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2001 MAY -2 P 10:42

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2001



ENROLLED

Committee Substitute for

SENATE BILL NO. 263

(By Senators Anderson, Ross and Caldwell)



PASSED April 12, 2001

In Effect 90 days from Passage

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 263

(SENATORS ANDERSON, ROSS AND
CALDWELL, *original sponsors*)

[Passed April 12, 2001; in effect ninety days from passage.]

AN ACT to repeal sections three, five, six and seven, article seven, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact sections one, two, four, eight, nine and ten of said article; and to further amend said article by adding thereto a new section, designated section eleven, all relating to rewriting and updating the law on state aid for fairs and festivals; and authorizing the commissioner of agriculture to make the determination of eligibility to receive these funds.

Be it enacted by the Legislature of West Virginia:

That sections three, five, six and seven, article seven, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that sections one, two, four,

eight, nine and ten of said article be amended and reenacted; and that said article be further amended by adding thereto a new section, designated section eleven, all to read as follows:

ARTICLE 7. STATE AID FOR FAIRS AND FESTIVALS.

§19-7-1. Amount of state aid for fairs and festivals.

1 For the purpose of encouraging agriculture, any agricul-
2 tural or industrial association, organization or individual
3 conforming to the requirements of this article and the
4 rules promulgated pursuant to this article may receive
5 from the state of West Virginia an amount not to exceed
6 twenty thousand dollars.

§19-7-2. State aid where more than one fair, festival or event in county.

1 When more than one association, organization or
2 individual holding a fair, festival or event in a county is
3 eligible to receive the benefits pursuant to this article, the
4 county associations, organizations or individuals are
5 eligible to receive from the state a sum not exceeding in
6 the aggregate fifty thousand dollars to be apportioned
7 among the associations, organizations or individuals.

§19-7-4. When fairs, festivals and events are entitled to state aid.

1 (a) Associations, organizations or individuals purchasing
2 or leasing the grounds and buildings of an agricultural or
3 industrial association, organization or individual entitled
4 to the benefits of this article are also entitled to the
5 benefits set forth in this article.

6 (b) Other agricultural and industrial associations not
7 entitled to aid under the provisions of this article may
8 receive aid from the state of West Virginia, if funds are
9 available, when, in the judgment of the commissioner of
10 agriculture, the exhibitions are in the interest of the
11 agricultural or the industrial development of the state.

12 (c) The commissioner of agriculture may assist in the
13 promotion and operation of an annual state fair and 4-H
14 regional fairs and, when funds are available, to expend
15 those funds for their support and development.

**§19-7-8. Gambling devices and immoral shows prohibited;
forfeiture of right to state aid; horse racing ex-
empted.**

1 No association, organization or individual which is the
2 recipient of state aid under this article may operate or
3 permit to be operated in conjunction with the fair, festival
4 or event any gambling device or any indecent or immoral
5 show. Any association, organization or individual violat-
6 ing the provisions of this section shall forfeit all eligibility
7 for state aid for a period of three years. This section,
8 however, may not be construed to prevent horse racing or
9 horse shows at any fair receiving state aid.

**§19-7-9. State fair of West Virginia; ex officio members of board
of directors; appropriations; authority to propose
rules.**

1 (a) The corporation formerly known as “Greenbrier
2 Valley fair” is designated “the state fair of West Virginia”;
3 with the exclusive right to the use of that designation.

4 (b) The governor and commissioner of agriculture are ex
5 officio members of the board of directors of the fair
6 association for the purpose of protecting the interests of
7 the state in the awarding of premiums and in the arrange-
8 ment of the agriculture and other exhibits.

9 (c) The provisions of this section may not alter, change
10 or alienate the rights of any other association, organiza-
11 tion or individual entitled to benefits under the provisions
12 of this article, except as to the use of the name designated
13 in subsection (a) of this section.

14 (d) For the purpose of encouraging agriculture and
15 industry, the state fair of West Virginia is not limited to

16 the appropriations authorized by section one of this
17 article. Nothing contained in this article may be construed
18 or interpreted to prevent the state fair of West Virginia
19 from receiving the benefit of any sum specifically appro-
20 priated for its use by the Legislature to pay awards and
21 exhibition expenses.

**§19-7-10. Appropriations specifically made available for desig-
nated exhibitions.**

1 For the purpose of encouraging agriculture, forestry and
2 industries related thereto and the development and
3 progress of the state, and when appropriations are specifi-
4 cally set out in the budget bill by the Legislature for any
5 state, county or local exhibition or community develop-
6 ment, when the exhibition or community development is
7 held in the interest of the public and substantially sup-
8 ported financially by an association or corporation not
9 operated for profit, the commissioner of agriculture may
10 expend any moneys for those purposes and nothing
11 contained in this article may be construed or interpreted
12 to prevent the commissioner from paying awards to
13 exhibitors and expenses in connection with the operation
14 of the exhibition.

15 The commissioner of agriculture may pay premiums,
16 awards and provide monetary assistance to the exhibitors
17 at county, community and state fairs, festivals or events of
18 any agricultural or horticultural products when appropri-
19 ations are specifically made available for specific events or
20 organizations.

§19-7-11. Determination of eligibility; legislative rules.

1 (a) The commissioner shall administer the provisions of
2 this article and shall determine the eligibility of an
3 association, organization or individual to receive state aid
4 described in this article in accordance with the provisions
5 of subsection (b) of this section.

6 (b) The commissioner of agriculture shall propose
7 legislative rules for promulgation pursuant to the provi-
8 sions of article three, chapter twenty-nine-a of this code.
9 The rules shall provide for the administration of the
10 provisions of this article and shall provide criteria under
11 which the commissioner is to determine the eligibility of
12 an association, organization or individual to receive state
13 aid under the provisions of this article. Notwithstanding
14 any other provisions of this code to the contrary, until the
15 Legislature has authorized the rules, the commissioner of
16 agriculture may promulgate emergency rules for those
17 purposes pursuant to section fifteen, article three, chapter
18 twenty-nine-a of this code.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Cary Mc

Chairman Senate Committee

John Tomblin

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Parrell Holmes

Clerk of the Senate

Benj. M. Sawyer

Clerk of the House of Delegates

Carl Ray Tomblin

President of the Senate

Robert W. Witt

Speaker House of Delegates

The within is approved this the 2nd Day of May, 2001.

Bob Witt

Governor

PRESENTED TO THE

GOVERNOR

Date 4/24/01

Time 11:05am