



Rep. Donald L. Moffitt

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09500HB2819ham001

LRB095 06448 DRJ 49182 a

1 AMENDMENT TO HOUSE BILL 2819

2 AMENDMENT NO. _____. Amend House Bill 2819 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Physical Fitness Facility Medical
5 Emergency Preparedness Act is amended by changing Section 5.25
6 as follows:

7 (210 ILCS 74/5.25)

8 Sec. 5.25. Physical fitness facility.

9 (a) "Physical fitness facility" means the following:

10 (1) Any of the following indoor or outdoor facilities
11 that is (i) owned or operated by a park district,
12 municipality, or other unit of local government, including
13 a home rule unit, or by a public or private elementary or
14 secondary school, college, university, or technical or
15 trade school and (ii) supervised by one or more persons,
16 other than maintenance or security personnel, employed by

1 the unit of local government, school, college, or
2 university for the purpose of directly supervising the
3 physical fitness activities taking place at any of these
4 facilities: a swimming pool; stadium; athletic field;
5 football stadium; soccer field; baseball diamond; track
6 and field facility; tennis court; basketball court; or
7 volleyball court; or similar facility as defined by
8 Department rule; or such facilities located adjacent
9 thereto.

10 (2) Except as provided in subsection (b), any other
11 indoor or outdoor establishment, whether public or
12 private, that provides services or facilities focusing
13 primarily on cardiovascular exertion or gaming as defined
14 by Department rule.

15 (b) "Physical fitness facility" does not include a facility
16 serving less than a total of 100 individuals, as further
17 defined by Department rule. In addition, the term does not
18 include (i) a facility located in a hospital or in a hotel or
19 motel, (ii) any outdoor facility owned or operated by a park
20 district organized under the Park District Code, the Chicago
21 Park District Act, or the Metro-East Park and Recreation
22 District Act, ~~or~~ (iii) any facility owned or operated by a
23 forest preserve district organized under the Downstate Forest
24 Preserve District Act or the Cook County Forest Preserve
25 District Act or a conservation district organized under the
26 Conservation District Act, or (iv) any outdoor facility owned

1 or operated by a municipality that maintains a park district or
2 recreational facilities. The term also does not include any
3 facility that does not employ any persons to provide
4 instruction, training, or assistance for persons using the
5 facility.

6 (c) Notwithstanding any other rulemaking authority that
7 may exist, neither the Governor nor any agency or agency head
8 under the jurisdiction of the Governor has any authority to
9 make or promulgate rules to implement or enforce the provisions
10 of this amendatory Act of the 95th General Assembly. If,
11 however, the Governor believes that rules are necessary to
12 implement or enforce the provisions of this amendatory Act of
13 the 95th General Assembly, the Governor may suggest rules to
14 the General Assembly by filing them with the Clerk of the House
15 and Secretary of the Senate and by requesting that the General
16 Assembly authorize such rulemaking by law, enact those
17 suggested rules into law, or take any other appropriate action
18 in the General Assembly's discretion. Nothing contained in this
19 amendatory Act of the 95th General Assembly shall be
20 interpreted to grant rulemaking authority under any other
21 Illinois statute where such authority is not otherwise
22 explicitly given. For the purposes of this amendatory Act of
23 the 95th General Assembly, "rules" is given the meaning
24 contained in Section 1-70 of the Illinois Administrative
25 Procedure Act, and "agency" and "agency head" are given the
26 meanings contained in Sections 1-20 and 1-25 of the Illinois

1 Administrative Procedure Act to the extent that such
2 definitions apply to agencies or agency heads under the
3 jurisdiction of the Governor.

4 (Source: P.A. 95-712, eff. 1-1-09.)".