

## CHAPTER 37

### STATE AGRICULTURAL SOCIETY

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#### 37.01 PUBLIC CORPORATION.

The state agricultural society as it now exists is hereby confirmed and established as a public corporation. The conveyance to the state of the land in Ramsey County known and used as "the state fair grounds" and described as Southeast Quarter (SE 1/4) of Section Twenty-one (21) and East half (E 1/2) of East half (E 1/2) of Southwest Quarter (SW 1/4), Section Twenty-one (21), Township Twenty-nine (29), Range Twenty-three (23), is hereby confirmed, and anything in said conveyance to the contrary notwithstanding the same shall be held by the state forever for the following public purposes: For exhibiting thereon, under the management and control of the society, at annual fairs and at such times as the said society shall determine, the agricultural, stock-breeding, horticultural, mining, mechanical, industrial, and other products and resources of the state, including proper exhibits and expositions of the arts, human skills, and sciences; for such other uses and purposes, including the leasing of parts of the state fair grounds as the state agricultural society from time to time may determine, provided that the said society shall not lease any part of the state fair grounds if the lessee is going to compete with an existing established business of auto racing within a radius of 40 miles, except during the operation of the state fair and all other public exhibitions pertinent to expositions of human art, industry, or skill. Neither the state nor the society shall ever charge or encumber this property.

**History:** *RL s 3079; Ex1957 c 6 s 1 (7860)*

#### 37.02 BUDGET; BUILDING RESTRICTIONS; EXEMPTIONS.

The state agricultural society shall continue to be subject to and shall continue to have and possess all powers, rights, and privileges granted by any and all laws applicable thereto, now in force, subject to the following: (1) The society shall not comply with the provisions of Laws 1939, Chapter 431, relating to budgets, allotments, and encumbering of funds; (2) the society shall not be subject to the supervision of the commissioner of administration in the erection and construction of any new building; (3) the books and accounts of the society shall be subject to examination by the legislative auditor at any time, as in case of other state agencies.

**History:** *1925 c 426 art 17 s 1; 1939 c 431 art 8 s 12; 1951 c 489 s 1; 1974 c 492 s 14 (53-1m, 53-43)*

#### 37.03 MEMBERSHIP.

Its membership shall be confined to citizens of this state and shall be composed as follows:

(1) Three delegates to be chosen annually by each agricultural society or association in the state which shall maintain an active existence, hold annual fairs, and be entitled to share in the state appropriation under the provisions of section 38.02. If any such society or association fails to choose delegates, then the president, secretary and treasurer thereof shall, by virtue of their offices, be the delegates from such society or association. Each delegate from such a society or association shall be entitled to one-half vote at the regular or special meetings, where two fairs now established and receiving state aid are in operation in one county.

(2) One delegate from each county in the state in which no county or district agricultural society exists to be appointed by the county board of the county.

(3) Individuals, who by reason of eminent services in agriculture, horticulture, or in the arts and sciences connected therewith, or of long and faithful service in the society, or of benefits conferred upon it, may, by two-thirds vote at any annual meeting, be elected as honorary members. The number of these honorary members shall not, at any time, exceed its present membership; provided, that not more than one honorary member shall be elected annually. Each honorary member shall be entitled to one vote.

(4) Two delegates elected by, and the president ex officio of, the following societies and associations: The State Horticultural Society, the State Dairyman's Association, the State Beekeepers' Association, the Minnesota Livestock Breeders' Association, the Minnesota Crop Improvement Association, the Minnesota Swine Breeders' Association, the Minnesota Sheep Breeders' Association, the Minnesota Horse Breeders' Association, the Minnesota Veterinary Association, the Minnesota Cattle Breeders' Association, the Central Livestock Association Incorporated of Minnesota, the State Poultry Association, the Minnesota Implement Dealers' Association, the Minnesota Florists Association, the Minnesota Garden Flower Association, the Minnesota County Exhibitors' Associations, the Minnesota Federation of County Fairs, the State Forestry Association, the Minnesota Saddle Horse Owners' and Breeders' Association, Minnesota State Nurserymen's Association, Minnesota Fruit Growers' Association, Minnesota State Grange Association, Minnesota Farmers' Union, Minnesota Dairy Industry Committee, and the Minnesota Farm Bureau Federation. The following societies and associations shall be entitled to one vote each: Minneapolis Market Gardeners' Association of Minnesota, the State Growers' Association, Minnesota Shorthorn Breeders' Association, the Minnesota Milking Shorthorn Association, Minnesota Guernsey Breeders' Association, Minnesota Jersey Cattle Club, Minnesota Holstein-Friesian Breeders' Association, Minnesota Hereford Breeders' Association, Minnesota Aberdeen Angus Breeders' Association, Minnesota Red Polled Breeders' Association, Minnesota Ayreshire Breeders' Association, Minnesota Brown Swiss Breeders' Association, Minnesota Poland China Breeders' Association, Minnesota Duroc Jersey Breeders' Association, Minnesota Chester White Breeders' Association, Minnesota Turkey Growers' Association, Minnesota Gladiolus Society, and the Minnesota Berkshire Breeders' Association; provided, that all these societies and associations shall be active and statewide in their scope and operation, hold annual meetings, and be incorporated under the laws of the state, before being entitled to select such delegates. The societies and associations named in this clause shall file with the secretary of state, on or before December 20, each year, a report showing that the society or association has held a regular annual meeting for that year, a summary of its financial transactions for the current year, and an affidavit of the president and secretary that it has a paid-up membership of at least 25. On or before December 31, each year, the secretary of state shall certify to the secretary of the state agricultural society the names of the societies or associations that have complied with these provisions.

(5) The members of the governing board of the state agricultural society shall, by virtue of their offices as such, be members of the society and entitled to one vote each.

(6) On all questions arising for determination by the state agricultural society, including the election of members of the governing board, each delegate present shall be entitled to one vote, and no proxies shall be recognized by the society except when less than three delegates of any county or district agricultural society shall attend the annual meeting those present may cast the full vote of the society. All delegates shall be accredited, in writing, and their credentials shall be signed by the president and secretary of the society or association represented.

**History:** *RL s 3080; 1905 c 307; 1911 c 381 s 1; 1913 c 194; 1919 c 116 s 1; 1921 c 290 s 1; 1927 c 144 s 1; 1931 c 231; 1933 c 136; Ex1934 c 57 s 1,2; 1935 c 227; Ex1936 c 110; 1937 c 106 s 1; 1961 c 630 s 1; 1973 c 97 s 1 (7861)*

### **37.04 BOARD OF MANAGERS, MEETINGS, SELECTION, VACANCIES, QUORUM.**

Subdivision 1. The management and control of the affairs of the Minnesota state agricultural society shall be vested in a board of managers which shall consist of a president and nine other members, two of whom shall be vice-presidents, each member to represent one of nine regional districts, any six of whom shall constitute a quorum for the purposes of any meeting of the board.

Subd. 2. The regional districts for purposes of electing members of the board of managers of the Minnesota state agricultural society shall be identical with the nine congressional districts as established by Laws 1933, Chapter 185, and shall be accordingly numbered.

Subd. 3. The annual meeting of the society shall be held at such place in St. Paul or Minneapolis, or upon the state fair grounds, as the board of managers may select. The meeting shall be held annually during a three day period, such period to be selected by the board of managers, to commence no earlier than January 2, and no later than January 31 in each year. Written notice of the time and place of the holding of the annual meeting shall be given to all members of the society at least 30 days prior to the time of the holding of the annual meeting.

Subd. 4. The annual meeting of members of the society shall elect, from the then current membership of the board of managers, a president for a term of one year, who shall not be a resident of the fourth or the fifth regional districts. In addition, seven managers shall be elected, as follows:

At the annual meeting in 1963, and on each third year thereafter, one manager from each of the first, third and sixth regional districts, at the annual meeting in 1964, and on each third year thereafter, one manager from each of the seventh and ninth regional districts, at the annual meeting in 1965, and on each third year thereafter, one manager from each of the second and eighth regional districts. In addition, at the annual meeting in 1964 and every other year thereafter, a vice-president shall be elected from the fifth regional district, and in 1965 and in every other year thereafter, a vice-president shall be elected from the fourth regional district.

Subd. 5. At no time shall more than one member of the governing board, exclusive of the president, be a resident of any one regional district. On the day preceding the last day of the annual meeting, the duly accredited delegates to the meeting from each regional district, the term of whose member of the board of managers expires in that year, shall meet together at the place for holding the annual meeting and nominate and certify to the annual meeting the choice of that district for manager, and, at the time fixed by law for the election of the

president of the society and after the nominations have been so certified, presented, and read to the annual meeting, the annual meeting shall proceed to elect such managers to fill all expiring terms.

Subd. 6. Any vacancy, prior to the expiration of any term of office of a member of the board of managers, may be filled by the remaining members of the board. Any person so appointed to fill a vacancy shall hold office until the next annual meeting of the society, which shall elect a successor in the manner provided, to serve the balance of the unexpired term.

**History:** *RL s 3081; 1911 c 381 s 2; 1917 c 277 s 1; 1917 c 508 s 1; 1963 c 141 s 1 (7862)*

### **37.05 OFFICERS; COMPENSATION; EXPENSES.**

The annual honorarium of the president of the governing board shall be \$1,400, and that of the other members \$1,000 each, which honorarium shall be in full for all their services commencing January 1, 1965. On the final day of the annual meeting of the society, of each year, the board shall elect a secretary, who shall hold office for one year and until his successor is elected and qualified. The compensation of the secretary shall be fixed by the board. The board may also appoint a treasurer for the term of one year and fix his compensation. The secretary and the treasurer shall each execute to the society for the use and benefit of the society, the state of Minnesota, and all persons injured by failure to observe its conditions, a penal bond in such sum as may be fixed by the governing board of the society and with such sureties as the president and secretary of the society may approve, conditioned that he will pay over to the society, the state of Minnesota, and all persons on demand all moneys to which they may be entitled which may have come into his hands in virtue or by reason of his office as such secretary or treasurer. The treasurer shall keep all accounts and fiscal records of the society. The board may designate the secretary as the treasurer of the society. In addition, the board may allow the traveling expenses of its members and of the secretary and treasurer or other employees while in the performance of their official duties, the claims for which shall in all cases be itemized in full and verified before allowance.

**History:** *RL s 3082; 1911 c 381 s 3; 1963 c 388 s 1; 1965 c 431 s 1 (7863)*

### **37.06 SECRETARY; LEGISLATIVE AUDITOR; DUTIES; REPORT.**

The secretary shall keep a complete record of the proceedings of the annual meetings of the state agricultural society and all meetings of the governing board, and of any committee of the board, keep all accounts of the society other than those kept by the treasurer of the society, and perform such other duties as the governing board may direct. On or before December 31, each year, the secretary shall make a report to the governor for the fiscal year ending November 30 each year, showing all the proceedings of the society during the current year, and its financial condition as appears from the books of the society. This report shall contain a full, detailed statement of all receipts and expenditures during the year. The books and accounts of the society for the fiscal year shall be examined and audited annually by the legislative auditor. The cost of such examination shall be paid by the society to the state of Minnesota and credited to the legislative auditor's revolving fund. A summary of this examination, duly certified by the legislative auditor, together with his recommendations and the proceedings of the annual meeting of the society first held following the secretary's report, including such addresses made at the meeting as the governing board shall direct, shall be appended to the secretary's report and printed in like manner as the reports of state officers. Copies of the report shall be printed annually and distributed as follows: to each society or association entitled to membership in the society, to each newspaper in the state, and the remaining copies in such manner as the governing board shall direct.

**History:** *RL s 3083; 1911 c 381 s 4; 1957 c 61 s 1; 1963 c 388 s 2; 1973 c 492 s 14 (7864)*

### **37.07 MONTHLY STATEMENTS BY SECRETARY; PURCHASES, EXPENDITURES.**

The secretary of the state agricultural society shall prepare monthly statements summarizing receipts and expenditures for the preceding month, which shall be signed by him and approved by the president or a vice president of the governing board. The secretary shall attach to this statement his affidavit that all articles were purchased by him, or under his direction, and to his best information and belief, all articles purchased by the governing board were purchased at a fair cash market value and received by the society, and that all services charged for were actually rendered; that neither he nor any person in his behalf, or the governing board, to his best information and belief, had any pecuniary or other interest in any purchase made or services rendered, or received any pecuniary or other benefit therefrom, directly or indirectly, by commission, percentage, deduction, or otherwise; and that the articles specified conformed in every respect to the goods ordered, in both quality and quantity. This report shall also show the amount of money in the hands of the treasurer of the society.

Copies of the secretary's monthly report shall be furnished to the commissioner of finance, and the office of the legislative auditor and to each member of the board of managers, no later than the tenth of the month following the months' activities encompassed within such report.

The board of managers shall, from time to time, designate one or more national or state banks, or trust companies authorized to do a banking business, as official depositories for money of the society, and thereupon shall require the treasurer to deposit all or part of such money in such bank or banks. Such designation shall be in writing and set forth all the terms and conditions upon which the deposits are made, and shall be signed by the president and secretary, and made a part of the minutes of the board. Any bank or trust company so designated shall qualify as a depository by furnishing a corporate surety bond or collateral as required by section 118.01, and shall thereafter, as long as money of the society is on deposit therein, maintain such bond or collateral in the amounts required by said section. However, no bond or collateral shall be required to secure any deposit, insofar as it is insured under federal law, as provided in section 118.10.

**History:** *1911 c 381 s 8; 1963 c 388 s 3; 1965 c 411 s 1; 1973 c 492 s 14 (7865)*

**37.08** [ Repealed, 1963 c 388 s 4 ]

**37.09** [ Repealed, 1963 c 388 s 4 ]

**37.10** [ Repealed, 1963 c 388 s 4 ]

**37.11** [ Superseded by 37.02 ]

**37.12** [ Repealed, 1963 c 388 s 4 ]

### **37.13 TITLE TO PROPERTY VESTED IN STATE.**

The title to all money and other property of the society shall vest in the state in the name of the society and there shall be no division of its assets among its members. All moneys received by the society shall be used in the holding of its annual fair, and for such other exhibitions or expositions held from time to time as the society shall determine, for the improvement of the fairgrounds, the payment of expenses, premiums, and purses, the acquisition of properties, both real and personal, for the use and benefit of the society, and for the furnishing of such attractions and amusements as the governing board shall deem necessary for the success of its fairs, and other exhibitions and expositions.

**History:** *RL s 3084; Ex1957 c 6 s 2; 1965 c 411 s 2 (7872)*

### 37.14 MANAGEMENT OF PROPERTY; GENERAL OFFICES.

The custody, management, and control of the fairgrounds and all structures thereon shall be vested in the society as a department of the state, and its general offices, containing its property and records, shall be maintained upon the fairgrounds.

**History:** *RL s 3085 (7873)*

### 37.15 EXHIBITIONS.

The society shall hold upon the fairgrounds an annual fair and may invite the cooperation of any other states or countries therein. It shall provide for and pay premiums, and all moneys expended for premiums, exhibits, or other displays shall be for the purpose of encouraging agriculture, horticulture, stock-breeding, manufactures, and the mining, mechanical, and industrial arts and sciences.

**History:** *RL s 3086; 1961 c 561 s 6 (7874)*

### 37.16 RULES AND REGULATIONS; VIOLATION.

The society may make all bylaws, ordinances, and rules, not inconsistent with law, which it may deem necessary or proper for the government of the fairgrounds and all fairs to be held thereon, and for the protection, health, safety, and comfort of the public thereon; the same to be in effect from the time of filing with the secretary of the society. The violation of a bylaw, rule, or ordinance promulgated by the society is a misdemeanor.

**History:** *RL s 3087; 1965 c 796 s 1 (7875)*

### 37.17 SHOWS, EXHIBITIONS, PERFORMANCES, PRIVILEGES.

Subdivision 1. **License, regulation.** The society may license and regulate all shows, exhibitions, performances, and privileges on the fairgrounds, and revoke any such licenses, and prohibit, remove, and summarily stop all exhibitions, performances, or privileges which it may deem offensive to good morals or which are contrary to law.

Subd. 2. **Service of process.** The acceptance of any such license by any non-resident of Minnesota shall be deemed an appointment by the nonresident of the secretary of the society to be his true and lawful attorney upon whom may be served all legal processes in any action or proceeding against him resulting from the operation of such show, exhibition, performance, or privilege so licensed, and the acceptance of such license by the nonresident shall be a signification of his agreement that such service of process upon the secretary of the society shall be of the same force and effect as if served upon him personally. Publication of summons need not be made upon such nonresident. In all such cases service of process or service of any writ or notice in an action or proceedings shall be made upon the secretary of the society in the manner provided by law for such service upon residents of the state, and have the same effect as personal service within the state upon such nonresident. If such nonresident appears in such action or proceeding by attorney residing in Minnesota, the service of papers therein shall thereafter be made upon the attorney.

**History:** *RL s 3088; 1951 c 253 s 1 (7876)*

### 37.18 UNLICENSED OR IMPROPER EXHIBITION.

Every person who shall engage in any play, game, concert, theatrical or other performance, or exhibit any show, caravan, circus, or curiosity, for which pay or any admission fee is required or received, without license therefor from

the governing board, and any person who shall exhibit or perform therein any indecent, obscene, or immoral play or other representation, shall be guilty of a misdemeanor. If any show or exhibition licensed shall prove to be indecent, obscene, or immoral, the governing board shall forthwith close the same, and the license fee paid for such privilege, and any and all other moneys which may have been paid in connection therewith, shall be forfeited to the society.

**History:** *RL s 3089 (7877)*

### 37.19 CONTRACTS.

The society may contract in its own name, and through its duly appointed officers and agents without the necessity of advertising for, or publicly requesting bids, and the provisions of this chapter, and all ordinances, bylaws, rules, and regulations adopted by its governing board shall be deemed a part of every such contract entered into with any exhibitor, privilege holder, lessee, licensee, or other person. The society shall have the power to purchase, sell, lease, or otherwise to engage in transactions as respects real property in its own name, and with terms and conditions acceptable to its board of managers. The provisions of section 37.01 shall apply to the specific properties described therein, excepting space rental contracts and ground leases for a term of one year or less. The society shall submit to the executive council of the state of Minnesota, as provided by chapter 9, all its transactions involving real properties for the approval of the executive council, and no such transaction shall be final until approved by the executive council. All such transactions involving real property heretofore made by the society are hereby ratified, confirmed and approved.

**History:** *RL s 3090; Ex1957 c 6 s 3; 1965 c 411 s 3 (7878)*

### 37.20 SPECIAL PEACE OFFICERS.

The secretary or the president of the society may appoint, in a writing signed by either of them, such special constables or deputies as may be deemed necessary, both during the time of holding the annual fair and throughout the year for the regulation of the Minnesota state fairgrounds. These constables or deputies, before entering upon their duties, shall take and subscribe the usual oath of office, endorsed upon their appointment, and shall have and exercise upon the grounds of the society, all the power and authority of peace officers and, in addition thereto, may, within these limits, without warrant, arrest any person found violating any law of the state, or any rule, regulation, bylaw, or ordinance of the society, and may summarily remove the persons and property of such offenders from the grounds, and take them before any court of competent jurisdiction to be dealt with according to law. The president, vice-presidents, and members of the board of managers shall also have all the powers by this section conferred upon these constables or deputies. Each such peace officer shall wear an appropriate badge of office while acting as such.

**History:** *RL s 3091; 1965 c 796 s 2 (7879)*

### 37.21 SALE OF LIQUORS.

No person shall sell, barter, give away, or otherwise dispose of or introduce, have, or keep for barter, gift, or sale, any spirituous, malt, or fermented liquor or intoxicating liquors of any kind upon or within one-half mile of the state fairgrounds, or aid and abet in so doing, and the presence and possession of any kind of these liquors, in any quantity, upon the person or upon the premises leased or occupied by any person within these limits, is declared a public nuisance, and shall be prima facie evidence of the purpose of such person to barter, give away, or sell the same. Any person who shall violate any provision of this section shall be guilty of a misdemeanor.

**History:** *RL s 3092 (7880)*

### **37.22 LOCKUP; SEIZURE OF LIQUORS.**

The society is authorized to provide and maintain a watchhouse or lockup on the fairgrounds for the confinement of offenders and the temporary detention of suspected persons. The governing board, by itself or its special constables, shall, without warrant, seize and destroy any spirituous, malt, fermented, or intoxicating liquors of any kind found upon the fairgrounds.

**History:** *RL s 3093 (7881)*

### **37.23 JUSTICE COURT HELD ON FAIRGROUNDS.**

The board of managers of the society shall annually designate a justice of the peace of Ramsey county, who shall hold his court within the limits of the fairgrounds while the annual state fair is being held, and for one week prior and subsequent thereto, and there try and determine all cases within his jurisdiction, including all violations of law punishable as a misdemeanor and all violations of bylaws, ordinances, and rules promulgated by the society. The board shall provide for and fix the compensation for such justice of the peace. The board, in the alternative, may request the chief justice of the supreme court to assign a municipal judge to serve and discharge the above duties during the annual state fair who shall be reimbursed and paid compensation by the board of managers the same as provided in section 2.724, subdivision 3, when assigned to serve and discharge duties in a municipality not his own. All fines, penalties, and costs collected for any offense committed on the fairgrounds shall forthwith be paid to the treasurer of the society, and his receipt therefor filed by the court with the county auditor. The board of managers shall appoint and provide for the compensation of a person to prosecute actions before this court, or to act as its legal advisor.

Other than the period for which a justice of the peace is designated or a municipal court judge is assigned to hold court on the fairgrounds, any violations of law or of the bylaws, ordinances, and rules of the society shall be prosecuted in any justice or municipal court in Ramsey county, and such courts shall be required to hear and dispose of such cases as may be referred by the society, or by its constables or deputies. The attorney for the society shall forward all relevant information to the attorney responsible for the prosecution of such cases in the court of referral.

**History:** *RL s 3094; 1965 c 796 s 3; 1967 c 789 s 1 (7882)*

### **37.24 UNLAWFUL ADMISSIONS.**

Any person who shall steal or unlawfully obtain any ticket, paper, or other writing entitling, or purporting to entitle, the holder to admission to the state fairgrounds, or any part thereof, or who shall sell or dispose of any such ticket which upon its face appears to have been issued to another and not transferable, without informing the purchaser of its character, shall be guilty of a misdemeanor.

**History:** *RL s 3095 (7883)*

### **37.25 MISDEMEANORS.**

In addition to other misdemeanors specified in and made punishable by a statute, during the period of the annual state fair or during any period when fees as may be determined by the board of managers are required for admission to the fairgrounds, every person who shall trespass on, enter, or attempt to enter the fairgrounds in any manner, except through the gates provided therefor, without payment of the fees provided therefor, or who shall likewise so trespass on, enter, or attempt to enter any reserved enclosure thereon, or who shall obtain



permission to do so by impersonating another, or by any misrepresentation or false pretense, shall be guilty of a misdemeanor. Any person who shall be found lurking, lying in wait, or concealed in any building, yard, or premises upon the fairgrounds, or loitering about the immediate vicinity thereof, with intent to commit any offense or mischief, shall be guilty of a misdemeanor.

**History:** *RL s 3096; 1965 c 796 s 4 (7884)*

### **37.26 CIRCUSES PROHIBITED, STATE FAIR SEASON; EXCEPTIONS.**

Subdivision 1. **Prohibition.** It shall be unlawful for any person, firm, or corporation to conduct any circus in any city or within a radius of six miles of any city, within a period of 18 days immediately preceding the dates of the annual Minnesota state fair, or during the time of holding such fair. Any such circus may be exhibited during this period of time if and when the circus is engaged or contracted by an accredited agricultural society to form a part of the entertainment program of the annual fair of the accredited agricultural society. Nothing herein contained shall exempt this circus from obtaining proper license or permit as provided by law.

Subd. 2. **Penalty.** Any person, firm, or corporation violating the provisions of subdivision 1 shall be guilty of a gross misdemeanor; and upon conviction punished by a fine of not more than \$1,000 or by imprisonment in the county jail for a period of not to exceed one year or by both such fine and imprisonment.

**History:** *1933 c 357 s 1,2; 1973 c 123 art 5 s 7 (10536-2, 10536-3)*