

CERTIFICATION OF ENROLLMENT

SENATE BILL 6368

Chapter 280, Laws of 2018

65th Legislature
2018 Regular Session

AGRICULTURAL FAIRS

EFFECTIVE DATE: June 7, 2018

Passed by the Senate February 12, 2018
Yeas 47 Nays 0

CYRUS HABIB

President of the Senate

Passed by the House March 2, 2018
Yeas 98 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Approved March 27, 2018 2:46 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6368** as passed by Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

March 29, 2018

**Secretary of State
State of Washington**

SENATE BILL 6368

Passed Legislature - 2018 Regular Session

State of Washington

65th Legislature

2018 Regular Session

By Senators Warnick, Honeyford, and Van De Wege; by request of
Department of Agriculture

1 AN ACT Relating to updating agricultural fairs, youth shows, and
2 exhibitions law; amending RCW 15.76.100, 15.76.110, 15.76.115,
3 15.76.120, 15.76.140, 15.76.150, 15.76.160, and 15.76.170; and
4 repealing RCW 15.76.130.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 15.76.100 and 2012 c 221 s 1 are each amended to
7 read as follows:

8 It is hereby declared that it is in the public interest to hold
9 agricultural fairs, including the exhibition of livestock and
10 agricultural produce of all kinds, as well as related arts and
11 manufactures; including products of the farm home and educational
12 contest, displays, and demonstrations designed to train youth and to
13 promote the welfare of farm people and rural (~~living~~) economic
14 development. Fairs qualifying hereunder shall be eligible for
15 allocations from the state fair fund and for capital funding when
16 appropriated to the department of agriculture, as provided in this
17 chapter.

18 **Sec. 2.** RCW 15.76.110 and 2012 c 221 s 2 are each amended to
19 read as follows:

1 (1) "Agricultural fair" means a fair or exhibition which is
2 intended to promote agriculture and support rural economic
3 development by including a balanced variety of exhibits of livestock
4 and agricultural products, as well as related arts and manufactures;
5 including products of the farm home((7)) and educational contests,
6 displays, and demonstrations designed to train youth and to promote
7 the welfare of farm people and rural living.

8 (2) "Department" means the state department of agriculture.

9 (3) "Director" means the director of agriculture.

10 (4) "Commission" means the fairs commission created by this
11 chapter.

12 (5) "State allocations" means allocations from the state fair
13 fund.

14 **Sec. 3.** RCW 15.76.115 and 2011 1st sp.s. c 50 s 926 are each
15 amended to read as follows:

16 The fair fund is created in the custody of the state treasury.
17 All moneys received by the department of agriculture for the purposes
18 of this fund and from RCW 67.16.105((+7)) shall be deposited into
19 the fund. ~~((At the beginning of fiscal year 2002 and))~~ Each fiscal
20 year ~~((thereafter))~~, the state treasurer shall transfer into the fair
21 fund from the general fund the sum of two million dollars~~((, except~~
22 ~~for fiscal year 2011 the state treasurer shall transfer into the fair~~
23 ~~fund from the general fund the sum of one million one hundred three~~
24 ~~thousand dollars, and except during fiscal year 2012 and fiscal year~~
25 ~~2013 the state treasurer shall transfer into the fair fund from the~~
26 ~~general fund the sum of one million seven hundred fifty thousand~~
27 ~~dollars each fiscal year)).~~ Expenditures from the fund may be used
28 only for assisting fairs in the manner provided in this chapter. Only
29 the director of agriculture or the director's designee may authorize
30 expenditures from the fund. The fund is subject to allotment
31 procedures under chapter 43.88 RCW, but no appropriation is required
32 for expenditures.

33 **Sec. 4.** RCW 15.76.120 and 1993 c 163 s 1 are each amended to
34 read as follows:

35 ~~((For the purposes of this chapter all agricultural fairs in the~~
36 ~~state which may become eligible for state allocations shall be~~
37 ~~divided into categories, to wit:~~

1 ~~(1) "Area fairs" those not under the jurisdiction of boards of~~
2 ~~county commissioners; organized to serve an area larger than one~~
3 ~~county, having both open and junior participation, and having an~~
4 ~~extensive diversification of classes, displays and exhibits;~~

5 ~~(2) "County and district fairs" organized to serve the interests~~
6 ~~of single counties other than those in which a recognized area fair~~
7 ~~or a district fair as defined in RCW 36.37.050, is held and which are~~
8 ~~under the direct control and supervision of the county commissioners~~
9 ~~of the respective counties, which have both open and junior~~
10 ~~participation, but whose classes, displays and exhibits may be more~~
11 ~~restricted or limited than in the case of area or district fairs.~~
12 ~~There may be but one county fair in a single county: PROVIDED,~~
13 ~~HOWEVER, That the county commissioners of two or more counties may,~~
14 ~~by resolution, jointly sponsor a county fair.~~

15 ~~(3) "Community fairs" organized primarily to serve a smaller area~~
16 ~~than an area or county fair, which may have open or junior classes,~~
17 ~~displays, or exhibits. There may be more than one community fair in a~~
18 ~~county.~~

19 ~~(4) "Youth shows and fairs" approved by duly constituted agents~~
20 ~~of Washington State University or the office of the superintendent of~~
21 ~~public instruction, serving three or more counties, and having for~~
22 ~~their purpose the education and training of rural youth in matters of~~
23 ~~rural living.)) The following categories of agricultural fairs held~~
24 ~~in the state may be eligible for state allocations:~~

25 (1) Area fairs, which serve an area larger than one county; have
26 both open and junior participation and an extensive diversification
27 of classes, displays, and exhibits; and are not under county
28 commissioner jurisdiction;

29 (2) County fairs, organized to serve the interests of single
30 counties; have both open and junior participation but not as
31 extensive diversification of classes, displays, and exhibits as area
32 fairs; and are under county commissioner jurisdiction. An individual
33 county must have no more than one county fair, but the county
34 commissioners of two or more counties, by resolution, may jointly
35 sponsor a county or district fair as limited by RCW 36.37.050;

36 (3) Community fairs, which serve an area smaller than area or
37 county fairs and have either or both open or junior classes,
38 displays, or exhibits. There may be more than one community fair in a
39 county; and

1 (4) Youth shows and fairs, which serve three or more counties,
2 have the purpose of educating and training rural youth in matters of
3 rural living, and are approved under the authority of the Washington
4 State University or the office of the superintendent of public
5 instruction.

6 **Sec. 5.** RCW 15.76.140 and 2001 c 157 s 1 are each amended to
7 read as follows:

8 (1) Before any agricultural fair may become eligible for state
9 allocations it must have conducted two successful consecutive annual
10 fairs immediately preceding application for such allocations, and
11 have its application therefor approved by the director.

12 ~~((Beginning January 1, 1994, the director may waive this~~
13 ~~requirement for an agricultural fair that through itself or its~~
14 ~~predecessor sponsoring organization has successfully operated at~~
15 ~~least two years as a county fair and that reorganizes as an area~~
16 ~~fair)) The director may waive the requirement in subsection (1) of
17 this section if:~~

18 (a) A county fair reorganizing as an area fair has, through a
19 current or predecessor organization, received an allocation from the
20 fair fund as a county fair for at least two years; or

21 (b) A fair is not held due to a natural disaster such as a flood
22 or wildfire.

23 **Sec. 6.** RCW 15.76.150 and 2002 c 313 s 113 are each amended to
24 read as follows:

25 (1) Using the department's forms, the board of trustees of any
26 fair or youth show may apply to the department for allocations from
27 the state fair fund.

28 (2)(a) The director ~~((shall have the authority to make~~
29 allocations from)) may allocate ninety-five percent of the state fair
30 fund, including its interest income under RCW 43.79A.040,
31 ~~((exclusively as follows: Eighty five percent to participating))~~ to
32 applicant agricultural fairs, distributed according to ~~((the))~~ merit
33 ~~((of such fairs))~~ as measured by a merit rating to be set up by the
34 director. This merit rating ~~((shall))~~ must take into account such
35 factors as area and population served, open and/or youth
36 participation, attendance, gate receipts, number and type of
37 exhibits, premiums ~~((and prizes))~~ paid, community support, evidence
38 of successful achievement of the aims and purposes of the fair,

1 extent of improvements made to grounds and facilities from year to
2 year, and overall condition and appearance of grounds and facilities.

3 (b) The department may use up to ten percent of the amount
4 allocated in (a) of this subsection for special assistance to any
5 participating fair or fairs.

6 (c) The department may use the remaining ((fifteen)) five percent
7 of money in the state fair fund ((may be used for special assistance
8 to any participating fair or fairs and for administrative)) for
9 expenses incurred in the administration of this chapter ((only,
10 including expenses incurred by)), which may include the fair
11 commission ((as may be)) expenses approved by the director((-
12 PROVIDED, That not more than five percent of the state fair fund may
13 be used for such expenses)).

14 (3) The division and payment of funds authorized in this section
15 shall occur at such times as the director may prescribe.

16 **Sec. 7.** RCW 15.76.160 and 1961 c 61 s 7 are each amended to read
17 as follows:

18 Any state allocations made under this chapter ~~((to fairs or youth~~
19 ~~shows, other than fairs or youth shows operated by or for and under~~
20 ~~the control of one or more counties or other agencies, as defined in~~
21 ~~subsection (4) of RCW 15.76.120,)) shall be made only as a~~
22 ~~reimbursement in whole or in part for ((the payment of premiums and~~
23 ~~prizes awarded to participants in such fairs or youth shows))~~
24 operating expenses incurred. State allocations to fairs under the
25 control of one or more counties ~~((shall))~~ must be made to the county
26 treasurer of the county in which the fair is held. State allocations
27 to other ~~((publicly sponsored))~~ fairs or youth shows ~~((shall))~~ under
28 RCW 15.76.120 must be made to ~~((such))~~ sponsors of such fairs or
29 shows. ~~((The board of trustees of any private fair or youth show, as~~
30 ~~part of its application for any allocation under this chapter, and as~~
31 ~~a condition of such allocation, shall submit to the director a list~~
32 ~~of premiums and prizes awarded to participants in its last preceding~~
33 ~~fair or youth show. Such list shall contain the names of all premium~~
34 ~~and prize winners, a description of each prize or premium, including~~
35 ~~its amount or value, and the total values of all such awards. The~~
36 ~~list shall be in such form and contain such further information as~~
37 ~~the director may require, and shall be verified as to its accuracy by~~
38 ~~the oath of the president of the fair or youth show, together with~~
39 ~~that of the secretary or manager, subscribed thereon.))~~

1 **Sec. 8.** RCW 15.76.170 and 2010 c 8 s 6100 are each amended to
2 read as follows:

3 There is hereby created a fairs commission to consist of the
4 director of agriculture as ex officio member and chair, and seven
5 members appointed by the director to be persons who are interested in
6 fair activities; at least three of whom shall be from the east side
7 of the Cascades and three from the west side of the Cascades and one
8 member at large. (~~The first appointment shall be: Three for a one~~
9 ~~year term, two for a two year term, and two for a three year term,~~
10 ~~and thereafter the appointments shall be for three year terms.~~)
11 Appointments are for three-year terms, except for an appointment
12 filling a vacancy, which is for the remainder of the original term.

13 Appointed members of the commission shall be compensated in
14 accordance with RCW 43.03.240 and shall be reimbursed for travel
15 expenses, in accordance with RCW 43.03.050 and 43.03.060 payable on
16 proper vouchers submitted to and approved by the director, and
17 payable from that portion of the state fair fund set aside for
18 administrative costs under this chapter. The commission shall meet at
19 the call of the chair, but at least annually. It shall be the duty of
20 the commission to act as an advisory committee to the director, to
21 evaluate fairs to help determine merit under RCW 15.76.150(2), to
22 assist in the preparation of the merit rating used in determining
23 allocations to be made to fairs, and to perform such other duties as
24 may be required by the director from time to time.

25 NEW SECTION. **Sec. 9.** RCW 15.76.130 (Application for state
26 allocation—Purposes—Form) and 1961 c 61 s 4 are each repealed.

Passed by the Senate February 12, 2018.
Passed by the House March 2, 2018.
Approved by the Governor March 27, 2018.
Filed in Office of Secretary of State March 29, 2018.

--- END ---