



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3816

by Rep. Raymond Poe - Frank J. Mautino

SYNOPSIS AS INTRODUCED:

New Act

Creates the Illinois State Fairgrounds Foundation Act. Establishes the Illinois State Fairgrounds Foundation under the authority of the Department of Agriculture. Sets forth the Foundation's purposes, organization, powers, and duties. Provides that the Foundation must provide a written notice to any entity providing a gift, grant, or bequest to the Foundation that the Foundation is not subject to the Public Funds Investment Act. Provides that the Foundation shall be considered a public body under the Prevailing Wage Act. Provides that any project, including but not limited to improvement, maintenance, and construction of infrastructure, that is funded in whole or in part by the Foundation shall be considered a public work as defined by the Prevailing Wage Act. Effective immediately.

LRB099 10209 MGM 30434 b

1 AN ACT concerning government.

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

4 Section 1. Short title. This Act may be cited as the
5 Illinois State Fairgrounds Foundation Act.

6 Section 5. Creation of Illinois State Fairgrounds
7 Foundation.

8 (a) The General Assembly authorizes the Department of
9 Agriculture, in accordance with Section 10 of the State Agency
10 Entity Creation Act, to create the Illinois State Fairgrounds
11 Foundation. Under this authority, the Department of
12 Agriculture shall create the Illinois State Fairgrounds
13 Foundation as a not-for-profit foundation. The Department
14 shall file articles of incorporation as required under the
15 General Not For Profit Corporation Act of 1986 to create the
16 Foundation.

17 (b) The Foundation's Board of Directors shall be appointed
18 as follows:

19 (1) 2 by the President of the Senate, 1 for a 2-year
20 term and 1 for a 4-year term;

21 (2) 2 by the Minority Leader of the Senate, 1 for a
22 2-year term and 1 for a 4-year term;

23 (3) 2 by the Speaker of the House of Representatives, 1

1 for a 2-year term and 1 for a 4-year term;

2 (4) 2 by the Minority Leader of the House of
3 Representatives, 1 for a 2-year term and 1 for a 4-year
4 term; and

5 (5) 4 by the Governor, 2 for a 2-year term each and 2
6 for a 4-year term each.

7 (c) At the expiration of the 2-year terms and the 4-year
8 terms, each successive appointment shall be for a 4-year term.
9 Vacancies shall be filled by the official who made the prior
10 appointment. The Director of Agriculture shall chair the Board
11 of Directors of the Foundation. No member of the Board of
12 Directors may receive compensation for his or her services to
13 the Foundation.

14 Section 10. Foundation purposes. The purposes of the
15 Foundation are: to promote, support, assist, sustain, and
16 encourage the charitable, educational, scientific, and
17 agricultural programs, projects, and policies of the
18 Department of Agriculture and the Illinois State Fair; to
19 solicit and accept aid or contributions consistent with the
20 stated intent of the donor and the goals of the Foundation,
21 including, but not limited to, capital funding for the
22 improvement, maintenance, or construction of buildings and
23 facilities at the Illinois State Fairgrounds located in
24 Springfield and DuQuoin; to accept grants for the acquisition,
25 construction, improvement, and development of potential

1 Foundation projects; to solicit and generate private funding
2 and donations that assist in enhancing and preserving Illinois'
3 agricultural heritage and State Fairgrounds, both in
4 Springfield and DuQuoin, and the infrastructure, including
5 roads, buildings, permanent exhibits, grounds, and facilities
6 at both Fairgrounds; and to engage generally in other lawful
7 endeavors consistent with the foregoing purposes. The
8 Foundation shall operate within the provisions of the General
9 Not For Profit Corporation Act of 1986.

10 Section 15. Organization, powers, and duties of the
11 Foundation.

12 (a) As soon as practical after the Foundation is created,
13 the Board of Directors shall meet, organize, and designate, by
14 majority vote, a treasurer, secretary, and any additional
15 officers that may be needed to carry out the activities of the
16 Foundation, and shall adopt bylaws of the Foundation. The
17 Department of Agriculture may adopt other rules deemed
18 necessary to govern Foundation procedures.

19 (b) The Foundation may accept gifts or grants from the
20 federal government, its agencies or officers, or from any
21 person, firm, or corporation, and may expend receipts on
22 activities that it considers suitable to the performance of its
23 duties under this Act and consistent with any requirement of
24 the grant, gift, or bequest. Funds collected by the Foundation
25 shall be considered private funds, except those received from

1 public entities, and shall be held in an appropriate account
2 outside of the State treasury. Private funds collected by the
3 Foundation are not subject to the Public Funds Investment Act.
4 The treasurer of the Foundation shall be custodian of all
5 Foundation funds. The Foundation's accounts and books shall be
6 set up and maintained in a manner approved by the Auditor
7 General; and the Foundation and its officers shall be
8 responsible for the approval of recording of receipts, approval
9 of payments, and the proper filing of required reports. The
10 Foundation may be assisted in carrying out its functions by
11 personnel of the Department of Agriculture. The Department
12 shall provide reasonable assistance to the Foundation to
13 achieve the purposes of the Foundation. The Foundation shall
14 cooperate fully with the boards, commissions, agencies,
15 departments, and institutions of the State. The funds held and
16 made available by the Illinois State Fairgrounds Foundation
17 shall be subject to financial and compliance audits by the
18 Auditor General in compliance with the Illinois State Auditing
19 Act.

20 (c) The Foundation shall not have any power of eminent
21 domain.

22 (d) The Foundation shall be considered a public body under
23 the Prevailing Wage Act. Any project, including but not limited
24 to improvement, maintenance, and construction of
25 infrastructure, that is funded in whole or in part by the
26 Foundation shall be considered a public work as defined by the

1 Prevailing Wage Act.

2 Section 20. Disclosure to donors of exemption from Public
3 Funds Investment Act. The Foundation must provide a written
4 notice to any entity providing a gift, grant, or bequest to the
5 Foundation that the Foundation is not subject to the provisions
6 of the Public Funds Investment Act which places limitations on
7 the types of securities in which a public agency may invest
8 public funds.

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.