

Adopt Agr 4000 to read as follows:

CHAPTER Agr 4000 CAPITAL IMPROVEMENT PROGRAM FOR STATE FAIRS

Statutory Authority: RSA 425:19-f

PART Agr 4001 PURPOSE AND SCOPE

Agr 4001.01 Purpose of the Capital Improvement Program for State Fairs.

(a) The purpose of the Capital Improvement Program Grant Fund is to assist fairs with capital projects that make health and safety improvements to agricultural fairgrounds or fair facilities in order to benefit participants and the fair-going public.

(b) The intent is to advance, encourage, and protect agricultural fairs and exhibitions in New Hampshire.

Agr 4001.02 Scope. Only the commissioner or the commissioner's designee shall approve applications and authorize disbursement from the fund, pursuant to RSA 425:19-a through RSA 425:19-f and these rules.

PART Agr 4002 DEFINITIONS

Agr 4002.01 Definitions.

(a) "Commissioner" means "commissioner" as defined in RSA 425:19-aa, I, namely "the commissioner of the department of agriculture, markets, and food."

(b) "Department" means "department" as defined in RSA 425:19-aa, II, namely "the New Hampshire department of agriculture, markets, and food."

(c) "Fair" means "fair" as defined in RSA 425:19-aa, III, namely "a member in good standing of the New Hampshire Association of Fairs and Expositions 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 businesses, including products of farm home and educational contests, displays, and demonstrations designed to train youth and to promote agricultural awareness and rural economic development and living."

(d) "Fund" means "fund" as defined in RSA 425:19-aa, IV, namely "the capital improvement program grant fund for fairs established in RSA 425:19-b."

PART Agr 4003 APPLYING FOR CAPITAL IMPROVEMENT FOR STATE FAIRS PROGRAM GRANT

Agr 4003.01 Capital Improvement for State Fairs Program Grant Application Eligibility.

(a) The fair applicant shall:

(1) Be a non-profit association located in New Hampshire;

(2) Be a full member in good standing with the New Hampshire Association of Fairs and Expositions;

- (3) Annually hold events that offer contests or exhibits of 4-H members and clubs, Future Farmers of America members and clubs, granges, farm crops and domestic livestock competitions, or home crafts;
- (4) Be managed by a board of directors who are responsible for the business affairs and operational activities and policies;
- (5) Have a board of directors who are subject to and compliant with local, state, and federal laws and regulations;
- (6) Have a treasurer who has charge of the financial affairs of the corporation and ensures that grant funds received from a state grant are used in accordance with the applicant's proposal as approved by the commissioner;
- (7) Operate a minimum of 3 consecutive, 8 hour days per year;
- (8) Submit a capital improvement project that has a minimum useful life of 20 years and shall be completed within 2 years of execution of a contract to perform work authorized by the grant;
- (9) Contribute matching funds or in-kind services in an amount equal to 30% or more of the value of the grant; and
- (10) Not have completed the project for which the applicant seeks reimbursement.

(b) The commissioner shall waive a condition or criteria listed in Agr 4003.01(a) based on the information provided by the applicant if:

- (1) The project substantially complies with the conditions for eligibility;
- (2) The project supports the purposes of the grant program as stated in Agr 4001.01; and
- (3) Any other factor that unfairly limits the applicant, for example, an applicant who operates 2 consecutive days instead of 3, but holds multiple operations per year.

Agr 4003.02 Deadline for Submitting an Application. The applicant shall submit the application by October 1st for the calendar year.

Agr 4003.03 Submitting an Application. The applicant shall mail a completed application and all attachments, in accordance with the deadlines established in Agr 4003.02 to:

Department of Agriculture, Markets, & Food

Office of the Commissioner

PO Box 2042, Concord, NH, 03302 -2042.

Agr 4003.04 Content of Application.

(a) Any eligible fair under Agr 4003.01 wishing to obtain a Capital Improvement Program Grant shall apply for a grant by submitting the following applicant information in writing to the department:

- (1) Name and location of the fair;
- (2) Attestation that the fair is a non-profit in New Hampshire, is in good standing with the New Hampshire Association of Fairs and Expositions, and is in compliance with all local, state, and federal laws and regulations;
- (3) Name, title, mailing address, email, and daytime telephone number of the individual who can answer questions on behalf of the applicant regarding the project;
- (4) List of names and contact information for the board of directors and include any conflict of interest forms they have signed;
- (5) List a treasurer's name and contact information who will be responsible for complying with the requirements under RSA 425:19-c (V);
- (6) List the dates and times the fair has been held in the past 3 years and the date and time of the fair in the coming year;
- (7) For each of the 3 previous years the fair has been held, provide information of the following:
 - a. Area and population served;
 - b. Youth participation;
 - c. Attendance;
 - d. Gate receipts;
 - e. Number and type of exhibits and contests; and
 - f. Community support or number of volunteers;
- (8) Describe how the fair has achieved success in its desired outcomes and purpose; and
- (9) List improvements made to the grounds and facilities of the fair from year to year.

(b) Any eligible fair under Agr 4003.01 wishing to obtain a Capital Improvement Program Grant shall apply for a grant by submitting the following project information in writing to the department:

- (1) A detailed description of the proposed project;
- (2) A concise explanation of the need for the proposed project;
- (3) A brief explanation of how the project will improve the health and safety of participants and the fair-going public;
- (4) An estimated minimum useful life of the proposed project of at least 20 years;

- (5) An estimated completion time frame after execution of a contract to perform work authorized by the grant of no more than 2 years;
- (6) Provide a cost estimate from a contractor or provide details of costs for the fair to complete the project in house;
- (7) If the fair is to complete the project in house, provide information of how the fair will be in compliance with all applicable construction standards and permitting requirements; and
- (8) Provide documentation that at least 30% of the cost of the project is attributable to matching funds or in-kind services and will be kept in a separate account or accounting unit.

Agr 4003.05 Signature and Attestations.

- (a) The applicant's authorized representative shall sign and date the application.
- (b) The signature shall constitute certification that:
 - (1) The information provided is true, complete, and not misleading to the knowledge and belief of the signer; and
 - (2) The signer understands that any permit granted based on false, incomplete, or misleading information shall be subject to revocation.

PART Agr 4004 DEPARTMENT REVIEW AND NOTICE

Agr 4004.01 Review of Capital Improvement Program for State Fairs Grant Application.

- (a) The department shall determine the application is eligible if:
 - (1) The application is complete and signed;
 - (2) The applicant is an eligible entity, unless the fair received a waiver under Agr 4003.01(b); and
 - (3) The proposed project is within the scope of projects identified in RSA 425:19-a, unless the fair received a waiver under Agr 4003.01(b).
- (b) The department shall evaluate the eligible application based on the following criteria:
 - (1) Area, population served;
 - (2) Youth participation;
 - (3) Attendance;
 - (4) Gate receipts;
 - (5) Number and type of exhibits;
 - (6) Community support or number of volunteers;
 - (7) Evidence of success;

- (8) Improvements over the years;
- (9) Rural and farming nature of region served;
- (10) Overall condition and appearance of grounds; and,
- (11) Any other condition that is necessary to ensure the safety of fair participants and the fair going public, such as compliance with the Americans with Disabilities Act, or obsolete, inefficient, or unsuitable facilities, or mechanical and building systems.

(c) The department shall rank order the applications and proceed down the list in descending order until all available funds have been allocated.

Agr 4004.02 Notice.

(a) The department shall notify the applicant in writing of its eligibility determination within 30 days.

(b) If the department determines that the applicant's project is not eligible, the notice sent pursuant to (a) above, shall specify the reasons(s) for the determination and inform the applicant that the department will reconsider the determination if the applicant submits modified or supplemental information within 30 days of the date of notice.

(c) If the applicant wants the department to reconsider its determination that a project is ineligible, the applicant shall submit modified or supplemental information within 30 days of the date of the notice and request the department to reconsider its decision in light of the new information.

(d) Upon receipt of a request to reconsider in light of new information, the department shall review the information and make a decision in accordance with (a) through (c), above, except that no further reconsideration shall be undertaken.

(e) If the department approves a grant application pursuant to (a) above, the department shall forward a grant agreement for signature by the applicant, and the applicant shall sign and return the application to the commissioner for execution.

PART Agr 4005 GRANT AGREEMENT, REPORTING, AND ACCOUNTING

Agr 4005.01 Grant Agreement. The grant agreement shall contain the following provisions:

- (a) The amount of funds being provided;
- (b) A description of the project;
- (c) Grantee authorization to allow the department to inspect the capital improvement grant project from the time of the application and throughout all stages of renovation or construction, and implementation to include:
 - (1) The project and any and all incidental works, areas, facilities, and premises otherwise pertaining to the project for which the grant was made; and

(2) Any and all books, accounts, records, contracts, or other instruments, documents, or other information possessed by the grantee or its contractors, agents, employees, or representatives which relate in any respect to the receipt, deposit, or expenditure of financial assistance;

(d) Proof of 30% of the cost of the project in a separate account or accounting unit;

(e) Agreement by the grantee to file interim reports bi-annually to the department to include:

(1) Photos of the project;

(2) Invoices and proof of payment; and

(3) Additional contracts or changes in the project work plan or budget;

(f) Agreement by the grantee to file a final completion report with the department not more than 2 years from the date of execution of the grant agreement to include:

(1) Certificate of completion;

(2) Invoices and proof of payment; and

(3) Photographs of the completed project;

(g) Agreement of the grantee to hold the capital improvement for a minimum of 15 years;

(h) Agreement by the grantee that the facilities shall be used for the express purpose of the grant;

(i) Attestation by the grantee that in all phases of implementation, the project will be in compliance with all applicable laws, construction standards, and permit requirements; and

(j) Attestation by the grantee that the grant funds received are used in accordance with the grantee's proposal as approved by the commissioner.

Agr 4005.02 Funds Not Used. Any funds granted to the grantee remaining after completion of the project shall be returned to the commissioner.

Agr 4005.03 Record Keeping.

(a) The grantee shall use the calendar year as its fiscal year for keeping the books, records, and reports relative to the use of grant funds.

(b) Failure to keep financial records shall be considered sufficient cause for the department to withhold distribution of funds.

Agr 4005.04 Failure to Comply. If the grantee is found out of compliance with the provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of New Hampshire general obligation bonds issued most closely to the date of authorization of the grant.

Effective Date: 12/1/2023

Expiration Date: 12/1/2033

Appendix A

Rule	Specific State Statute the Rule Implements
Agr 4001.01	RSA 425:19-a
Agr 4001.02	RSA 425:19-b
Agr 4002	RSA 425:19-aa
Agr 4003.01	RSA 425:19-c
Agr 4003.02	RSA 425:19-e, V
Agr 4003.03	RSA 425:19-d, I and II
Agr 4003.04(a)	RSA 425:19-c, RSA 425:19-d, I and II; RSA 425:19-e, II
Agr 4003.04(b)	RSA 425:19-c, VII and VIII; RSA 425:19-e, I and II
Agr 4003.05	RSA 425:19-e, II
Agr 4004.01(a)	RSA 425:19-a and b
Agr 4004.01(b)	RSA 425:19-d, II
Agr 4004.01(c)	RSA 425:19-d, II; RSA 425:19-e, I
Agr 4004.02	RSA 425:19-f
Agr 4005.01(a) and (b)	RSA 425:19-e, II
Agr 4005.01(c)	RSA 425:19-e, II; RSA 425:19-h
Agr 4005.01(d)	RSA 425:19-e, II; RSA 425:19-c, VIII
Agr 4005.01(e) and (f)	RSA 425:19-e, II
Agr 4005.01(g) and (h)	RSA 425:19-e, II and III
Agr 4005.01(i)	RSA 425:19-e, II
Agr 4005.01(j)	RSA 425:19-e, II and III
Agr 4005.02	RSA 425:19-e, III
Agr 4005.03(a)	RSA 425:19-h
Agr 4005.03(b)	RSA 425:19-i
Agr 4005.04	RSA 425:19-e, VI