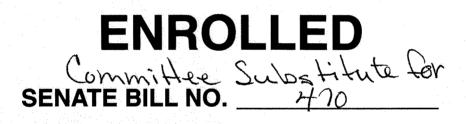
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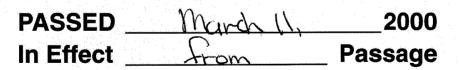
WEST VIRGINIA LEGISLATURE

00 I 70

REGULAR SESSION, 2000



(By Senator Anderson, et a)



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ENROLLED

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article seven, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that sections one, two, Enr. Com. Sub. for S. B. No. 470] 2

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 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 indi-
- 2 vidual 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.

Associations, organizations or individuals purchasing
 or leasing the grounds and buildings of an agricultural or
 industrial association, organization or individual entitled
 to the benefits of this article are also entitled to the
 benefits set forth in this article.
 Other agricultural and industrial associations not

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 exempted.

- 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
- $5 \quad \text{immoral show. Any association, organization or individ-}\\$
- $6 \quad {\rm ual\ violating\ the\ provisions\ of\ this\ section\ shall\ forfeit\ all}$
- 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.

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

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

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13 sions of this article, except as to the use of the name14 designated in subsection (a) of this section.

(d) For the purpose of encouraging agriculture and 15 16 industry, the state fair of West Virginia is not limited to the appropriations authorized by section one of this 17 18 article. In the event the Legislature appropriates a sum of twenty thousand dollars or more to the state fair of 19 West Virginia, then the state fair of West Virginia may 20not participate in the benefits provided in section one of 21 22 this article; and nothing contained in this article may be 23construed or interpreted to prevent the state fair of West Virginia from receiving the benefit of any sum specifi-24 cally appropriated for its use by the Legislature to pay 2526awards 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 for any state, county or local exhibition or community 5 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 agriculture may expend any moneys for those purposes and 10 nothing contained in this article may be construed or 11 12interpreted to prevent the commissioner from paying 13 awards to exhibitors and expenses in connection with the operation of the exhibition. 14

The commissioner of agriculture may pay premiums,
awards and provide monetary assistance to the exhibitors at county, community and state fairs, festivals or
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.

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

(b) The commissioner of agriculture shall propose 6 legislative rules for promulgation pursuant to the 7 8 provisions of article three, chapter twenty-nine-a of this code. The rules shall provide for the administration of 9 the provisions of this article and shall provide criteria 10 11 under which the commissioner is to determine the 12eligibility of an association, organization or individual to receive state aid under the provisions of this article. 13 Notwithstanding any other provisions of this code to the 14 contrary, until the Legislature has authorized the rules, 15the commissioner of agriculture may promulgate emer-16 gency rules for those purposes pursuant to section 1718 fifteen, article three, chapter twenty-nine-a of this code.

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

Chairman Senate Committee

... Chairman House Committee

Originating in the Senate.

In effect)from passage.

Clerk of the Senate

Drugoy h Clerk of the House of Delegates

Presiden of the Senate

Speaker House of Delegates

The within is disapproved this the 18th Day ofMarch.... 20Governor



PRESENTED TO THE

GOVERNOR Date_______ Time______00 am _