paragraph f, Code  
1 10 2003, is amended to read as follows:  
1 11 f. A nonprofit corporation other than a ~~county or district~~  
1 12 ~~fair or agricultural society conducting a fair event as~~  
1 13 ~~provided in chapter 174~~, whose facilities or indebtedness are  
1 14 supported in whole or in part with property tax revenue and  
1 15 which is licensed to conduct pari-mutuel wagering pursuant to  
1 16 chapter 99D or a nonprofit corporation which is a successor to  
1 17 the nonprofit corporation which built the facility.  
1 18 Sec. 2. Section 22.1, subsections 1 and 3, Code 2003, are  
1 19 amended to read as follows:  
1 20 1. The term "government body" means this state, or any  
1 21 county, city, township, school corporation, political  
1 22 subdivision, tax-supported district, nonprofit corporation  
1 23 other than a ~~county or district fair or agricultural society~~  
1 24 ~~conducting a fair event as provided in chapter 174~~, whose  
1 25 facilities or indebtedness are supported in whole or in part  
1 26 with property tax revenue and which is licensed to conduct  
1 27 pari-mutuel wagering pursuant to chapter 99D, or other entity  
1 28 of this state, or any branch, department, board, bureau,  
1 29 commission, council, committee, official or officer, of any of  
1 30 the foregoing or any employee delegated the responsibility for  
1 31 implementing the requirements of this chapter.  
1 32 3. As used in this chapter, "public records" includes all  
1 33 records, documents, tape, or other information, stored or  
1 34 preserved in any medium, of or belonging to this state or any  
1 35 county, city, township, school corporation, political  
2 1 subdivision, nonprofit corporation other than a ~~county or~~  
2 2 ~~district fair or agricultural society conducting a fair event~~  
2 3 ~~as provided in chapter 174~~, whose facilities or indebtedness  
2 4 are supported in whole or in part with property tax revenue  
2 5 and which is licensed to conduct pari-mutuel wagering pursuant  
2 6 to chapter 99D, or tax-supported district in this state, or  
2 7 any branch, department, board, bureau, commission, council, or  
2 8 committee of any of the foregoing.  
2 9 Sec. 3. Section 99B.1, subsections 4 and 13, Code  
2 10 Supplement 2003, are amended to read as follows:  
2 11 4. "Authorized" means approved as a concession by the Iowa  
2 12 state fair board or a ~~county or district fair or agricultural~~  
2 13 ~~society holding conducting a fair event as provided in chapter~~  
2 14 ~~174~~.  
2 15 13. "Fair" means an annual fair and exposition held by the  
2 16 Iowa state fair board and any fair ~~held by a county or~~  
2 17 ~~district fair or agricultural society event conducted by a~~  
2 18 ~~fair~~ under the provisions of chapter 174.  
2 19 Sec. 4. Section 99D.13, subsection 3, paragraphs a and b,  
2 20 Code 2003, are amended to read as follows:  
2 21 a. Eighty percent of the amount appropriated shall be  
2 22 allocated to qualified harness racing tracks, to be used by  
2 23 the tracks to supplement the purses for those harness races in  
2 24 which only Iowa-bred or owned horses may run. However,  
2 25 beginning with the allocation of the appropriation made for  
2 26 the fiscal year beginning July 1, 1992, the races for which  
2 27 the purses are to be supplemented under this paragraph shall  
2 28 be those in which only Iowa-bred two-year and three-year olds  
2 29 may run. In addition, the races must be held under the  
2 30 control or jurisdiction of the Iowa state fair board,  
2 31 established under section 173.1, or of a ~~society fair~~, as  
2 32 defined under section 174.1.  
2 33 b. Twenty percent of the amount appropriated shall be  
2 34 allocated to qualified harness racing tracks, to be used by  
2 35 the tracks for maintenance of and improvements to the tracks.  
3 1 Races held at the tracks must be under the control or  
3 2 jurisdiction of the Iowa state fair board, established under  
3 3 section 173.1, or of a ~~society fair~~, as defined under section  
3 4 174.1.  
3 5 Sec. 5. Section 173.3, Code Supplement 2003, is amended to

3 6 read as follows

3 7 173.3 CERTIFICATION OF STATE AID ASSOCIATIONS.

3 8 On or before November 15 of each year, the secretary of  
3 9 agriculture shall certify to the secretary of the state fair  
3 10 board the names of the various associations, fairs, and  
3 11 societies which have qualified for state aid under the  
3 12 provisions of chapters 176 through 178, 181, 182, 186, and  
3 13 352, and which are entitled to representation in the  
3 14 convention as provided in section 173.2.

3 15 Sec. 6. Section 174.1, subsections 1 and 2, Code 2003, are  
3 16 amended to read as follows:

3 17 1. "Fair event" ~~shall mean means~~ an annual gathering of  
3 18 ~~people the public on fairgrounds~~ that incorporates  
3 19 agricultural exhibits, demonstrations, shows, or competition  
3 20 competitions and which has the following activities includes  
3 21 all of the following:

3 22 a. Extension, Programs or projects sponsored by 4-H clubs,  
3 23 or future farmers of America programs, or the Iowa cooperative  
3 24 extension service in agriculture and home economics of Iowa  
3 25 state university.

3 26 b. Commercial ~~and educational~~ exhibits sponsored by  
3 27 manufacturers or other businesses.

3 28 c. Competition in the Educational programs or exhibits  
3 29 sponsored by governmental entities or nonprofit organizations.

3 30 d. Competition in culinary arts, fine arts, or home craft  
3 31 arts.

3 32 2. "Management" shall mean president, vice-president,  
3 33 secretary, or treasurer of ~~the society~~ a fair.

3 34 Sec. 7. Section 174.1, subsection 3, Code 2003, is amended  
3 35 by striking the subsection.

4 1 Sec. 8. Section 174.1, Code 2003, is amended by adding the  
4 2 following new subsections:

4 3 NEW SUBSECTION. 0A. "Association" means the association  
4 4 of Iowa fairs.

4 5 NEW SUBSECTION. 0B. "Fair" means an organization which is  
4 6 incorporated under the laws of this state, including as a  
4 7 county or district fair or as an agricultural society, for the  
4 8 purpose of conducting a fair event, if all of the following  
4 9 apply:

4 10 a. The organization owns or leases at least ten acres of  
4 11 fairgrounds. A society may meet the requirement of owning or  
4 12 leasing land, buildings, and improvements through ownership by  
4 13 a joint entity under chapter 28E.

4 14 b. The organization owns buildings and other improvements  
4 15 situated on the fairgrounds which have been specially  
4 16 constructed for purposes of conducting a fair event.

4 17 c. The market value of the fairgrounds and buildings and  
4 18 other improvements located on the fairgrounds is at least  
4 19 eighty thousand dollars.

4 20 NEW SUBSECTION. 0C. "Fairgrounds" or "grounds" means the  
4 21 real estate, including land, buildings, and improvements where  
4 22 a fair event is conducted.

4 23 NEW SUBSECTION. 4. "State aid" means moneys appropriated  
4 24 by the treasurer of state to the association of Iowa fairs for  
4 25 payments to eligible fairs pursuant to this chapter.

4 26 Sec. 9. Section 174.2, unnumbered paragraphs 1 and 2, Code  
4 27 2003, are amended to read as follows:

4 28 ~~Each society A fair may hold annually a fair conduct a fair~~  
4 29 ~~event~~ to further interest in agriculture and to encourage the  
4 30 improvement of agricultural commodities and products,  
4 31 livestock, articles of domestic industry, implements, and  
4 32 other mechanical devices. It may offer and award such  
4 33 premiums as will induce general competition.

4 34 In addition to the powers granted ~~herein the society in~~  
4 35 ~~this chapter, a fair shall possess have~~ the powers of a  
5 1 corporation not for pecuniary profit under the laws of this  
5 2 state and those powers enumerated in its articles of  
5 3 incorporation, such powers to be exercised before and after  
5 4 the holding of ~~such fairs a fair event~~.

5 5 Sec. 10. Section 174.3, Code 2003, is amended to read as  
5 6 follows:

5 7 174.3 CONTROL OF GROUNDS.

5 8 An ordinance or resolution of a county or city shall not in  
5 9 any way impair the authority of ~~the society, but it a fair.~~

5 10 ~~The fair shall have sole and exclusive control over and~~  
5 11 ~~management of such a fair event and fairgrounds.~~

5 12 Sec. 11. Section 174.4, Code 2003, is amended to read as  
5 13 follows:

5 14 174.4 PERMITS TO SELL ARTICLES.

5 15 The management of ~~any society a fair~~ may grant a written  
5 16 permit to ~~such persons as it thinks a person determined proper~~

5 17 by the management, to sell fruit, provisions, and other  
5 18 articles not prohibited by law, under such regulations as the  
5 19 ~~board of directors~~ management may prescribe.

5 20 Sec. 12. Section 174.6, Code 2003, is amended to read as  
5 21 follows:

5 22 174.6 REMOVAL OF OBSTRUCTIONS.

5 23 ~~All~~ The management of a fair may order the removal of any  
5 24 obstruction to a fair event or on the fairgrounds, including  
5 25 but not limited to shows, swings, booths, tents, or vehicles,  
5 26 or any other thing that may obstruct the grounds of any  
5 27 society or the driveways thereof may be removed from the  
5 28 grounds on the order of the management.

5 29 Sec. 13. Section 174.8, Code 2003, is amended to read as  
5 30 follows:

5 31 174.8 PUBLICATION OF FINANCIAL STATEMENT.

5 32 ~~Each society~~ A fair shall annually publish in one newspaper  
5 33 of the county a financial statement of receipts and  
5 34 disbursements for the current year.

5 35 Sec. 14. Section 174.9, Code 2003, is amended to read as  
6 1 follows:

6 2 174.9 STATE AID.

6 3 ~~Each~~ An eligible society fair which is a member of the  
6 4 association of Iowa fairs as provided in the association's  
6 5 bylaws and which conducts a county fair event shall be  
6 6 entitled to receive state aid from the state as provided in  
6 7 this chapter. The moneys paid as state aid must be used  
6 8 exclusively for capital expenditures relating to the  
6 9 acquisition of land for fairgrounds and improvements on the  
6 10 fairgrounds such as the construction of new facilities and the  
6 11 renovation of existing facilities. In order to be eligible  
6 12 for state aid, a society fair must file with the association  
6 13 of Iowa fairs on or before November  $\pm$  15 of each year, a  
6 14 statement which ~~shall show~~ provides information as required by  
6 15 the association of Iowa fairs. The information shall at least  
6 16 include all of the following:

6 17 1. The ~~actual~~ amount that the fair paid by it in cash  
6 18 premiums at its fair for the current year, ~~which.~~ The  
6 19 statement must correspond with its published offer of  
6 20 premiums.

6 21 2. ~~That~~ A statement that no part of said the amount of  
6 22 state aid was paid for any of the following:

6 23 a. Entertainment venues, including but not limited to  
6 24 speed events, or to.

6 25 b. To secure games or amusements.

6 26 c. Supplies, rentals, equipment, payroll, inventory, fees,  
6 27 or routine operating expenses.

6 28 3. A full and accurate statement of the receipts and  
6 29 expenditures of the society fair for the current year ~~and~~  
6 30 ~~other.~~

6 31 4. A statement of statistical data relative to exhibits  
6 32 and attendance for the year.

6 33 ~~4- 5.~~ A copy of the published financial statement  
6 34 published as required by law, together with proof of such  
6 35 publication and a certified statement showing an itemized list  
7 1 of premiums awarded, and such other information as the  
7 2 association of Iowa fairs may require.

7 3 Sec. 15. Section 174.10, Code 2003, is amended to read as  
7 4 follows:

7 5 174.10 APPROPRIATION == AVAILABILITY.

7 6 1. Any moneys appropriated for state aid ~~for county or~~  
7 7 ~~local fairs~~ shall be paid to the office of treasurer of state  
7 8 ~~to be allocated for allocation~~ to the association of Iowa  
7 9 fairs ~~for payments to be made by the association.~~ The  
7 10 association shall distribute the moneys to eligible societies  
7 11 fairs pursuant to this chapter.

7 12 2. a. The association ~~of Iowa fairs~~ shall maintain a list  
7 13 of each society fair in a county which is a member of the  
7 14 association and conducts a fair event in that county as  
7 15 provided in this chapter. If a county has more than one fair  
7 16 event, the association shall list the name of each society  
7 17 fair conducting a fair event in that county for three or more  
7 18 years. The association ~~of Iowa fairs~~ shall not make a payment  
7 19 to a society fair under this chapter unless the society fair  
7 20 complies with section 174.9, ~~and~~ the name of the society fair  
7 21 appears on the association's list, ~~and the fair is a member in~~  
7 22 good standing according to the bylaws of the association.

7 23 b. The association shall prepare a report at the end of  
7 24 each fiscal year concerning the state aid ~~appropriated for~~  
7 25 ~~county or local fairs that it received~~, the manner in which  
7 26 such aid was allocated to eligible societies fairs, and the  
7 27 manner in which the aid was expended by the societies fairs.

7 28 The association shall submit the report to the governor and  
7 29 the general assembly by ~~January~~ February 1 of each year. The  
7 30 association shall not use moneys appropriated for state aid  
7 31 ~~for county or local fairs~~, or interest earned on such moneys,  
7 32 for administrative or other expenses.

7 33 3. ~~The association's board of directors shall determine~~  
7 34 ~~the amount of state aid for each fair which is eligible for~~  
7 35 ~~state aid shall be equal allocated to each eligible fair.~~

8 1 4. If no ~~society fair~~ in a county ~~qualifies is eligible~~ to  
8 2 receive state aid, that county's share shall be divided  
8 3 equally among the ~~counties with societies eligible for state~~  
8 4 ~~aid, as provided in this section eligible fairs.~~

8 5 5. ~~The board of supervisors, upon receiving a petition~~  
8 6 ~~seeking to designate an official county fair which meets the~~  
8 7 ~~requirements of section 331.306, shall submit to the~~  
8 8 ~~registered voters of the county at the next general election~~  
8 9 ~~following submission of the petition or at a special election~~  
8 10 ~~if requested by the petitioners at no cost to the county, the~~  
8 11 ~~question of which fair shall be designated as the official~~  
8 12 ~~county fair. Notice of the election shall be given as~~  
8 13 ~~provided in section 49.53. The fair receiving a majority of~~  
8 14 ~~the votes cast on the question shall be designated the~~  
8 15 ~~official county fair.~~

8 16 Sec. 16. Section 174.12, Code 2003, is amended to read as  
8 17 follows:

8 18 174.12 PAYMENT OF STATE AID == PARTICIPATION BY DELEGATES.

8 19 The association of Iowa fairs shall pay a ~~society fair~~ the  
8 20 amount due in state aid, less one thousand dollars, as  
8 21 provided in this chapter. The association ~~of Iowa fairs~~ must  
8 22 certify to the treasurer that the ~~society fair~~ is eligible  
8 23 under this chapter to receive the amount to be paid to the  
8 24 ~~society fair~~ by the association. The association shall pay  
8 25 the ~~society fair~~ the remaining one thousand dollars, if all of  
8 26 the following apply:

8 27 1. The secretary of the state fair board certifies to the  
8 28 association that the ~~society fair~~ had an accredited delegate  
8 29 in attendance at the annual convention for the election of  
8 30 members of the Iowa state fair board as provided in section  
8 31 173.2.

8 32 2. A district director of the association ~~of Iowa fairs~~  
8 33 representing the district in which the county is located, and  
8 34 the director of the Iowa state fair board representing the  
8 35 ~~congressional district state fair board district~~ in which the  
9 1 county is located, certify to the association that the ~~society~~  
9 2 ~~fair~~ had an accredited delegate in attendance at least one of  
9 3 the district meeting meetings, and at the association's annual  
9 4 meeting.

9 5 Any moneys appropriated in state aid moneys remaining due  
9 6 to the failure of a ~~society fair~~ to comply with this section  
9 7 shall be distributed equally among the ~~societies eligible~~  
9 8 ~~fairs~~ which have qualified for state aid under this section.  
9 9 The treasurer of state shall allocate to the association ~~of~~  
9 10 ~~Iowa fairs~~ the total amount to be paid by the association to  
9 11 eligible ~~societies fairs~~ under this chapter.

9 12 Sec. 17. Section 174.13, Code 2003, is amended to read as  
9 13 follows:

9 14 174.13 COUNTY AID.

9 15 The board of supervisors of the county in which a ~~society~~  
9 16 ~~fair~~ is located may appropriate moneys to be used for fitting  
9 17 up or purchasing fairgrounds for the society or for aiding,  
9 18 constructing or restoring facilities on the fairgrounds,  
9 19 aiding 4-H club work, and payment of paying agricultural and  
9 20 livestock premiums in connection with the fair, if the society  
9 21 owns or leases at least ten acres of land for the fairground  
9 22 and owns or leases buildings and improvements on the land of  
9 23 at least eight thousand dollars in value event. A society may  
9 24 meet the requirement of owning or leasing land, buildings, and  
9 25 improvements through ownership by a joint entity under chapter  
9 26 28E, of which the society is a part.

9 27 Sec. 18. Section 174.14, Code 2003, is amended to read as  
9 28 follows:

9 29 174.14 FAIRGROUND AID.

9 30 1. The board of supervisors of a county which has acquired  
9 31 real estate for ~~county or district fair purposes fairgrounds~~  
9 32 and which has a ~~society fair~~ using the ~~real estate~~  
9 33 fairgrounds, may appropriate moneys to be used for the any of  
9 34 the following:

9 35 a. The erection and repair of buildings or other permanent  
10 1 improvements on the real estate, and for the fairgrounds.

10 2 b. The payment of debts contracted in the erection or  
10 3 repair and payment of agricultural and livestock premiums.

10 4 2. In addition, the net proceeds from the sale of  
10 5 ~~fairground sites and real estate or structures on or~~  
10 6 ~~improvements on the sites fairgrounds~~ shall be used for the  
10 7 ~~purchase of real estate or the erection of permanent buildings~~  
10 8 ~~and installation of improvements on a new fairground site~~  
10 9 ~~fairgrounds~~, or the cost of moving structures from the old  
10 10 ~~fairgrounds to the new site fairgrounds.~~

10 11 Sec. 19. Section 174.15, Code 2003, is amended to read as  
10 12 follows:

10 13 174.15 PURCHASE AND MANAGEMENT.

10 14 Title to land purchased or received for ~~fairground~~ purposes  
10 15 ~~of conducting a fair event~~ shall be taken in the name of the  
10 16 county or a ~~society, but fair.~~ However, the board of  
10 17 supervisors shall place ~~it the land~~ under the control and  
10 18 management of a ~~society fair.~~ The ~~society fair~~ may act as  
10 19 agent for the county in the erection of buildings, maintenance  
10 20 of ~~grounds and the fairgrounds, including the buildings, or~~  
10 21 ~~and improvements constructed on the grounds.~~ Title to new  
10 22 buildings or improvements shall be taken in the name of the  
10 23 county or a ~~society, but fair.~~ However, the county is not  
10 24 liable for the improvements or expenditures for them.

10 25 Sec. 20. Section 174.16, Code 2003, is amended to read as  
10 26 follows:

10 27 174.16 TERMINATION OF RIGHTS OF ~~SOCIETY FAIR.~~

10 28 The right of ~~such society a fair~~ to the control and  
10 29 management of ~~said real estate its fairgrounds~~ may be  
10 30 terminated by the board of supervisors whenever well conducted  
10 31 ~~agricultural fairs fair events~~ are not annually held ~~thereon~~  
10 32 ~~by such society on the fairgrounds.~~

10 33 Sec. 21. Section 174.17, subsection 1, Code 2003, is  
10 34 amended to read as follows:

10 35 1. The governing body of a ~~society fair~~ may issue bonds  
11 1 payable from revenue generated by the operations of the ~~county~~  
11 2 ~~fair event~~ and the use or rental of the real and personal  
11 3 property owned or leased by the ~~society fair.~~ The governing  
11 4 body of a ~~society fair~~ shall comply with all of the following  
11 5 procedures in issuing such bonds:

11 6 a. A ~~society fair~~ may institute proceedings for the  
11 7 issuance of bonds by causing a notice of the proposal to issue  
11 8 the bonds to be published at least once in a newspaper of  
11 9 general circulation within the county at least ten days prior  
11 10 to the meeting at which the ~~society fair~~ proposes to take  
11 11 action for the issuance of the bonds. The notice shall  
11 12 include a statement of the amount and purpose of the bonds,  
11 13 the maximum rate of interest the bonds are to bear, and the  
11 14 right to petition for an election.

11 15 b. If at any time before the date fixed for taking action  
11 16 for the issuance of the bonds, a petition signed by three  
11 17 percent of the registered voters of the county is filed with  
11 18 the board of supervisors, asking that the question of issuing  
11 19 the bonds be submitted to the registered voters, the board of  
11 20 supervisors shall either by resolution declare the proposal to  
11 21 issue the bonds to have been abandoned or shall direct the  
11 22 county commissioner of elections to call a special election  
11 23 upon the question of issuing the bonds. The proposition of  
11 24 issuing bonds under this subsection is not approved unless the  
11 25 vote in favor of the proposition is equal to at least sixty  
11 26 percent of the vote cast. If a petition is not filed, or if a  
11 27 petition is filed and the proposition of issuing the bonds is  
11 28 approved at an election, the board of supervisors acting on  
11 29 behalf of the ~~society fair~~ may proceed with the authorization  
11 30 and issuance of the bonds. Bonds may be issued for the  
11 31 purpose of refunding outstanding and previously issued bonds  
11 32 under this subsection without otherwise complying with the  
11 33 provisions of this subsection.

11 34 c. All bonds issued under this subsection shall be payable  
11 35 solely from and shall be secured by an irrevocable pledge of a  
12 1 sufficient portion of the net rents, profits, and income  
12 2 derived from the operation of the ~~county fair event~~ and the  
12 3 use or rental of the real and personal property owned or  
12 4 leased by the ~~society fair.~~ Bonds issued pursuant to this  
12 5 section shall not constitute an indebtedness within the  
12 6 meaning of any constitutional or statutory debt limitation or  
12 7 restriction, and shall not be subject to the provisions of any  
12 8 other law or charter relating to the authorization, issuance,  
12 9 or sale of bonds. Bonds issued under this subsection shall  
12 10 not limit or restrict the authority of the ~~society fair~~ as  
12 11 otherwise provided by law.

12 12 Sec. 22. Section 174.17, subsection 3, Code 2003, is  
12 13 amended to read as follows:

12 14 3. ~~For purposes of this section, "society" means a~~

~~12 15 society, as defined by section 174.1, that conducts a county~~  
~~12 16 or local In order for the governing body of a fair to issue~~  
~~12 17 bonds under this section, the governing body must conduct a~~  
12 18 fair event that has a verifiable annual attendance of at least  
12 19 one hundred fifty thousand persons and annual outside gate  
12 20 admission revenues of at least four hundred thousand dollars.  
12 21 Sec. 23. Section 174.19, Code 2003, is amended to read as  
12 22 follows:

12 23 174.19 REPORT OF COUNTY AID.

12 24 A ~~society fair~~ shall not receive an appropriation from a  
12 25 county under this chapter, until the ~~society fair~~ submits a  
12 26 financial statement to the county board of supervisors. The  
12 27 statement shall show all expenditures of moneys appropriated  
12 28 to the ~~society fair~~ from the county in the previous year. The  
12 29 financial statement submitted to the board of supervisors  
12 30 shall include vouchers related to the expenditures.

12 31 Sec. 24. Section 174.20, Code 2003, is amended to read as  
12 32 follows:

12 33 174.20 FRAUDULENT ENTRIES OF HORSES.

12 34 ~~No A person, partnership, company, or corporation shall not~~  
12 35 knowingly enter or cause to be entered any horse of any age or  
13 1 sex under an assumed name, or out of its proper class, to  
13 2 compete for any purse, prize, premium, stake, or sweepstake  
13 3 offered or given by any ~~agricultural or other society,~~  
~~13 4 association, person, or persons~~ in the state, or drive any  
13 5 such horse under an assumed name, or out of its proper class,  
13 6 where such prize, purse, premium, stake, or sweepstake is to  
13 7 be decided by a contest of speed.

13 8 Sec. 25. Section 174.22, Code 2003, is amended to read as  
13 9 follows:

13 10 174.22 ENTRY UNDER CHANGED NAME.

13 11 The name of any horse for the purpose of entry for  
13 12 competition in any contest of speed shall not be changed after  
13 13 having once contested for a prize, purse, premium, stake, or  
13 14 sweepstake, except as provided by the code of printed rules of  
13 15 the ~~society fair~~ or association under which the contest is  
13 16 advertised to be conducted, unless the former name is given.

13 17 Sec. 26. Section 174.23, Code 2003, is amended to read as  
13 18 follows:

13 19 174.23 CLASS DETERMINED.

13 20 The class to which a horse belongs for the purpose of an  
13 21 entry in any contest of speed, as provided by the printed  
13 22 rules of the ~~society fair~~ or association under which such  
13 23 contest is to be made, shall be determined by the public  
13 24 record of said horse in any such former contest.

13 25 Sec. 27. Section 331.303, subsection 5, Code 2003, is  
13 26 amended by striking the subsection.

13 27 Sec. 28. Section 322.5, subsection 2, paragraph a,  
13 28 subparagraph (2), Code 2003, is amended to read as follows:

13 29 (2) Display, offer for sale, and negotiate sales of new  
13 30 motor vehicles at ~~county or district fairs~~ fair events, as  
13 31 described defined in chapter 174, vehicle shows, and vehicle  
13 32 exhibitions, upon application for and receipt of a temporary  
13 33 permit issued by the department. Such activities may only be  
13 34 conducted at fairs, vehicle shows, and vehicle exhibitions  
13 35 that are held in the county of the motor vehicle dealer's  
14 1 principal place of business. A sale of a motor vehicle by a  
14 2 motor vehicle dealer shall not be completed and an agreement  
14 3 for the sale of a motor vehicle shall not be signed at a fair,  
14 4 vehicle show, or vehicle exhibition. All such sales shall be  
14 5 consummated at the motor vehicle dealer's principal place of  
14 6 business.

14 7 Sec. 29. Section 422.45, subsection 50, Code Supplement  
14 8 2003, is amended to read as follows:

14 9 50. The gross receipts from sales or services rendered,  
14 10 furnished, or performed by the state fair organized under  
14 11 chapter 173 or a fair ~~society~~ organized under chapter 174.

14 12 Sec. 30. NEW SECTION. 669.25 LIABILITY.

14 13 A person who performs services for a fair, as defined in  
14 14 section 174.1, and is not a full-time employee of the fair is  
14 15 not personally liable for a claim based upon an act or  
14 16 omission of the person performed in the discharge of the  
14 17 person's duties, except for acts or omissions which involve  
14 18 intentional misconduct or knowing violation of the law, or for  
14 19 a transaction from which the person derives an improper  
14 20 personal benefit.

14 21 Sec. 31. Section 717D.3, subsection 1, paragraph b, Code  
14 22 2003, is amended to read as follows:

14 23 b. A fair event as defined in section 174.1.

14 24 Sec. 32. Section 174.5, Code 2003, is repealed.

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CHRISTOPHER C. RANTS  
Speaker of the House

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JEFFREY M. LAMBERTI  
President of the Senate

I hereby certify that this bill originated in the House and  
is known as House File 2403, Eightieth General Assembly.

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MARGARET THOMSON  
Chief Clerk of the House

Approved \_\_\_\_\_, 2004

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THOMAS J. VILSACK  
Governor