

agency to complete any action by the dates set forth in this section shall not result in the approval of any program or the allocation of any portion of the applicable limit of the agency. Approval by the agency of programs after the dates provided in this section shall be effective in allocating a portion of the state ceiling. Programs approved by the agency may be amended with the approval of the agency under section 462C.04, subdivision 2, provided that the dollar amount of bonds for the program may not be increased.

Sec. 15. REPEAL.

Minnesota Statutes 1981 Supplement, Section 462C.07, Subdivision 2, is repealed.

Sec. 16. EFFECTIVE DATE.

This act is effective the day after final enactment.

Approved March 23, 1982

---

CHAPTER 625 — H.F.No. 1897

*An act relating to fairs, carnivals and circuses; clarifying the food handling license requirements applicable to fairs, carnivals and circuses; changing the exclusion from minimum wage coverage for certain fair, carnival or circus workers; updating and clarifying certain powers and duties of the state agricultural society; prescribing additional qualifications for metropolitan sports facilities commission members; amending Minnesota Statutes 1980, Sections 37.01; 37.04, Subdivision 3; 37.05; 37.06; 37.17, Subdivisions 1, 2, and by adding a subdivision; 37.18; 37.19; 37.20; 37.21; 37.22; 177.23, Subdivision 7; and 473.553, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 28A; repealing Minnesota Statutes 1980, Section 37.23; Minnesota Statutes 1981 Supplement, Sections 37.17, Subdivision 3; and 37.27.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [28A.065] LICENSE REQUIREMENTS FOR A CARNIVAL, CIRCUS, OR FAIR.

No person whose place of business is a carnival, circus, or fair and who holds a license pursuant to this chapter or chapter 157 shall be required to obtain any additional license or permit pursuant to the provisions of an ordinance or regulation of a political subdivision in order to engage in any aspect of food handling or to operate a restaurant.

This section does not exempt the person from compliance with the provisions of chapters 37 and 38, any sanitation, public health or zoning ordinance, privilege license requirements or other regulation of the fair or

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

political subdivision having jurisdiction over the area in which the carnival, circus, or fair is conducted.

Sec. 2. Minnesota Statutes 1980, Section 37.01, is amended to read:

**37.01 PUBLIC CORPORATION.**

The state agricultural society as it now exists is ~~her~~ereby 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 (SE 1/4) of Section Twenty-one (21) and East half (E 1/2) of East half (E 1/2) of Southwest Quarter (SW 1/4), Section Twenty-one (21), Township Twenty-nine (29), Range Twenty-three (23), is ~~her~~ereby confirmed, and anything in ~~said~~ that conveyance to the contrary notwithstanding ~~the same~~ that land and any other property known and used as the "state fairgrounds" shall be held by the state forever for the following public purposes: (a) for exhibiting ~~thereon~~, under the management and control of the society, at annual fairs and at ~~such other times as determined by 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; and (b) for such other uses and purposes, including the leasing of parts of the state fairgrounds as, determined by the state agricultural society from time to time may determine, provided that. The said society shall not lease any part of the state fairgrounds 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. Any part of the state fairgrounds which may be embraced within the boundaries of a city or other political subdivision of the state is detached from the city or political subdivision.

Nothing in this section exempts property on the fairgrounds or the fairgrounds itself, which are otherwise taxable, from being subject to real and personal property taxes pursuant to chapters 272 to 275 and chapter 471.

Sec. 3. Minnesota Statutes 1980, Section 37.04, Subdivision 3, is amended to read:

Subd. 3. **ANNUAL MEETING.** The annual meeting of the society shall be held ~~at such place in St. Paul or Minneapolis, or upon the state fairgrounds, as or at any other place in Minnesota~~ the board of managers may select. The meeting shall be held annually during a three day period, ~~such period to be~~ selected by the board of managers, to commence no earlier than January 2, and no later than January 31 in each year. Written notice of the time and place of ~~the holding of~~ the annual meeting shall be given to all members of the society at least 30 days prior to the time of ~~the holding of~~ the annual meeting.

Sec. 4. Minnesota Statutes 1980, Section 37.05, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

### 37.05 OFFICERS; COMPENSATION; EXPENSES.

The annual honorarium of the president of the governing board shall be \$1,400, and that of the other members \$1,000 each, which honorarium shall be in full for all their services commencing January 1, 1965. On the final day of the each annual meeting of the society, ~~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. ~~The secretary and the treasurer shall each execute to the society for the use and benefit of the society, the state of Minnesota, and all persons injured by failure to observe its conditions, a penal bond in such sum as may be fixed by the governing board of the society and with such sureties as the president and secretary of the society may approve, conditioned that he will pay over to the society, the state of Minnesota, and all persons on demand all moneys to which they may be entitled which may have come into his hands in virtue or by reason of his office as such secretary or treasurer.~~ The treasurer shall keep all accounts and fiscal records of the society. The board may designate the secretary as the treasurer of the society. In addition, the board may allow the 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.

Sec. 5. Minnesota Statutes 1980, Section 37.06, is amended to read:

### 37.06 SECRETARY; LEGISLATIVE AUDITOR; 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 other than those kept by the treasurer of the society, and perform such other duties as the governing board may direct. On or before December 31, each year, the secretary shall make a report to the governor for the fiscal year ending ~~November 30~~ October 31 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 legislative auditor. The cost of ~~such~~ the examination shall be paid by the society to the state of ~~Minnesota~~ and credited to the legislative auditor's revolving fund. A summary of this examination, duly certified by the legislative auditor, 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 directed by the governing board shall ~~direct~~, shall be appended to the secretary's report and printed in ~~like~~ the same manner as the reports of state officers. Copies of the

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

report shall be printed annually and distributed as follows: to each society or association entitled to membership in the society, to each newspaper in the state, and the remaining copies in ~~such manner~~ as directed by the governing board shall direct.

Sec. 6. Minnesota Statutes 1980, Section 37.17, Subdivision 1, is amended to read:

Subdivision 1. **LICENSE, REGULATION.** The society may license and regulate all shows, exhibitions, performances, and privileges on the fairgrounds, and revoke any ~~such~~ licenses, and prohibit, remove, and summarily stop all exhibitions, performances, or privileges which ~~it may deem offensive to good morals violate society rules~~ or which are otherwise contrary to law.

Sec. 7. Minnesota Statutes 1980, Section 37.17, Subdivision 2, is amended to read:

Subd. 2. **SERVICE OF PROCESS.** The acceptance of any ~~such~~ license given pursuant to subdivision 1 by ~~any~~ a nonresident of Minnesota ~~shall be deemed~~ is an appointment by the nonresident of the secretary of the ~~society state~~ to be his true and lawful attorney agent upon whom may be served all legal processes in any action or proceeding against him resulting from the operation of ~~such the licensed~~ show, exhibition, performance, or privilege ~~so licensed, and~~. The acceptance of ~~such~~ a license by the nonresident ~~shall be~~ is a signification of his agreement that ~~such~~ service of process upon the secretary of the ~~society state~~ shall be of the same force and effect as if served upon him personally. Publication of summons need not be made upon ~~such the~~ nonresident. In all ~~such~~ cases under this subdivision service of process or service of any writ or notice in an action or proceedings shall be made upon the secretary of the ~~society state~~ in the manner provided by law for ~~such~~ service upon residents of the state, and ~~have~~ has the same effect as personal service within the state upon ~~such the~~ nonresident. If ~~such the~~ nonresident appears in ~~such the~~ action or proceeding by an attorney residing in Minnesota, the service of papers ~~therein~~ shall thereafter be made upon the attorney.

Sec. 8. Minnesota Statutes 1980, Section 37.17, is amended by adding a subdivision to read:

Subd. 4. **SOLICITATION.** No person may solicit money or sell or distribute any merchandise or material of any kind without a license issued by the society authorizing the solicitation, sale or distribution from a fixed location on the fairgrounds.

Sec. 9. Minnesota Statutes 1980, Section 37.18, is amended to read:

**37.18 UNLICENSED OR IMPROPER EXHIBITION.**

Every A person who shall ~~engage~~ engages in any play, game, concert, theatrical or other performance, or ~~exhibit any exhibits~~ a show, ~~caravan, circus,~~

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

of curiosity, for which pay or any admission fee is required or received, of any kind on the fairgrounds without a 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 ~~society is~~ guilty of a misdemeanor and shall be removed from the fairgrounds. 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.

A person who sells, distributes or exhibits obscene materials or performances is guilty of a misdemeanor and the governing board of the society shall suspend that person's license and cause the forfeiture of all money paid to the society in connection with the performance or exhibit.

Sec. 10. Minnesota Statutes 1980, Section 37.19, is amended to read:

### 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, bylaws, and rules, and regulations adopted by its governing board shall be deemed are a part of every such contract entered into with any exhibitor, privilege holder, lessee, licensee, or other person. The society may contract for the purchase of services from any business, municipality, county, state agency or department. The society shall have the power to may purchase, sell, lease, or otherwise to engage in transactions as respects ~~respecting~~ real property in its own name, and with terms and conditions acceptable to its board of managers. The provisions of section 37.01 shall apply to the specific properties described therein, excepting space rental contracts and ground leases for a term of one year or less. The society shall submit to the executive council of the state of Minnesota, as provided by chapter 9, all its transactions involving real properties for the approval of the executive council, and no such transaction involving real property shall be final until approved by the executive council. All such transactions involving real property heretofore made by the society are hereby ratified, confirmed and approved.

Sec. 11. Minnesota Statutes 1980, Section 37.20, is amended to read:

### 37.20 SPECIAL PEACE OFFICERS.

The secretary or the president of the society may appoint, in a writing signed by either of them, ~~such special constables or deputies as many peace officers, as defined in section 626.84, subdivision 1, clause (c) as may be deemed are necessary,~~ both during the time of holding the annual fair and throughout the year for the regulation of the Minnesota state fairgrounds. These ~~constables or deputies~~ peace officers, before entering upon their duties, shall take and subscribe the usual oath of office, endorsed upon their appointment, and shall have and

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

exercise upon the grounds of the society, all the power and authority of peace officers and, ~~in addition thereto,~~ may, within these limits, without warrant, arrest any person found violating any law of the state, or any rule, ~~regulation,~~ bylaw, or ordinance of the society, and may summarily remove the persons and property of ~~such~~ the 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 or deputies.~~ Each such peace officer shall wear an appropriate badge of office while acting as such a peace officer. The society may also contract with the state, any county or any municipality for police service and protection on the fairgrounds.

Sec. 12. Minnesota Statutes 1980, Section 37.21, is amended to read:

#### 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 fairgrounds, 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 the~~ person to barter, give away, or sell the ~~same liquor.~~ Any person who shall ~~violate any provision of~~ violates this section ~~shall be~~ is guilty of a misdemeanor.

Sec. 13. Minnesota Statutes 1980, Section 37.22, is amended to read:

#### 37.22 LOCKUP; SEIZURE OF LIQUORS.

The society is ~~authorized to~~ may provide and maintain a watchhouse or lockup on the fairgrounds for the confinement of offenders and the temporary detention of suspected persons. ~~The governing board, by itself or its special constables, society's peace officers~~ shall, without warrant, seize and destroy any ~~spirituous, malt, fermented, or~~ intoxicating liquors of any kind found upon the fairgrounds.

Sec. 14. Minnesota Statutes 1980, Section 177.23, Subdivision 7, is amended to read:

Subd. 7. "Employee" means any individual employed by an employer but shall not include

(1) any individual employed in agriculture on a farming unit or operation employing less than the equivalent of two full time workers and on any given day employing no more than four employees. For the purpose of this clause, equivalent of a full time worker means 40 weeks of employment in a calendar year;

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(2) an individual who has not attained the age of 18 who is employed in agriculture on a farm to perform services other than corn detasseling;

(2a) for purposes of section 177.24, an individual who has not attained the age of 18 who is employed in agriculture as a corn detasseler;

(3) any staff member employed with an organized resident or day camp licensed with the state;

(4) any individual employed in a bona fide executive, administrative, or professional capacity, or a salesman who conducts no more than 20 percent of his sales on the premises of the employer, as such terms are defined and delimited by regulations of the department;

(5) any individual who renders service gratuitously for a nonprofit organization as such terms are defined by regulations of the department;

(6) any individual who serves as an elected official for a political subdivision or who serves on any governmental board, commission, committee or other similar body, or who renders service gratuitously for a political subdivision;

(7) any individual employed by a political subdivision to provide police or fire protection services or who is employed by an entity whose principal purpose is to provide police or fire protection services to a political subdivision;

(8) any individual employed by a political subdivision who is ineligible for membership in the public employees retirement association by reason of the provisions of section 353.01, subdivision 2b, clauses (a), (b), (d), and (i);

(9) any driver employed by an employer engaged in the business of operating taxicabs;

(10) any individual engaged in babysitting as a sole practitioner;

(11) any individual employed on a ~~part-time~~ seasonal basis in a carnival, circus or fair;

(12) any individual under the age of 18 employed part-time by a municipality as part of a recreational program;

(13) any individual employed by the state as a natural resource manager 1, 2, or 3 (conservation officer);

(14) any individual in a position with respect to which the U.S. Department of Transportation has power to establish qualifications and maximum hours of service pursuant to the provisions of 49 U.S. Code, Section 304;

(15) any individual employed as a seafarer; the term "seafarer" means a master of a vessel or any person subject to the authority, direction and control of the master including but not limited to pilots, sailors, engineers, radio operators, firefighters, watchmen, pursers, surgeons, cooks and stewards, who is exempt from federal overtime standards under 29 U.S.C. Section 213(b) (6).

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 15. Minnesota Statutes 1980, Section 473.553, is amended by adding a subdivision to read:

Subd. 4a. **ADDITIONAL QUALIFICATION.** None of the members appointed by the city council of the city in which the stadium is located shall be an elected public official of that city or of another political subdivision any part of whose territory is shared with that city.

Sec. 16. **REPEALER.**

Minnesota Statutes 1980, Section 37.23; Minnesota Statutes 1981 Supplement, Sections 37.17, Subdivision 3, and 37.27, are repealed.

Approved March 23, 1982

---

## CHAPTER 626 — H.F.No. 1902

*An act relating to local government; providing for a Ramsey county small business set-aside program; authorizing Ramsey county commissioners to set fees for removal to municipal court; allowing Ramsey county to issue bonds or levy taxes for a medical facility water system; permitting a Maplewood bond issue; amending Minnesota Statutes 1981 Supplement, Section 488A.34, Subdivision 2.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

### Section 1. **DEFINITIONS.**

Subdivision 1. For purposes of this section, the following terms have the meanings given them, unless the language or context clearly indicates that a different meaning is intended.

Subd. 2. "Small business" means a business entity organized for profit, including an individual, partnership, corporation, joint venture, association or cooperative which has its principal place of business in Minnesota, and which

(a) Is not dominant in its field of operation, and

(b) Is not an affiliate or subsidiary of a business dominant in its field of operations.

If a federal or state program prohibits any geographical limitation on the principal place of business of an eligible business in order for the county to be eligible for funds, the federal or state requirement shall prevail.

Subd. 3. "Dominant in its field of operation" means exercising a controlling or major influence in a business activity in which a number of businesses are engaged. In determining whether a business is dominant, the following

Changes or additions are indicated by underline, deletions by ~~strikeout~~.