

**WEST VIRGINIA  
SECRETARY OF STATE  
JOE MANCHIN, III  
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

**FILED**

2001 JUN 25 P 2:08

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: West Virginia Department of Agriculture TITLE NUMBER: 61

RULE TYPE: Legislative CITE AUTHORITY: WV Code 19-7-11 (b) 72

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

TITLE OF RULE BEING AMENDED: State Aid for Fairs and Festivals

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 25, 2001 AT 4:30 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

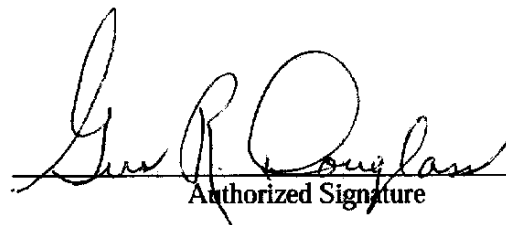
Attention: Janet L. Fisher

WV Department of Agriculture

1900 Kanawha Boulevard, East

Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

  
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

**APPENDIX B**

**FISCAL NOTE FOR PROPOSED RULES**

Rule Title: State Aid for Fairs and Festivals

Type of Rule:      X   Legislative              Interpretive              Procedural

Agency       West Virginia Department of Agriculture

Address       1900 Kanawha Blvd., East

Charleston, WV 25305-0170

**1. Effect of Proposed Rule**

	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	0	0	0	0	0
PERSONAL SERVICES	0	0	0	0	0
CURRENT EXPENSE	0	0	0	0	0
REPAIRS & ALTERATIONS	0	0	0	0	0
EQUIPMENT	0	0	0	0	0
OTHER	0	0	0	0	0

**2. Explanation of above estimates:**

There will be no economic impact to the West Virginia Department of Agriculture or State Government.

**3. Objectives of these rules:**

To bring existing rules in compliance with the current law.

Rule Title: State Aid for Fairs and Festivals

**4. Explanation of Overall Economic Impact of Proposed Rule.**

**A. Economic Impact on State Government.**

None.

**B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.**

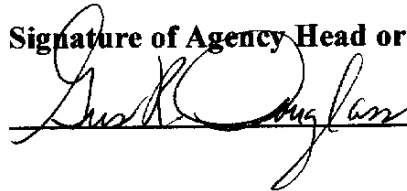
None.

**C. Economic Impact on Citizens/Public at Large.**

None.

**Date:** June 25, 2001

**Signature of Agency Head or Authorized Representative**

  
\_\_\_\_\_

## **Brief Summary of Proposal**

Establishes guidelines for fairs and festivals to follow in the promotion of Agriculture and Agricultural related events, which may receive state funding.

## **Statement of Circumstance**

Brings West Virginia Department of Agriculture rules into compliance with the passage of Senate Bill 263 as passed by the Legislature, April 12, 2001, in effect 90 days from passage. These Emergency Rules will allow the West Virginia Department of Agriculture to provide funding to fairs and festivals during the 2002 fiscal year and be in compliance with state law.

**TITLE 61  
LEGISLATIVE RULES  
DEPARTMENT OF AGRICULTURE**

**FILED**

2001 JUN 25 P 2: 08

**SERIES 3  
STATE AID FOR FAIRS AND FESTIVALS**

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**§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                    WV Code 19-7
  
- 1.3    Filing date                    June 25, 2001
  
- 1.4    Effective Date

**§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.
  
- 2.4.1    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.