

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

Form #7

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FILED

2001 JUN 25 P 2:09

Effective Date

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF AN EMERGENCY RULE

AGENCY: West Virginia Department of Agriculture TITLE NUMBER: 61

CITE AUTHORITY WV Code §19-7-11 (b)

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

TITLE OF RULE BEING AMENDED: _____

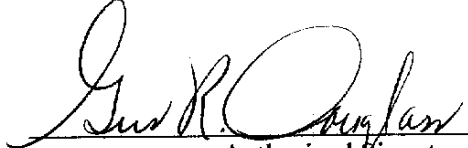
IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 3

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

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

To implement Senate Bill 263 as passed by the legislature during the regular 2001 legislative session. §19-7-11(b). These emergency rules will allow the Commissioner of Agriculture to implement this law during the 2002 fiscal year.


Authorized Signature

**TITLE 61
LEGISLATIVE RULES
DEPARTMENT OF AGRICULTURE**

FILED

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**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 July 11, 2001

§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.

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.

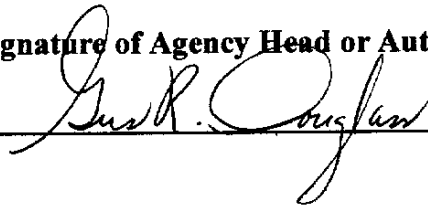
None.

C. Economic Impact on Citizens/Public at Large.

None.

Date: June 25, 2001

Signature of Agency Head or Authorized Representative



EMERGENCY RULE QUESTIONNAIRE

DATE: June 25, 2001

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.): West Virginia Department of Agriculture,
1900 Kanawha Boulevard, East, Charleston, WV 25305, (304) 558-2201.

LEGISLATIVE RULE TITLE: State Aid for Fairs and Festivals

1. Date of filing: July 25, 2001
2. Statutory authority for promulgating emergency rule:
WV Code §19-7-11 (b)
3. Date of filing of proposed legislative rule: June 25, 2001
4. Does the emergency rule adopt new language or does it amend or appeal a current legislative rule? Adopts new language.
5. Has the same or similar emergency rule previously been filed and expired?
No
6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the **immediate** preservation of public peace, health, safety or welfare.
Brings 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 operate and stay in compliance of the law during the 2002 fiscal year.
7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.
WV Code §19-7
8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.
Senate Bill 263 basically re-wrote the section of the code dealing with the funding of fairs and festivals, these emergency rules will allow the funding at these events in the 2002 fiscal year.

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.