CHAPTER 38

COUNTY AGRICULTURAL SOCIETIES, FAIRS, EXTENSION SERVICE

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38.01 COUNTY AGRICULTURAL SOCIETIES; FORMATION, POWERS.

(a) 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 may rent, lease, sell, exchange, and convey the same. Any income from the rental or lease of the property may be used for any or all of the following purposes: (1) Acquisition of additional real property; (2) Construction of additional buildings; or (3) Maintenance and care of the society's property. This section shall not be construed to preclude the continuance of any agricultural society now existing or the granting of aid to the society.

(b) An agricultural society shall have jurisdiction and control of the grounds upon which its fairs are held and of the streets and adjacent grounds during the fair, so far as may be necessary for fair purposes, and are exempt from local zoning ordinances throughout the year as provided in section 38.16.

(c) The society may contract with the sheriff, local municipality, or security guard as defined in section 626.88 to provide the society with police service. A person providing police service pursuant to a contract is not, by reason of the contract, classified as an employee of the agricultural society for any purpose other than the discharge of powers and duties under the contract.

(d) Any person who shall willfully violate any rule or regulation made by agricultural societies during the days of a fair shall be guilty of a misdemeanor.

The provisions of this section supersede all special laws on the same subject.

History: *(7885) RL 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; 1963 c 408 s 1; 1986 c 444; 1Sp2005 c 1 art 1 s 67; 2011 c 14 s 14*

38.011 MS 1953 [Repealed, 1955 c 618 s 6]

38.012 MS 1953 [Repealed, 1955 c 618 s 6]

38.013 TORT LIABILITY.

Subdivision 1. **General.** Except as provided in subdivision 2, the provisions of chapter 466, regarding tort liability, apply to county agricultural societies organized under this chapter.

Subd. 2. **Unpaid board members; liability.** A person who serves without compensation as a member of the board of a county agricultural society created or organized under this chapter is not civilly liable for an act or omission by that person if the act or omission was in good faith, was within the scope of the person's responsibilities as a member of the board, and did not constitute willful or reckless misconduct.

This subdivision does not apply to:

(1) an action or proceeding brought by the attorney general for a breach of a fiduciary duty by a board member;

(2) a cause of action to the extent it is based on federal law; or

(3) a cause of action based on a board member's express contractual obligation.

This subdivision does not limit the liability of a member of the board for physical injury to the person of another or for wrongful death that is personally and directly caused by the board member.

For purposes of this subdivision, the term "compensation" means any thing of value received for services rendered, except:

(1) reimbursement for expenses actually incurred;

(2) a per diem in an amount not to exceed the per diem authorized for state advisory councils and committees under section 15.059, subdivision 3; or

(3) payment by the county agricultural society of insurance premiums on behalf of a member of the board.

History: *1978 c 659 s 1; 1990 c 555 s 5*

38.02 AID, DISTRIBUTION.

Subdivision 1. **Pro rata distribution; conditions.** (a) Money appropriated to aid county and district agricultural societies and associations shall be distributed among all county and district agricultural societies or associations in the state pro rata, upon condition that each of them has complied with the conditions specified in paragraph (b).

(b) To be eligible to participate in the distribution of aid, each agricultural society or association shall have:

(1) 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 community health board as defined in section 145A.02, subdivision 5, the state commissioner of health, or the Board of Animal Health to exist;

(2) an annual membership of 15 or more;

(3) 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) published and distributed, or made available on an Internet website, 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) paid not more than one premium on each article or item exhibited, excluding championship or sweepstake awards, and excluding the payment of open class premium awards to 4H Club exhibits which at this same fair had won a first prize award in regular 4H Club competition; and

(6) submitted to the commissioner of agriculture on or before the first day of November of the year in which the fair was held its annual report of premiums paid.

(c) All payments authorized under the provisions of this chapter shall be made only upon the presentation by the commissioner of agriculture with the commissioner of management and budget of a statement of premium allocations. 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, handicrafts, hobbies, fine arts, other products of a creative nature, and articles made by school pupils, or the cash award paid to the merit winner of events such as 4H 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, horse pulls, tractor pulls, demolition derby, automobile or other racing, jackpot premiums, 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. The amount shall be computed as follows: On the first $750 premiums paid by each society or association at the last fair held, the 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. The commissioner of management and budget shall make payments not later than July 15 of the year following the calendar year in which the annual fair was held to those agricultural societies or associations entitled to payments under the provisions of this chapter.

(d) 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, the amounts to which the societies or associations are entitled shall be prorated so that the total payments by the state will not exceed the appropriation.

Subd. 1a. **Premiums for certain livestock and livestock products.** A livestock and livestock product exhibit for which a premium may be paid pursuant to subdivision 1, paragraph 3, includes, but is not limited to, livestock exhibited live on the association or society grounds and the carcass of the same animal exhibited later at a place of slaughter off the association or society grounds.

Subd. 2. MS 2002 [Repealed, 2004 c 254 s 49]

Subd. 3. MS 2008 [Repealed, 2009 c 94 art 1 s 107]

Subd. 4. MS 2008 [Repealed, 2009 c 94 art 1 s 107]

History: *(7886) RL 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; 1963 c 195 s 1; 1963 c 408 s 2; 1967 c 513 s 1; 1973 c 492 s 14; 1976 c 163 s 4,5; 1976 c 239 s 14; 1977 c 121 s 2-4; 1977 c 305 s 45; 1983 c 300 s 22,23; 1984 c 654 art 3 s 30; 1986 c 444; 1987 c 309 s 24; 2003 c 128 art 3 s 35,36; 2004 c 254 s 6,7; 2009 c 101 art 2 s 109; 2014 c 291 art 7 s 28

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, racetracks, 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.

History: *(7887) RL s 3099; 1915 c 346 s 1; 1955 c 618 s 5*

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. Service on the county agricultural society board or as an officer of the board is not a public office. Elected officials of the state or its political subdivisions may serve on the board or be elected as officers.

At the annual meeting, an officer of the society shall make a report of its proceedings for the preceding year and a financial statement prepared in accordance with generally accepted accounting principles. The report must also list the amount paid out for premiums and for other purposes.

Reports of the society are public data under chapter 13 and must be made available for inspection by any person.

History: *(7888) RL s 3100; 1911 c 381 s 7; 1919 c 114 s 1; 1947 c 493 s 2; 1973 c 492 s 14; 1976 c 181 s 2; 1977 c 121 s 5; 1983 c 214 s 32; 1984 c 655 art 1 s 6; 1986 c 444; 1989 c 164 s 1; 2004 c 254 s 8; 2004 c 290 s 19*

38.05 POWER OF EMINENT DOMAIN.

Every county agricultural society may acquire, by power 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.

History: *(7888-1) 1921 c 296 s 1; 2006 c 214 s 20*

38.06 MS 1953 [Repealed, 1955 c 618 s 6]

38.07 MS 1953 [Repealed, 1955 c 618 s 6]

38.08 MS 1953 [Repealed, 1955 c 618 s 6]

38.09 MS 1953 [Repealed, 1955 c 618 s 6]

38.10 MS 1953 [Repealed, 1955 c 618 s 6]

38.11 MS 1953 [Repealed, 1955 c 618 s 6]

38.12 APPROPRIATIONS BY MUNICIPALITIES.

The council of any 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 or in close proximity to their corporate limits, may appropriate money to the agricultural society or association.

History: *(7889) 1913 c 546 s 1; 1973 c 123 art 5 s 7; 2004 c 254 s 9*

38.13 MS 2002 [Repealed, 2004 c 254 s 49]

38.14 APPROPRIATIONS FOR COUNTY FAIRS.

Subdivision 1. **Conditions, procedures, bond.** A county board may annually appropriate money to assist in maintaining a county fair managed by a county agricultural society. The appropriation shall be made either to the treasurer of the society or to some other suitable person.

Subd. 2. **Except Ramsey County.** This section and section 38.15 do not apply to Ramsey County.

History: *(737) 1913 c 271 s 1; 1917 c 311 s 1; 1923 c 205; 1951 c 218 s 1; 1959 c 173 s 1; 1974 c 435 art 7 s 1; 1986 c 444; 2004 c 254 s 10*

38.15 SITES AND BUILDINGS.

The county board in any county may appropriate money for the purpose of procuring a suitable site and erecting on it a suitable county building, for the building or repairing of a race track and for grading and improving the grounds, to be used in connection with a county fair, but the site and the building and improvements remain the property of the county, and the appropriation shall be used only for the purpose of acquiring the site and building and grading and for the necessary care, repair, maintenance, and upkeep thereof.

History: *(738) 1913 c 271 s 2; 1917 c 311 s 2; 1957 c 637 s 1; 2004 c 254 s 11*

38.16 EXEMPTION FROM ZONING ORDINANCES.

When lands lying within the corporate limits of towns or cities are owned by a county or agricultural society and used for agricultural fair purposes, the lands and the buildings now or hereafter erected are 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. For the purposes of this section, "agricultural fair purposes" includes the management of property as provided in section 38.01, paragraph (a).

History: *(738-1) 1927 c 212; 1931 c 166 s 1; 2004 c 254 s 12; 1Sp2005 c 1 art 1 s 68*

38.161 MS 1994 [Repealed, 1995 c 207 art 9 s 61]

38.162 MS 1994 [Repealed, 1995 c 207 art 9 s 61]

38.17 MS 1988 [Repealed, 1989 c 277 art 2 s 77]

38.18 COUNTY FAIRGROUNDS; IMPROVEMENT AIDED.

Each town, statutory city, or school district in this state, at any time having an estimated market value of all its taxable property of more than $105,000,000, and having a county fair located within its corporate limits, may pay part of the expense of improving the fairground to the treasurer of the county owning the

fairground, not exceeding $10,000, as its governing body, by resolution, determines to be for the best interest of the political subdivision. The amounts paid to the county must be used solely to improve the fairground in the manner the county board determines to be for the best interest of the county.

History: *(738-3) 1925 c 321 s 1; 1973 c 123 art 5 s 7; 1988 c 719 art 5 s 84; 1989 c 329 art 13 s 20; 1990 c 480 art 9 s 1; 2013 c 143 art 14 s 1*

38.19 EXPENDITURE OF APPROPRIATIONS.

The county board owning any such fairground may expend the funds so appropriated and paid over by any such town, statutory city, 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, statutory city, or school district any building, or any portion of the fairground, that may be constructed or otherwise improved with the funds so appropriated and paid over to the county by the town, statutory city, 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 fairground property.

History: *(738-4) 1925 c 321 s 2; 1973 c 123 art 5 s 7*

38.20 SUPPLEMENTAL TO EXISTING LAWS.

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

History: *(738-5) 1925 c 321 s 3; 1973 c 123 art 5 s 7*

38.21 [Omitted, Local]

38.22 [Omitted, Local]

38.23 [Omitted, Local]

38.24 [Omitted, Local]

38.25 [Omitted, Local]

38.26 MS 1971 [Repealed, 1974 c 435 art 6 s 1]

38.27 COUNTY AGRICULTURAL SOCIETIES.

Subdivision 1. **Tax levy; powers.** All counties may annually levy a tax upon all property subject to taxation and appropriate and pay over the proceeds of this tax 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 and for the construction, reconstruction, alteration, repairs and improvements of necessary buildings.

Subd. 2. MS 1971 [Repealed, 1973 c 583 s 37]

Subd. 3. MS 1988 [Repealed, 1989 c 277 art 2 s 77]

Subd. 4. **Use of a portion of county fair revenues.** A county agricultural society must annually determine the amount of sales tax savings attributable to section 297A.70, subdivision 21, and must use the amount

equal to the sales tax savings to maintain, improve, or expand society-owned buildings and facilities on the fairgrounds.

History: *(738-15) 1927 c 111; 1947 c 97 s 1; 1953 c 514 s 1; 1963 c 142 s 1; 1973 c 583 s 4; 1978 c 659 s 2; 1987 c 384 art 2 s 8; 1989 c 277 art 2 s 1; 1Sp2019 c 6 art 3 s 1; 2023 c 64 art 5 s 1*

38.28 MS 1988 [Repealed, 1989 c 277 art 2 s 77]

38.29 [Omitted, Local]

38.30 [Omitted, Local]

38.31 MS 1971 [Repealed, 1974 c 435 art 6 s 1]

38.32 MS 1961 [Repealed, 1965 c 45 s 73]

COUNTY EXTENSION

38.33 COORDINATION TO MAINTAIN COUNTY EXTENSION WORK.

Sections 38.33 to 38.38 coordinate the work of the federal, state, and county government and the Minnesota Extension Service of the University of Minnesota to maintain county extension work.

History: *(6121) 1923 c 423 s 1; 1953 c 202 s 1; 1990 c 376 s 1*

38.331 DEFINITIONS.

Subdivision 1. **Application.** In sections 38.33 to 38.38, the definitions in this section apply.

Subd. 2. **County extension work.** "County extension work" means educational programs and services provided by extension educators in the areas of agriculture; agricultural finance; economic development; nutrition; youth leadership development including 4-H programs; leadership; and environment and natural resources.

Subd. 3. **Director of extension.** "Director of extension" means the dean and director of the Minnesota Extension Service of the University of Minnesota.

History: *1990 c 376 s 2; 2002 c 373 s 23*

38.34 COUNTY BOARD MAY PAY FOR EXTENSION WORK.

A board of county commissioners may incur expenses and spend money for county extension work as provided in sections 38.33 to 38.38.

History: *(6122) 1923 c 423 s 2; 1953 c 202 s 2; 1990 c 376 s 3*

38.345 APPROPRIATIONS BY MUNICIPALITIES.

The council of any city and the board of supervisors of any town may spend money for county extension work, as provided in sections 38.33 to 38.38.

History: *2010 c 333 art 1 s 14*

38.35 STATE APPROPRIATIONS; HOW SPENT.

Money appropriated by the state to maintain and pay expenses of county extension work must be spent under the direction of the director of extension, who, acting with the county extension committee, shall carry out sections 38.33 to 38.38.

History: *(6124) 1923 c 423 s 4; 1953 c 202 s 3; 1986 c 444; 1990 c 376 s 4*

38.36 COUNTY EXTENSION COMMITTEE.

Subdivision 1. **Committee composition.** A county must have an extension committee. The committee must have nine members. Two members must be county commissioners appointed by the county board. The county auditor or the auditor's designee must be a member. If the county has no office of auditor, the county board shall appoint a member from the county administration. Six members must be appointed at large by the county board as provided in this section. The county board at its annual meeting shall appoint for a term of three years the number of members required to fill the memberships on that committee expiring at that time.

Subd. 2. **Budget recommendations.** In cooperation with the director of extension, or the director's designee, the county extension committee, each year, in accordance with county budgetary deadlines, shall prepare a budget showing the total funds available and needed and shall recommend to the county board the amount of county funds necessary to maintain, support, and pay the expenses of county extension work during the following year. A copy of the budget must be presented to the county board.

Subd. 3. **County appropriations, how spent.** The county board shall consider the recommended county share of money necessary to maintain, support, and pay the expenses of county extension work during the following year. For these purposes, the county board may appropriate money annually from its general revenue fund and may include the amount of the county's share in the annual levy of county taxes or may make a special levy for county extension purposes or both. The money set aside and appropriated by the county board for these purposes is the county extension fund. Money from the fund may be paid out by orders of the director of extension, or the director's designee, to pay a part of the compensation of the agents employed, to pay directly the compensation of county support employees, and to pay other expenses incident to county extension work. An order to pay money from the fund must not be issued until the expenditure has been audited and signed by the county auditor or other appropriate county official. A balance in the county extension fund at the end of a year must be carried over or reappropriated.

History: *(6125) 1923 c 423 s 5; 1947 c 157 s 1; 1951 c 390 s 1; 1951 c 412 s 1; 1953 c 202 s 4; 1957 c 208 s 1; 1963 c 198 s 1; 1969 c 1081 s 1; 1973 c 528 s 1; 1973 c 583 s 5; 1986 c 444; 1990 c 376 s 5*

38.37 COUNTY EXTENSION COMMITTEE; PROGRAM, COUNTY AGENTS.

The county extension committee shall, annually, plan a program of county extension work in cooperation with the Minnesota Extension Service of the University of Minnesota and the United States Department of Agriculture. To run the program, the county extension committee, acting with the director of extension, or the director's designee, shall recommend for employment suitable and qualified persons to be known as extension agents. The extension agents must be employed according to university personnel procedures and must be university employees. The extension agents shall provide educational programs and services to enhance the quality and productivity of county extension work.

History: *(6126) 1923 c 423 s 6; 1953 c 202 s 5; 1969 c 1081 s 2; 1986 c 444; 1990 c 376 s 6*

38.38 EXTENSION COMMITTEE; DUTY, OFFICERS, PAY.

The county extension committee shall encourage all individuals and organizations to cooperate to make profitable use of extension activities. It shall elect its own chair and vice-chair, who shall serve for one year. The county auditor, the auditor's designee, or the appointee from the county administration is the secretary of the county extension committee. The secretary shall keep a record of all its proceedings and shall forward copies of all resolutions of the county board appropriating funds to the director of extension. County commissioners who are members of the committee may receive a per diem under section 375.055, subdivision 1, and may be reimbursed for their necessary expenses, including mileage under section 471.665. Other committee members may be reimbursed for expenses or may receive a per diem allowance under section 375.47.

History: *(6127) 1923 c 423 s 7; 1953 c 202 s 6; 1957 c 208 s 2; 1969 c 1081 s 3; 1975 c 301 s 1; 1986 c 444; 1990 c 376 s 7*