

## No. 1986-92

## AN ACT

## SB 1298

Providing for grants to agricultural societies and associations to develop and improve agricultural fairs; establishing an advisory committee in the Department of Agriculture; and making repeals.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Pennsylvania Agricultural Fair Act.

Section 2. Declaration of purpose.

The General Assembly declares that agricultural fairs are a part of Pennsylvania's rich heritage and the public policy of this Commonwealth should be to continue their contribution to agriculture and agribusiness by encouraging related careers, fostering production and product improvements and promoting increased investments. Agricultural fairs also enrich the life of the community by showcasing agricultural and agribusiness achievements, offering recreational opportunities and promoting tourism. The purpose of this act is to make funds available to encourage the further development and improvement of Pennsylvania's agricultural fairs.

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Activity day." The conducting of a minimum of six hours of events, activities or programs within a calendar day.

"Agricultural fair." An annual agricultural exhibition contributing to the development of several or many phases of agriculture or agribusiness by the conduct of educational programs, activities, demonstrations, contests and exhibits.

"Class A fair." An annual agricultural event which operates on 40 acres or more of land and pays \$10,000 or more in premiums to winners of agricultural or agribusiness contests or exhibits.

"Class B fair." An annual agricultural event which operates on 30 acres or more of land and pays \$7,500 to \$9,999 in premiums to winners of agricultural or agribusiness contests or exhibits.

"Class C fair." An annual agricultural event which operates on 20 acres or more of land and pays \$5,000 to \$7,499 in premiums to winners of agricultural or agribusiness contests or exhibits.

"Class D fair." An annual agricultural event which operates on 10 acres or more of land and pays \$2,500 to \$4,999 in premiums to winners of agricultural or agribusiness contests or exhibits.

“Class E fair.” An annual agricultural event which operates on fewer than 10 acres of land and pays less than \$2,500 in premiums to winners of agricultural or agribusiness contests or exhibits.

“Department.” The Department of Agriculture of the Commonwealth.

“Open Class.” An event for which agricultural or agribusiness premiums are paid and which is open to participants who need not be associated with any particular organization.

“Secretary.” The Secretary of the Department of Agriculture of the Commonwealth.

#### Section 4. Advisory committee.

(a) Committee established.—There is established within the department an advisory committee composed of seven members as follows: the Secretary of Agriculture, who shall be chairman; the Chairman of the Agriculture and Rural Affairs Committee of the House of Representatives, or his designee; the Chairman of the Agriculture and Rural Affairs Committee of the Senate, or his designee; and four additional members to be appointed by the secretary, including three representatives of agricultural fairs and one member who shall represent the public at large. The appointed members shall serve for terms of two years. Appointments to the committee shall be made within 60 days of this act.

(b) Quorum.—No business shall be transacted by the advisory committee in the absence of a quorum, which shall consist of four members.

(c) Expenses.—The members of the advisory committee shall not be entitled to compensation for their services as members, but may be entitled to receive the amount of reasonable traveling, lodging and other necessary expenses incurred in the performance of their duties in accordance with Commonwealth regulations.

(d) Duties.—The advisory committee shall assist and advise the secretary, review any proposed departmental regulations and the annual plan for the administration of this act, and periodically review the operation of the program and make recommendations on the disbursement of funds.

#### Section 5. Grants.

The department is authorized to make grants in amounts approved by the secretary in the following manner:

(1) On or before February 1, annually, to eligible county agricultural societies, independent agricultural societies and other organizations which conduct an annual agricultural fair to assist the organizations as follows:

(i) Financing their operating costs, including, but not limited to, the cost of exhibiting agribusiness products, materials and equipment, conducting agricultural or agribusiness educational activities and demonstrations, and awarding premiums to contest and exhibit winners at the fairs.

(A) A basic payment for operating expenses, the sum of which may not exceed \$14,000 for Class A fairs, \$12,000 for Class B fairs, \$9,500 for Class C fairs, \$7,000 for Class D fairs and \$2,500 for Class E fairs.

(B) Fifty percent of money paid for all other agricultural premiums not included in paragraph (1), with a maximum payment for premiums not to exceed \$15,000.

(ii) Financing their costs to improve buildings and grounds, add land or construct new facilities.

(iii) Reimbursing each county agricultural society and each independent agricultural society conducting harness horse racing during its annual fair, other than races for two- and three-year-old colts and fillies provided for in subparagraph (iv), in an amount of money equal to that used during its annual fair as purse money for harness horse racing, track and stable maintenance, starting gate rental and the cost of all harness horse racing officials required during the annual fair. Reimbursement shall not exceed \$13,000, and a minimum of \$4,000 shall be used for purse money.

(iv) Reimbursing each county agricultural society and independent agricultural society conducting races for two- and three-year-old colts and fillies at its annual fair, concerning which a maximum of \$7,600 was paid annually. Entrance fees collected for each race shall not be included for purposes of determining eligibility for a grant under this section.

(2) To Statewide agricultural organizations which contribute to the development of many phases of agriculture or agribusiness.

(3) To countywide or Statewide 4-H and FFA or combined FFA and FHA units of boys and girls under 21 years of age to be used for the general operations of the units in agriculture or agribusiness programs. An organization whose members consist entirely of minors must apply through and be represented by an adult advisory group, and both groups must be recognized by their respective county governments or by the Commonwealth. Each countywide or Statewide 4-H and FFA or combined FFA and FHA unit shall be required to report on its activities and justify these activities as events which contribute to the advancement of agriculture or agribusiness. Reports shall include a record of expenses incurred in the conduct of these qualifying activities. The grant awarded to each youth group cannot exceed the amount of expenses reported for the conduct of the activities.

#### Section 6. Eligibility.

(a) Requirements.—To be eligible to receive a grant from the department, an organization must meet all of the following requirements:

(1) File applications for approval during the calendar year in which the activity is held.

(2) Conduct an annual agricultural fair which meets the following requirements:

(i) Exhibits agricultural or agribusiness products, materials and equipment.

(ii) Conducts agricultural or agribusiness educational activities and demonstrations.

(iii) Awards premiums to agricultural or agribusiness contest and exhibit winners with a top award for first place and proportionate awards to runners-up adjudged by position following the winner, but not to exceed ten in number.

(iv) Provides proper first aid through medical personnel and adequate sanitary facilities which meet Commonwealth and local requirements.

(v) Provides supervision of all activities by an officially appointed committee or a board of directors of not fewer than five persons.

(vi) Files all reports, forms and applications for moneys received from grants made available according to this act, and maintains records required by the rules and regulations promulgated by the department.

(vii) Provides that at least 25% of the events for which agricultural or agribusiness premiums are paid must be open class events.

(viii) Holds a program or programs contributing to the development of several or many phases of agriculture or agribusiness for not fewer than five activity days for Class A, B and C fairs and not fewer than three activity days for Class D and E fairs.

(b) Commencement of benefits.—An organization conducting an annual agricultural fair hereafter incorporated or recognized by a county government or the Commonwealth shall not be entitled to the benefits of this act until the organization has conducted three consecutive annual exhibitions of the character designated in this section. The organization shall, upon its inception, file with the secretary a declaration of its intention to apply for a grant for its fourth year. The organization must also file its report during the first three years in the same manner as an eligible organization. This subsection shall not apply to an eligible organization heretofore or hereafter incorporated which shall resume the holding of annual exhibitions of the character designated in this section, which exhibitions have been temporarily discontinued for a period of not more than two years.

#### Section 7. Appropriation.

The department shall make grants from moneys appropriated annually by the General Assembly for the purposes stated herein.

#### Section 8. Regulations and annual plan.

(a) Power to promulgate.—The secretary shall have the power and the authority to promulgate, adopt and use any rules and regulations necessary for the administration of this act and shall, with the advice and assistance of the advisory committee, adopt an annual plan for the awarding of grants under this act. The annual plan shall be submitted for publication in the Pennsylvania Bulletin as a notice pursuant to 45 Pa.C.S. § 725(6) (relating to additional contents of Pennsylvania Bulletin).

(b) Continuation of certain rules and regulations.—All rules and regulations promulgated under the provisions of section 225 of the act of December 17, 1981 (P.L.435, No.135), known as the Race Horse Industry Reform Act, shall remain in effect except to the extent that they are inconsistent with this act. The secretary may amend, revise or alter rules and regulations promulgated under section 225 of that act to make the rules and regulations consistent with this act.

**Section 9. Repeals.**

(a) Section 225 of the act of December 17, 1981 (P.L.435, No.135), known as the Race Horse Industry Reform Act, is repealed.

(b) Section 1 of the act of August 22, 1961 (P.L.1049, No.479), entitled "An act authorizing the State Treasurer under certain conditions to transfer sums of money between the General Fund and certain funds and subsequent transfers of equal sums between such funds, and making appropriations necessary to effect such transfers," is repealed insofar as it relates to the Pennsylvania Fair Fund.

(c) All other acts and parts of acts are repealed insofar as they are inconsistent with this act.

**Section 10. Effective date.**

This act shall take effect July 1, 1986.

APPROVED—The 8th day of July, A. D. 1986.

DICK THORNBURGH