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**SENATE BILL 6368**

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**State of Washington 65th Legislature 2018 Regular Session**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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