

CHAPTER 37

STATE AGRICULTURAL SOCIETY

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37.01 PUBLIC CORPORATION. The state agricultural society as it now exists is hereby confirmed and established as a public corporation. The conveyance to the state of the land in Ramsey County known and used as "the state fair grounds" and described as Southeast Quarter (SE¼) of Section Twenty-one (21) and East half (E½) of East half (E½) of Southwest Quarter (SW¼), Section Twenty-one (21), Township Twenty-nine (29), Range Twenty-three (23), is hereby confirmed, and anything in said conveyance to the contrary notwithstanding the same shall be held by the state forever for the following public purposes: For exhibiting thereon, under the management and control of the society, at annual fairs and at such times as the said society shall determine, the agricultural, stock-breeding, horticultural, mining, mechanical, industrial, and other products and resources of the state, including proper exhibits and expositions of the arts, human skills, and sciences; for such other uses and purposes, including the leasing of parts of the state fair grounds as the state agricultural society from time to time may determine, provided that the said society shall not lease any part of the state fair grounds if the lessee is going to compete with an existing established business of auto racing within a radius of 40 miles, except during the operation of the state fair and all other public exhibitions pertinent to expositions of human art, industry, or skill. Neither the state nor the society shall ever charge or encumber this property.

[R L s 3079; Ex1957 c 6 s 1] (7860)

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

[1925 c 426 art 17 s 1; 1939 c 431 art 8 s 12; 1951 c 489 s 1] (53-1m, 53-43)

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

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

(2) One delegate from each county in the state in which no county or district

agricultural society exists to be appointed by the county board of the county.

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

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

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

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

[R L 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] (7861)

37.04 SELECTION OF MANAGERS; VACANCIES. The management and control of its affairs shall be vested in its president, two vice-presidents, and eight other managers, one from each congressional district not represented by a vice-president, to be known as its governing board, all of whom shall be citizens of this state, and any six of whom shall constitute a quorum. The annual meeting of the society shall be held at such place in St. Paul or Minneapolis, or upon the state fair grounds, as the governing board may select. It shall begin on the Wednesday

following the second Tuesday in January, and shall continue until the following Friday, on which day a president shall be elected for the term of one year, one vice-president for a term of two years, and eight managers as follows: At the annual meeting in 1918, and on each third year thereafter, one manager from each of the first, third, and sixth congressional districts; at the annual meeting in 1919, and on each third year thereafter, one manager from each of the seventh and ninth congressional districts; at the annual meeting in 1920, and on each third year thereafter, one manager from each of the second, eighth, and tenth congressional districts; provided, that at the first regular meeting of the board held after the passage and approval of this chapter, the governing board shall appoint one manager from each congressional district not represented on the board by a manager, the managers so appointed to serve until the next following annual election, at which annual meeting, in January, 1916, a successor to the appointed manager from the third congressional district shall be elected for a term of three years, and a successor to the appointed manager from the eighth congressional district shall be elected for a term of two years, in addition to the election of successors to managers and officers whose elective terms expire at such meeting, all of which managers shall thereafter be elected for the term of three years; provided, further, that at no time shall more than one member of the governing board, exclusive of president, hereinbefore provided for, be a resident of any one congressional district. On the day preceding the last day of the annual meeting, the duly accredited delegates to the meeting from each congressional district whose member of the board of managers is about to expire shall meet together at the place for holding the annual meeting and nominate and certify to the annual meeting the choice of the district for manager and, at the time fixed by law for the election of the president of the society and after the nominations have been so certified, presented, and read to the annual meeting, the annual meeting shall proceed to elect managers to fill all expiring terms. Vacancies shall be filled by the governing board. Any person appointed to fill a vacancy shall hold office until the next annual meeting of the society, which shall elect a successor to serve out the unexpired term.

[R. L. s. 3081; 1911 c. 381 s. 2; 1917 c. 277 s. 1; 1917 c. 508 s. 1] (7862)

37.05 OFFICERS; COMPENSATION; EXPENSES. The annual compensation of the president of the governing board shall be \$1,000, and that of the other members \$600 each, which compensation shall be in full for all their services. On the third Tuesday of January, of each year, the board shall elect a secretary, who shall hold office for one year and until his successor is elected and qualified. The compensation of the secretary shall be fixed by the board. The board may also appoint a treasurer for the term of one year and fix his compensation, which shall not exceed \$500 per year. The board may designate the secretary as the treasurer of the society. In addition, the board may allow the actual traveling expenses of its members and of the secretary and treasurer or other employees while in the performance of their official duties, the claims for which shall in all cases be itemized in full and verified before allowance. No expenditure for traveling expenses to other states shall be made by the governing board or by any officer, employee, or agent thereof, unless authority be first granted by a resolution of the governing board, or by its executive committee, stating the reasons and purposes of such trip. All claims amounting to more than \$1 shall be accompanied by a sub-voucher for each item.

[R. L. s. 3082; 1911 c. 381 s. 3] (7863)

37.06 SECRETARY; PUBLIC EXAMINER; DUTIES; REPORT. The secretary shall keep a complete record of the proceedings of the annual meetings of the state agricultural society and all meetings of the governing board, and of any committee of the board, keep all accounts of the society and perform such other duties as the governing board may direct. On or before December 15th, each year, the secretary shall make a report to the governor for the fiscal year ending November 30th each year, showing all the proceedings of the society during the current year, and its financial condition as appears from the books of the society. This report shall contain a full, detailed statement of all receipts and expenditures during the year. The books and accounts of the society for the fiscal year shall be examined and audited annually by the public examiner, if funds and personnel permit, and a full, detailed report thereof made to the governor. A summary of this examination, duly certified by the public examiner, together with his recommendations and the proceedings of the annual meeting of the society first held following

the secretary's report, including such addresses made at the meeting as the governing board shall direct, shall be appended to the secretary's report and printed in like manner as the reports of state officers. Four thousand copies of the report shall be printed annually and distributed as follows: three copies to each society or association entitled to membership in the society, one copy to each newspaper in the state, and the remaining copies in such manner as the governing board shall direct. The unpaid claims for examination heretofore made by the board of audit shall be paid from the funds of the society upon allowance by the governing board.

[R L s 3083; 1911 c 381 s 4; 1957 c 61 s 1] (7864)

37.07 MONTHLY STATEMENTS BY SECRETARY; PURCHASES, EXPENDITURES. The secretary of the state agricultural society shall prepare monthly statements showing all the purchases and expenditures for the preceding month, except from the contingent fund, which shall be signed by him and approved by the president of the governing board. The secretary shall attach to this statement his affidavit that all articles were purchased by him, or under his direction, and to his best information and belief, all articles purchased by the governing board were purchased at a fair cash market value and received by the society, and that all services charged for were actually rendered; that neither he nor any person in his behalf, or the governing board, to his best information and belief, had any pecuniary or other interest in any purchase made or services rendered, or received any pecuniary or other benefit therefrom, directly or indirectly, by commission, percentage, deduction, or otherwise; and that the articles specified conformed in every respect to the goods ordered, in both quality and quantity. This report shall also show the amount of money in the hands of the treasurer of the society and from what sources received; provided, that all claims against the society shall be made out in duplicate and duly verified, upon forms to be prescribed by the governing board.

[1911 c. 381 s. 8] (7865)

37.08 FILING MONTHLY STATEMENT; PAYROLL; PAYMENTS. The monthly statement so made, approved, and verified, together with one copy of each of the duplicate claims provided for by section 38.02, and a statement of every other expense, together with the monthly payroll, shall be filed with the state auditor not later than the tenth of the succeeding month. Two certified copies of the statement shall also be made, one copy to be filed with the secretary and the other with the treasurer of the society. The monthly payroll of the society shall show the name of every officer and employee, when first employed, his monthly pay, time actually served, and amount to be paid. If the society has sufficient funds, the state auditor shall issue his warrant upon the state treasurer in favor of the treasurer of the society for the gross amount shown by the statement and pay-roll and the latter shall pay to the several persons the amount of their respective claims as shown by the statement and payroll. On receipt of the statement, the state auditor shall deliver to the state treasurer a draft upon the treasurer of the state agricultural society for the moneys on hand as shown by the statement. Upon payment of this draft, the amount shall be credited to the account of the state agricultural society, to which shall also be credited all interest accruing thereon.

[1911 c. 381 s. 9] (7866)

37.09 CONTINGENT FUND; STATE FAIR PERIOD; TRANSFER OF FUNDS; STATEMENTS, REPORT. The governing board may create a contingent fund from which expenditures may be made for emergency claims requiring immediate payment and for the payment of freight, express, and drayage, and for the purchase of commodities requiring a cash payment. Disbursements may be made from this contingent fund in such manner as the governing board shall direct. This contingent fund shall not exceed \$1,000. To secure this contingent fund the governing board may, when necessary, make requisition upon the state auditor for a warrant upon the funds in the state treasury to the credit of the state agricultural society. This warrant shall be issued in favor of the secretary or treasurer of the society, as its board shall direct, during August and September of each year, which is hereby designated as the "state fair period;" all receipts may be temporarily retained by the treasurer of the society in a general fund, and payment may be made from this general fund during the state fair period for the necessary expenses of conducting the annual fairs, including temporary employees, the payment of prizes, purses, and premiums and such other emergency expenses as the governing board may direct. Any funds in the state treasury to the credit of the society at the begin-

ning of the state fair period may be transferred to the treasury of the society for the purposes named in this section. This transfer shall be made in the same manner as is provided for securing the contingent fund, but no portion of the transferred funds shall be used in the payment of any contract entered into by the governing board for the erection or repair of buildings. Such expenses shall be paid in the manner provided by sections 38.02 and 38.04. A statement of every expenditure made during each month under the provisions of this section shall be submitted to the governing board under rules established by it and, when approved by the board, a copy thereof, certified by the secretary and attested by the president, shall be filed with the state auditor at the time of filing the statement provided for by section 38.04; provided, that the statements for expenditures from the contingent and general funds during the state fair period shall be included in one report and filed with the state auditor not later than October 15th.

[1911 c. 381 s. 10] (7867)

37.10 STATE AGRICULTURAL SOCIETY FUND CREDITED WITH INTEREST EARNINGS. The state treasurer and the state auditor are hereby directed to annually credit to the state agricultural society interest earnings on money received by the state agricultural society from the operation of the state fair, rentals, and the sale of property and by the society deposited with the state treasurer. These credits shall be computed on the monthly balances, from time to time, to the credit of the society and at the average rate of interest received by the state from its depositories.

[1919 c. 279 s. 1] (7868)

37.11 [Superseded by 37.02]

37.12 ANNUAL APPROPRIATIONS. All moneys paid into the state treasury under the provisions of Laws 1911, Chapter 381, are hereby annually appropriated for the uses and purposes of the state agricultural society.

[1911 c. 381 s. 13] (7871)

37.13 TITLE TO PROPERTY VESTED IN STATE. The title to all money and other property of the society shall vest in the state and there shall be no division of its assets among its members. All moneys received by the society shall be used in the holding of its annual fair, and for such other exhibitions or expositions held from time to time as the society shall determine, for the improvement of the fair grounds, the payment of expenses, premiums, and purses, and furnishing such attractions and amusements as the governing board shall deem necessary for the success of its fairs, and other exhibitions and expositions.

[R L s 3084; Ex1957 c 6 s 2] (7872)

37.14 MANAGEMENT OF PROPERTY; GENERAL OFFICES. The custody, management, and control of the fair grounds and all structures thereon shall be vested in the society as a department of the state, and its general offices, containing its property and records, shall be maintained upon the fair grounds.

[R. L. s. 3085] (7873)

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

[R L s 3086; 1961 c 561 s 6] (7874)

37.16 RULES AND REGULATIONS. The society may make all bylaws, ordinances, and rules, not inconsistent with law, which it may deem necessary or proper for the government of the fair grounds and all fairs to be held thereon, and for the protection, health, safety, and comfort of the public thereon, and provide penalties for their violation; the same to be in effect from the time of filing with the secretary of the society.

[R. L. s. 3087] (7875)

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

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

[R L s 3088; 1951 c 253 s 1] (7876)

37.18 UNLICENSED OR IMPROPER EXHIBITION. Every person who shall engage in any play, game, concert, theatrical or other performance, or exhibit any show, caravan, circus, or curiosity, for which pay or any admission fee is required or received, without license therefor from the governing board, and any person who shall exhibit or perform therein any indecent, obscene, or immoral play or other representation, shall be guilty of a misdemeanor. If any show or exhibition licensed shall prove to be indecent, obscene, or immoral, the governing board shall forthwith close the same, and the license fee paid for such privilege, and any and all other moneys which may have been paid in connection therewith, shall be forfeited to the society.

[R. L. s. 3089] (7877)

37.19 CONTRACTS. The society may contract in its own name, and through its duly appointed officers and agents without the necessity of advertising for, or publicly requesting bids, and the provisions of this chapter, and all ordinances, by-laws, rules, and regulations adopted by its governing board shall be deemed a part of every such contract entered into with any exhibitor, privilege holder, lessee, licensee, or other person.

[R L s 3090; Ex1957 c 6 s 3] (7878)

37.20 SPECIAL PEACE OFFICERS. At or before the time of holding any such 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 fair 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 shall 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 law of the state, or any rule, regulation, by-law, or ordinance of the society, and may summarily remove the persons and property of such offenders from the grounds, and take them before any court of competent jurisdiction to be dealt with according to law. The president, vice-presidents, and members of the board of managers shall also have all the powers by this section conferred upon these constables. Each such peace officer shall wear an appropriate badge of office while acting as such.

[R. L. s. 3091] (7879)

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

[R. L. s. 3092] (7880)

37.22 LOCKUP; SEIZURE OF LIQUORS. The society is authorized to provide and maintain a watchhouse or lockup on the fair grounds for the confinement of offenders and the temporary detention of suspected persons. The governing board,

by itself or its special constables, shall, without warrant, seize and destroy any spirituous, malt, fermented, or intoxicating liquors of any kind found upon the fair grounds.

[R. L. s. 3093] (7881)

37.23 JUSTICE COURT HELD ON FAIR GROUNDS. The governing board of the society may designate a justice of the peace of Ramsey county, who shall hold his court within the limits of the fair grounds while any fair is being held, and for one week prior and subsequent thereto, and there try and determine, in a summary manner, all cases within his jurisdiction, and not be required to grant any change of venue. While acting as such court he shall receive such compensation, not exceeding \$5 per day, as may be fixed by the governing board. All fines, penalties, and costs collected for any offense committed on the fair grounds shall forthwith be paid to the treasurer of the society, and his receipt therefor filed by the court with the county auditor. The governing board may appoint and provide for the compensation of a person to prosecute actions before this court, or to act as its legal adviser.

[R. L. s. 3094] (7882)

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

[R. L. s. 3095] (7883)

37.25 MISDEMEANORS. In addition to other misdemeanors specified in and made punishable by a statute, every person who shall trespass on, enter, or attempt to enter the fair grounds, by jumping, climbing, or passing through any enclosure, or in any manner, except through the gates provided therefor, or who shall enter such gates or other reserved enclosure on the fair grounds, without authority of the governing board or its authorized officers, or who shall obtain permission to enter the fair grounds by impersonating another, or by any misrepresentation or false pretense, or who shall be found lurking, lying in wait, or concealed in any building, yard, or premises upon the fair grounds, or loitering about the immediate vicinity thereof, with intent to steal or commit other offenses or mischief, shall be guilty of a misdemeanor.

[R. L. s. 3096] (7884)