

**CHAPTER 38****COUNTY AGRICULTURAL SOCIETIES, FAIRS, FARM BUREAUS****38.01 COUNTY AGRICULTURAL SOCIETIES**

The articles of incorporation of an agricultural society fixes the rights of the stockholders and are in the nature of a fundamental contract and if the articles of incorporation contain no provision requiring the corporation to purchase outstanding shares of stock, no duty rests upon the board to do so. OAG Jan. 28, 1949 (772-A-5).

The Sibley County Agricultural Society, whose corporate existence terminated June 1, 1913, and which did not take advantage of Laws 1945, Chapter 193 or Laws 1947, Chapter 158, and as Laws 1949, Chapters 6, 12, and 41 are not applicable in the present instance, there is no way by which the corporate existence of the Sibley County Agricultural Society may now be renewed and the persons interested should form a new corporation under present existing laws. OAG May 18, 1949 (772-A-5).

A city of the fourth class under home rule charter exercises police power for general welfare purposes. Where the county fair grounds are owned by the county and are located entirely within the corporate limits of the city, and where the county has leased those grounds to a county agricultural society for the purposes of conducting fairs and exhibits, the city may prohibit automobile races within the city including the fair grounds except during the time when the fair is being held thereon, provided the facts indicate a necessity of prohibiting such races for the protection and preservation of life and property. OAG Aug. 28, 1950 (59-A-27).

**38.02 COUNTY AGRICULTURAL SOCIETIES AIDED**

**HISTORY.** 1897 c 86; 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; 1949 c 508 s 1; 1951 c 446 s 1-4; 1953 c 69 s 1.

Under Laws 1947, Chapter 492, amending section 38.02, a fair may now be held on grounds owned and controlled by a governmental subdivision, and obtain the benefit of the state distribution. OAG Aug. 5, 1947 (772-A-1).

Section 38.02 as amended by Laws 1947, Chapter 493, appropriates aid to county agricultural societies and limits the aid paid to the amount paid by the society in premiums. If exhibitors rebate any part of the premium paid to them the amount paid by the state to the county agricultural society will be the remainder after deducting the amount rebated. OAG Nov. 20, 1947 (772-A-6).

An agricultural society conducting a county agricultural fair complies with the qualifications necessary to participate in the state appropriation where in addition to its own grounds it leases livestock pavilion during the period when the fair is being held. OAG July 29, 1948 (770-A-1).

The Scott County Good Seed Association has the right to enter into a lease with Jordan Baseball Association permitting the latter association to use the grounds at any time they are not required for county fair purposes. OAG Nov. 9, 1949 (772-C-5).

The fact that an agricultural society charges a fee for the entry of an exhibit at the annual fair does not affect the society's qualification for reimbursement of premiums paid. OAG Dec. 19, 1949 (772-A-6).

Section 38.02, as amended by Laws 1949, Chapter 508, provides that a premium allowed by a county fair and agricultural society is the actual amount paid to an exhibitor pursuant to the amount shown for each article to be exhibited on its premium list. Unless the provisions of this amendment are complied with, the organization is not entitled to state aid. OAG Nov. 22, 1949 (772-A-6).

The county board is without authority to appropriate money to erect or repair buildings situated on fair grounds owned by a county agricultural society. OAG Mar. 24, 1950 (772-A-1).

The requirement for submission of the annual report is a substantive provision with which compliance is mandatory, but the provision relating to filing report on or before November 1 of the current year is directory. OAG Dec. 5, 1951 (772-A-6).

A county agricultural association receiving financial aid from the state under section 38.02, is not a municipality as defined in Laws 1951, Chapter 428, Section 1, Subdivision 4, and is required to obtain a trailer coach park license as required by section 2 of said act. OAG May 22, 1952 (238-I).

The agricultural society receiving state aid may pay premium awards to a 4-H club and the accumulated funds of a county agricultural society may be used to financially aid in the construction of the building for a 4-H club on the fair grounds leased by the society from the county. OAG Apr. 22, 1953 (772-E).

**38.03 LEASE OF COUNTY LANDS**

Where a private individual has requested a permit to use the livestock pavilion on the fair grounds as a livestock sales pavilion and would use it in such a way as not to conflict with the release provisions of the county agricultural society, they may authorize the lease for livestock sales purposes if the county board is of the opinion that the public interest will be promoted by the contemplated arrangement. OAG Aug. 12, 1949 (772-E-5).

**38.07 SPECIAL FUND; LOSSES**

The Minnesota Federation of County Fairs is a body corporate and has the power at any annual meeting of the Federation to amend its bylaws. OAG Aug. 10, 1949 (92-A-2).

**38.14 COUNTY FAIRS, CERTAIN COUNTIES**

HISTORY. Amended, 1951 c 218 s 1.

38.17 Omitted, local.

38.21-38.25 Omitted, local.

**38.27 COUNTY AGRICULTURAL SOCIETY**

HISTORY. 1927 c 111; 1947 c 97 s 1; 1953 c 514 s 1.

A county board may levy a tax for aid to an agricultural society within the county and which is a member of the state agricultural society and may issue warrants in anticipation of the collection of such tax. There is authority for the principle that where an act, section or provision is void because not within the title and which afterwards is incorporated in a code or revision passed under an appropriate general title the same will be valid upon the passage of the code or revision. The words "when collected" are not to be construed so as to prohibit the county from issuing warrants to the agricultural society in anticipation of the collection of the tax. OAG Aug. 31, 1948 (519-A).

The county board may, pursuant to sections 38.27 and 38.28, levy a tax for aid to agricultural society within county which is a member of the state agricultural society; under section 375.18 (8) county board may make an annual appropriation to the county agricultural society of its county, and under (9) of said section, when the county owns the land and the structures thereon, it may expend county funds for improving the same, and section 395.08 grants further power to certain county boards to make further appropriations to certain organizations, including agricultural societies; county may not assume, nor use its funds, to pay obligations of the county agricultural society. OAG Aug. 16, 1951 (519-A).

A county board of certain counties may levy a tax under sections 38.27 and 38.28 for aid to agricultural societies within certain limitations and certain restrictions. The county board may appropriate only a sum of not to exceed \$1,000 to certain agricultural societies under the provisions of section 375.18, subdivision 9; and under section 395.08, the county board may levy a certain amount for aid to any organization of the state for use in advancing the interest of the county by advertising, improving, or developing the agricultural resources of the county. OAG Sept. 5, 1952 (519-A).

The county board is authorized to levy a tax of one-half mill and pay the proceeds of such tax when collected to the county agricultural society for certain purposes. OAG Apr. 22, 1953 (519-A).

38.29, 38.30 Omitted, local.

**CHAPTER 39**

**STALLIONS AND JACKS**

39.01-39.15 Repealed, 1953 c 186 s 1.

**CHAPTER 40**

**SOIL CONSERVATION**

**40.01 DEFINITIONS**

Motor vehicles of a soil conservation district are exempt from motor vehicle taxes. OAG Mar. 20, 1953 (632-A-12).

**40.02 PUBLIC POLICY; PURPOSE**

Soil conservation districts need not advertise for bids when purchasing personal property, the cost of which exceeds \$500. Such districts may borrow money and repay same out of available funds or from income derived from rental of equipment. OAG Oct. 4, 1950 (705-A-3).

**40.03 SOIL CONSERVATION COMMITTEE**

HISTORY. Amended, 1949 c 347 s 1.

Additional powers conferred on state soil conservation committee. 33 MLR 35.

The state soil conservation committee is subject to the reorganization act, Laws 1939, Chapter 431, Section 2, and in entering into contracts with the federal government or agencies thereof, the committee must comply with Laws 1947, Chapter 634, Section 62. OAG Nov. 26, 1947 (705-A-2).

Laws 1947, Chapter 194, Section 1 (6) empowers the committee to subdivide and consolidate districts without a hearing, and action taken by the committee pursuant thereto may be by resolution. Where a new district is created or new additions from non-existing districts are added to old districts, an application from the supervisors should be filed. OAG Nov. 26, 1947 (705-A-3).