



Sen. Lawrence M. Walsh

Filed: 5/29/2004

09300HB1015sam001

LRB093 05697 RAS 51887 a

1 AMENDMENT TO HOUSE BILL 1015

2 AMENDMENT NO. _____. Amend House Bill 1015 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Fair Act is amended by changing
5 Sections 6, 8, 11.1, 12, 13, 13.5, and 13.15 as follows:

6 (20 ILCS 210/6) (from Ch. 127, par. 1706)

7 Sec. 6. Policies, procedures, and powers concerning the
8 operation of fairs.

9 (a) Policies. The Department shall, pursuant to the
10 Illinois Administrative Procedure Act, establish by rule:

11 (1) ~~establish~~ the policy for the operation of the
12 Illinois State Fair and the DuQuoin State Fair, ~~except~~
13 those operations regarding contests as provided for in
14 subparagraphs (b) and (c) of this Section, and ~~shall set~~

15 (2) the policies and procedures for the sale, barter,
16 or exchange of tickets and for ticket refunds for cancelled
17 events.

18 (b) Contests. The Department shall establish and make
19 available a premium book or other publication that establishes
20 the kinds and classes of events or exhibits for contests at the
21 fairs, the conditions under which contestants shall be entered
22 into contests, the qualification and disqualification
23 requirements of contests, the drug testing requirements for
24 contests (if applicable), the premiums to be offered to contest

1 winners, the manner in which certificates of award shall be
2 distributed and premiums paid to contest winners, the penalty
3 for violations of a rule, condition, instruction, or directive,
4 and requirements of contests, including but not limited to the
5 return of all premiums paid, the forfeiture of awards, and the
6 prohibition of participating in future contests, and all other
7 rules and requirements for contests. These rules, conditions,
8 instructions, directives, and requirements shall be exempt
9 from the rulemaking procedures of the Illinois Administrative
10 Procedure Act. All such publications issued by the Department
11 that relate to a contest, event, or exhibit shall be maintained
12 as a public record at the Department's principal office in
13 Springfield, Illinois, and made available for public
14 inspection and copying during regular business hours.

15 (c) Fees. The Department shall establish and publish for
16 the Illinois State Fair and the DuQuoin State Fair a schedule
17 of admission fees, entry fees, concession fees, space rentals
18 and other fees for activities offered or provided at each State
19 Fair. These schedules of fees shall be maintained as a public
20 record at the Department's principal office in Springfield,
21 Illinois, and made available for public inspection and copying
22 during regular business, but shall be exempt from the
23 rulemaking procedures of the Illinois Administrative Procedure
24 Act.

25 (d) Facilities. ~~The Department shall also establish and~~
26 ~~publish the classes of exhibits, the conditions under which~~
27 ~~they shall be received, stalled and cared for, the premiums to~~
28 ~~be offered, and the manner in which certificates of award shall~~
29 ~~be prepared and premiums paid.~~ The Department may negotiate and
30 enter into contracts for activities and use of facilities for
31 which there is not an established or published schedule. The
32 contract criteria shall be established by rule, pursuant to the
33 Illinois Administrative Procedure Act. The Department may
34 lease any of its facilities for activities during the State

1 Fair.

2 (e) Advertising. The Illinois State Fair in Springfield and
3 the DuQuoin State Fair shall have the power and authority to
4 sell or exchange advertising rights in all of its publications
5 and printed materials. The sale of advertising shall be subject
6 to the rules promulgated by the Department, pursuant to the
7 Illinois Administrative Procedure Act. All income derived from
8 the sale of advertising at the Illinois State Fair in
9 Springfield shall be deposited into the State Fair Fund. All
10 income derived from the sale of advertising at the DuQuoin
11 State Fair shall be deposited into the Agricultural Premium
12 Fund.

13 (f) Veterans. On the day set aside as Veterans Day,
14 honorably discharged veterans and members of their families
15 shall be admitted without admission charge upon presentation of
16 identification of any of the following: honorable discharge
17 certificate, or photostatic copy thereof, or a paid up
18 membership card in any recognized veterans organization.

19 (g) Government functions. The Governor, Lieutenant
20 Governor, Attorney General, Secretary of State, Treasurer,
21 Comptroller, President and Minority Leader of the Senate, and
22 Minority Leader of the House of Representatives shall be
23 afforded space for official governmental functions, without
24 charge, during the State Fair and the DuQuoin State Fair.

25 (Source: P.A. 88-5; 88-571, 89-96, eff. 7-7-95.)

26 (20 ILCS 210/8) (from Ch. 127, par. 1708)

27 Sec. 8. There is created a Board of State Fair Advisors
28 consisting of the Director, 4 ex-officio members as hereafter
29 named, and up to 20 ~~15~~ persons appointed by the Governor. The
30 Chairman and minority spokesman of the House Agriculture
31 Committee and the Chairman and minority spokesman of the Senate
32 Agriculture, Conservation and Energy Committee of the Illinois
33 General Assembly shall serve as ex-officio members. No more

1 than 3 of the Board members shall be appointed from any one
2 county. Members of the State Fair Advisory Board shall serve
3 for 2 year terms commencing on the third Monday of January of
4 each odd-numbered year. The Governor shall in making
5 appointments to the Board provide for a representation of the
6 interests of the State Fair and the State of Illinois. Members
7 of the Board shall receive no compensation, but shall be
8 reimbursed for necessary expenses incurred in the performance
9 of their duties. An appointed member's office becomes vacant
10 upon his absence from 2 consecutive regularly scheduled
11 meetings. The Director or his authorized representative from
12 the Department shall act as chairman of the Board. The duties
13 of the Board are to advise the Director and the Department on
14 matters concerning the operation of each State Fair and State
15 Fairgrounds as they pertain to varied interests in the State
16 Fairs and the people of the State of Illinois.

17 (Source: P.A. 84-1468.)

18 (20 ILCS 210/11.1) (from Ch. 127, par. 1711.1)

19 Sec. 11.1. The Department shall establish and promote
20 contests and exhibitions of various classes of livestock to be
21 known as the "Land of Lincoln Breeders Awards for Purebred or
22 Registered Livestock" and to be conducted at the State Fair at
23 Springfield. Only animals bred, born and maintained in Illinois
24 and owned and exhibited by Illinois residents shall be eligible
25 to participate in such contests and exhibitions; however, such
26 animals shall be permitted out of this State for a reasonable
27 period of time for showings, exhibitions, breeding or
28 reproductive purposes, or medical treatment.

29 An annual appropriation from the Agricultural Premium Fund
30 shall be made for the "Land of Lincoln Breeders Awards for
31 Purebred or Registered Livestock". The percentage of the
32 appropriation for each class or show of livestock shall be set
33 by the Department in premium books ~~rules and regulations~~. These

1 premium books shall be maintained as a public record at the
2 Department's principal office in Springfield, Illinois, and
3 made available for public inspection and copying during regular
4 business hours, but shall be exempt from the rulemaking
5 procedures of the Illinois Administrative Procedure Act.

6 (Source: P.A. 84-1468.)

7 (20 ILCS 210/12) (from Ch. 127, par. 1712)

8 Sec. 12. The Department shall have the power to promulgate
9 rules and regulations, pursuant to the Illinois Administrative
10 Procedure Act, governing the holding of each State Fair, the
11 operation of the State Fairgrounds, the conditions under which
12 racing shall be permitted on the State Fairgrounds, the policy
13 for policing the grounds and such other reasonable rules and
14 regulations as are necessary to carry out the intent of the
15 Act. However, the Department shall not be required to
16 promulgate rules and regulations pursuant to the Illinois
17 Administrative Procedure Act concerning those operations
18 stated in subsections (b) and (c) of Section 6 of this Act.
19 Instead, the requirements set forth in subsections (b) and (c)
20 of Section 6 must be followed.

21 (Source: P.A. 84-1468.)

22 (20 ILCS 210/13) (from Ch. 127, par. 1713)

23 Sec. 13. Vendors, concessionaires, ~~exhibitors~~ and persons
24 renting space or using facilities at the State Fairgrounds who
25 violate this Act, or any provision of any rule of the
26 Department issued under this Act, may be prohibited from
27 utilizing the State Fairgrounds or participating in activities
28 conducted upon the State Fairgrounds.

29 (Source: P.A. 89-96, eff. 7-7-95.)

30 (20 ILCS 210/13.5)

31 Sec. 13.5. Hearings. The Illinois Administrative Procedure

1 Act, the Illinois Department of Agriculture rules adopted under
2 the Illinois Administrative Procedure Act, and the rules and
3 regulations adopted under this Act apply to hearings under this
4 Act for violations of this Act, except that Article X of the
5 Illinois Administrative Procedure Act does not apply for
6 contest disqualifications or other violations of the contest
7 rules, conditions, instructions, directives, and requirements.

8 (Source: P.A. 89-96, eff. 7-7-96.)

9 (20 ILCS 210/13.15)

10 Sec. 13.15. Judicial review. All final administrative
11 decisions of the Department are subject to judicial review.
12 Final administrative decisions after a hearing are subject to
13 judicial review under Article III of the Code of Civil
14 Procedure and its rules. The term "administrative decision" is
15 defined as in Section 3-101 of the Code of Civil Procedure.
16 Proceedings for judicial review shall be commenced in the
17 circuit court of any county permitted by Section 3-104 of the
18 Code of Civil Procedure. Article III of the Code of Civil
19 Procedure and its rules do not apply to final administrative
20 decisions when there has not been a hearing.

21 (Source: P.A. 89-96, eff. 7-7-96.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."