

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

2

SENATE BILL 630
Second Edition Engrossed 4/5/89

Short Title: Agricultural Fairs Council.

(Public)

Sponsors: Senators Speed; Conder, Daniel, Guy, Martin of Pitt, Murphy, and Parnell.

Referred to: Agriculture.

March 23, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE AN AGRICULTURAL FAIRS COUNCIL IN THE
3 DEPARTMENT OF AGRICULTURE.

4 The General Assembly of North Carolina enacts:

5 Section 1. Article 45 of Chapter 106 of the General Statutes is amended by
6 adding a new part to read:

7 **"PART 5.**

8 **"AGRICULTURAL FAIRS COUNCIL.**

9 **"§ 106-520.8. North Carolina Agricultural Fairs Council.**

10 (a) There is created the North Carolina Agricultural Fairs Council in the
11 Department of Agriculture.

12 (b) The Council shall consist of 16 members as follows:

13 (1) A member of the North Carolina Cattlemen's Association appointed by
14 that association;

15 (2) Two members of the North Carolina Association of Agricultural Fairs
16 appointed by that association;

17 (3) The Dean of the College of Agriculture and Life Sciences of North
18 Carolina State University at Raleigh, to serve ex officio;

19 (4) The President of the North Carolina Farm Bureau Federation, to serve
20 ex officio;

21 (5) The Director of Vocational Education of the State Department of
22 Public Instruction, to serve ex officio;

- 1 (6) The President of the North Carolina System of Community Colleges,
2 to serve ex officio;
- 3 (7) A member of the North Carolina Association of Extension
4 Homemakers appointed by that association;
- 5 (8) A member of the Association of County Commissioners appointed by
6 that association;
- 7 (9) A Senator appointed by the President Pro Tempore of the Senate;
- 8 (10) A Representative appointed by the Speaker of the House;
- 9 (11) The Commissioner of Agriculture, to serve ex officio;
- 10 (12) Three persons appointed by the Commissioner of Agriculture for
11 three-year terms. In order to achieve staggered terms, one of the
12 Commissioner's initial appointments shall be for a term of one year,
13 one for a term of two years and one for a term of three years; and
- 14 (13) The Dean of the School of Agriculture at North Carolina A & T State
15 University, to serve ex officio.

16 The members of the Council appointed under subdivisions (1), (2), (7), and (8) shall
17 serve for the term designated by the appointing agency. In the event of a vacancy the
18 appropriate appointing authority shall appoint a replacement in the same manner as
19 provided for the original appointment.

20 (c) The Commissioner of Agriculture shall serve as Chairman of the Council. A
21 majority of the members shall constitute a quorum for the purpose of transacting
22 business. Members other than State employees shall be entitled to per diem and
23 subsistence as provided by law for members of State boards and commissions.

24 **"§ 106-520.9. Advisory duties.**

25 The Council's sole duty shall be to advise the Commissioner of Agriculture in
26 making grants of State funds to qualified local agricultural fairs.

27 **"§ 106-520.10. Powers and duties of the Commissioner of Agriculture.**

28 The Commissioner of Agriculture, with the advice of the Council, and subject to
29 available funds, may make grants of State funds to qualified local agricultural fairs to be
30 used by them to pay premium awards for competitive exhibits of products of agriculture
31 and home economics, domestic livestock, and for vocational and judging skills. The
32 Commissioner may also make grants to help establish new facilities and to improve
33 existing facilities used in conducting events at local agricultural fairs. Grants for
34 facilities shall be made under such conditions as may be imposed by the Commissioner
35 with the advice of the Council. Grants shall require matching funds from the local fair
36 in an amount to be determined by the Commissioner, with the advice of the Council.
37 Preference shall be given to fair associations which are most representative of
38 agricultural interests. The Commissioner may also make grants to bona fide agricultural
39 fair associations, without matching funds, to assist in the establishment of new
40 agricultural fairs. The Commissioner may also make grants of not more than one
41 thousand dollars (\$1,000) to any one fair to be used to promote agricultural
42 commodities.

43 **"§ 106-520.11. Eligibility for grants.**

1 In order to be eligible to receive a grant of State funds under this Article, a recipient
 2 must:

- 3 (1) Sponsor a fair that is licensed as an agricultural fair by the
 4 Commissioner of Agriculture pursuant to G.S. 106-520.3;
 5 (2) Be a nonprofit or governmental organization;
 6 (3) Provide for an annual fair running for at least three days;
 7 (4) Present through the medium of youth organizations such as 4-H Clubs,
 8 Future Farmers of America, Future Homemakers of America, and
 9 other similar organizations, an educational program concerning the
 10 production, marketing, and consumption of livestock, poultry, field
 11 crops and horticultural crops;
 12 (5) Comply with all rules and regulations of the Department of
 13 Agriculture; and
 14 (6) Have as an advisor or a member of its governing board, one or more
 15 members representing local livestock associations, county farm
 16 bureaus, extension homemakers county council and one or more
 17 county extension agents, vocational home economics teachers and
 18 vocational agricultural teachers from the county served by the fair. It
 19 shall be the responsibility of such members to aid in establishing
 20 premium lists and planning agricultural exhibits.

21 Any fair or fair association receiving a grant of State funds shall file with the
 22 Department of Agriculture by February 1 following the year in which the grant is
 23 received satisfactory proof that all State premium awards have been paid. That proof
 24 shall be a certified financial report notarized and submitted by the treasurer of the local
 25 fair association."

26 Sec. 2. G.S. 106-520 reads as rewritten:

27 **"§ 106-520. Local aid to agricultural, animal, and poultry exhibits.**

28 Any city, town, or county or municipality may appropriate funds not to exceed one
 29 hundred dollars (\$100.00) to aid any agricultural, animal, or poultry agricultural
 30 exhibition or fair held within such city, town, or county."

31 Sec. 3. G.S. 106-508, 106-509, and 106-510 are repealed.

32 Sec. 4. G.S. 106-516.1 reads as rewritten:

33 **"§ 106-516.1. Carnivals and similar amusements not to operate without permit.**

34 Every person, firm, or corporation engaged in the business of a carnival company or
 35 a show of like kind, including menageries, merry-go-rounds, Ferris wheels, riding
 36 devices, circus and similar amusements and enterprises operated and conducted for
 37 profit, shall, prior to exhibiting in any county annually staging an agricultural fair, apply
 38 to the sheriff of the county in which the exhibit is to be held for a permit to exhibit. The
 39 sheriff of the county shall issue a permit without charge; provided, however, that no
 40 permit shall be issued if he shall find the requested exhibition date is less than 30 days
 41 prior to a regularly advertised agricultural fair. fair and so in conflict with G.S. 105-39.
 42 Exhibition without a permit from the sheriff of the county in which the exhibition is to
 43 be held shall constitute a misdemeanor and be punished by a fine or imprisonment, or
 44 both, in the discretion of the court: Provided, that nothing contained in this section shall

1 prevent veterans' organizations and posts chartered by Congress or organized and
2 operated on a statewide or nationwide basis from holding fairs or tobacco festivals on
3 any dates which they may select if such fairs or festivals have heretofore been held as
4 annual events."

5 Sec. 5. There is appropriated from the General Fund to the Department of
6 Agriculture the sum of six hundred thousand dollars (\$600,000) for the 1989-90 fiscal
7 year to implement this act. The funds appropriated shall not revert at the end of the
8 1989-90 fiscal year, but shall remain available to implement this act.

9 Sec. 6. This act shall become effective July 1, 1989.