



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB2407

Introduced 2/17/2005, by Rep. Dan Reitz

SYNOPSIS AS INTRODUCED:

30 ILCS 120/9	from Ch. 85, par. 659
30 ILCS 120/12	from Ch. 85, par. 662
30 ILCS 120/13	from Ch. 85, par. 663
30 ILCS 120/14	from Ch. 85, par. 664
30 ILCS 120/16	from Ch. 85, par. 666
30 ILCS 120/17	from Ch. 85, par. 667
30 ILCS 120/18	from Ch. 85, par. 668
30 ILCS 120/20	from Ch. 85, par. 670

Amends the Agricultural Fair Act. Removes the requirement that a county fair must notify the Department of Agriculture before making insurance and rehabilitation expenditures for which the fair intends to seek reimbursement from the Department. Increases the ceiling on the use of those reimbursements for liability and casualty insurance. Changes the procedures for disbursements to 4-H groups. Places agricultural education section fairs under the supervision of the Illinois Association of Vocational Agricultural Teachers. Makes other changes.

LRB094 03797 JAM 33808 b

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Agricultural Fair Act is amended by changing
5 Sections 9, 12, 13, 14, 16, 17, 18, and 20 as follows:

6 (30 ILCS 120/9) (from Ch. 85, par. 659)

7 Sec. 9. Premiums. The formulas for distributing monies from
8 the Agricultural Premium Fund to eligible county fairs shall be
9 contingent upon the following provisions:

10 (a) Of the total amount of premiums which are to be paid to
11 persons for exhibitions at its annual fair for the current year
12 for exhibits of any events related to agriculture including
13 horticulture, flora culture, poultry, livestock, light horses,
14 harness-racing and running horse races, rodeos, and domestic
15 and mechanical arts, no one department or class shall be paid
16 premiums awarded in excess of 30% of the total premiums awarded
17 by the county fair except those departments or classes limited
18 to junior exhibitors. Harness horse races and running horse
19 races shall be considered as one department.

20 (b) (Blank).

21 (c) A reasonable entry fee for all classes may be charged
22 which will not exceed the maximum limit as established by the
23 Department.

24 (d) No part of any appropriation made for the benefit of
25 county fairs shall be used in payment for personnel or acts
26 which are solely for the entertainment of persons attending the
27 fair or for acts which have been hired or contracted for by the
28 fair, except events related to agriculture, including tractor
29 pulls, truck pulls, rodeos and other acts which may be exempt
30 in the judgment of the Director.

31 (e) Prizes awarded for light horses, and for harness-racing
32 and running horses shall be payable from such appropriation.

1 (Source: P.A. 91-934, eff. 6-1-01.)

2 (30 ILCS 120/12) (from Ch. 85, par. 662)

3 Sec. 12. On or before ~~Before~~ October 15 of each year, the
4 president and secretary of each county fair claiming state aid
5 shall have postmarked to or shall file with the Department a
6 fiscal accounting of the expenditure of the grant monies
7 received under Section 10 and a sworn statement of the actual
8 amount of cash premiums paid at the fair that year. The sworn
9 statement shall state the following:

10 a) That all gambling and gambling devices which are
11 declared unlawful by laws of Illinois and the sale of alcoholic
12 liquors other than beer have been prohibited and excluded from
13 the grounds of the fair and from adjacent grounds under the
14 fair's authority, during the fair and at all other times when
15 the fair grounds or adjacent grounds are in the possession of
16 and under the immediate control and supervision of the fair
17 officials.

18 b) That all receipts from any source other than admissions
19 to the grandstand and entry fees for races, not necessary for
20 the payment of labor and advertising, have been prorated among
21 all other claims and expenses or that all other claims and
22 expenses have been paid in full.

23 The statement shall correspond with the published offer of
24 premiums, and shall be accompanied by an itemized list of all
25 premiums paid upon the basis of the premiums provided, a copy
26 of the published premium list of the fair, and a full statement
27 of receipts and expenditures for the current year that has been
28 duly verified by the president and secretary of the fair.

29 The Department may within the period not to exceed 30 days
30 after a fair has filed its claim pay 75% of the fair's
31 authorized base amount if the claim for premiums filed is equal
32 to or exceeds such fair's authorized base for that year. If the
33 claim filed is less than the fair's authorized base, the
34 Department shall only pay 75% of the amount of the claim filed.
35 Should the amount paid a fair exceed the amount authorized

1 after the final audit of such claim, then the fair shall within
2 30 days after notice by the Department pay to the Department
3 the difference between the amount received and the amount as
4 approved for such fair in the final audit as long as funds are
5 available.

6 (Source: P.A. 81-159.)

7 (30 ILCS 120/13) (from Ch. 85, par. 663)

8 Sec. 13. Rehabilitation ~~State reimbursement~~. Except as
9 otherwise allowed by the Director, to qualify for disbursements
10 made by the Department from an appropriation made under the
11 provisions of this Section, the land on which the fair is held
12 must be owned by the county fair board participating in this
13 disbursement or by a State, city, village, or county government
14 body, or be held under a lease that is at least 20 years in
15 duration, the terms of which require the lessee to have
16 continuous possession of the land during every day of the lease
17 period. ~~No county fair shall qualify for disbursements made by~~
18 ~~the Department from an appropriation made under the provisions~~
19 ~~of this Section unless it shall have notified the Department in~~
20 ~~writing of its intent to participate prior to obligating any~~
21 ~~funds for which reimbursement will be requested~~. Each county
22 fair shall be reimbursed annually for that part of the amount
23 expended by the fair during the year for liability and casualty
24 insurance, as provided in this Section, and the rehabilitation
25 of its grounds, including major construction projects and minor
26 maintenance and repair projects; as follows:

27 100% of the first \$5,000 or any part thereof;

28 75% of the next \$20,000 or any part thereof;

29 50% of the next \$20,000 or any part thereof.

30 The lesser of either \$20,000 ~~\$10,000~~ or 50% of the amount
31 received by a county fair pursuant to this Section may be
32 expended for liability and casualty insurance.

33 If a county fair expends more than is needed in any year
34 for approved projects to maximize State reimbursement under
35 this Section and provides itemized receipts and other evidence

1 of expenditures for that year, any excess may be carried over
2 to the succeeding year. The amount carried over shall
3 constitute a claim for reimbursement for a subsequent period
4 not to exceed 7 years as long as funds are available.

5 Before June 30 of each year, the president and secretary of
6 each county fair which has participated in this program shall
7 file with the Department a sworn statement of the amount
8 expended during the period July 1 to June 30 of the State's
9 fiscal year, accompanied by itemized receipted bills and other
10 evidence of expenditures. If the Department approves the claim,
11 the State Comptroller is authorized and directed to draw a
12 warrant payable from the Agricultural Premium Fund on the State
13 Treasurer for the amount of the rehabilitation claims.

14 If after all claims are paid, there remains any amount of
15 the appropriation for rehabilitation, the remaining amount
16 shall be distributed as a grant to the participating fairs
17 qualifying for the maximum reimbursement and shall be
18 distributed to the eligible fairs on an equal basis not to
19 exceed each eligible fair's pro rata share granted in this
20 paragraph. A sworn statement of the amount expended accompanied
21 by the itemized receipted bills as evidence of expenditure must
22 be filed with the Department by June 30 of each year.

23 (Source: P.A. 90-329, eff. 8-8-97; 91-934, eff. 6-1-01.)

24 (30 ILCS 120/14) (from Ch. 85, par. 664)

25 Sec. 14. 4-H. University of Illinois extension units that
26 conduct Extension 4-H groups supervised by the University of
27 Illinois Extension and conducting at least one show or
28 exhibition of the eligible members' project work approved by
29 the State 4-H Office of the members and that pay premium moneys
30 paying promptly in cash or an award of comparable monetary
31 value, including \$800 maximum in judges' fees, shall be
32 eligible to participate in an appropriation made for this
33 purpose by the General Assembly. As directed by the University,
34 each county's extension leader shall report to the State 4-H
35 Office the eligible number of members participating in the 4-H

1 year. The University shall then file with the Bureau of County
2 Fairs and Horse Racing an Accountability for Agricultural
3 Premiums report certifying the number of eligible 4-H members.
4 All appropriated moneys are to be fully expended as specified
5 (see Part 260 Fairs Operating Under the Agricultural Fair Act
6 Sec. 260.305). If moneys are not fully expended, they shall be
7 returned to the Illinois Department of Agriculture, Bureau of
8 County Fairs and Horse Racing. The provisions of this Section
9 shall not apply to more than one show or exhibition per
10 calendar year of any one class or type of project work. Based
11 on each year's specified appropriation and as determined by the
12 Department, the county or extension unit ~~The clubs~~ shall
13 participate ~~in the appropriation~~ at a rate predetermined by the
14 Bureau of not less than \$10.50 per eligible member enrolled for
15 the year as recorded in the State "4-H" Office. ~~The rate per~~
16 ~~member shall be specified for each year in the Act making the~~
17 ~~appropriation for this purpose. In addition, \$400 per county is~~
18 ~~allotted for judges' fees.~~

19 The extension leader ~~Extension Leader~~ of each county ~~County~~
20 or unit ~~Unit~~ shall certify to the State "4-H" Officer under
21 oath, on a form furnished by the Department, the amount paid
22 out in premiums, judges' fees, and ribbons at the show or
23 exhibition for the current year, and the name of the officer or
24 organization making the payments and the number of eligible
25 ~~members enrolled~~ for the current year. This certification shall
26 be accompanied by itemized receipts as evidence of the
27 certified amounts, and it must be filed with the Department
28 before December 31 of each year. Upon receipt of the
29 certification the Department shall reimburse the officer or
30 organization making the payments in accordance with the
31 provisions of this Section.

32 ~~If the amount appropriated by the General Assembly for the~~
33 ~~payments of the premiums is insufficient to pay in full the~~
34 ~~amount which the Extension "4-H" Groups are entitled, the sum~~
35 ~~shall be prorated among all those entitled to it.~~

36 ~~If after all approved claims are paid and there remains any~~

1 ~~amount of the appropriation, the remaining portion shall be~~
2 ~~distributed as a grant to the participating Cooperative~~
3 ~~Extension "4-H" Groups. These monies shall be granted on a~~
4 ~~prorated basis of membership. A fiscal accounting of the~~
5 ~~expenditures of the grant monies shall be filed with the~~
6 ~~Department no later than December 31 of the year in which the~~
7 ~~club receives such grant monies.~~

8 (Source: P.A. 91-934, eff. 6-1-01.)

9 (30 ILCS 120/16) (from Ch. 85, par. 666)

10 Sec. 16. Agricultural education. ~~Vocational~~ Agricultural
11 Education Section Fairs, which shall not be located in more
12 than 25 sections, shall be organized and conducted under the
13 supervision of the Illinois Association of Vocational
14 Agricultural Teachers (IAVAT) ~~State Board of Education~~. The
15 ~~IAVAT State Board of Education~~ shall designate the sections of
16 the State for Agricultural Education ~~Vocational Agricultural~~
17 Fairs. These fairs shall participate in an appropriation
18 ~~appropriations~~ at a rate designated by the Bureau that is in
19 compliance with the current year's appropriation ~~of not less~~
20 ~~than \$10,250~~ for each section holding an Agricultural Education
21 ~~a Vocational Agricultural~~ Section Fair or Fairs during the
22 current year.

23 ~~The rate per section shall be specified for each year in~~
24 ~~the Act making the appropriation for this purpose.~~ Such monies
25 are to be paid as premiums awarded to agricultural education
26 ~~vocational agricultural~~ students exhibiting livestock or
27 agricultural products at the fair or fairs in the section in
28 which the student resides. No premium shall be duplicated for
29 any particular exhibition of livestock or agricultural
30 products in the fair or fairs held in any one section.

31 ~~The State Board of Education shall certify to the~~
32 ~~Department, under oath, at least 10 days prior to the holding~~
33 ~~of any sections fair, a list of all premiums to be offered at~~
34 ~~that fair.~~ Within 30 days after the close of the fair, a
35 section fair manager as designated by the IAVAT ~~the Supervisor~~

1 shall certify to the Department, under oath, on ~~blank~~ forms
2 furnished by the Department, a detailed report of premium
3 awards ~~financial statement~~ showing all premiums awarded to
4 agricultural education ~~vocational agricultural~~ students at
5 that fair. Warrants shall be issued by the State Comptroller
6 payable to the agricultural education teacher or teachers
7 ~~persons entitled to them~~ on vouchers certified by the
8 Department.

9 If after all approved claims are paid there remains any
10 amount of the appropriation, the remaining portion shall be
11 distributed equally among the participating agricultural
12 education ~~vocational agricultural~~ section fairs to be expended
13 for the purposes set forth in this Section. A fiscal accounting
14 of the expenditure of funds distributed under this paragraph
15 shall be filed with the Department by each participating fair
16 not later than one year after the date of its receipt of such
17 funds.

18 (Source: P.A. 81-159.)

19 (30 ILCS 120/17) (from Ch. 85, par. 667)

20 Sec. 17. Fair and expositions. Any county fair eligible to
21 participate in appropriations made from the Agricultural
22 Premium Fund, except in counties where a Fair and Exposition
23 Authority participated in the appropriation in 1999, may elect
24 instead in any odd numbered year to participate in the
25 appropriation from the Fair and Exposition Fund. The Department
26 must be notified of such election by January 1 of the year of
27 participation in that fund. Any such election shall be binding
28 for 4 calendar years. No county fair shall participate for the
29 same calendar year in appropriations under both this Fund and
30 the Agricultural Premium Fund.

31 In counties where a Fair and Exposition Authority
32 participated in 1999, the Authority shall continue to
33 participate in the appropriation from the Fair and Exposition
34 Fund. The Fair and Exposition Authority shall consist of 7
35 members appointed by the county board chairman with the advice

1 and consent of the county board.

2 (Source: P.A. 91-934, eff. 6-1-01.)

3 (30 ILCS 120/18) (from Ch. 85, par. 668)

4 Sec. 18. Money shall be paid into the Fair and Exposition
5 Fund by the Illinois Racing Board, as provided in Section 28 of
6 the Illinois Horse Racing Act of 1975. The General Assembly
7 shall from time to time make appropriations payable from such
8 fund to the Department for distribution to county fairs and to
9 any Fair and Exposition Authority that participated in the
10 appropriation in 1999. Such appropriations shall be
11 distributed by the Department to county fairs which are
12 eligible to participate in appropriations made from the
13 Agricultural Premium Fund but which elect instead to
14 participate in appropriations made from the Fair and Exposition
15 Fund and to Fair and Exposition Authorities that participated
16 in the appropriation in 1999. If a county has more than one
17 county fair, such fairs shall jointly elect to participate
18 either in appropriations made from the Agricultural Premium
19 Fund or in appropriations made from the Fair and Exposition
20 Fund. All participating county fairs of the same county shall
21 participate in the same appropriation. Except as otherwise
22 allowed by the Director, a participant, to be eligible to
23 expend moneys appropriated from the Fair and Exposition Fund
24 for the purchase of new or additional land construction or
25 maintenance of buildings, grounds, facilities, infrastructure,
26 or any improvement to the grounds must hold the land on which
27 such fair or exposition is to be conducted as a fee or under a
28 lease of at least 20 years, the terms of which require the
29 lessee to have continuous possession of the land during every
30 day of the lease period, or must be owned by either the county
31 fair board participating in this disbursement or by a State,
32 city, village, or county government body.

33 (Source: P.A. 91-934, eff. 6-1-01.)

34 (30 ILCS 120/20) (from Ch. 85, par. 670)

1 Sec. 20. Appropriations made from the Fair and Exposition
2 Fund may be used for financing agricultural, educational, trade
3 and scientific exhibits; for premium and award purposes as set
4 forth in subsections (a) through (e) of Section 9; and for
5 other expenses incurred by the fair that are directly related
6 to the operation of the fair and approved by rule by the
7 Department if the participant holds the land on which the fair
8 or exposition is conducted as a fee or is under a lease of at
9 least 20 years (the terms of which require the lessee to have
10 continuous possession of the land during every day of the lease
11 period), or is owned by either the county fair board
12 participating in this disbursement or by a State, city,
13 village, or county government body, except as otherwise allowed
14 by the Director.

15 ~~In addition, county fairs eligible to participate in the~~
16 ~~Fair and Exposition Fund appropriation that hold the land on~~
17 ~~which the county fair is conducted as a fee or under a lease of~~
18 ~~at least 20 years, the terms of which require the lessee to~~
19 ~~have continuous possession of the land during every day of the~~
20 ~~lease period, or as otherwise allowed by the Director, may be~~
21 ~~reimbursed for expenditures for purchase of new or additional~~
22 ~~land, construction or maintenance of buildings, facilities,~~
23 ~~grounds, or infrastructure, or improvements to the grounds.~~

24 (Source: P.A. 91-934, eff. 6-1-01.)