

ENROLLED ACT NO. 69, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2018 BUDGET SESSION

AN ACT relating to agriculture; amending provisions for the general supervision, operation and maintenance of the annual state fair and fairgrounds; amending the purpose of the state fair; reconstituting the state fair advisory board as the state fair board; specifying composition of the state fair board; specifying duties of the state fair board, the department of agriculture, the Wyoming tourism board and the state construction department; making conforming amendments; conforming provisions relating to the state fair malt beverage permit; providing an appropriation; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 11-10-101, 11-10-102, 11-10-104 through 11-10-108, 11-10-115 and 12-4-505(a) are amended to read:

11-10-101. Annual state fair; where held; purpose.

The state fair board, with the assistance of the department of agriculture, shall hold an annual state fair at Douglas, Wyoming, ~~where all important products of the state shall be recognized according to merit by premiums or rewards for excellence offered out of an appropriation provided by the legislature. No person shall collect any award until he furnishes to the department a complete history in writing of how the exhibit was produced and all other information concerning the entry that would be of interest or benefit~~ to dedicated to honoring Wyoming's agricultural heritage and culture by cultivating Wyoming's agricultural future through competitions, educational displays and experiential exhibits for youth producers and the general public.

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11-10-102. Duties and responsibilities with respect to the annual state fair and fairgrounds.

(a) The general charge and supervision of the state fair is under the director of state fair board with the assistance of the department of agriculture. ~~The director may employ a competent manager and other employees necessary for the proper conduct and management of the fair and fairgrounds.~~

(b) The department shall prepare budget requests on behalf of and subject to the approval of the state fair board for the conduct and management of the annual state fair and for the operation and maintenance of the state fairgrounds, including building and facility needs for major maintenance and repair. The director is responsible for the proper disbursement of all funds appropriated for the ~~operation and maintenance of the~~ annual state fair and fairgrounds.

(c) The state fair board shall:

(i) Select from among its voting members a chairman and a vice-chairman;

(ii) Hold at least four (4) regular meetings per year at such times and places as the chairman shall specify. Special meetings may be called by the chairman or upon request of a majority of the voting members. A majority of the voting members of the state fair board shall constitute a quorum for the transaction of business;

(iii) Be administratively supported by the department;

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(iv) Provide for the year round operation and maintenance of the state fairgrounds in a manner that:

(A) Maximizes revenues but does not disrupt the annual state fair;

(B) Ensures the facilities are maintained in good working order.

(v) Monitor any state fairgrounds facility needs assessment conducted by the state construction department and, subject to available funding, implement recommendations received under subsection (d) of this section to prioritize and remediate the identified needs;

(vi) To the extent the employment of a state fair manager would aid in accomplishing the duties required by this chapter, appoint a state fair manager to conduct and supervise the annual state fair and to manage the year round operation and maintenance of the state fairgrounds. Any appointment shall be made with the approval of the governor and shall be subject to removal authority provided by W.S. 9-1-202. The state fair board may hire and provide for the supervision of other employees necessary to accomplish the duties required by this chapter and may contract for services to advertise and promote the annual state fair and the fairgrounds;

(vii) To the extent establishing a subcommittee would aid in executing the annual state fair, appoint a subcommittee of state fair board members to plan, conduct or supervise the annual state fair. The director shall serve as chairman of any subcommittee appointed under this paragraph.

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(d) The state construction department shall, in addition to the comprehensive needs assessment conducted pursuant to W.S. 9-5-107, and upon request of the state fair board:

(i) Assess the state fairground buildings and facility needs; and

(ii) Submit recommendations to the state fair board to prioritize and remediate the identified needs.

(e) The Wyoming tourism board shall promote the annual state fair throughout the state of Wyoming and adjoining states.

11-10-104. Catalogues.

At least three (3) months before any annual fair, the ~~director of the department of agriculture~~ state fair board shall have a catalogue prepared and copies available for distribution to any person requesting it.

11-10-105. Entry fees.

A fee may be charged for any in-state or out-of-state exhibit to be entered in the state fair at an amount set by ~~the director of the department of agriculture and~~ the state fair board.

11-10-106. Admission charges; other revenues.

(a) There shall be charged at the gates of the fairground an admission fee to be set by the state fair board. An extra charge may be made for seats in the grandstand or other structure providing added comforts. The

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charge for vehicles driven or stock ridden into the grounds may be fixed by the state fair board. All fees collected shall be deposited in the Wyoming state fair account.

(b) The department of agriculture may receive any money or property of any kind or character donated, granted or bequeathed for any activities of the state fair. Monies shall be credited to the state fair account. The department, on behalf of the state fair board, shall include within its biennial budget request submitted under W.S. 9-2-1013 a report itemizing all gifts, income and expenditures under this subsection for each of the immediately preceding two (2) fiscal years.

11-10-107. Power of state fair board to acquire land; authority to make rules and regulations; renting and use of fairgrounds.

~~The~~ Consistent with W.S. 9-5-106(a) and (c), the state fair board may acquire by donation or lease in the name of the state any lands necessary for conducting the annual state fair, and may make all rules and regulations necessary for the conduct and government of the exhibitions, the sale of privileges, and the proper control, operation and conduct of the annual state fair and the state fairgrounds not inconsistent with the constitution and laws of this state. The state fair board may rent out or donate the use of the state fairgrounds for stabling and training stock and holding stock sales. The grounds may be used free of charge for encampment grounds for the state militia under the direction of the adjutant general of the state. The board ~~may~~ shall permit the grounds and facilities to be used for other purposes and ~~may~~ shall charge fees as it deems necessary to maximize revenues and pay the expenses of maintaining the grounds and facilities. ~~The board shall not~~

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~~permit any gambling device of any nature to be operated on the grounds, or permit any unlawful betting, or permit any intoxicating liquors to be sold thereon except as provided by W.S. 12-4-505.~~

11-10-108. Rodeos; generally.

The ~~director of the department of agriculture and the~~ state fair board may provide a rodeo as part of the state fair program, provided there is no restriction on any Wyoming resident who desires to participate in the rodeo other than the prescribed entry fee, unless the restriction is required by a sanctioning body as part of the terms and conditions to sanction the rodeo. Any contract entered into with any person to provide entertainment under this section is void if it in any manner excludes a Wyoming resident from participation in the entertainment because of membership or nonmembership in any organization or group.

11-10-115. State fair board; membership; terms; compensation.

(a) There is created the state fair ~~advisory~~ board ~~which shall serve as advisor to the board of agriculture on the operation of the state fair and the operation and maintenance of the state fairgrounds. The state fair advisory board shall consist of ten (10)~~ consisting of the following members:7

(i) One (1) voting member appointed by each of the seven (7) members of the board of agriculture appointed pursuant to W.S. 11-2-102(b), the governor from each of the four (4) quadrants specified in W.S. 11-2-102(e)(i) through (iv). Each of these members shall be engaged primarily in agricultural work and shall be selected to represent a

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cross section of the agriculture industry. Appointments shall rotate consecutively among all the counties of the quadrants;

(ii) One (1) voting member jointly appointed by a majority vote of both the Converse county board of commissioners and the governing body of the city of Douglas;

(iii) One (1) voting member appointed by the dean of the University of Wyoming college of agriculture from the Wyoming cooperative extension service; ~~and~~

(iv) One (1) voting member selected by the Wyoming vocational agricultural teachers association from its membership; ~~The state fair advisory board members shall receive no salary in the performance of their duties but shall receive mileage and per diem the same as state employees as provided by W.S. 9-3-102.~~

(v) One (1) voting member appointed by the governor from the department of state parks and cultural resources;

(vi) One (1) voting member appointed by the governor from the Wyoming business council;

(vii) One (1) voting member appointed by the governor from the Wyoming tourism board or a representative of the Wyoming tourism board;

(viii) One (1) voting member appointed by the governor from the energy industry;

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(ix) One (1) at-large voting member who is engaged primarily in agricultural work, appointed by the governor;

(x) The director shall serve as a voting member;

(xi) The governor or his designee and the dean of the University of Wyoming college of agriculture, or the dean's designee, shall serve as nonvoting ex officio members.

(b) ~~The members of the state fair advisory board member appointed by the Converse county board of commissioners, the state fair advisory board member appointed by the dean of the University of Wyoming college of agriculture and the state fair advisory board member selected by the Wyoming vocational agriculture teachers association shall serve a four (4) year term. All other state fair advisory board members shall serve at the pleasure of the person who appointed the state fair advisory board member and in no event shall the term of any state fair advisory member exceed the corresponding term of the appointing board of agriculture member.~~ appointed under paragraph (a)(i) of this section shall serve for a term of six (6) years. The members of the state fair board appointed under paragraphs (a)(ii) through (ix) of this section shall serve for a term of four (4) years. Any state fair board member appointed by the governor is subject to removal as provided in W.S. 9-1-202.

(c) Except as provided in this section, the state fair board members shall be paid a salary of one hundred dollars (\$100.00) per day for attending and traveling to and from official state fair board meetings and shall receive mileage and per diem in the same manner as state

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employees as provided by W.S. 9-3-102. Members who are government employees or public officials appointed to the state fair board to represent an agency, department, board or institution of the state, including the University of Wyoming, shall receive no salary but shall be considered on official business when performing duties as members of the state fair board and shall receive mileage and per diem in the manner provided by the agency, department, board or institution the member represents.

12-4-505. Malt beverage permit for annual state fair.

(a) Upon application, the appropriate licensing authority shall issue to the ~~director of the department of agriculture~~ state fair board a malt beverage permit for the sale of malt beverages only on the state fairgrounds during the annual state fair. W.S. 12-5-201 does not apply to this subsection. The issuance of a malt beverage permit under this subsection shall not be considered an alcoholic beverage permit issued on the basis of population as provided in W.S. 12-4-201. Malt beverages shall only be sold for consumption under this permit on the state fairgrounds during the annual state fair in areas specifically designated by the ~~director of the department of agriculture~~ state fair board.

Section 2. The governor and other entities responsible for appointing members to the state fair board shall solicit applications and consider applicants for appointments to the state fair board. Appointments of members to the state fair board shall be made before September 1, 2018. Members appointed to the state fair board pursuant to this act shall begin their terms on September 1, 2018.

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Section 3. There is appropriated fifty-five thousand dollars (\$55,000.00) from the general fund to the department of agriculture. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2020. This appropriation shall only be expended for payment of salary, per diem and mileage for state fair board members authorized under W.S. 11-10-115(c). Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2020. This appropriation shall be included in the 2021-2022 standard biennial budget request submitted on behalf of the state fair board by the department of agriculture.

Section 4.

(a) Except as provided in subsection (b) of this section, this act is effective September 1, 2018.

ORIGINAL SENATE
FILE NO. SF0045

ENGROSSED

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(b) Section 2 of this act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk