

CHAPTER 38

COUNTY AGRICULTURAL SOCIETIES, FAIRS, AND FARM BUREAUS

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38.01 COUNTY AGRICULTURAL SOCIETIES. An agricultural society may be incorporated by citizens of any county, or two or more counties jointly, but only one agricultural society shall be organized in any county, except in counties having an area of 5,000 square miles or more, in which two societies may be organized, and when so organized shall receive all benefits that other senior agricultural societies obtain both from the state and the county. Any county in this state having not more than 46 nor less than 42 full or fractional congressional townships and having a population, according to the 1930 federal census, of not more than 27,000 and not less than 23,000 may have two such societies. An agricultural society may sue and be sued in its corporate name; may adopt by-laws, rules, and regulations, alter and amend the same; may purchase and hold, lease and control any real or personal property deemed to promote the objects of the society, and sell and convey the same. This section shall not be construed to preclude the continuance of any agricultural society now existing nor the granting of aid thereto.

An agricultural society shall have jurisdiction and control of the grounds upon which its fairs are held and of the streets and grounds adjacent thereto during such fair, so far as may be necessary for such purpose. At or before the time of holding any fair, the president of the society may appoint, in writing, signed by him, as many persons to act as special constables as he may judge necessary, for and during the time of holding the same and for a reasonable time prior and subsequent thereto. These constables, before entering upon their duties, shall take and subscribe the usual oath of office, endorsed upon their appointment, and have and exercise upon the grounds of the society, and within one-half mile thereof, all the power and authority of constables at common law and, in addition thereto, may, within these limits, without warrant, arrest any person found violating any laws of the state, or any rule, regulation, or by-law of the society, and 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. Each such peace officer shall wear an appropriate badge of office while acting as such.

Any person who shall wilfully violate any rule or regulation made by such societies during the days of a fair shall be guilty of a misdemeanor.

[*R. L. s. 3097; 1909 c. 416; 1911 c. 381 s. 5; 1921 c. 464 s. 1; 1923 c. 146 s. 1; 1923 c. 232 s. 1; 1937 c. 352 s. 1*] (7885)

38.011 ADDITIONAL COUNTY AGRICULTURAL SOCIETIES. In any county wherein an existing county agricultural society or association shall have discontinued holding annual county fairs, and wherein a county fair has been annually held for more than ten years immediately preceding the passage of Laws 1939, Chapter 294, whether by the agricultural society or association or by some other organization, a second county agricultural society or association may be incorporated prior to the dissolution of the existing society or association, and when so incorporated it shall be entitled to receive all benefits and appropriations that other county agricultural societies and associations receive from the state, county, or

municipalities under existing laws; provided, that not more than two annual appropriations shall be made by the state, county, or any municipality to the new county agricultural society or association unless the existing county agricultural society or association shall have, within that time, been legally dissolved.

[1939 c. 294 s. 1] (7891-1)

38.012 AID TO COUNTY AGRICULTURAL SOCIETIES. In any county where in an existing county agricultural society or association shall have discontinued holding annual county fairs, and wherein a county fair has been annually held for more than ten years immediately preceding the passage of Laws 1943, Chapter 415, whether by said agricultural society or association or by some other organization, and second county agricultural society or association has been incorporated and is now operating, and such new society or association has received two or more annual appropriations from the state or county for the purpose of aiding its county fair, such society shall be entitled to receive all benefits and appropriations that other county agricultural societies and associations receive from the state, county or municipalities under existing laws.

[1943 c. 415 s. 1]

38.02 COUNTY AGRICULTURAL SOCIETIES AIDED. Subdivision 1. **Schedule.** All sums hereafter appropriated to aid county and district agricultural societies and associations shall be distributed to the following named agricultural societies or associations: Aitkin County Agricultural Society, Anoka County Agricultural Society, The Becker County Agricultural Society and Fair Association, Beltrami County Agricultural Association, The Benton County Agricultural Society, Big Stone County Agricultural Society, Blue Earth County Agricultural Society, Mankato Fair and Blue Earth County Agricultural Association, Brown County Agricultural Society, The Carlton County Agricultural and Industrial Association, Farmers' Co-operative Agricultural Society of Carver County, Cass County Agricultural Association, Cass County Agricultural Society, Chippewa County Fair Association, The Chisago County Agricultural Society, Clay County Fair and Agricultural Association of Barnesville, Clay County, Minnesota, Clearwater County Agricultural Society, Cook County Agricultural Society, Cottonwood County Agricultural Society, The Crow Wing County Agricultural Society, Crow Wing County Fair Association, Dakota County Agricultural Society, The Dodge County Agricultural and Mechanical Society, Douglas County Agricultural Association, Fairbault County Agricultural Society, Fillmore County Agricultural Society, Freeborn County Agricultural Society, Goodhue County Agricultural Society and Mechanic Institute, Cannon Valley Fair Association, Grant County Agricultural Association, Hennepin County Agricultural Society, Houston County Agricultural Society, Hubbard County Agricultural Association, Shell Prairie Agricultural Association, The Isanti County Agricultural Society, Itasca County Agricultural Association, The Fair Association of Jackson County, Minnesota, Kanabec County Agricultural Society, Kandiyohi County Fair Association, Kittson County Agricultural Society, The St. Vincent Union Industrial Association, Koochiching County Agricultural Association, Northern Minnesota District Fair Association, Lac qui Parle County Agricultural Society, Lake of the Woods County Fair Association, Lake County Agricultural Society, The LeSueur County Fair Association, The Lincoln County Agricultural Society and County Fair Association, Lyon County Agricultural Society, McLeod County Agricultural Association, Mahnomon County Agricultural Society, Marshall County Agricultural Association, Martin County Agricultural Society, Meeker County Agricultural Society, The Mille Lacs County Agricultural Society, Morrison County Agricultural Association, The Morrison County Agricultural Society, Mower County Agricultural Society, The Murray County Agricultural Society, Nicollet County Agricultural Society, Nobles County Fair Association, The Agricultural Society of Norman County, Minnesota, Olmsted County Agricultural Association, Otter Tail County Agricultural Society and Fair Association, Perham Agricultural Society, The Pennington County Agricultural Society, Incorporated, Pine County Agricultural Society, Pipestone County Agricultural Society, The Polk County Agricultural Fair Association, Northwestern Minnesota Agricultural Association, Pope County Agricultural Society, Ramsey County Agricultural Society, Red Lake County Agricultural Society, Redwood County Agricultural Society, The Renville County Agricultural Society, Rice County Agricultural Society, Agricultural Society of Rock County, The Roseau County Agricultural Society, The Saint Louis County Agricul-

tural Fair Association, The St. Louis County Community Fair Association of Proctor, Scott County Agricultural Society, Scott County Good Seed Association, The Sherburne County Agricultural Society, Sibley County Agricultural Association, Agricultural Society of Stearns County, Steele County Agricultural Society, Stevens County Agricultural Society, Swift County Fair Association, Todd County Agricultural Society, Traverse County Agricultural Association, The Wabasha County Agricultural Fair Association, Wadena County Agricultural Society, Waseca County Agricultural Society, Washington County Agricultural Society, Watonwan County Agricultural Society, Wilkin County Agriculture Society, Winona County Agricultural and Industrial Association, Wright County Agricultural Fair Association, The Yellow Medicine County Fair Association, when not receiving specific state appropriations, pro rata, to be paid out in premiums at the fairs of only such society or association as have an annual membership of 25 or more, maintain an active existence, hold annual fairs on grounds owned, leased, or controlled for county or district fair purposes by the society or association, or by the governmental subdivision where such fair is held; provided, that no such organization shall receive from the state during any one year more than it has paid out to its exhibitors for premiums during the year; and, provided, further, that except as hereinafter provided no such county or district agricultural society shall receive in any year from the state, for the purpose of reimbursing it for the amount of premiums paid at its fairs, a sum in excess of \$1,700, not over \$700 of which shall be for premiums paid for 4 H Club exhibits, provided, however, any society or association which shall pay out to exhibitors for premiums a sum in excess of \$3,000 in any one year, such society or association shall receive in addition to said sum of \$1,700, additional state aid equal to 50 per cent of such excess over \$3,000. Such pro rata distribution shall be in accordance with the following method: the premiums paid out by these societies or associations, after excluding therefrom the payments made for horse races, ball games, and amusement features of any nature, as hereinafter provided, shall be added together, but in case any society or association shall have paid out a sum in excess of \$1,700 in making such total amount, the sum of \$1,700 shall be taken in place of the amount actually paid out. The total amount available for distribution shall be divided by such total amount of premiums paid out and the rate per cent for distribution thus arrived at, but if this shall exceed 100 per cent, the same shall be reduced to 100 per cent. The amount of the premiums so paid out by each society shall then be multiplied by this rate, and the amount each society shall receive shall be in that manner determined, but the sum of \$1,700 shall be so multiplied by the rate in case of any society which shall have actually paid out in a sum in excess of \$1,700. All payments authorized under the provisions of this chapter shall be made only upon the filing by the public examiner with the state auditor of a certificate of examination, in which the public examiner shall certify that he has caused an examination to be made of the records and accounts of the agricultural society making application for state aid and that it has in every respect complied with the requirements of this chapter relating to state aid. Upon receipt of the certificate of examination by the public examiner, it shall be the duty of the state auditor to draw his voucher in favor of the agricultural society for the amount to which it is entitled under the pro rata distribution of any appropriations made for the purpose of state aid to such societies. As used herein the term premium shall mean the actual amount paid to an exhibitor by such organization, pursuant to its premium list as adopted and published at least three weeks in advance of the opening day of its fair, as an award for the merit of an entry exhibited by him at the annual fair.

Subd. 2. Accounting methods; duty of public examiner. It shall be the duty of the public examiner to prescribe uniform forms and methods of accounting to be used by agricultural societies, and no such society shall be entitled to state aid under the provisions of this chapter, unless it has complied with the orders and instructions of the public examiner with respect to the use of the accounting forms and methods so prescribed by the public examiner.

Subd. 3. Certification by state auditor; certain payments excluded. Any county or district agricultural society which may have held its second annual fair shall be entitled to share pro rata in such distribution. The state auditor shall certify to the secretary of the state agricultural society, on or before January 5 of each year, a list of all county or district agricultural societies that have complied with this chapter, and which are entitled to share in such appropriation. All payments hereunder shall be made on or before December 20 of the year in which the fair is held;

provided, that in determining the amount to be paid to any society or association under this section, the state auditor shall exclude all payments made by the society or association as premiums or purses for, or in horse races, ball games, and amusement features of any nature.

[*R. L. s. 3098; 1911 c. 381 s. 6; 1913 c. 425 s. 1; 1915 c. 243 s. 1; 1919 c. 138 s. 1; 1921 c. 452 s. 1; 1923 c. 301 s. 1; 1925 c. 47; 1929 c. 211; 1937 c. 352 s. 2; 1947 c. 493 s. 1*] (7886)

38.03 LEASE OF COUNTY LANDS. The county board of any county may lease to agricultural societies established and existing in its county, for such period and on such terms as it shall deem expedient, any lands of the county, including any portion of lands of the county used as a poor farm, to be used by the society for fair purposes. The society may construct on the leased land, suitable buildings, race tracks, and other improvements; provided, that in case of the leasing by the county board of any county of lands previously set aside as a poor farm, such improvements shall be constructed according to a plan previously submitted to the county board and approved by it. During all times when such leased land is not used for fair purposes, the land shall be and remain under the supervision and control of the county board or such overseer as may be appointed by the board.

[*R. L. s. 3099; 1915 c. 346 s. 1*] (7887)

38.04 ANNUAL MEETINGS; REPORTS. Every county agricultural society shall hold an annual meeting for the election of officers and the transaction of other business on or before the third Tuesday in November, each year, at which time its secretary shall make a report of its proceedings for the preceding year; this report shall contain a statement of all transactions at its fairs, the numbers of entries, the amount and source of all moneys received, and the amount paid out for premiums and other purposes, and show in detail its entire receipts and expenditures during the year.

The treasurer shall make a comprehensive report of the funds received, paid out, and on hand, and upon whose order paid. Each secretary shall cause a certified copy of his annual report to be filed with the register of deeds of the county and the state auditor on or before the first day of November, each year.

[*R. L. s. 3100; 1911 c. 381 s. 7; 1919 c. 114 s. 1; 1947 c. 493 s. 2*] (7888)

38.05 RIGHT OF EMINENT DOMAIN. Every county agricultural society may acquire, by right of eminent domain, such private real property as may be necessary or convenient for the transaction of the public business for which it was formed.

[*1921 c. 296 s. 1*] (7888-1)

38.06 INSURANCE AGAINST RAIN; RAIN PROTECTION FUND. The county agricultural societies or associations now or hereafter organized under authority of law, which now are or hereafter may become members of the Minnesota federation of county fairs, are each hereby authorized and empowered to enter into a mutual agreement, each with the other, whereby each of the parties thereto shall annually pay to the treasurer of the Minnesota federation of county fairs, for the period covered by the agreement, unless sooner terminated, as herein provided, the sum of money therein specified, or which may be ascertained and determined by some rule or method therein agreed upon or adopted by the board of directors of the federation, which money so paid shall constitute a special fund, to be known as the "rain protection fund," and used only as hereinafter provided, but no agreement shall become effective until at least 25 county societies or associations have executed the same.

[*1925 c. 334 s. 1*] (7888-2)

38.07 SPECIAL FUND; LOSSES. The money so received by the treasurer of the Minnesota federation of county fairs shall be kept separate from the other funds and moneys of the federation and disbursed to the county societies or associations which are parties to the agreement in payment of financial losses sustained by them on account of rain during the holding of their respective annual county fairs or exhibitions, the same to be distributed according to the terms and conditions of the agreement, or according to such rules and regulations as may be adopted, from time to time, by the board of directors of the Minnesota federation of county fairs, not inconsistent with the terms and conditions of the agreement.

The board of directors of the Minnesota federation of county fairs shall determine what county societies or associations suffered loss on account of rain during the holding of their respective annual county fairs or exhibitions, the amount of

such losses, and the portion of the fund each society or association suffering loss is entitled to; and, to that end, the board of directors may require each society or association claiming a loss to furnish to it such evidence, information, and proof in respect thereto as, in the judgment of the board, is necessary for a full and equitable allotment and distribution of the rain protection fund. The board may adopt rules and regulations defining compensable losses, the method of determining the same, and the amount thereof. The determination by the board of the amount which any county agricultural society or association is entitled to on account of any loss alleged to have been sustained by it shall be conclusive upon the claimant and all parties to the agreement. In case the fund shall be insufficient to pay all losses in full for any particular year, it shall be prorated among the societies or associations suffering loss during that year in proportion to the amount of their respective claims, as allowed by the board of directors; and, if the fund shall be more than sufficient in any year to pay all claims so allowed in full, the surplus shall be retained in the rain protection fund for the payment of future losses.

[1925 c. 334 s. 2] (7888-3)

38.08 WITHDRAWALS FROM AGREEMENT. Any county society or association may withdraw from the agreement at any time, except during the holding of its annual fair or exhibition and the 30 days immediately preceding, but upon the withdrawal the society or association shall forfeit all right to any moneys theretofore paid into the rain protection fund, and all right to further participate therein.

[1925 c. 334 s. 3] (7888-4)

38.09 BOND OF TREASURER OF MINNESOTA FEDERATION OF COUNTY FAIRS. Upon the agreement being signed by 25 or more county societies or associations, the treasurer of the Minnesota federation of county fairs shall forthwith furnish a bond, with corporate surety, in such sum as the board of directors shall fix, payable to the federation, for the use and benefit of each and all county societies or associations entitled to share in the distribution of the rain protection fund, conditioned for the safe-keeping of the fund and the prompt payment thereof to the societies or associations entitled thereto, which bond shall be subject to the approval of the board of directors.

[1925 c. 334 s. 4] (7888-5)

38.10 PREMIUM ON BOND OF TREASURER. The premium upon the bond required by section 38.09 shall be payable from the rain protection fund. The board of directors is also authorized to audit and allow claims for expenses incurred in carrying out the provisions thereof, and direct the payment thereof from the rain protection fund. These expenses shall be deducted before the payment of loss claims.

[1925 c. 334 s. 5] (7888-6)

38.11 INSURANCE LAWS NOT APPLICABLE. The exercise of the privileges and powers herein granted shall not be deemed "insurance," as defined by section 60.02, subdivision 3, and shall not be subject to the provisions of the laws of this state relating to insurance.

[1925 c. 334 s. 6] (7888-7)

38.12 APPROPRIATIONS BY CERTAIN MUNICIPALITIES. The council of any village or city and the board of supervisors of any town having fairs of county and district agricultural societies or associations, who are members of the Minnesota state agricultural society, held within their corporate limits or in close proximity thereto, are hereby authorized and empowered to appropriate for and pay to such agricultural society or association annually a sum not exceeding \$1,000.

[1913 c. 546 s. 1] (7889)

38.13 PUBLIC EXAMINER TO EXAMINE BOOKS. All books and affairs of all county agricultural societies or any like societies receiving aid from the appropriation for aid of county agricultural societies shall be subject to examination by the public examiner for the current year.

[1913 c. 452 s. 1] (7890)

38.14 COUNTY FAIRS IN CERTAIN COUNTIES. In any county in this state now or hereafter having a population of 150,000, the county board may annually appropriate not to exceed \$2,000 to assist in maintaining a county fair, which fair shall be under the management and control of a county agricultural society. The appropriation shall be made either to the treasurer of the society or to some other suitable person, but before the money is paid to the treasurer or other person, he

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shall file with the county auditor a satisfactory bond in double the sum of the appropriation, conditioned upon the faithful disbursing and accounting for all of the funds so appropriated. The funds so appropriated shall be used solely for the purpose of obtaining, preparing, and arranging exhibits and paying premiums to exhibitors. The treasurer or other person to whom the appropriation is paid shall, within four months after the holding of any such aided annual fair, file with the county auditor his verified and detailed report showing the name and address of every person to whom any of the money was paid, together with the date of payment, and a full description of the purposes for which the money was so paid, and he shall attach thereto receipts and sub-vouchers for each payment so made and return to the county treasurer all of the unexpended portion thereof. After the report, receipts, and sub-vouchers have been audited by the county board and found to be correct, it may, by resolution, release the treasurer or other person and his sureties from all further liabilities under bond.

[1913 c. 271 s. 1; 1917 c. 311 s. 1; 1923 c. 205] (737)

38.15 SITES AND BUILDINGS. The county board in any such county may also annually appropriate such further sum as it may desire, not exceeding \$7,500, for the purpose of procuring a suitable site and the erection of a suitable county building thereon, for the building or repairing of a race track and for grading and improving the grounds, to be used in connection with such county fair, but the site and the building and improvements shall be and remain the property of the county, and the annual appropriation shall be used only for the purpose of so acquiring the site and building and grading and for the necessary care, repair, maintenance, and up-keep thereof.

[1913 c. 271 s. 2; 1917 c. 311 s. 2] (738)

38.16 EXEMPTION FROM ZONING ORDINANCES. When lands lying within the corporate limits of towns or cities of the first or second class of the state are owned by a county and used for agricultural fair purposes, the lands and the buildings now or hereafter erected thereon shall be exempt from the zoning, building, and other ordinances of the town or city; provided, that no license or permit need be obtained from, nor fee paid to, the town or city in connection with the use of the lands.

[1927 c. 212; 1931 c. 166 s. 1] (738-1)

38.17 [Omitted, local]

38.18 COUNTY FAIR GROUNDS, IMPROVEMENT AIDED. Any town, village, or school district in this state, now or hereafter having an assessed valuation of all its taxable property, exclusive of money and credits, of more than \$25,000,000, and having a county fair located within its corporate limits, is hereby authorized to aid in defraying part of the expense of improving any such fair ground, by appropriating and paying over to the treasurer of the county owning the fair ground such sum of money, not exceeding \$10,000, for each of the political subdivisions, as the governing body of the town, village, or school district may, by resolution, determine to be for the best interest of the political subdivision, the sums so appropriated to be used solely for the purpose of aiding in the improvement of the fair ground in such manner as the county board of the county shall determine to be for the best interest of the county.

[1925 c. 321 s. 1] (738-3)

38.19 EXPENDITURE OF APPROPRIATIONS. The county board owning any such fair ground may expend the funds so appropriated and paid over by any such town, village, or school district for the use of the county, in the same manner as the funds of the county set apart for these purposes may be expended; and may, by resolution, set apart for the use of the town, village, or school district any building, or any portion of the fair ground, that may be constructed or otherwise improved with the funds so appropriated and paid over to the county by the town, village, or school district, but the title to the building, or other improvement, shall be and remain the property of the county as part of the fair ground property.

[1925 c. 321 s. 2] (738-4)

38.20 SUPPLEMENTAL TO EXISTING LAWS. Sections 38.18 to 38.20 shall be supplemental to any existing laws authorizing any town, village, or school district to appropriate funds to aid in the carrying on of any county fair located within the limits of the town, village, or school district, and any town, village,

or school district which now has such power shall continue to have such power to make the appropriations to any such county agricultural society as may be authorized by existing laws.

[1925 c. 321 s. 3] (738-5)

38.21 to 38.25 [Omitted, local]

38.26 BUILDINGS ON CERTAIN LANDS; TAX LEVY. Any county having, or which may hereafter have, a population of not less than 225,000, nor more than 330,000, in which is situated and located a county agricultural society, may erect and equip two buildings, to be known as the main exhibition building and grand stand, on the property owned or hereafter acquired by the county or the agricultural society, in an amount not to exceed \$25,000.

The board of county commissioners of the county may make provisions in the annual tax levies for the payment of the cost of erecting and equipping these buildings.

[1925 c. 248 ss. 1, 2] (738-13, 738-14)

38.27 COUNTY AGRICULTURAL SOCIETIES; TAX LEVY. In addition to all other powers now or hereafter by law conferred upon county boards, authority hereby is given annually to levy a tax of not to exceed one-half mill upon all property subject to taxation and, from time to time, to appropriate and pay over the proceeds of this tax, when collected, to any county agricultural society of its county which is a member of the state agricultural society, to assist the society in paying its financial obligations now or hereafter incurred, and for the construction, reconstruction, alteration, repairs and improvements of necessary buildings.

[1927 c. 111; 1947 c. 97 s. 1] (738-15)

38.28 AGRICULTURAL SOCIETIES; TAX LEVY; EXCEPTIONS. In addition to all other powers now or hereafter by law conferred upon county boards, authority hereby is given annually to levy, by a four-fifths vote of the board, a tax of not to exceed one-quarter mill upon all property subject to taxation and, from time to time, to appropriate and pay over the proceeds of this tax, when collected, to any county agricultural society of the county which is a member of the state agricultural society, to assist the society in paying its financial obligations heretofore incurred. This section shall not apply to counties having authority to levy a greater tax under existing laws. This section shall not apply to counties in which there is a city of the first class.

[1927 c. 128 ss. 1, 2; 1929 c. 48 ss. 1, 2] (738-16, 738-17)

38.29, 38.30 [Omitted, local]

38.31 APPROPRIATIONS TO COUNTY AGRICULTURAL SOCIETIES. The county board of any county now or hereafter having a population of not less than 220,000 nor more than 330,000 inhabitants, which now owns or shall hereafter own the grounds, together with the buildings thereon, on which a county agricultural society, which is a member of the state agricultural society, holds an annual fair or exhibition, may appropriate not to exceed \$7,000 for the purpose of remodeling and making additions to present buildings on these grounds and for paying off any indebtedness which shall now exist.

[1929 c. 373 s. 1] (738-20)

38.32 COUNTY FARM BUREAUS. Corporations to be known as county farm bureaus may be organized to develop and foster the agricultural, social, and commercial interests of the citizens of the county in which they are organized by the creation and development of cordial and friendly relations between the residents of the urban and rural districts thereof, by encouraging and aiding the organization of social and business clubs within the various villages, towns, and school districts of the county, by cooperating with the department of agriculture of the United States and the colleges of agriculture of the state in carrying out the plans and purposes of the department and the colleges in improving the social and business interests of persons engaged in agriculture, and by such other means and methods as may be deemed advisable.

These corporations shall be incorporated in the manner and under the provisions of law applicable to the corporation specified and authorized to be organized under the provisions of section 309.01, and acts supplementary thereto.

No fee other than the usual recording fee, payable to the secretary of state, shall be required to be paid to any officer of the state for filing such articles of incorporation with the secretary of state.

[1913 c. 519 ss. 1, 2, 3] (6246, 6247, 6248)