



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

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Office of West Virginia  
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-  
MAKING REVIEW COMMITTEE**

AGENCY: Agriculture TITLE-SERIES: 61-03  
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: Yes  
RULE NAME: 61-03 State Aid For Fairs And Festivals

**PRIMARY CONTACT**

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CITE STATUTORY AUTHORITY: §19-7-1

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

For the purpose of encouraging agriculture, any agricultural or industrial association, organization or individual conforming to the requirements of this article and the rules promulgated pursuant to this article may receive from the State of West Virginia an amount not to exceed 20,000.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/25/2024

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/25/2024

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

None

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

This legislative rule established general procedures relating to fairs and festivals in West Virginia, conducted by agricultural or industrial associations, organizations or individuals, that promote agriculture, agricultural businesses or further industrial development of the State.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

The West Virginia Department of Agriculture has other processes in place for fairs and festivals and is no longer in need of this rule.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

n/a

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

n/a

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

n/a

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2024 Increase/Decrease (use "-")	2025 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	0	0	0
<b>Personal Services</b>	0	0	0
<b>Current Expenses</b>	0	0	0
<b>Repairs and Alterations</b>	0	0	0
<b>Assets</b>	0	0	0
<b>Other</b>	0	0	0
<b>2. Estimated Total Revenues</b>	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

n/a

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.**

Yes

**Norman Bailey -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



TITLE 61  
LEGISLATIVE RULE  
DEPARTMENT OF AGRICULTURE

SERIES 3  
STATE AID FOR FAIRS AND FESTIVALS

~~§61-3-1. General.~~

~~1.1. Scope. This legislative rule establishes general procedures relating to fairs and festivals in West Virginia, conducted by agricultural or industrial associations, organizations or individuals, that promote agriculture, agricultural businesses or further the industrial development of the State.~~

~~1.2. Authority. W. Va. Code §19-7-1.~~

~~1.3. Filing Date. June 21, 2002.~~

~~1.4. Effective Date. June 21, 2002.~~

~~§61-3-2. Administrative.~~

~~2.1. Associations, organizations or individuals, not operated for profit, entitled to benefits as provided in these rules, shall submit to the Commissioner of Agriculture a brief description of the activities, the date and location of the event, the name and address of the president and the secretary of the event.~~

~~2.2. At the discretion of the Commissioner or by legislative intent, events may be funded. The amount shall not exceed twenty thousand dollars per event. In the event that there is more than one organization, association, or individual in a county that requests and receives funding, the aggregate sum shall not exceed fifty thousand dollars.~~

~~2.3. Once the appropriation for an event has been made, the association, organization or the individual shall submit on forms as prescribed by the Commissioner, at a minimum, the following information:~~

~~2.3.a. An acceptance letter stating that the guidelines of the event have been met.~~

~~2.3.b. A budget for the event, showing at a minimum the total income and expenses of the event.~~

~~2.3.c. The Federal Employer's Identification Number (FEIN) of the event.~~

~~2.4.~~

~~2.4.1. Reconciliation reports are due in the Commissioner's office not later than June 1 of the appropriate year unless otherwise stipulated by that office.~~

~~2.4.2. If the association, organization or individual does not expend the funds that were appropriated in a fiscal year the excess shall be returned to the Department of Agriculture but no later than June 30 of the year which the event was held.~~