

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 40. MARKET DEVELOPMENT

SUBCHAPTER 7. OKLAHOMA COUNTY FAIR ENHANCEMENT PROGRAM

35:40-7-1. Purpose

The legislature created the Oklahoma County Fair Enhancement Program. The intent of the legislation is to promote and support county fairs statewide by providing funds on a matching basis. The purpose of these rules is to set out the process that governs the disbursement of these funds used for construction, facility improvements, and payment of premiums at county fairs. These rules establish minimum requirements for receiving funds and procedures by which county fair associations or boards may apply for the funds.

35:40-7-2. Definitions

The following words and terms when used in this Subchapter shall have the following meaning unless the context clearly indicates otherwise.

"Fund" means the Oklahoma County Fair Enhancement Fund.

"Records" means books, documents, accounting procedures and practices, claims, and other data regardless of type whether in written form, computer data, or in any other form filed or produced as a result of receiving monies from the Fund.

35:40-7-3. Funding

- (a) Taxpayer donations to the Fund will be collected throughout the calendar year by the Oklahoma Tax Commission. Within thirty (30) calendar days after the end of the calendar year, the Department will determine if sufficient funds are available to warrant statewide applications for funding. The Fund must contain at least \$35,000 before the Department accepts applications. If the Fund is below \$35,000 then the monies in the Fund will be carried forward and applied to the next calendar year.
- (b) The Department is not required to allocate all of the funds available for disbursement.
- (c) The applications shall be reviewed by an advisory committee and ranked by the number of points accrued pursuant to rule 35:40-7-6, feasibility of the application request, and available funding.
- (d) The advisory committee shall provide the Department with a report that details the ranking of each application and the committee's recommendations for distribution of monies from the Fund.
- (e) The Department shall review the recommendation of the advisory committee and any of the applications to determine and approve the final distribution of monies from the Fund.

35:40-7-4. Application

- (a) Application forms prescribed and furnished by the Department must be completed in full and contain all requested information.
- (b) Applications must be submitted no later than May 1.
- (c) Timely and complete applications received by the Department for approval shall be reviewed and ranked on a competitive basis as set out in these rules.
- (d) A minimum 2 to 1 cash match is required by the applicant.
- (e) The applicant can apply for one (1) or all three (3) types of funding:
 - (1) Premiums
 - (2) Facility improvements
 - (3) Construction
- (f) Applications received by the Department shall be reviewed by an advisory committee for qualification, ranking or recommendation of approval.
- (g) Applications that are received incomplete, late, or fail to meet the cash match requirement shall be immediately disqualified by the advisory committee.

35:40-7-5. Eligibility requirements for County Fairs to receive funds for premiums, facility improvements, or construction

- (a) To be eligible for monies from the Fund, a county fair must:
 - (1) Hold the fair between July 1 and September 30.
 - (2) Last a minimum of two (2) days.
 - (3) Have a fair board elected on a countywide basis as called and presided over by the fair board election procedures or a county fair association organized pursuant to provisions contained in 2 O.S. §15-1 et. seq.
 - (4) Bear the name of "County Fair"
 - (5) Offer at least ten (10) approved classifications of exhibits listed in rule 35:40-7-9. One of the ten (10) classifications must be livestock.
- (b) The following documents must be attached to or provided with the application:
 - (1) A copy of the county fair's by-laws and board procedures.
 - (2) Documentation of its treasurer's bond mandated pursuant to 2 O.S. §15-68 (G)(2).
 - (3) Proof of non profit status, if applicable.
 - (4) A written summary and signed verification of the process by which county fair officials check and verify the health papers of livestock entering the county fair grounds.
- (c) County fairs applying for construction or facility improvement funds shall attach to the application a copy of the fairs property lease, deed, or other documentation that shows the county fair's right to use and improvement upon the real property.

35:40-7-6. Application grade points

Applications shall be ranked through a grade point system based on the following criteria:

- (1) Duration of Fair
 - (A) Thirty (30) points for a two (2) day fair
 - (B) Forty (40) points for a three (3) day fair
 - (C) Fifty (50) points for a four (4) day fair
- (2) Ten (10) points if the fair publishes the fair information in either a fair catalog or publicly circulated media.
- (3) One hundred (100) points for each fair official or fair board member attending the annual meeting of the Oklahoma Association of Fairs and Festivals, not to exceed a total of Five hundred (500) points.
- (4) Ten (10) points for new exhibits, never used at the applicant fair before. Points awarded one time only with a limit of five (5) new exhibits per application.
- (5) One (1) point for every approved exhibit classification listed in rule 35:40-7-9 not to exceed a total of fifty (50) points.
- (6) An applicant can receive up to ten (10) points by including attendance numbers with a detailed summary on the process used to count, calculate, or arrive at the stated figure. The summary must show a reasonable and accurate means of calculating and reporting the final numbers.

35:40-7-7. Premium restrictions

- (a) No Fund monies awarded to a county fair for premium payments may be used for:
 - (1) Baby shows
 - (2) Beauty contests
 - (3) Games of skill or gamble
 - (4) Horse or dog shows in which a human is judged in preference to a product or animal
 - (5) Fees, travel, meals and other expenses for judges
- (b) Awarded premium monies may be used to purchase trophies, ribbons, and awards.

35:40-7-8. Accounting records and audits

- (a) County fairs receiving monies from the Fund shall establish and maintain proper internal controls to assure that all granted monies are properly receipted, recorded, and disbursed with appropriate accounting records, reconciliations, and source documents in support of transactions.

(b) Applicants shall retain all records relating to the monies provided from the Fund for a period of five (5) years. If an audit, litigation, or other action involving the records are started before the end of the five (5) year period, the records are required to be maintained for five (5) years from the date that all issues arising out of the action are resolved or until the end of the three year retention period, whichever is later.

(c) Applicants shall allow the State Auditor or any auditor specified by the Department to conduct an examination or audit of all monies received and expended from the Fund. All records relating to the expenditure of the Fund's monies shall be made available when requested by any authorized representative of the Department.

35:40-7-9. Approved classification of exhibits

The following are a list of the approved classifications of exhibits:

- (1) Ag mechanics - Junior
- (2) Apiary - Senior
- (3) Apiary - Junior
- (4) Aquaculture - Senior
- (5) Aquaculture - Junior
- (6) Beef Cattle - Senior
- (7) Beef Cattle - Junior
- (8) Dairy Cattle - Senior
- (9) Dairy Cattle - Junior
- (10) Dairy Goats - Senior
- (11) Dairy Goats - Junior
- (12) Meat Goats - Senior
- (13) Meat Goats - Junior
- (14) Horses - Senior
- (15) Horses - Junior
- (16) Poultry - Senior
- (17) Poultry - Junior
- (18) Rabbits - Senior
- (19) Rabbits - Junior
- (20) Sheep - Senior
- (21) Sheep - Junior
- (22) Swine - Senior
- (23) Swine - Junior
- (24) Art - Senior
- (25) Art - Junior
- (26) Clothing - Senior
- (27) Clothing - Junior
- (28) Educational Booths - Senior
- (29) Educational Booths - Junior
- (30) Field Crops - Senior
- (31) Field Crops - Junior
- (32) Floral Arrangements - Senior
- (33) Floral Arrangements - Junior
- (34) Flowers - Senior
- (35) Flowers - Junior
- (36) Food Preparation - Senior
- (37) Food Preparation - Junior
- (38) Food Preservation - Senior
- (39) Food Preservation - Junior
- (40) Handicraft or Crafts - Senior
- (41) Handicraft or Crafts - Junior
- (42) Hobbies - Senior

- (43) Hobbies - Junior
- (44) Home Furnishings - Senior
- (45) Home Furnishings - Junior
- (46) Household Arts - Senior
- (47) Household Arts - Junior

35:40-7-10. Allowable construction and facility improvement expenses

Construction and facility improvements are allowed for the following types of expenses:

- (1) Constructing new buildings
- (2) Renovating existing buildings
- (3) Repairing existing buildings
- (4) Site clearing, grubbing, excavation, drainage and sewer
- (5) Repair of streets, electrical distribution, streets and flood lighting facilities, fencing, and paying existing indebtedness for such purposes
- (6) All improvements to grounds that remain on the fairgrounds under the control of the fair association
- (7) Labor used for the purposes listed
- (8) Painting facilities
- (9) Building materials
- (10) Parking lots
- (11) Arenas
- (12) Bleachers
- (13) Stalls
- (14) Water systems
- (15) Concession Stands
- (16) Ticket Booths
- (17) Pens
- (18) Bathrooms
- (19) Stages
- (20) Ground Maintenance and Upkeep

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SUBCHAPTER 9. OKLAHOMA JUNIOR LIVESTOCK AUCTION SCHOLARSHIP FUND

35:40-9-1. Purpose

The purpose of these rules is to administer the monies from the Oklahoma Junior Livestock Auction Scholarship Revolving Fund to the managing organizations of the Oklahoma Youth Expo and the Tulsa State Fair Junior Livestock Auction for scholarships to students exhibiting at these shows. These rules establish procedures for application, disbursement, reporting, and eligibility requirements.

35:40-9-2. Definitions

The following words and terms when used in this Subchapter shall have the following meaning unless the context clearly indicates otherwise.

"**Fund**" means the Oklahoma Junior Livestock Auction Scholarship Revolving Fund.

"**Grant**" means funds awarded from the State of Oklahoma Junior Livestock Auction Scholarship Revolving Fund.

"**Records**" mean books, documents, accounting procedures and practices, claims, and other data regardless of type whether in written form, computer data, or in any other form filed or produced as a result of receiving monies from the Fund.

"**Students**" means Oklahoma 4-H and FFA members whose livestock are selected for the premium auction at either the Oklahoma Youth Expo or the Tulsa State Fair Junior Livestock Auction.

35:40-9-3. Application and Eligibility

- (a) Only the managing organizations of the Oklahoma Youth Expo and the Tulsa State Fair Junior Livestock Auction are eligible to apply for monies from the Fund.
- (b) The managing organizations shall submit a written Invoice Plan to the Department detailing how grant funds will be awarded to students.
- (c) The Invoice Plan shall be submitted for review at least sixty (60) calendar days prior to the first day of the livestock auction.
- (d) The managing organizations with approved Invoice Plans shall only use the funds as scholarships and shall not recover administrative charges or any other costs from the funds.

35:40-9-4. Grant recipients

- (a) Only students whose livestock are selected to participate in either the Oklahoma Youth Expo or the Tulsa State Fair Junior Livestock Auction are eligible to receive grant funds.
- (b) A student may receive more than one scholarship so long as all eligibility requirements are met.
- (c) If a plan is approved, the managing organizations shall be responsible for the disbursement of the grant funds to the eligible students.
- (d) Individual scholarships shall not be limited so long as the plan details a method for determining scholarship awards.

35:40-9-5. Procedures to receive funds

Taxpayer donations to the Fund will be collected throughout each calendar year by the Oklahoma Tax Commission. At the end of each year the Department shall inform applicants of the total amount of monies accrued. The Department shall uniformly distribute the available funds to the managing organizations of the Oklahoma Youth Expo and the Tulsa State Fair Junior Livestock Auction upon approval of the Invoice Plans.

35:40-9-6. Reporting

The managing organizations of the Oklahoma Youth Expo and the Tulsa State Fair Junior Livestock Auction shall submit a written report to the Department detailing the use and distribution of all monies received from the Fund no later than sixty (60) calendar days after the last day of the livestock auction.

35:40-9-7. Audit

(a) Applicants shall allow the State Auditor or any auditor specified by the Department to conduct an examination or audit of all monies expended from the Fund. All records relating to the expenditure of the Funds monies shall be made available when requested by any authorized representative of the Department.

(b) Applicants shall retain all records relating to the grant funds for a period of three years. If an audit, litigation, or other action involving the records are started before the end of the three year period, the records are required to be maintained for three years from the date that all issues arising out of the action are resolved or until the end of the three year retention period, whichever is later.