UPPER PENINSULA STATE FAIR
Act 89 of 1927

AN ACT to promote the agricultural and industrial interests in the Upper Peninsula of Michigan; to create a board of managers for a state fair in the Upper Peninsula; to define the powers and duties thereof; to provide immunity from personal liability for members of the board of managers and its chief administrative officer for action taken in their official capacity; to provide for the transferring to and vesting in the state of Michigan or the people thereof, the title and control of all lands and other property that now is or hereafter may be owned or acquired in the Upper Peninsula for the purpose of holding and conducting an agricultural and industrial state fair; to authorize the leasing or licensed use of facilities for certain purposes, including bingo; to permit and regulate games of skill at the Upper Peninsula state fair; and to provide for an appropriation therefor.

History: 1927, Act 89, Imd. Eff. Apr. 30, 1927;—Am. 1973, Act 100, Imd. Eff. Aug. 8, 1973;—Am. 1975, Act 139, Imd. Eff. July 3, 1975.

The People of the State of Michigan enact:

285.141 Upper Peninsula state fair; board of managers; creation; appointment and terms of members; vacancies; compensation and expenses; chairman; appointment and salaries of secretary and treasurer; rules.

Sec. 1. There is created a board of managers of the Upper Peninsula state fair, which board shall consist of 5 members to be appointed by the governor by and with the advice and consent of the senate. Upon the expiration of these terms, successors shall be appointed in a similar manner for terms of 5 years each, expiring on September 30, and shall serve until their successors are appointed and qualified. Vacancies shall be filled in the same manner as is provided for appointment in the first instance. The per diem compensation of the board of managers and the schedule for reimbursement of expenses shall be established annually by the legislature. The compensation and expenses shall be paid out of the general fund of the Upper Peninsula state fair. The board of managers shall at their first meeting select from 1 of their number a chairperson who shall serve for 2 years and shall also appoint a secretary and treasurer who may or who may not be members of the board of managers, and may adopt rules governing its organization and procedure and fix the salaries of its secretary and treasurer.

History: 1927, Act 89, Imd. Eff. Apr. 30, 1927;—CL 1929, 5644;—Am. 1939, Act 260, Imd. Eff. June 15, 1939;—CL 1948, 285.141 ;—Am. 1951, Act 67, Imd. Eff. May 25, 1951;—Am. 1975, Act 62, Imd. Eff. May 20, 1975;—Am. 1980, Act 183, Imd. Eff. July 2, 1980 .

Transfer of powers: See MCL 16.286.

Administrative rules: R 285.1101 et seq. of the Michigan Administrative Code.

285.142 Upper Peninsula state fair; board of managers; grants and conveyances; conditions; leasing or conceding fairgrounds or buildings; consideration; duration and termination of lease; prohibition; purpose and arrangement of state fair; disposition of proceeds; report of receipts and expenditures; office of board secretary.

Sec. 2. (1) The control of all lands or other property that is vested in this state for the purpose of holding and conducting an agricultural and industrial state fair in the Upper Peninsula is hereby placed in the board of managers. The board of managers may accept on behalf of the state grants and conveyances of property for those purposes or for other purposes within the scope of this act and consent to the conditions for the use thereof as may be agreed upon. All grants and conveyances shall be taken in the name of the people of the state of Michigan.

(2) The board of managers may lease or concede the Upper Peninsula state fairgrounds or any portions thereof and any building or buildings on the grounds for a period of not more than 1 year for a consideration as may be established by the board of managers.

(3) The board of managers may also grant leases for a portion or portions of the state fairgrounds to organizations or local governmental units, conditional upon construction and improvements to be financed by the lessees for terms not to exceed 20 years.

(4) A lease made under this section shall terminate upon sale of the Upper Peninsula state fairgrounds by the state.

(5) The use of the Upper Peninsula state fairgrounds or any portion thereof or of any or all of the buildings on the grounds shall not interfere with the preparation for or holding of the annual Upper Peninsula state fair.

(6) An annual state fair at the city of Escanaba which shall have for its main purpose the exploiting and encouragement of improved methods in agricultural and industrial pursuits is hereby authorized. The

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arrangement of the fairs and the actual conducting thereof shall be under the immediate charge of the board of managers. The board of managers may employ any suitable and proper person, firm, corporation, or organized bureau to advise and assist in the arrangement and conduct of the fair, but under the management and control of the board of managers.

(7) The proceeds of the Upper Peninsula state fair and all other moneys which come into the possession of the board of managers under the provisions of this act shall be credited to the general fund of the state. The secretary of the board of managers on or before January 1 each year shall file with the governor, the president of the senate, and the speaker of the house, a detailed report of the receipts and expenditures of the board. The secretary of the board of managers shall maintain an office in the city of Escanaba.

History: 1927, Act 89, Imd. Eff. Apr. 30, 1927;—CL 1929, 5645;—Am. 1939, Act 260, Imd. Eff. June 15, 1939;—CL 1948, 285.142 ;—Am. 1953, Act 73, Imd. Eff. May 15, 1953;—Am. 1976, Act 168, Imd. Eff. June 25, 1976.

285.143 Bingo; lease of facilities.

Sec. 3. The board of managers may lease its facilities as a location within or at which an organization qualified and licensed under Act No. 382 of the Public Acts of 1972, as amended, being sections 432.101 to 432.120 of the Michigan Compiled Laws, may conduct bingo.

History: Add. 1973, Act 100, Imd. Eff. Aug. 8, 1973;—Am. 1975, Act 139, Imd. Eff. July 3, 1975.

285.144 Games of skill; licensing agreements with concessionaires; criteria; rules; revocation of licensing agreement; liability; payment of judgment.

Sec. 4. (1) In staging the annual Upper Peninsula state fair, the board of managers may enter into licensing agreements with concessionaires permitting games of skill which shall be conducted in accordance with the following criteria:

(a) Winning the game of skill does not require great skill on the part of the participant.

(b) The game does not constitute a fraud upon the participants.

(c) The game is not similar to games of chance in which winning depends primarily upon fortuitous or accidental circumstances beyond the control of the participant including but not limited to games such as roulette, beano, cards, dice or wheels of fortune nor is the game one which includes any mechanical or physical devices which directly or indirectly impedes, impairs or thwarts the skill of the player.

(d) If the game is a group or contest participation game, each participant shall be in attendance at the time the game is played and shall actively participate throughout the entire game by personally designating his or her target, goal, or desired objective. A winner shall be determined by the skill of 1 or more of the participants in the group or contest game, and each participant shall be randomly selected, and a distribution of prizes shall be made in the presence of each participant at the time the game is played.

(e) The prize shall have a nominal value and shall not be redeemable or convertible into cash, directly or indirectly.

(2) The board of managers may promulgate rules pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws, and consistent with the criteria established in subsection (1) to regulate the conducting of games of skill during the annual Upper Peninsula state fair and to protect the public from unauthorized or dishonest practices in conducting those games.

(3) The board of managers may, without holding a hearing, revoke the licensing agreement of a concessionaire when the board of managers or the Upper Peninsula state fair secretary-manager finds that the public is being defrauded or that a criteria established in subsection (1) or by rule is being ignored or violated. Members of the board of managers and the Upper Peninsula state fair secretary-manager shall be personally liable for an action they take in their official capacity in regard to licensing agreements entered into pursuant to this section. If there is a judgment against them, the state shall pay a judgment against a member or the secretary-manager, who shall not be required to reimburse the state.

History: Add. 1973, Act 100, Imd. Eff. Aug. 8, 1973;—Am. 1975, Act 139, Imd. Eff. July 3, 1975.

Administrative rules: R 285.1101 et seq. of the Michigan Administrative Code.

285.145 Games of skill; MCL 750.301 to 750.315 inapplicable.

Sec. 5. Sections 301 to 315 of Act No. 328 of the Public Acts of 1931, as amended, being sections 750.301 to 750.315 of the Michigan Compiled Laws, shall not apply to a person who conducts or participates in a game of skill pursuant to this act or the rules promulgated under section 4.

History: Add. 1973, Act 100, Imd. Eff. Aug. 8, 1973.

285.146 Rescission of R 285.1101 to R 285.1907.

Sec. 6. R 285.1101 to R 285.1907 of the Michigan administrative code are rescinded.

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History: Add. 2012, Act 94, Imd. Eff. Apr. 12, 2012.

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