

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1044**

Introduced by Raikes, 25; Avery, 28; Fulton, 29; Hudkins, 21;  
McGill, 26; Nantkes, 46; Preister, 5; Schimek, 27;  
Wallman, 30.

Read first time January 18, 2008

Committee: Agriculture

A BILL

1 FOR AN ACT relating to the state fair; to amend sections  
2 2-101 and 2-104, Revised Statutes Cumulative Supplement,  
3 2006; to create the State Fair Future Commission and  
4 provide powers and duties; to provide for relocation; to  
5 harmonize provisions; to repeal the original sections;  
6 and to declare an emergency.  
7 Be it enacted by the people of the State of Nebraska,

1           Section 1. (1) The Legislature finds that the needs of  
2 the state fair have evolved over time so that the infrastructure at  
3 the current location no longer meets the needs of the state fair.

4           (2) In order to continue to promote and showcase Nebraska  
5 agriculture, industry, commerce, and the arts, sciences, and  
6 technology, to present a forum for knowledge and ideas, and to  
7 provide a safe, clean environment that is accessible to all, it is  
8 the intent of the Legislature that the state fair be moved from its  
9 current location to a new location.

10           (3) The Legislature further finds that due to the  
11 vicinity of the land, known on the effective date of this  
12 act as the Nebraska State Fairgrounds, to the University of  
13 Nebraska-Lincoln campus, such land should be transferred to the  
14 University of Nebraska.

15           Sec. 2. The State Fair Future Commission is established.  
16 The commission shall study and make a recommendation to the  
17 Legislature as to a new and suitable site for the location of  
18 the state fair to be known as the Nebraska State Fairgrounds and  
19 recommend plans for the transition and relocation of the state fair  
20 including the horseracing track and related facilities.

21           Sec. 3. In determining the site for the state fair, the  
22 State Fair Future Commission shall consider the following:

23           (1) Market factors including a population base sufficient  
24 to support both fair and non-fair activities;

25           (2) The physical attributes of the site including

- 1 compatible land use and primary and secondary road access;  
2 (3) Visibility from and along primary road access;  
3 (4) Suitability for the construction of a one-mile horse  
4 track and grandstand;  
5 (5) Topography and soil structure;  
6 (6) Infrastructure needs;  
7 (7) Available adjacent land for potential expansion;  
8 (8) Site amenities; and  
9 (9) Cost for site acquisition and relocation.

10 Sec. 4. The State Fair Future Commission shall hold  
11 a public hearing on the future location of the Nebraska State  
12 Fairgrounds and the process for transition and relocation of the  
13 state fair in each of the state's three congressional districts on  
14 or before December 31, 2008.

15 Sec. 5. The State Fair Future Commission shall issue a  
16 report containing the recommendations required in section 2 of this  
17 act to the Executive Board of the Legislative Council on or before  
18 December 31, 2008.

19 Sec. 6. (1) The State Fair Future Commission shall be  
20 composed of six members. The Governor shall appoint three members  
21 of the commission, one from each of the state's three congressional  
22 districts. The Legislature shall appoint three members of the  
23 commission, one from each of the state's three congressional  
24 districts. The members shall be appointed within thirty days after  
25 the effective date of this act.

1           (2) The commission shall select a chairperson who  
2 shall be responsible for keeping a record of all proceedings,  
3 transactions, and official acts which may be necessary to carry  
4 out the intent and purposes of sections 1 to 6 of this act. The  
5 Executive Board of the Legislative Council shall provide such staff  
6 support as the commission may require.

7           (3) The members of the commission shall be reimbursed for  
8 their actual and necessary expenses as provided in sections 81-1174  
9 to 81-1177.

10           (4) The commission shall consult and coordinate with  
11 the Nebraska State Fair Board, the University of Nebraska, the  
12 Nebraska Horsemen's Benevolent and Protective Association, and  
13 the Agriculture Committee of the Legislature, as appropriate and  
14 necessary.

15           Sec. 7. Section 2-101, Revised Statutes Cumulative  
16 Supplement, 2006, is amended to read:

17           2-101 (1) The Nebraska State Fair Board, formerly known  
18 as the State Board of Agriculture, shall hold an annual meeting for  
19 the purpose of deliberating and consulting as to the wants,  
20 prospects, and conditions of the agricultural, horticultural,  
21 industrial, mechanical, and other interests throughout the state,  
22 as well as those interests in the encouragement and perpetuation of  
23 the arts, skilled crafts, and sciences.

24           (2) The Nebraska State Fair Board may provide in its  
25 constitution and bylaws for the qualification and participation

1 of delegates at the annual meeting from such associations  
2 incorporated under the laws of the state for purposes of promoting  
3 and furthering the interests of participants in agricultural,  
4 horticultural, industrial, mechanical, or other pursuits or for the  
5 encouragement and perpetuation of the arts, skilled crafts, and  
6 sciences, and from such associations as provide for the training,  
7 encouragement, and competition of the youth of Nebraska in such  
8 endeavors. The annual meeting shall be held in every odd-numbered  
9 year at the capital of the state and in every even-numbered year at  
10 such location as the board determines. The chairperson of the board  
11 shall also have the power to call meetings of the board whenever he  
12 or she may deem it expedient. All meetings of the board shall be  
13 conducted in accordance with the Open Meetings Act.

14 ~~(3) The (3) (a) Until moved under subdivision (b) of this~~  
15 ~~subsection, the state fair shall be held at or near the city of~~  
16 ~~Lincoln, in Lancaster County, under the direction and supervision~~  
17 ~~of the Nebraska State Fair Board, upon the site and tract of land~~  
18 ~~selected and now owned by the state for that purpose and known as~~  
19 ~~the Nebraska State Fairgrounds.~~

20 (b) The state fair relocation process shall be completed  
21 by August 1, 2012.

22 (c) The board may, at its discretion, hold or dispense  
23 with the holding of the fair, in any year.

24 Sec. 8. Section 2-104, Revised Statutes Cumulative  
25 Supplement, 2006, is amended to read:

1                   2-104 (1) The State of Nebraska may provide for the  
2 occupation, use, and management of the site and tract of land in  
3 Lancaster County, selected and ~~new~~ owned by the State of Nebraska  
4 and known as the Nebraska State Fairgrounds, by the Nebraska  
5 State Fair Board for purposes of (a) exhibitions of agricultural,  
6 horticultural, industrial, mechanical, or other products and  
7 resources of the state, including proper exhibits and expositions  
8 of the arts, skilled crafts, and sciences, (b) the conduct of  
9 live and simulcast horseracing, and (c) other uses and purposes  
10 determined by the board, including the leasing of parts of the  
11 state fairgrounds. Such occupation, use, and management shall be  
12 pursuant to a property management agreement entered into between  
13 the board and the Department of Administrative Services on behalf  
14 of the State of Nebraska. The board shall assume the role and  
15 responsibilities of the State Board of Agriculture under any such  
16 property management agreement in effect on January 1, 2003, and  
17 such agreement may be amended from time to time as necessary to  
18 carry out the purposes of sections 2-101 and 2-103 to 2-106 and as  
19 amended shall continue in force and effect.

20                   (2) Any property management agreement between the State  
21 of Nebraska and the Nebraska State Fair Board pursuant to this  
22 section shall provide for the reporting of information by the  
23 board as deemed appropriate by the Department of Administrative  
24 Services for ascertaining the development of private funding  
25 sources, the use of state appropriations, the status of the

1 Nebraska State Fairgrounds facility maintenance and improvements,  
2 the fiscal status of the Nebraska State Fair, and the activities  
3 and goals established for the state fair and the state fairgrounds.

4           Sec. 9. Original sections 2-101 and 2-104, Revised  
5 Statutes Cumulative Supplement, 2006, are repealed.

6           Sec. 10. Since an emergency exists, this act takes effect  
7 when passed and approved according to law.