

CHAPTER 38

COUNTY AGRICULTURAL SOCIETIES, FAIRS, FARM BUREAUS

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38.01 COUNTY AGRICULTURAL SOCIETIES; FORMATION, POWERS. An agricultural society or association 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. An agricultural society may sue and be sued in its corporate name; may adopt bylaws, 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 bylaw 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 s 1; 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; 1955 c 618 s 1] (7885)

38.011, 38.012 [Repealed, 1955 c 618 s 6]

38.02 AID, DISTRIBUTION. Subdivision 1. **Schedule.** (1) 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 Society, The Benton County Agricultural Society, Big Stone County Agricultural Society, Blue Earth County Agricultural Association, Mankato Fair and Blue Earth County Agricultural Association, Brown County Agricultural Society, The Carlton County Agricultural and Industrial Association, Carver County Agricultural Society of Waconia, 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, Crow Wing County Fair Association, Dakota County Agricultural Society, The Dodge County Agricultural and Mechanical Society, Douglas County Agricultural Association, Faribault 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 Le Sueur County Fair Association, The Lincoln County Agricultural Society and County Fair Association, Lyon County Agricultural Society, McLeod County Agricultural Association, Mahnommen 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 Agricultural Fair Association, South St. Louis County Fair Association, 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 Agricultural Society, Winona County Agricultural and Industrial Association, Wright County Agricultural Society, The Yellow Medicine County Fair Association, pro rata, upon condition that each of them has complied with the conditions specified in clause (2).

(2) To be eligible to participate in such distribution, each such agricultural society or association (1) shall have held an annual fair for each of the three years last past, unless prevented from doing so because of a calamity or an epidemic declared by the local or state board of health to exist; (2) shall have an annual membership of 25 or more; (3) shall have paid out to exhibitors for premiums awarded at the last fair held a sum not less than the amount to be received from the state; (4) shall have published and distributed not less than three weeks before the opening day of the fair a premium list, listing all items or articles on which premiums are offered and the amounts of such premiums and shall have paid premiums pursuant to the amount shown for each article or item to be exhibited; provided that premiums for school exhibits may be advertised in the published premium list by reference to a school premium list prepared and circulated during the preceding school year; and shall have collected all fees charged for entering an exhibit at the time the entry was made and in accordance with schedule of entry fees to be charged as published in the premium list; (5) shall have paid not more than one premium on each article or item exhibited, excluding championship or sweep-stake awards, and excluding the payment of open class premium awards to 4 H Club exhibits which at this same fair had won a first prize award in regular 4 H Club competition; (6) shall have submitted its records and annual report to the public examiner on a form provided by the state auditor, on or before the first day of November of the current year.

(3) 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 or association making application for state aid and that it has in every respect com-

plied with the requirements of this chapter. The certificate shall also state the total amount of premiums paid by the society or association. As used herein the term premium shall mean the cash award paid to an exhibitor for the merit of an exhibit of livestock, livestock products, grains, fruits, flowers, vegetables, articles of domestic science and articles made by school pupils, or the cash award paid to the merit winner of events such as 4 H Club or Future Farmer Contest, Youth Group Contests, school spelling contests and school current events contests, the award corresponding to the amount offered in the advertised premium list referred to in schedule 2. Payments of awards for horse races, ball games, musical contests, talent contests, parades, and for amusement features for which admission is charged, are specifically excluded from consideration as premiums within the meaning of that term as used herein. 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 or association for the amount to which it is entitled under the provisions of this chapter, which amount shall be computed as follows: On the first \$750 premiums paid by each society or association, such society or association shall receive 100 percent reimbursement; on the second \$750 premiums paid, 80 percent; on the third \$750 premiums paid 60 percent; and on any sum in excess of \$2,250, 40 percent.

(4) If the total amount of state aid to which the agricultural societies and associations are entitled under the provisions of this chapter exceeds the amount of the appropriation therefor, the amounts to which the societies or associations are entitled shall be pro rated so that the total payments by the state will not exceed the appropriation.

Subd. 2. Accounting; public examiner, duties. It shall be the duty of the public examiner to prescribe uniform forms and methods of accounting to be used by agricultural societies, and associations.

Subd. 3. Certification, state auditor. 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.

[*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 s 1; 1929 c 211 s 1; 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; 1955 c 618 s 2-4*] (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.

[*R L s 3099; 1915 c 346 s 1; 1955 c 618 s 5*] (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)

38.06-38.11 [Repealed, 1955 c 618 s 6]

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)

C173~ | **38.14 COUNTY FAIRS, 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, except that counties having more than 300,000 and less than 450,000 inhabitants may appropriate not to exceed \$5,000, 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 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; 1951 c 218 s 1] (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. In any county in this state now or hereafter having a population in excess of 150,000 and an area of more than 5,000 square miles, the county agricultural society may expend funds appropriated to it for the year 1957 for the payment of debts and liabilities incurred during the year 1956 in the construction of county fair buildings, notwithstanding the provisions of Laws 1941, Chapter 118.

[1913 c 271 s 2; 1917 c 311 s 2; 1957 c 637 s 1] (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)

38.161 RESTAURANT; LICENSES WHEN NOT REQUIRED. Subdivision 1. No governmental subdivision of this state shall impose any license upon or collect

a license or service fee from any group, association or organization operating a restaurant, as defined in section 157.01, where the purpose of such operation is solely to provide meals, lunches or refreshments for a limited period not to exceed one week at a fair conducted by a county agricultural society. This exemption from licensure does not exempt such group, association or organization from compliance with any sanitary or public health ordinance or regulation of the political subdivision having jurisdiction over the area in which such operation is conducted.

Subd. 2. For the purpose of this section a County Agricultural Society shall not be considered to be a governmental subdivision.

[1957 c 59 s 1, 2]

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)

38.21-38.25 [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. Subdivision 1. **Tax levy, powers.** In all counties, except counties described in subdivision 2, 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.

Subd. 2. **Mahnomen county, tax levy.** In any county having over 7,000 and less than 8,000 inhabitants according to the 1950 federal census and less than 20 full and fractional congressional townships, the county board may levy a tax annually of not to exceed two mills upon all property subject to taxation, for the purposes set forth in subdivision 1.

[1927 c 111; 1947 c 97 s 1; 1953 c 514 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. A county farm bureau may be incorporated under Minnesota Statutes, Chapter 317, in any county to develop and foster the agricultural, social, and commercial interests of the people of the county by creating, developing, and encouraging cordial and friendly relations between residents of its urban and rural districts, by encouraging and aiding the organization of social and business clubs within the villages, towns, and school districts of the county, by co-operating with the department of agriculture of the United States and the colleges of agriculture of the state in carrying out their plans and purposes for the improvement of the social and business interest of persons engaged in agriculture, and by other advisable means and methods.

[1913 c 519 s 1-3; 1955 c 517 s 1] (6246, 6247, 6248)