

CHAPTER 37

STATE AGRICULTURAL SOCIETY; STATE FAIR

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37 01 PUBLIC CORPORATION

The state agricultural society is a public corporation. The conveyance to the state of the land in Ramsey county 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 confirmed. Anything in that conveyance to the contrary notwithstanding, the state holds that land and any other property known and used as the "state fairgrounds" forever for the following public purposes: (1) exhibiting under the management and control of the society, at annual fairs and at other times determined by the society, 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, and (2) other uses and purposes determined by the state agricultural society, including the leasing of parts of the state fairgrounds. The society shall not lease any part of the state fairgrounds 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. Any part of the state fairgrounds which is within the boundaries of a city or other political subdivision of the state is detached from the city or political subdivision. Nothing in this section exempts otherwise taxable property on the fairgrounds or the fairgrounds itself from real and personal property taxes pursuant to chapters 272 to 275 and 471.

History (7860) *RL s 3079, Ex1957 c 6 s 1, 1982 c 625 s 2, 1985 c 265 art 2 s 1*

37 02 BUDGET, BUILDING RESTRICTIONS, EXEMPTIONS

The state agricultural society is subject to and has all powers, rights, and privileges granted by law, with the following exceptions:

(a) The society need not comply with the provisions of Laws 1939, chapter 431, relating to budgets, allotments, and encumbering of funds.

(b) The society is not subject to the supervision of the commissioner of administration in the erection and construction of any new building.

(c) The books and accounts of the society are subject to examination by the legislative auditor.

History (53 1m, 53 43) *1925 c 426 art 17 s 1, 1939 c 431 art 8 s 12, 1951 c 489 s 1, 1974 c 492 s 14, 1985 c 265 art 2 s 1*

37 03 MEMBERSHIP

Subdivision 1 **Members** Members of the state agricultural society must be citizens of this state. The membership is as follows:

(a) Three delegates chosen annually by each agricultural society or association in the state which maintains an active existence, holds annual fairs, and is entitled to share

in the state appropriation under the provisions of section 38 02 If one of those societies or associations fails to choose delegates, then its president, secretary, and treasurer, by virtue of their offices, are its delegates If two fairs receiving state aid are operating in one county, each delegate from each society or association is entitled to one-half vote at regular or special meetings of the state society

(b) One delegate appointed by the county board of each county in which no county or district agricultural society exists

(c) Individuals elected by the society as honorary members for having performed eminent services in agriculture, horticulture, or related arts and sciences or long and faithful service in or benefits to the society Honorary members must be elected by two thirds vote at any annual meeting The number of honorary members may not exceed the society's membership and only one honorary member may be elected annually Each honorary member is entitled to one vote

(d) Two elected delegates and the president may represent each of the following societies and associations Red River Valley Winter Shows, the Minnesota State Horticultural Society, the State Dairyman's Association, the Minnesota Dairy Goat Association, the Minnesota Honey Producers Association, Inc, the Minnesota Live-stock Breeders' Association, the Minnesota Crop Improvement Association, the Minnesota Pork Producers Association, the Minnesota Lamb and Wool Producers Association, the Minnesota Horse Breeders' Association, the Minnesota Veterinary Medical Association, the Minnesota Cattle Breeders Association, the Central Livestock Association, the Minnesota State Poultry Association, the Farm Equipment Association, the North Central Florist Association, the Minnesota Garden Flower Society, the State Fair Exhibitors' Organization, the Minnesota Federation of County Fairs, the State Forestry Association, the Minnesota Horse Council, Minnesota Nurserymen's Association, Minnesota Apple Growers' Association, State Grange of Minnesota, Minnesota Farmers' Union, American Dairy Association of Minnesota, and the Minnesota Farm Bureau Federation

(e) The following societies and associations are entitled to one delegate each Central Minnesota Vegetable Growers Association, the Minnesota Fruit and Vegetable Growers' Association, Minnesota Shorthorn Breeders' Association, the Minnesota Milking Shorthorn Association, Minnesota Guernsey Breeders Association, Minnesota Jersey Cattle Club, Minnesota Holstein Association, Minnesota Hereford Association, Minnesota Aberdeen Angus Breeders, Minnesota Red Polled Breeders, Minnesota Ayreshire Breeders Association, Minnesota Brown Swiss Association, Minnesota Poland China Breeders Association, Minnesota Duroc Breeders, Minnesota Chester White Association, Minnesota Turkey Growers' Association, Minnesota Gladiolus Society, Minnesota Hampshire Association, Minnesota Suffolk Association, North American Dairy Sheep Association, and the Minnesota Berkshire Association All of these societies and associations must be active and statewide in their scope and operation, hold annual meetings, and be incorporated under the laws of the state before they are entitled to a delegate The societies and associations must file with the secretary of state, on or before December 20, 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, 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

(f) The members of the board of managers of the state agricultural society are members of the society and entitled to one vote each

Subd 2 Eligibility to vote On all questions arising for determination by the state agricultural society, including the election of members of the board of managers, each delegate present is entitled to one vote The society shall not recognize proxies except that when less than three delegates of a county or district agricultural society shall attend the annual meeting, those present may cast the full vote of that society All

delegates must be accredited, in writing, and their credentials must be signed by the president and secretary of the society or association represented

History (7861) *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, 1985 c 265 art 2 s 1, 1988 c 522 s 1, 1991 c 35 s 1*

37 04 BOARD OF MANAGERS

Subdivision 1 **Membership, quorum** A board of managers shall manage and control the state agricultural society. The board consists of a president and nine other members, two of whom are vice presidents. Each member represents one of nine regional districts. Six members constitute a quorum for the purposes of any board meeting.

Subd 2 **Regional districts** For purposes of electing members of the board of managers of the state agricultural society, the regional districts are identical with the nine congressional districts as established by Laws 1933, chapter 185, and are numbered accordingly.

Subd 3 **Annual meeting** The annual meeting of the society must be held at the state fairgrounds or at any other place in Minnesota selected by the board of managers. The meeting must be held during a three-day period selected by the board of managers commencing no earlier than January 2 and no later than January 31. At least 30 days' written notice of the time and place of the annual meeting must be given to all members of the society.

Subd 4 **Elections** At the annual meeting, the members of the society shall elect a president from among the members of the board of managers for a term of one year. The president may not be a resident of the fourth or the fifth regional districts. The members shall also elect seven managers as follows:

(1) at the annual meeting on each third year after 1963, one manager from each of the first, third, and sixth regional districts,

(2) at the annual meeting on each third year after 1964, one manager from each of the seventh and ninth regional districts,

(3) at the annual meeting on each third year after 1965, one manager from each of the second and eighth regional districts.

At the annual meeting in each even numbered year a vice president must be elected from the fifth regional district, and in each odd numbered year a vice-president must be elected from the fourth regional district.

Subd 5 **Regional representatives** Only one member of the board of managers, exclusive of the president, may be a resident of any one regional district. On the day before the last day of the annual meeting, the accredited delegates to the meeting from each regional district whose manager's term expires in that year shall meet together at the place of the annual meeting and nominate and certify to the annual meeting the choice of that district for manager. At the time fixed for the election of the president of the society and after the nominations have been certified, presented, and read to the annual meeting, the annual meeting shall proceed to elect managers to fill all expiring terms.

Subd 6 **Vacancies** A vacancy which occurs before 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 appointed to fill a vacancy holds office only until the next annual meeting of the society, at which a successor must be elected in the manner provided to serve the balance of the unexpired term.

History (7862) *RL s 3081, 1911 c 381 s 2, 1917 c 277 s 1, 1917 c 508 s 1, 1963 c 141 s 1, 1982 c 625 s 3, 1985 c 265 art 2 s 1*

37 05 OFFICERS, COMPENSATION, EXPENSES

The annual honorarium of the president of the board of managers is \$1,400, and that of the other members is \$1,000 each

On the final day of each annual meeting of the society the board shall elect a secretary to hold office for one year and until a successor is elected and qualified The board shall set the compensation of the secretary The board may also appoint a treasurer for the term of one year and fix the treasurer's compensation The treasurer shall keep all accounts and fiscal records of the society The board may designate the secretary as the treasurer of the society

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 Claims for traveling expenses must be itemized in full and verified before allowance

History (7863) *RL s 3082, 1911 c 381 s 3, 1963 c 388 s 1, 1965 c 431 s 1, 1982 c 625 s 4, 1985 c 265 art 2 s 1*

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 board of managers and any committee of the board, keep all accounts of the society other than those kept by the treasurer of the society, and perform other duties as directed by the board of managers On or before December 31 each year, the secretary shall report to the governor for the fiscal year ending October 31 all the proceedings of the society during the current year and its financial condition as appears from its books This report must contain a full, detailed statement of all receipts and expenditures during the year

The books and accounts of the society for the fiscal year must be examined and audited annually by the legislative auditor The cost of the examination must be paid by the society to the state and credited to the general fund

A summary of this examination, certified by the legislative auditor, must be appended to the secretary's report, along with the legislative auditor's recommendations and the proceedings of the first annual meeting of the society held following the secretary's report, including addresses made at the meeting as directed by the board of managers The summary, recommendations, and proceedings must be printed in the same manner as the reports of state officers Copies of the report must 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 as directed by the board of managers

History (7864) *RL s 3083, 1911 c 381 s 4, 1957 c 61 s 1, 1963 c 388 s 2 1973 c 492 s 14, 1982 c 625 s 5, 1985 c 265 art 2 s 1, 1999 c 99 s 9*

37 07 MONTHLY STATEMENTS BY SECRETARY, PURCHASES, EXPENDITURES

The secretary of the state agricultural society shall prepare a signed statement each month summarizing receipts and expenditures for the preceding month, which must be approved by the president or a vice president of the board of managers The secretary's affidavit must be attached to this statement The affidavit must state

(1) that all articles were purchased by or under the secretary's direction, and that to the secretary's best information and belief, all articles purchased by the board of managers were purchased at a fair cash market value and received by the society, and that all services charged for were actually provided,

(2) that neither the secretary nor any person in the secretary's behalf, or the board of managers, to the secretary's best information and belief, had any pecuniary or other interest in any purchase made or services rendered, or received any pecuniary or other benefit from the purchases or services, directly or indirectly, by commission, percentage, deduction or otherwise, and

(3) that the articles specified conformed in every respect to the goods ordered, in both quality and quantity

The report must also show the amount of money in the hands of the treasurer of the society

Copies of the secretary's monthly report must be furnished to the commissioner of finance and to each member of the board of managers no later than the tenth of the month following the month's activities reported

The board of managers shall designate one or more national or state banks, or trust companies authorized to do a banking business, as official depositories for the society's money, and shall then require the treasurer to deposit all or part of that money in the designated bank or banks. The designation must be in writing and must set forth all the terms and conditions upon which the deposits are made, and it must be signed by the president and secretary and made a part of the minutes of the board. Any bank or trust company designated must qualify as a depository by furnishing a corporate surety bond or collateral as required by section 118A 03, and must, as long as any of the society's money is on deposit with it, maintain the bond or collateral in the amounts required by that section. No bond or collateral is required to secure any deposit if it is insured under federal law, as provided in section 118A 03

History (7865) 1911 c 381 s 8, 1963 c 388 s 3, 1965 c 411 s 1, 1973 c 492 s 14, 1985 c 265 art 2 s 1, 1996 c 399 art 2 s 12, 1999 c 99 s 10

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 OWNERSHIP OF MONEY AND PROPERTY, CAPITAL IMPROVEMENTS

Subdivision 1 Use of money The state owns all money and other property of the society in the name of the society and there may be no division of its assets among society members. Money received by the society must be used for holding its annual fair and for other exhibitions or expositions the society holds, for the improvement of the fairgrounds for the payment of expenses, premiums, and purses for the acquisition of real and personal property for the use and benefit of the society, and for furnishing attractions and amusements the board of managers considers necessary for the success of its fairs and other exhibitions and expositions.

Subd 2 Capital improvements The society shall spend the amount of sales tax retained under section 289A 31, subdivision 7, paragraph (f), exclusively to make capital improvements to state owned buildings and facilities on the state fairgrounds. The society shall match the amount retained with an equal amount from proceeds from special assessments levied against commercial exhibits, concessions and rentals, and from other special user fees specifically designated for capital improvements.

History (7872) RL s 3084, Ex1957 c 6 s 2, 1965 c 411 s 2, 1985 c 265 art 2 s 1, 2000 c 418 art 1 s 2

NOTE The amendment to this section by Laws 2000 chapter 418 article 1 section 2 is effective for sales taxes retained after June 30, 2001. Laws 2000 chapter 418 article 1 section 46

37 14 MANAGEMENT OF PROPERTY, GENERAL OFFICES

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

History (7873) RL s 3085, 1985 c 265 art 2 s 1

37 15 EXHIBITIONS

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

History (7874) *RL s 3086, 1961 c 561 s 6, 1985 c 265 art 2 s 1*

37 16 RULES, VIOLATION

The society may make all bylaws, ordinances, and rules consistent with law which it considers necessary or proper for the government of the fairgrounds and all fairs to be held on them, and for the protection, health, safety, and comfort of the public on the fairgrounds. The bylaws, ordinances, and rules are effective when filed with the secretary of the society. The violation of a bylaw, rule, or ordinance of the society is a misdemeanor.

History (7875) *RL s 3087, 1965 c 796 s 1, 1985 c 265 art 2 s 1*

37 17 SHOWS, EXHIBITIONS, PERFORMANCES, PRIVILEGES

Subdivision 1 License, regulation The society may license and regulate shows, exhibitions, performances, and privileges on the fairgrounds, revoke licenses, and prohibit, remove, and summarily stop exhibitions, performances, or privileges which violate society rules or other law.

Subd 2 Service of process The acceptance of any license given pursuant to subdivision 1 by a nonresident of Minnesota is an appointment by the nonresident of the secretary of state to be a lawful agent upon whom may be served all legal processes in any action or proceeding against the nonresident resulting from the operation of the licensed show, exhibition, performance, or privilege. The acceptance of a license by the nonresident signifies agreement that service of process upon the secretary of state has the same effect as service upon the nonresident personally. Publication of summons need not be made upon the nonresident. In all cases under this subdivision service of process or service of any writ or notice in an action or proceedings must be made upon the secretary of state in the manner provided by law for service upon residents of the state, and has the same effect as personal service within the state upon the nonresident. After a nonresident appears in an action or proceeding by an attorney residing in Minnesota, papers must be served upon the attorney.

Subd 3 [Repealed, 1982 c 625 s 16]

Subd 4 Solicitation No person may solicit money or sell or distribute any merchandise or material of any kind without a license issued by the society authorizing the solicitation, sale, or distribution from a fixed location on the fairgrounds.

History (7876) *RL s 3088, 1951 c 253 s 1, 1981 c 357 s 27, 1982 c 625 s 6 8, 1985 c 265 art 2 s 1, 1Sp1985 c 14 art 8 s 1, 1986 c 390 s 1*

37 18 UNLICENSED OR IMPROPER EXHIBITION

A person who engages in a play, game, concert, or theatrical or other performance, or who exhibits a show of any kind on the fairgrounds without a license from the society is guilty of a misdemeanor and must be removed from the fairgrounds.

A person who sells, distributes, or exhibits obscene materials or performances is guilty of a misdemeanor and the board of managers of the society shall suspend that person's license and require the forfeiture of all money paid to the society in connection with the performance or exhibit.

History (7877) *RL s 3089, 1982 c 625 s 9, 1985 c 265 art 2 s 1*

37 19 CONTRACTS

The society may contract in its own name and through its officers and agents without advertising for or publicly requesting bids. This chapter and all ordinances, bylaws, and rules adopted by the society's board of managers are a part of every contract entered into with any exhibitor, privilege holder, lessee, licensee, or other person. The society may contract for the purchase of services from any business, municipality, county, state agency, or department. The society may purchase, sell, lease, or otherwise engage in transactions respecting real property in its own name, and with terms and conditions acceptable to its board of managers. The provisions of section 37 01 apply to the specific properties described in it, except space rental contracts and ground leases for a term of one year or less. The society shall submit to the state executive council for its approval, as provided by chapter 9, all its transactions involving real properties, and no transaction involving real property is final until it is approved by the executive council. All transactions involving real property previously made by the society are ratified, confirmed, and approved.

History (7878) *RL s 3090, Ex1957 c 6 s 3, 1965 c 411 s 3, 1982 c 625 s 10, 1983 c 337 s 4, 1984 c 441 s 1, 1985 c 265 art 2 s 1*

37 20 SPECIAL PEACE OFFICERS

The secretary or the president of the society may appoint, in a writing signed by either of them, as many peace officers, as defined in section 626 84, subdivision 1, clause (c), as are necessary, both during the annual fair and throughout the year for the regulation of the Minnesota state fairgrounds. These peace officers, before entering upon their duties, shall take and subscribe the usual oath of office, endorsed upon their appointment. They have upon the fairgrounds all the power and authority of peace officers and may, within these limits, without warrant, arrest any person found violating state law or any rule, bylaw, or ordinance of the society. They may summarily remove the persons and property of the offenders from the grounds, and take them before any court of competent jurisdiction to be dealt with according to law. Each peace officer shall wear an appropriate badge of office while acting as a peace officer. The society may also contract with the state, any county, or any municipality for police service and protection on the fairgrounds.

History (7879) *RL s 3091, 1965 c 796 s 2, 1982 c 625 s 11, 1985 c 265 art 2 s 1*

37 21 SALE OF LIQUORS

Subdivision 1 **Liquor prohibited** No person may sell, barter, give away, or otherwise dispose of or introduce, have, or keep for barter, gift, or sale, any intoxicating liquors of any kind upon or within one half mile of the state fairgrounds, or aid and abet any of those acts. 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 a public nuisance and is prima facie evidence of the purpose of the person to barter, give away, or sell the liquor. Any person who violates this section is guilty of a misdemeanor.

Subd 2 **Exceptions** Notwithstanding subdivision 1, the state agricultural society may authorize, under terms and conditions it chooses, the sale, possession, and consumption of intoxicating liquors at special events taking place on the fairgrounds at times other than during the annual fair including, but not limited to, family reunions, class reunions, weddings, conventions, and similar events. This section does not authorize the society to issue retail licenses for the sale of alcoholic beverages.

History (7880) *RL s 3092, 1982 c 625 s 12, 1985 c 265 art 2 s 1, 2000 c 440 s 1*

37 22 LOCKUP, SEIZURE OF LIQUORS

The society may provide and maintain a watchhouse or lockup on the fairgrounds for the confinement of offenders and the temporary detention of suspected persons.

The society's peace officers shall, without warrant, seize and destroy any intoxicating liquors found upon the fairgrounds

History (7881) *RL s 3093, 1982 c 625 s 13, 1985 c 265 art 2 s 1*

37 23 [Repealed, 1982 c 625 s 16]

37 24 UNLAWFUL ADMISSIONS

Any person who steals or unlawfully obtains a ticket, paper, or other writing entitling, or purporting to entitle, the holder to admission to any part of the state fairgrounds or who sells or disposes of a ticket which upon its face appears to be nontransferable and to have been issued to another, without informing the purchaser of its character, is guilty of a misdemeanor

History (7883) *RL s 3095, 1985 c 265 art 2 s 1*

37 25 MISDEMEANORS

In addition to other misdemeanors specified by statute, during the annual state fair or during any period when the board of managers requires fees for admission to the fairgrounds, every person who trespasses on, enters, or attempts to enter the fair grounds in any manner, except through the entrance gates, without payment of the required fees or who trespasses on, enters, or attempts to enter any reserved enclosure on the fairgrounds, or who obtains permission to do so by impersonating another or by any misrepresentation or false pretense is guilty of a misdemeanor. A person who is found lurking, lying in wait, or loitering in the immediate vicinity of, or concealed in any building, yard, or premises upon the fairgrounds with intent to commit any offense or mischief is guilty of a misdemeanor

History (7884) *RL s 3096, 1965 c 796 s 4, 1985 c 265 art 2 s 1*

37 26 CIRCUSES PROHIBITED, STATE FAIR SEASON, EXCEPTIONS

Subdivision 1 Prohibition It is 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 fair. A circus may be exhibited during this time however if and when it 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 in this subdivision exempts a circus from obtaining a proper license or permit provided by law

Subd 2 Penalty A person, firm, or corporation violating subdivision 1 is guilty of a gross misdemeanor, punishable by a fine of not more than \$3,000 or by imprisonment in the county jail for not more than one year or both

History (10536 2, 10536 3) *1933 c 357 s 1,2, 1973 c 123 art 5 s 7, 1984 c 628 art 3 s 11, 1985 c 265 art 2 s 1*

37 27 [Repealed, 1982 c 625 s 16]