PROPOSED AMENDMENTS TO
HOUSE BILL 4040

1   In line 2 of the printed bill, after "development" insert "; amending sec-
2   tion 10, chapter 546, Oregon Laws 2023".

3   Delete lines 4 through 8 and insert:

4   "**SECTION 1.** Section 10, chapter 546, Oregon Laws 2023, is amended to
5   read:

6   "**Sec. 10.** (1) As used in this section:

7   "(a) 'County fair' and 'county fairgrounds' have the meanings given those
8   terms in ORS 565.010.

9   "(b) 'County fair operator' means a county fair board, fair association or
10 fair district that operates a county fair.

11 "(c)(A) 'Earned revenue' means revenue from the sale of goods or services,
12 including, but not limited to, admission tickets, charges for services, rentals,
13 permits and fees, merchandise, food and beverages, advertising and con-
14 tracted services and performances.

15 "(B) 'Earned revenue' does not include other sources of revenue, includ-
16 ing, but not limited to, donations, federal, state and local governmental
17 grants or returns on investments.

18 "(d) 'Fair association' has the meaning given that term in ORS 565.268.

19 "(e) 'Fair district' means an entity described in ORS 565.275.

20 "**(f) 'Fair operator' means a county fair operator or the Oregon**
21 **State Fair and Expo Center.**

"(g) 'Oregon State Fair' has the meaning given that term in ORS 565.451.

"(h) 'State fairgrounds' means fairground properties and facilities, as defined in ORS 565.451.

"(2) The Oregon Business Development Department shall develop and implement a program for awarding grants directly to**:**

"(a) County fair operators for the operation of county fairs and the maintenance and repair of county fairgrounds[.]**; and**

"(b) The Oregon State Fair and Expo Center for the operation of the Oregon State Fair and the maintenance and repair of state fairgrounds.

"(3) To be eligible for a grant, a [*county*] fair operator must demonstrate to the department's satisfaction that, at any time after February 29, 2020, and before June 30, 2023, the **fair** operator experienced a significant loss in earned revenue from the operation of a county fair or county fairgrounds**, or the operation of the Oregon State Fair or state fairgrounds,** because of statewide mandates, or guidance of the Oregon Health Authority, in response to the COVID-19 pandemic.

"(4)(a) The department shall prescribe the form and process, including the application period, by which [*county*] fair operators may apply for and be awarded grants under the program.

"(b) Applications must, at a minimum, require applicants to state their lost earned revenue as described in subsection (3) of this section.

"(c) For purposes of reviewing applications, the department may require applicants to provide:

"(A) The applicant's federal tax return for the periods to which the application relates; and

"(B) Financial documentation, including, but not limited to, audited financial statements or financial statements that have been approved by a certified public accountant.

1   "(5) Before awarding grants, the department may withhold an amount not
2   to exceed five percent of the total amount allocated under section 9 [*of this*
3   *2023 Act*]**, chapter 546, Oregon Laws 2023,** to reimburse the department for
4   the actual costs of developing and implementing the program.

5   "(6) The department shall award grants to reimburse [*county*] fair opera-
6   tors for lost earned revenue supported by their applications as follows:

7   "(a) If the total of all grant award amounts exceeds $3 million, less any
8   amount withheld under subsection (5) of this section, the amounts shall be
9   reduced proportionally until they equal $3 million, less any amount withheld
10   under subsection (5) of this section; or

11   "(b) If the total of all grant award amounts is less than $3 million, less
12   any amount withheld under subsection (5) of this section, the amounts shall
13   be increased proportionally until they equal $3 million, less any amount
14   withheld under subsection (5) of this section.".

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