

CHAPTER 208
HB 1584-FN - FINAL VERSION

31Mar2022... 1156h
05/05/2022 1954s

2022 SESSION

22-2510
08/05

HOUSE BILL ***1584-FN***

AN ACT establishing a capital improvement grant program for the benefit of state fairs and agricultural fairs.

SPONSORS: Rep. Ladd, Graf. 4; Rep. Pearl, Merr. 26; Rep. Graham, Hills. 7; Rep. Cordelli, Carr. 4; Rep. Luneau, Merr. 10; Sen. Hennessey, Dist 1; Sen. Prentiss, Dist 5; Sen. D'Allesandro, Dist 20

COMMITTEE: Environment and Agriculture

ANALYSIS

This bill establishes a capital improvement grant program and fund for the benefit of state and agricultural fairs.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT establishing a capital improvement grant program for the benefit of state fairs and agricultural fairs.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 208:1 Capital Improvement Program for State Fairs. The subdivision heading preceding RSA 425:19
2 and RSA 425:19 through RSA 425:19-f are repealed and reenacted to read as follows:

3 Capital Improvement Program for State Fairs

4 425:19 Declaration of Purpose. The general court finds that it is in the public interest to advance,
5 encourage, and protect agricultural fairs including the exhibition of livestock and agricultural produce of all
6 kinds, as well as related arts and businesses. Fair exhibitions are an integral and historical part of New
7 Hampshire that provide an opportunity to educate and promote agriculture to the general public. The
8 state further recognizes the need to support the activities of local youth organizations like 4-H and Future
9 Farmers of America that encourage agricultural awareness and rural economic development.

10 425:19-a Definitions. In this subdivision:

11 I. "Commissioner" means the commissioner of the department of agriculture, markets, and food.

12 II. "Department" means the New Hampshire department of agriculture, markets, and food.

13 III. "Fair" means a member in good standing of the New Hampshire Association of Fairs and
14 Expositions which is intended to promote agriculture and support rural economic development by
15 including a balanced variety of exhibits of livestock and agricultural products as well as related arts and
16 businesses, including products of farm home and educational contests, displays, and demonstrations
17 designed to train youth and to promote agricultural awareness and rural economic development and
18 living.

19 IV. "Fund" means the capital improvement program grant fund for fairs established in RSA
20 425:19-b.

21 425:19-b Capital Improvement Program Grant Fund. There is hereby established the capital
22 improvement program grant fund to be used by the department to assist fairs in the manner provided by
23 this chapter. Only the commissioner or the commissioner's designee may approve applications and
24 authorize disbursements from the fund. The fund shall be nonlapsing for the purpose of administering this
25 chapter should future state appropriations become available. Effective July 1, 2022, the state treasurer
26 shall transfer into the capital improvement program grant fund from the state general fund the sum of
27 \$250,000.

28 425:19-c Capital Improvement Program; Grant Eligibility Conditions and Criteria. The following
29 conditions and criteria shall be met by a fair to be eligible for a capital improvement program grant
30 awarded by the commissioner. However, the commissioner may make exceptions to the above
31 conditions and criteria. The fair applicant shall:

CHAPTER 208
HB 1584-FN - FINAL VERSION
- Page 2 -

1 I. Be a non-profit association located in New Hampshire that is a full member in good standing
2 with the New Hampshire Association of Fairs and Expositions.

3 II. Annually hold events that offer contests or exhibits of 4-H members and clubs, Future Farmers
4 of America members and clubs, granges, farm crops, domestic livestock competitions, or home crafts.

5 III. Be managed by a board of directors who are responsible for the business affairs and
6 operational activities and policies.

7 IV. Have a board of directors who are subject to and compliant with local, state, and federal laws
8 and regulations.

9 V. Have a treasurer who has charge of the financial affairs of the corporation and ensures that
10 grant funds received from a state grant are used in accordance with the applicant's proposal as approved
11 by the department commissioner.

12 VI. Operate a minimum of 3 consecutive, 8-hour days per year.

13 VII. Submit a capital improvement project that has a minimum useful life of 20 years and shall be
14 completed within 2 years of execution of a contract to perform work authorized by the grant.

15 VIII. Contribute matching funds or in-kind services in an amount equal to 30 percent or more of
16 the value of the grant.

17 IX. Not have already completed the project for which the applicant seeks reimbursement.

18 425:19-d Capital Improvement Grant Disbursements.

19 I. The board of directors of a fair may apply to the department for grant award from the capital
20 improvement program grant fund on forms provided by the department.

21 II. The commissioner shall allocate at least 95 percent of the capital improvement program grant
22 fund, including fund interest, to eligible applicant fairs and distribute such funds according to merit as
23 measured by a merit rating to be set by the commissioner. This merit rating shall take into account such
24 factors as area and population served, youth participation, attendance, gate receipts, number and type of
25 exhibits, community support, evidence of successful achievement of desired outcomes and purposes of
26 the fair, extent of improvements made to grounds and facilities from year to year, rural and farming nature
27 of the region served by the fair, and overall condition and appearance of grounds.

28 III. Any disbursements made under this section shall be made only as a disbursement in whole or
29 in part for capital improvement expenses incurred by the fair.

30 425:19-e Health or Safety Capital Improvements and Contract Requirements.

31 I. Subject to the availability of funds, the department shall provide grant funds on a competitive
32 basis, to support capital projects that make health and safety improvements to agricultural fairgrounds or
33 fair facilities in order to benefit participants and the fair-going public. The rules of such competition shall
34 be established by the department in accordance with RSA 541-A.

35 II. The department shall develop and manage appropriate contracts with the selected applicants,
36 monitor project expenditures and grantee performance, report project and contract information, and
37 exercise due diligence, and other managerial responsibilities.

CHAPTER 208
HB 1584-FN - FINAL VERSION
- Page 3 -

1 III. The department shall include provisions in the contracts which require that capital
2 improvements be held by the grantee for a specific period of time appropriate to the amount of the grant
3 and that facilities shall be used for the express purpose of the grant.

4 IV. The department may use the remaining funds from any general court appropriation to the
5 state fair capital improvements for expenses incurred in the administration of the capital improvement
6 grant program.

7 V. All deadlines and times required for the capital improvement grant program administration and
8 disbursement of funds to fairs shall occur at such times as the commissioner may prescribe.

9 VI. If the grantee is found to be out of compliance with provisions of the contract, the grantee
10 shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of
11 interest on state of New Hampshire general obligation bonds issued most closely to the date of
12 authorization of the grant.

13 425:19-f Rulemaking. The commissioner shall adopt rules under RSA 541-A relative to the
14 administration of the capital improvement grant program under this subdivision.

15 425:19-g Report of Grants. The commissioner shall compile an annual report detailing the number of
16 disbursements from the fund, the amount of each disbursement, what entity received the disbursement,
17 and the purpose of the disbursement, and shall submit such report to the speaker of the house of
18 representatives, the president of the senate, the chairpersons of the house and senate ways and means
19 committees, the house and senate finance committees, and the house and senate committees with
20 jurisdiction over environmental and agricultural issues, by November 1 of each year or until such time that
21 all funds within the capital improvement program grant fund have been disbursed and expended.

22 425:19-h Financial Records. Each capital improvement grant recipient shall use the calendar year as
23 its fiscal year for keeping the books, records, and reports relative to the use of grant funds. All records
24 such as invoices, contracts, or other documents supporting grant fund uses shall be preserved and
25 available to the commissioner in accordance with rules pursuant to RSA 425:19-f.

26 425:19-i Failure to Keep Records. The failure to keep financial records shall be considered sufficient
27 cause for the commissioner of agriculture, markets, and food to withhold the distribution of funds.

28 208:2 New Subparagraph; Capital Improvement Grant Fund for Fairs. Amend RSA 6:12, I(b) by
29 inserting after subparagraph (382) the following new subparagraph:

30 (383) Moneys deposited in the capital improvement program grant fund established in
31 RSA 425:19-b.

32 208:3 Effective Date. This act shall take effect July 1, 2022.

Approved: June 17, 2022
Effective Date: July 01, 2022

