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STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2000



ENROLLED

Committee Substitute for
SENATE BILL NO. 470

(By Senator Anderson, et al)



PASSED March 11, **2000**
In Effect from **Passage**

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 470

(SENATORS ANDERSON, LOVE, BALL, DITTMAR, HELMICK,
MITCHELL, ROSS, UNGER, DEEM AND MINEAR, *original sponsors*)

[Passed March 11, 2000; in effect 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; and to amend and reenact sections one, two, four, eight, nine and ten of said article, all relating to rewriting and updating the law on state aid for fairs and festivals.

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article seven, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that sections one, two,

four, eight, nine and ten of said article be amended and reenacted, 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 agricultural
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 individual
2 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 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 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 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,
4 festival or event any gambling device or any indecent or
5 immoral show. Any association, organization or individ-
6 ual violating the provisions of this section shall forfeit all
7 eligibility for state aid for a period of three years. This
8 section, however, may not be construed to prevent horse
9 racing or horse shows or the sale of state lottery tickets
10 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 “the state fair of West Virginia”; with the
3 exclusive right to the use of that designation.

4 (b) The governor and commissioner of agriculture are
5 hereby made ex officio members of the board of directors
6 of the state fair of West Virginia for the purpose of
7 protecting the interests of the state in the awarding of
8 premiums and in the arrangement of the agriculture and
9 other exhibits.

10 (c) The provisions of this section may not alter, change
11 or alienate the rights of any other association, organiza-
12 tion or individual entitled to benefits under the provi-

13 sions of this article, except as to the use of the name
14 designated in subsection (a) of this section.

15 (d) For the purpose of encouraging agriculture and
16 industry, the state fair of West Virginia is not limited to
17 the appropriations authorized by section one of this
18 article. In the event the Legislature appropriates a sum
19 of twenty thousand dollars or more to the state fair of
20 West Virginia, then the state fair of West Virginia may
21 not participate in the benefits provided in section one of
22 this article; and nothing contained in this article may be
23 construed or interpreted to prevent the state fair of West
24 Virginia from receiving the benefit of any sum specifi-
25 cally appropriated for its use by the Legislature to pay
26 awards and exhibition expenses.

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

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

15 The commissioner of agriculture may pay premiums,
16 awards and provide monetary assistance to the exhibi-
17 tors at county, community and state fairs, festivals or
18 events of any agricultural or horticultural products when

19 appropriations are specifically made available for the
20 fairs, festivals or events or the organizations sponsoring
21 them.

§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
4 aid described in this article in accordance with the
5 provisions of subsection (b) of this section.

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

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

[Handwritten Signature]
.....
Chairman Senate Committee

[Handwritten Signature]
.....
Chairman House Committee

Originating in the Senate.

In effect from passage.

[Handwritten Signature]
.....
Clerk of the Senate

[Handwritten Signature]
.....
Clerk of the House of Delegates

[Handwritten Signature]
.....
President of the Senate

[Handwritten Signature]
.....
Speaker House of Delegates

The within..... is disapproved..... this the 18th.....

Day of..... March....., 2000

[Handwritten Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/18/00

Time 11:00 am