

ILLINOIS COMPILED STATUTES
FINANCE
Agricultural Fair Act.
30 ILCS 120/

(30 ILCS 120/1)

Sec. 1. This Act may be cited as the Agricultural Fair Act.
(Source: P.A. 77-1208.)

(30 ILCS 120/2)

Sec. 2. When used in this Act,
"Department" means Department of Agriculture.
"County fair" means a fair sponsored by a fair association or agricultural society.
"Director" means the Director of the Department of Agriculture.
"Junior Exhibitor" means an exhibitor whose age is within limits established by Department rule.
(Source: P.A. 91-934, eff. 6-1-01.)

(30 ILCS 120/3)

Sec. 3. A county fair in order to be eligible to receive state funds from the Agricultural Premium Fund must have held annual fairs or have been organized for that purpose prior to July 1, 1971 and at that time be eligible to participate in programs under Section 28 of "An Act in relation to State finance". If no county fair within a county meets the requirements set forth in this such programs, and shall notify the the county board may by resolution designate an existing county fair to be the participant in Department of its action.
(Source: P.A. 77-1208.)

(30 ILCS 120/4)

Sec. 4. The Department has the power to make rules and regulations as may be necessary in order to carry out the provisions of this Act. The provisions of the rules and regulations shall not be inconsistent with the provisions of this Act.
(Source: P.A. 77-1208.)

(30 ILCS 120/5)

Sec. 5. To qualify for disbursements made by the Department from an appropriation made under of this Act, each county fair should notify the Department in writing of its declaration of intent to participate by December 31 of the year proceeding the year in which such distribution shall be made. The notification shall state the following: facts of its organization, location, officers, dates of exhibitions and approximate amount of premiums to be offered.
(Source: P.A. 91-934, eff. 6-1-01.)

(30 ILCS 120/6)

Sec. 6. After August 20, 1971, the General Assembly and the Director shall approve the organization of new county fairs that shall be established for the purpose of holding annual fairs, provided that an element of such approval shall be an appropriation in a separate bill authorizing such fairs' participation in the disbursements provided for in this Act.
(Source: P.A. 81-159.)

(30 ILCS 120/7)

Sec. 7. The Department may deny any county fair participation in the programs provided in this Act for violation of any part of the Act and for failure to comply with the rules and regulations as provided for in this Act. If a county fair eligible to participate in the appropriations made under this Act does not hold a fair for 2 consecutive years, unless failure to hold a county fair is due to an act of God or war, it shall be ineligible to participate in the programs provided in this Act until the county board designates it as the county fair in that county to be eligible to receive disbursements from an appropriation under this Act.

(Source: P.A. 77-1208.)

(30 ILCS 120/9)

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

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

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

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

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

(Source: P.A. 94-261, eff. 1-1-06.)

(30 ILCS 120/10)

Sec. 10. (a) Effective with fiscal year 1987, each county fair's authorized base shall be set at 66 2/3% of the approved amount of premium paid in either fiscal year 1984 or 1985, whichever year has the largest approved amount. The authorized base of the Gallatin, Montgomery and Massac county fairs for fiscal years 1987 and 1988 shall be \$15,000 each. If there is a change in the appropriation, the Director shall allocate to each fair the same percentages of that appropriation as it received of the authorized bases for all fairs.

(b) The Department shall reimburse each eligible county fair as follows:

100% of the first \$2,000 of approved premiums awarded at each eligible county fair;

85% of the next \$2,000;

75% of the next \$3,000;

65% of the next \$3,000;

55% of the next \$4,000; and

50% of the remaining premiums paid until the total reimbursement equals the authorized base amount for each fair.

(c) If, after all approved state aid claims are paid for the current year pursuant to subsection (b) of this Section, any amount remains in the appropriations for state aid, that remaining amount shall be distributed on a grant basis. If the total amount of excess approved state aid claims over the authorized base is equal to or less than the remaining amount appropriated for state aid, then each participating fair shall receive a grant equivalent to the excess of its approved claim over its authorized base. If the total amount of excess approved state aid claims exceeds the remaining monies appropriated for state aid, the grants shall be distributed to the participating fairs in proportion to the total amounts of their respective excess approved claims. If, after all approved claims are paid, any amount remains, that amount shall be

distributed to all county fairs eligible under this Section in proportion to their total state aid claims. Fairs filing approved claims exceeding both their authorized base and the grant provided for in this subsection shall participate in the Growth Incentive Program set forth in Section 10.1. Grant monies received by a county fair shall be used only for premiums, awards, judge's fees, and other expenses incurred by the fair which are directly related to the operation of the fair and approved by regulation of the Department. Each fair shall file with the Department a fiscal accounting of the expenditure of the grant monies received under this subsection each year at the same time it files its report under Section 12 in relation to the fair held in the next succeeding year. Effective with fiscal year 1989 and each odd numbered fiscal year thereafter, the authorized base of all participating county fairs shall be adjusted by applying 66 2/3% to the amount of approved premiums paid in the higher of the previous 2 fiscal years. (Source: P.A. 91-934, eff. 6-1-01.)

(30 ILCS 120/10.1)

Sec. 10.1. Fairs with approved state aid claims exceeding both their authorized base and the grant provided for in subsection (c) of Section 10 of this Act, hereinafter referred to as eligible claims, shall receive a special appropriation from the Growth Incentive Program as provided in this Section. If the total amount of eligible claims is equal to or less than the amount appropriated for the Growth Incentive Program, then each participating fair shall receive the amount of its eligible claim. Should the total amount of all such eligible claims exceed the monies appropriated for this program, the amount appropriated shall be distributed to the several participating fairs in proportion to the total amounts of their respective eligible claims. If, after all approved claims are paid, any amount remains in the special appropriation for this program, that remaining amount shall become a part of the grant program for all county fairs as provided for in subsection (c) of Section 10 of this Act.

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

(30 ILCS 120/12)

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

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

(b) That all receipts from any source other than admissions to the grandstand and entry fees for races, not necessary for the payment of labor and advertising, have been prorated among all other claims and expenses or that all other claims and expenses have been paid in full. The statement shall correspond with the published offer of premiums, and shall be accompanied by an itemized list of all premiums paid upon the basis of the premiums provided, a copy of the published premium list of the fair, and a full statement of receipts and expenditures for the current year that has been duly verified by the president and secretary of the fair. The Department may within the period not to exceed 30 days after a fair has filed its claim pay 75% of the fair's authorized base amount if the claim for premiums filed is equal to or exceeds such fair's authorized base for that year. If the claim filed is less than the fair's authorized base, the Department shall only pay 75% of the amount of the claim filed. Should the amount paid a fair exceed the amount authorized after the final audit of such claim, then the fair shall within 30 days after notice by the Department pay to the Department the difference between the amount received and the amount as approved for such fair in the final audit as long as funds are available.

(Source: P.A. 94-261, eff. 1-1-06.)

(30 ILCS 120/13)

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

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

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

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

The lesser of either \$20,000 or 50% of the amount received by a county fair pursuant to this Section may be expended for liability and casualty insurance. If a county fair expends more than is needed in any year for approved projects to maximize State reimbursement under this Section and provides itemized receipts and other evidence of expenditures for that year, any excess may be carried over to the succeeding year. The amount carried over shall constitute a claim for reimbursement for a subsequent period not to exceed 7 years as long as funds are available. Before June 30 of each year, the president and secretary of each county fair which has participated in this program shall file with the Department a sworn statement of the amount expended during the period July 1 to June 30 of the State's fiscal year, accompanied by itemized receipted bills and other evidence of expenditures. If the Department approves the claim, the State Comptroller is authorized and directed to draw a warrant payable from the Agricultural Premium Fund on the State Treasurer for the amount of the rehabilitation claims. If after all claims are paid, there remains any amount of the appropriation for rehabilitation, the remaining amount shall be distributed as a grant to the participating fairs qualifying for the maximum reimbursement and shall be distributed to the eligible fairs on an equal basis not to exceed each eligible fair's pro rata share granted in this paragraph. A sworn statement of the amount expended accompanied by the itemized receipted bills as evidence of expenditure must be filed with the Department by June 30 of each year. (Source: P.A. 94-261, eff. 1-1-06.)

(30 ILCS 120/14)

Sec. 14. 4-H. University of Illinois extension units that conduct at least one show or exhibition of the eligible members' project work approved by the State 4-H Office and that pay premium moneys, including \$800 maximum in judges' fees, shall be eligible to participate in an appropriation made for this purpose by the General Assembly. As directed by the University, each county's extension leader shall report to the State 4-H Office the eligible number of members participating in the 4-H year. The University shall then file with the Bureau of County Fairs and Horse Racing an accountability for Agricultural Premiums report certifying the number of eligible 4-H members. All appropriated moneys are to be fully expended as specified (see Part 260 Fairs Operating under the Agricultural Fair Act Sec. 260.305). If moneys are not fully expended, they shall be returned to the Illinois Department of Agriculture, Bureau of County Fairs and Horse Racing. The provisions of this Section shall not apply to more than one show or exhibition per calendar year of any one class or type of project work. Based on each year's specified appropriation and as determined by the Department, the county or extension unit shall participate at a rate predetermined by the Bureau per eligible member for the year as recorded in the State 4-H Office.

(b) Premium payments. The extension leader of each county or unit shall certify to the State 4-H Officer under oath on a form furnished by the Department the projected amount to be paid out in premiums per exhibitor at the show or exhibition for the current fair season and the name of the officer or organization

making those projections. The certification shall be based upon the certified number of eligible 4-H members from the previous 4-H year, reported to the Department as of December 31 of that year. Upon receipt of the certification the Department shall make payment to the officer or organization in accordance with the provisions of this Section.

(c) Reimbursement for judges' fees and ribbons. The extension leader of each county or unit shall certify to the State 4-H Officer under oath on a form furnished by the Department the amount paid out in judges' fees and ribbons at the show or exhibition for the current fair season and the name of the officer or organization making the payments. This certification shall be accompanied by itemized receipts as evidence of the certified amounts, and it must be filed with the Department before December 31 of each year. Upon receipt of the certification the Department shall reimburse the officer or organization making the payments in accordance with the provisions of this Section. (d) Subject to continued appropriation and availability of cash. All extension publications stating that cash premiums will be awarded shall recite that awards are subject to modification or cancellation in any year for which the General Assembly fails to make an appropriation to fund the premiums.

(Source: P.A. 97-214, eff. 7-28-11.)

(30 ILCS 120/15)

Sec. 15. (Repealed).

(Source: P.A. 81-159. Repealed by P.A. 91-934, eff. 6-1-01.)

(30 ILCS 120/16)

Sec. 16. Agricultural Education. Agricultural Education Section Fairs, which shall not be located in more than 25 sections, shall be organized and conducted under the supervision of the Department. The Department shall designate the sections of the State for Agricultural Education Fairs. These fairs shall participate in an appropriation at a rate designated by the Bureau that is in compliance with the current year's appropriation for each section holding an Agricultural Education Section Fair or Fairs during the current year. Such monies are to be paid as premiums awarded to agricultural education students exhibiting livestock or agricultural products at the fair or fairs in the section in which the student resides. No premium shall be duplicated for any particular exhibition of livestock or agricultural products in the fair or fairs held in any one section. Within 30 days after the close of the fair, a section fair manager as designated by the Department shall certify to the Department under oath on forms furnished by the Department a detailed report of premium awards showing all premiums awarded to agricultural education students at that fair. Warrants shall be issued by the State Comptroller payable to the agricultural education teacher or teachers on vouchers certified by the Department. If after all approved claims are paid there remains any amount of the appropriation, the remaining portion shall be distributed equally among the participating agricultural education section fairs to be expended for the purposes set forth in this Section. A fiscal accounting of the expenditure of funds distributed under this paragraph shall be filed with the Department by each participating fair not later than one year after the date of its receipt of such funds. (Source: P.A. 94-261, eff. 1-1-06.)

(30 ILCS 120/17) Updated

Sec. 17. Fair and Expositions. Any county fair eligible to participate in appropriations made from the Agricultural Premium Fund may elect instead in any odd numbered year to participate in the appropriation from the Fair and Exposition Fund. The Department must be notified of such election by January 1 of the year of participation in that fund. Any such election shall be binding for 4 calendar years. No county fair shall participate for the same calendar year in appropriations under both this Fund and the Agricultural Premium Fund.

In counties where a Fair and Exposition Authority participated in 1999, the Fair and Exposition Authority shall transfer all remaining funds to the county fair in such county within 30 days of the effective date of this amendatory Act of the 99th General Assembly. Upon the transfer of such funds to the county fair, the terms of the Authority's members shall terminate and the Authority shall cease to exist. (Source: P.A. 94-261, eff. 1-1-06.)

(30 ILCS 120/18) Updated

Sec. 18. Money shall be paid into the Fair and Exposition Fund by the Illinois Racing Board, as provided in Section 28 of the Illinois Horse Racing Act of 1975. The General Assembly shall from time to time make appropriations payable from such fund to the Department for distribution to county fairs. Such appropriations shall be distributed by the Department to county fairs which are eligible to participate in appropriations made from the Agricultural Premium Fund but which elect instead to participate in appropriations made from the Fair and Exposition Fund. If a county has more than one county fair, such fairs shall jointly elect to participate either in appropriations made from the Agricultural Premium Fund or in appropriations made from the Fair and Exposition Fund. All participating county fairs of the same county shall participate in the same appropriation. Except as otherwise allowed by the Director, a participant, to be eligible to expend moneys appropriated from the Fair and Exposition Fund for the purchase of new or additional land construction or maintenance of buildings, grounds, facilities, infrastructure, or any improvement to the grounds must hold the land on which such fair or exposition is to be conducted as a fee or under a lease of at least 20 years, the terms of which require the lessee to have continuous possession of the land during every day of the lease period, or must be owned by the fair association participating in this disbursement, by an agricultural society, or by a fair and exposition authority.

(Source: P.A. 94-261, eff. 1-1-06.)

(30 ILCS 120/19)

Sec. 19. Each year, beginning in State fiscal year 2001, each county fair or Fair and Exposition Authority that received moneys from the Fair and Exposition Fund during State fiscal year 2000 shall receive from that Fund an amount equal to that received in State fiscal year 2000. If an eligible county fair elects to begin participation in an appropriation from the Fair and Exposition Fund in State fiscal year 2001 or thereafter, an additional amount shall be appropriated not to exceed an amount equal to the number representing the last official census of that county multiplied by the amount determined by dividing the amount appropriated for State fiscal year 2000 by the total official census of those counties that participated in State fiscal year 2000, except that no county fair shall receive an amount greater than the largest amount received by a county fair or Fair and Exposition Authority in 2000. In the event a county has more than one fair participating in such appropriation, that county's share shall be divided equally among them.

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

(30 ILCS 120/20)

Sec. 20. Appropriations made from the Fair and Exposition Fund may be used for financing agricultural, educational, trade and scientific exhibits; for premium and award purposes as set forth in subsections (a) through (e) of Section 9; and for other expenses incurred by the fair that are directly related to the operation of the fair and approved by rule by the Department if the participant holds the land on which the fair or exposition is conducted as a fee or is under a lease of at least 20 years (the terms of which require the lessee to have continuous possession of the land during every day of the lease period), or is owned by the fair association participating in this disbursement, by an agricultural society, or by a fair and exposition authority, except as otherwise allowed by the Director.

(Source: P.A. 94-261, eff. 1-1-06.)

(30 ILCS 120/21)

Sec. 21. (Repealed).

(Source: P.A. 87-1219. Repealed by P.A. 91-934, eff. 6-1-01.)

(30 ILCS 120/21.5)

Sec. 21.5. No county fair shall qualify for disbursements made by the Department from an appropriation made under the provisions of this Act unless it notifies the Department in writing of its declaration of intent to participate by December 31 of the year preceding the year in which such distribution shall be made. The notification shall state the following: the facts of its organization, location, officers, dates of exhibitions, approximate amount of premiums to be offered and the estimated amounts to be expended, and the purpose for the expenditures. Before the end of the calendar year following the expenditure, each participant receiving money shall make an accounting of it to the Director.

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

(30 ILCS 120/22)

Sec. 22. No appropriation made under the provisions of this Act shall be used for the payment of the salary of any officer or employee of any fair.

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

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TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER j: FAIRS
PART 260

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AUTHORITY: Implementing and authorized by the Agricultural Fair Act [30 ILCS 120].

SOURCE: Rules and Regulations Governing Fairs Operating Under The Agricultural Fair Act, filed December 6, 1977, effective January 1, 1978; codified at 5 Ill. Reg. 10529; amended at 6 Ill.

Reg. 4109, effective April 6, 1982; amended at 9 Ill. Reg. 3233, effective March 1, 1985;

amended at 10 Ill. Reg. 7654, effective April 28, 1986; amended at 11 Ill. Reg. 10175,

effective May 15, 1987; amended at 21 Ill. Reg. 2139, effective January 29, 1997;

amended at 26 Ill. Reg. 5122, effective April 1, 2002; amended at 28 Ill. Reg. 11091,

effective July 23, 2004; amended at 30 Ill. Reg. 2253, effective February 6, 2006.

SUBPART A: FAIRS OPERATING UNDER THE AGRICULTURAL PREMIUM FUND

Section 260.5 Definitions

"Act" means the Agricultural Fair Act [30 ILCS 120].

"Bureau" means the Bureau of County Fairs and Horse Racing, Department of Agriculture, State Fairgrounds, P.O. Box 19281, Springfield, Illinois 62794-9281. The telephone number for the Bureau is 217/782-7411.

"Class" is a group, set or kind of animal or exhibit which shares common attributes (e.g., Herefords, Belgians, Dorset, Hamburg, championship, milk and cream, Duroc, barrows, corn, apples, arrangement, clothing, and ceramics).

"Department" means a general grouping of animal species or general categories of exhibits. Departments are listed in Section 260.55(a)(2).

"Premium number" means the number assigned to the class or the event.

"Premium State aid" means reimbursement by the Illinois Department of Agriculture to county fairs for premiums paid.

(Source: Amended at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.10 Appropriations

a) Eligibility of fair associations or agricultural societies to participate in appropriations from the Agricultural Premium Fund shall be as set forth in Sections 3, 5 and 7 of the Act. Any newly organized fair association or agricultural society must receive an appropriation for their first year's fair as set forth in Section 6 of the Act, and in subsequent years the Department of Agriculture shall include the appropriation for that fair as part of its annual budget.

b) Appropriations made to the Department of Agriculture for disbursement to fair associations or agricultural societies shall not be used to pay for personnel, premiums and expenses of acts which are primarily for the entertainment of persons (e.g., grandstand shows, variety acts, bands, clowns, queen contests, showmanship events, machinery shows, demolition derbies, parades, balloon races, auto races, motorcycle races, human races, baton twirling, bocce ball, and amateur contests), except for those exhibits and events relating to agriculture as identified in Section 9 of the Act. 4-H Club fairs and exhibitions receive an appropriation in accordance with Section 14 of the Act and, therefore, 4-H Club classes do not qualify for reimbursement of State Aid for premiums paid.

c) Appropriations shall not be used for salaries of officers of the fair or for personnel hired or contracted for by the fair officers (Sections 9 and 22 of the Agricultural Fair Act, 30 ILCS 120/9 and 22).

d) Contributions, such as money, ribbons, trophies, rosettes, blankets, or wreaths, made by and/or expenses incurred by persons or organizations sponsoring events or classes, other than the fair association or agricultural society, are not eligible for premium State aid.

(Source: Amended at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.15 Declaration of Intention

a) On or before December 31 of the year preceding the year in which a fair association or agricultural society will participate in the Agricultural Premium Fund appropriation, the fair association or agricultural society shall file a Declaration of Intention with the Bureau. A fee of \$25 will be deducted each day the Declaration is late from the total premiums claimed. The Bureau shall mail Declaration of Intention forms to each fair association or agricultural society that participated in the previous year's appropriation and to any newly organized fair that receives an appropriation in accordance with Section 6 of the Act.

b) The following information shall be submitted on the Declaration of Intention:

1) Names and addresses of the fair's officers.

2) The location of the fair.

3) The dates of the next year's fair.

4) The approximate amount of premiums to be offered in each department and the maximum amount of premiums to be offered by the fair.

5) Name, address and telephone number of the person who is responsible for filing the premium grand summary report if this person is other than the secretary of the fair association or agricultural society.

6) Signatures of the officers (i.e., President, Secretary and Treasurer) of the fair association or agricultural society.

c) The secretary or the designated contact person for the fair shall notify the Bureau in writing when changes occur in the fair's officers and/or the person designated as the contact person.

- d) Once the Declaration of Intention is filed with the Bureau, the dates of exhibition may be changed only due to an emergency or because the wrong dates were submitted. Before the fair association or agricultural society may change the dates of exhibition or advertise such change, the fair association or agricultural society must notify the Bureau in writing and request the dates of the fair be changed, giving the new dates and the reason for such change. The Bureau shall approve the change in the dates when an emergency exists (e.g., the fair cannot get a carnival, events conflict with a neighboring fair or the State Fair, rehabilitation or repair projects are not completed, or severe weather caused destruction to the facilities) or if the change in the dates will avoid conflict with neighboring fairs or the State Fair.
- e) Before any change is made in the amount of premiums offered in the fair's program from that amount as originally submitted on the Declaration of Intention, the fair association or agricultural society shall contact the Bureau. The Bureau shall approve changes in the amount of premiums offered when the number of participants in or lack of participation in classes indicates such change is needed or when costs, such as for trophies, ribbons, rosettes, or engraving, were omitted from the Declaration of Intention until the fair's premium book is printed.
- (Source: Amended at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.20 Premium State Aid Payable on the Authorized Base

- a) Premium State aid shall be paid to the fair association or agricultural society based upon each fair's authorized base. The authorized base shall be determined in accordance with the provisions of Section 10(a) and (b) of the Act. The authorized base for newly organized fairs shall be the same as the first year's appropriation for that fair.
- b) The distribution of premiums must be in compliance with the provisions of Section 9(a) of the Act in order to be eligible for premium State aid.
- c) The premium grand summary report shall be filed with the Bureau in accordance with provisions of Section 12 of the Act and Section 260.100.
- d) Failure to comply with the provisions of this Section shall cause all premiums awarded in those classes where the violation occurred to be ineligible for premium State aid.
- (Source: Amended at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.25 Denial of State Aid Claim (Repealed)

(Source: Repealed at 9 Ill. Reg. 3233, effective March 1, 1985)

Section 260.30 Premiums and Receipts for Premiums Paid

- a) All premiums shall be paid by the fair association or agricultural society to the winners and persons who placed in each class prior to the filing of the premium grand summary report. A receipt showing the amount of each premium paid shall be signed by the exhibitor who won or placed in the class and was paid the premium. If the exhibitor is unable to personally pick up the premium money, the person picking up or mailing the check shall sign his or her name and provide his or her address.
- b) All receipts for premiums paid shall accompany the premium grand summary report in support of claims. If, in a few cases, the secretary or the person designated to file the premium grand summary report is unable to obtain a signed receipt, the cancelled check or a photostatic copy of the cancelled check shall be attached to the unsigned receipt. The cancelled check (or copy of the cancelled check) shall remain as a part of the premium grand summary report and shall not be returned to the fair association or agricultural society. The original of the receipt shall accompany the premium grand summary report, a copy of the receipt shall be given to the exhibitor, and a copy of the receipt shall be retained for three years by the fair association or agricultural society.
- c) Each exhibitor's receipt shall be totaled separately. The receipts shall be kept separated according to each department.
- d) Premium State aid will be paid on a maximum of two premiums awarded to the same exhibitor under the same premium number. Where only one exhibit is entered in a class, the exhibit shall be declared first place and be paid the first place premium. Premium State aid shall be paid on a maximum of

10 placings under any one premium number. The premium amounts must be on a graduated scale.

e) The costs of ribbons, rosettes and trophies, including engraving, are eligible for premium State aid when they are awarded in classes that are eligible for premium State aid. An itemized invoice showing only the items as before stated that are eligible for premium State aid shall accompany the premium grand summary report. Invoices for trophies, ribbons, or rosettes must show the business from which they were purchased. Where the ribbon, rosette, trophy and/or the engraving on the trophy is paid by an organization or person sponsoring the event, these costs are not eligible for premium State aid.

f) In order to qualify for premiums, entries must show in their proper classes (i.e., according to age, sex, breed, or other qualifications as established for the exhibit or event by the fair association or agricultural society; five-gaited horses cannot show as three-gaited, and polled herefords cannot show in the horned hereford class). Combining of classes, such as the polled herefords with the horned herefords, will disqualify such combined classes for premium State aid, except where the classes were advertised as combined classes in the premium book.

(Source: Amended at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.35 Stall or Pen Fees

Stall or pen fees shall be set and charged by the fair association or agricultural society. Stall or pen fees must be published in the premium book (see Section 260.55) and once they are published they cannot be changed. The fair association or agricultural society may set stall or pen fees as one sum which will cover all the days of the fair. (Source: Amended at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.40 Entry Fees and Entry Fee Certification Form

a) An entry fee shall not be more than 10% of the purse offered under one premium number, nor more than 75% of the smallest premium offered. Where either percentage is violated, the amount of the excess entry fee that was charged shall be deducted from the amount of premiums paid in that particular class when determining State Aid reimbursement.

b) The amount of the entry fee charged must be printed in the premium book for each department and shall be shown separately from stall or pen fees that are charged by the fair association or agricultural society. The entry fee shall be for each class entered and not for each animal.

c) All fairs participating in the Agricultural Premium Fund must submit an entry fee certification form to the Bureau of County Fairs and Horse Racing, on a form provided by the Bureau, signed by the fair president, secretary and treasurer stating that all entry fees are in compliance with Section 260.40(a). The entry fee certification form is to be submitted to the Bureau of County Fairs and Horse Racing at least 10 days prior to the opening day of the fair together with two premium books. A fee of \$25 will be deducted each day the form is late from the total premiums awarded at the fair. Reimbursement shall be delayed until such time the certification is received by the Bureau.

(Source: Amended at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.45 County Fair Organization and Operation

a) A fair association or agricultural society may be open to the world or confined to the county or an adjacent county or counties contiguous thereto or other defined grouping of counties and shall be designated in the fair's premium book.

b) All events and exhibits in order to be eligible for premium State aid must be held on the fairgrounds during the advertised dates of the fair.

(Source: Amended at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.50 Exhibits and Livestock; Presence on the Fairgrounds and Early Release Procedure

a) Exhibits and livestock are required to be in place for exhibition on the fairgrounds for a minimum of three days, except for exhibits and livestock in 4-H club shows, junior shows, one-day shows and in Departments C, D, E, Q, R, S, T, V and Z. The county fair board may require specified exhibits and livestock to stay beyond the minimum 72-hour exhibition time. The number of days the exhibit or

livestock must be on the fairgrounds for exhibition shall be indicated in the Premium Book (see Section 260.55). If recommended by the county fair's veterinarian and approved by fair management, early dismissal of livestock may be granted for the following reasons: disease outbreak, severe hot weather, or other existing conditions which may result in the death of livestock. The Bureau may also grant early dismissal of livestock and other exhibits in emergency situations upon recommendation of fair management in the case where facilities have been lost due to fire, wind or heavy rain damage to tents and barns, or loss of electrical power, or if facilities cannot accommodate livestock due to space limitations. All eligible early dismissals shall be followed up in a letter to the Bureau.

b) Junior shows shall comply with Section 260.95(c) regarding the presence of livestock and on exhibits the fairgrounds.

c) 4-H Club shows shall comply with Section 260.300(h) regarding the presence of livestock and exhibits on the fairgrounds.

(Source: Amended at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.55 Premium Book

a) A premium book showing the classes of exhibits and the premiums offered for each class/species must be made available by the fair association or agricultural society to the public upon request and two copies sent to the Bureau at least 10 days prior to the opening day of the fair. A fee of \$25 will be deducted from the premiums claimed for each day the premium books are late. Premium reimbursement shall be delayed until the premium books are received. Along with the premium books, the entry fee certification form must be signed and submitted (see Section 260.40(c)). For those fairs utilizing other computer programs to supply the Bureau's reporting requirements, the 10% and 75% report must also accompany the fairs premium books and certification and another copy shall accompany the premium grand summary report. The premium book shall contain the following information:

1) The amount of premiums offered in each department.

2) Each department shall be identified as follows:

Department A – Beef Cattle

Department B – Dairy Cattle

Department C – Heavy Horse

Department D – Equine Pulling Contest

Department E – Jacks, Jennets and Mules

Department F – Sheep

Department G – Swine

Department H – Junior Department – Livestock

Department I – Poultry, Rabbits, and Ratites

Department J – Agricultural Products

Department K – Horticulture

Department L – Floriculture

Department M – Fine Arts and Textiles (Fine arts may be designated as M-1 and textiles as M-2)

Department N – Education and Natural History

Department O – Dairy, Apiary and Culinary

Department P – Junior Department (other than Livestock)

Department Q – Tractor Pulls and Pick-up Truck Pulls

Department R – Light Horse and Western Department – Equine Events

Department S – Harness Races

Department T – Running Races

Department U – Goats and Llamas

Department V – Miscellaneous

Department Z – Rodeos

3) The entry requirements and the graduated premiums offered for each class/species.

4) The minimum number of days that the exhibits or livestock must remain on the fairgrounds.

- 5) The time and date for the release of livestock and exhibits.
 - 6) Stall or pen rent charged.
 - 7) Entry fee charged.
 - b) All departments and classes must be published in the premium book to be eligible for premium State aid.
 - c) Should it be necessary to make corrections in the premium book after it is printed, these corrections must be made available to the public.
- (Source: Amended at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.60 Horse Racing – Harness and Running

- a) In order to qualify for premium State aid, harness horse races shall be confined to standardbred horses; running horse races shall be confined to thoroughbred and quarter horses. Quarter horse races are reported under Department-Equine Races, Department T, on the premium grand summary report.
 - b) Contributions, such as money, blankets, ribbons, wreaths, trophies, rosettes or engraving, made by other persons or organizations (e.g., colt associations, the promoter of the races, the State Fair, or Standardbred and Thoroughbred Breeding and Racing Programs) are not eligible for premium State aid. The actual amount of monies expended for horse racing by a fair association or agricultural society is eligible for premium State aid reimbursement. Horse racing entry fees may be included in the amount requested for premium State aid reimbursement.
 - c) The party paid the purse shall sign the receipt showing each purse and total purse won. The receipt shall be submitted with the premium grand summary report. If the party is unable to personally pick up the purse, the person picking up or mailing the check shall sign his or her name and provide his or her address.
 - d) A racing program marked to indicate the placings in each race shall accompany the premium grand summary report.
- (Source: Amended at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.65 Heavy Horses (Repealed)

(Source: Repealed at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.70 Light Horses and Western Horses (Repealed)

(Source: Repealed at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.80 Livestock Classification and Registration Papers

- a) Herd, flock or group classes of livestock shall be defined by the fair association or agricultural society and the classification criteria shall be published in the premium book. The fair association or agricultural society may follow the current classifications as defined by the national breed organizations.
 - b) Registration papers are required for all purebred livestock.
- (Source: Amended at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.85 Registration Papers (Repealed)

(Source: Repealed at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.87 Open and Junior Jackpot Shows

- a) Where the county board elects to have both a junior and open fair, jackpot shows are eligible for premium State aid. The estimated purse, plus any monies added by the fair (i.e., entry fees), including graduated percentage placings for premiums, must be listed in the premium book to be eligible for premium State aid. The premium book must also list whether the shows are open or are closed to participants from that county only. Sanction fees are not eligible for premium State aid.

b) Where a county board elects to have strictly a junior fair, only junior jackpot shows closed to that county are eligible for premium State aid and the premium book must list the exhibition as a closed junior jackpot show.

The estimated purse, plus any monies added by the fair (i.e., entry fees), including graduated percentage placings for premiums, must be listed in the premium book to be eligible for premium State aid. Sanction fees are not eligible for premium State aid.

(Source: Added at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.90 Inspections and Inspectors Reports (Repealed)

(Source: Repealed at 9 Ill. Reg. 3233, effective March 1, 1985)

Section 260.95 Junior Classes

a) Junior classes are eligible for premium State aid only if they are open to boys and girls who are 8 years of age or in third grade and not yet 19 years of age on or before September 1 of the year previous to the fair. All animals (i.e., individual, herd or flock classes) shown in junior classes must be the property of the boys and girls showing them. If the same animals are shown in both the open classes and junior classes, they shall be shown under the same exhibitor's name (for example, the father is not permitted to show an animal in the open class and the son or daughter to show the same animal in the junior classes).

b) Exhibitors may be assisted in herd or flock classes during the judging process only by other boys and girls who meet the age requirement set forth in subsection (a).

c) Where the county board elects to have strictly a Junior Show, livestock and exhibits must be on the fairgrounds on the opening day of the fair until the close of the fair, unless earlier release of the livestock is authorized by the Bureau. Where both a Junior Show and open show are held, livestock and exhibits entered in the Junior Show shall follow the standards for the open show set forth in Section 260.50(a).

d) Junior Show classes must be separate and distinct classes from the open and 4-H show classes and must be shown and competitively judged separately from 4-H and open shows or exhibitions.

(Source: Amended at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.100 Premium Grand Summary Report

a) In accordance with Section 12 of the Act, the premium grand summary report shall be filed with the Bureau in person or postmarked on or before October 15 of each year. A fee of \$25 will be deducted from the total premiums claimed by the fair for each day the report is late. A premium book shall accompany the premium grand summary report. This information may be supplied by computer printout. Premium grand summary reports and paid receipts should be retained for three years by the fair association or agricultural society.

b) The Bureau shall mail each fair association or agricultural society a copy of the premium grand summary report form to be used in submitting the information required by Sections 10 and 12 of the Act. A copy of the report should be retained by the fair association or agricultural society for its records.

c) Receipts for trophies, ribbons, rosettes, engraving and premiums paid as outlined in Section 260.30 shall accompany the premium grand summary report.

d) The receipts for each department must be accompanied by an adding machine tabulation, tabulated in chronological order, showing the premiums paid and the total for each department. This information may be supplied by computer printout or other electronic data transfer system if approved by the Bureau.

e) Copies of the premium grand summary report (pages 1 and 2) are due directly following the fair in order for the Bureau to prepare and publish a recapitulation report and county fair date list, as well as for the Department of Agriculture and the Illinois General Assembly to use to evaluate appropriation needs, the following information shall be submitted by the fair association or agricultural society on the premium grand summary report:

- 1) The year for which the report is being submitted;
- 2) The name of the fair association or agricultural society (exactly how the check should be made out);
- 3) The city or town where the fair was held;

- 4) County where the fair was held;
- 5) The names, titles (if applicable) and mailing address for all officers and directors of the fair association or agricultural society;
- 6) The date the fair was organized;
- 7) The date the fair association or agricultural society was incorporated, if applicable;
- 8) The number of acres in the fairgrounds and whether the fairgrounds are owned or leased. If the fairgrounds are leased, the number of years remaining under the terms of the lease and the expiration date of the lease;
- 9) The dates of the current year's fair;
- 10) The dates of next year's fair;
- 11) Verification statement that exhibitors have been paid in full;
- 12) Estimated attendance and gate admission fees charged;
- 13) Name of carnival;
- 14) A breakdown of the following information for each department listed in Section 260.55(a)(2):
 - A) Number of animals or articles entered/shown;
 - B) Amount of premiums offered;
 - C) Entry fees collected; and
 - D) Amount of premiums paid;
- 15) Totals for the information requested in subsection (e)(14) for each division and the grand total; and
- 16) A financial statement for the current year showing receipts, expenditures and the total operating profit or loss. The amount of money spent for real estate and capital or permanent improvements for the current year shall also be provided.
 - f) *No one department or class shall be paid premiums awarded in excess of 30% of the total premiums awarded by the county fair except those departments or classes limited to junior exhibitors [30 ILCS 120/9]. The grand total of Column 4 (Amount of Premiums Paid Each Department) on the premium grand summary report is the amount on which the 30% is figured. The Bureau shall deduct the excess from the grand total premiums paid.*
 - g) Income shown on the financial statement shall include gate admission, grandstand admission, auto parking, stall and pen fees, fees paid by concessionaires, commercial exhibits and the carnival, entry fees, estimated premium State aid for the current year, estimated rehabilitation aid for the current year, aid from the county, if any, rental fees for the buildings and grounds for periods other than the fair, and any other income that was received by the fair but not included in the other categories mentioned. Borrowed money shall not be reported as income. Expenses of the fair shall include premiums paid, costs of grounds improvements, charges for music and attractions, judges' and assistants' fees, administrative and office payrolls, personnel expenses for gates, grandstand help, policy and parking vehicles, general and common labor payrolls, advertising expenses including the costs of the premium book, federal admission tax paid, and other operating expenses, such as interest on indebtedness, that were not listed in the categories mentioned. The financial statement on file with the Department of Agriculture is subject to audit by auditors investigating Department of Agriculture accounts.
 - h) The premium grand summary report shall be signed and notarized by a notary. The President and the Secretary of the fair association or agricultural society shall sign the premium grand summary report. (Source: Amended at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.105 Growth Incentive Program

If the appropriation allows, fairs that qualify shall participate in the Growth Incentive Program. Qualification requirements for participation in the Growth Incentive Program and the procedure for determining the amount of eligible claims shall be as set forth in Section 10.1 of the Act. This payment will be made to a participating fair following the payment of all premium State aid claims. (Source: Amended at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.110 Pro Rata (Grant) Payments and Justification

a) If, after premium State aid and/or Growth Incentive payments have been made, there remain any funds in the appropriations, pro rata (grant) payments shall be made to all fairs that are participating in the premium State aid program in accordance with Section 10(c) of the Act. This payment will be made after all eligible claims are paid from the Growth Incentive Program.

b) All fairs receiving pro rata (grant) payments are required to file with the Bureau a fiscal accounting of the expenditure of these grant monies. This accounting will be due at the same time each fair files its premium grand summary report (Section 260.100(a)) for the year in which such monies were received.

c) Pro rata (grant) monies received by a fair association or agricultural society shall only be used for premiums and awards.

d) Pro rata (grant) monies shall not be used for rehabilitation purposes (see Subpart B of the rules of this Part).

e) Pro rata (grant) money shall not be used to reimburse expenses incurred by and/or contributions made by other persons or organizations in promoting the fair.

f) Section 22 of the Act prohibits pro rata (grant) money from being used to pay salaries.

(Source: Amended at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.115 Petitioning for Base Adjustments (Repealed)

(Source: Repealed at 9 Ill. Reg. 3233, effective March 1, 1985)

Section 260.117 Administrative Rules (Formal Administrative Hearings, Contested Cases Petitions, and Administrative Procedures)

All decisions of the Department of Agriculture in implementing these rules are subject to the Illinois Administrative Procedure Act [5 ILCS 100] and the rules of the Department of Agriculture pertaining to administrative hearings as promulgated thereunder (8 Ill. Adm. Code 1).

(Source: Amended at 21 Ill. Reg. 2139, effective January 29, 1997)

SUBPART B: FAIRS PARTICIPATING IN THE REHABILITATION FUND

Section 260.200 Appropriation

Each fair association or agricultural society shall receive an annual appropriation, in an amount set forth in Section 13 of the Act, that shall be used for rehabilitation of its grounds, purchase of land, construction projects, maintenance projects and repair projects. The Bureau shall approve rehabilitation claims in accordance with Section 13 of the Act and this Subpart B. The fair association or agricultural society shall file a rehabilitation report as required by Section 13 of the Act and Section 260.220. In accordance with Section 17 of the Act, a fair that has been participating in the Fair and Exposition Fund and notifies the Bureau in writing by January 1 that it elects to participate in the Agricultural Premium Fund shall not be eligible for participation in the rehabilitation appropriation until the next fiscal year.

(Source: Amended at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.205 Ownership of Grounds

Expenditures for rehabilitation of fairgrounds, purchase of land, construction projects, maintenance projects and repair projects are eligible for reimbursement from rehabilitation funds when the fair association or agricultural society or State, city, village or county government body owns the fairgrounds or has a long-term lease for the use of the fairgrounds upon which the expenditures were made. Except as allowed by the Director, if the fair association or agricultural society leases the fairgrounds, the lease shall be for a period of 20 years, the terms of which require the lessee to have continuous possession of the land during every day of the lease period, and it shall contain a clause that those buildings constructed with rehabilitation funds shall be the property of the fair.

Should the lease be terminated before the expiration date, the ownership of the buildings and improvements constructed with, or equipment purchased with, rehabilitation funds lies with the fair association or agricultural society and the fair association or agricultural society has the right to remove buildings, improvements and equipment purchased with rehabilitation funds.

(Source: Amended at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.207 Rehabilitation Declaration of Intent (Repealed)

(Source: Repealed at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.210 Rehabilitation Claims

- a) Rehabilitation claims may include the cost of land purchase, both materials and labor expended for rehabilitation of the fairgrounds, its buildings, facilities and for construction projects. Maintenance and/or repair projects shall include improvements made for the purpose of restoring and/or maintaining the fairgrounds, buildings and facilities for long term uses.
 - b) The purchases of tractors, drags, water wagons and other equipment used to maintain or repair the track, show arenas, and the grounds or buildings are eligible for rehabilitation reimbursement. The Department of Agriculture shall reimburse fair associations for equipment that is necessary for the maintenance and repair of projects, except computer equipment, that have received rehabilitation reimbursement. Any repairs to this equipment shall also be reimbursed. The reimbursement rate for the total of all above expenses shall be 100% of the first \$5,000, 75% of the next \$20,000, and 50% of the next \$20,000 (example: spend \$45,000 – receive \$30,000 per fiscal year). Equipment purchased with rehabilitation funds shall remain on the fairgrounds at all times. When a fair association or agricultural society disposes of any equipment, it shall maintain disposal records for a period of five years. If, during an inspection by a Department of Agriculture inspector, the equipment is not found on the fairgrounds and there are no disposal records for the equipment, the Bureau shall send written notice that repayment is due and the fair association or agricultural society shall repay to the State Treasury within 30 days from receipt of the notice that portion of rehabilitation funds spent on the purchase of the equipment that was not found on the fairgrounds, regardless of the fiscal year in which the equipment was purchased.
 - c) Premiums paid for general liability and casualty insurance are eligible for rehabilitation reimbursement. Premiums for personal liability insurance are not eligible for rehabilitation reimbursement.
 - d) On rehabilitation projects, a fair association or agricultural society shall adhere to the Illinois Procurement Code [30 ILCS 500].
 - e) Itemized bills, receipts and/or copies of cancelled checks for rehabilitation projects must be submitted or postmarked by June 30 in the fiscal year for which the projects are to be reimbursed.
 - f) *The amount carried over shall constitute a claim for reimbursement for a subsequent period not to exceed seven years as long as funds are available* [30 ILCS 120/13].
- (Source: Amended at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.215 Major Building Projects (Repealed)

(Source: Repealed at 21 Ill. Reg. 2139, effective January 29, 1997)

Section 260.220 Rehabilitation Report and Receipts

- a) When filing a rehabilitation report with the Bureau, a fair association or agricultural society shall have the report postmarked or filed with the Bureau on or before June 30 of each year on forms furnished by the Bureau. A \$25 fee will be deducted from the total rehabilitation claim each day the report is late. If there is any question as to whether certain expenditures are eligible for reimbursement of rehabilitation monies in accordance with Section 13 of the Act, the fair association or agricultural society may contact the Bureau for approval of the proposed expenditures. Copies of both rehabilitation reports and paid receipts should be retained for seven years by the fair association or agricultural society for its files.
- b) The following information shall be submitted on the rehabilitation report:

- 1) The year for which the report is submitted;
 - 2) The name and address of the fair association or agricultural society;
 - 3) The county where the fair was held;
 - 4) The current value of real estate and improvements made to the fairgrounds;
 - 5) The name, title and address of the officers and directors of the fair;
 - 6) The number of acres in the fairgrounds and whether the fairgrounds are owned or leased by the fair association or agricultural society;
 - 7) If the fairgrounds are leased, the number of years remaining under the terms of the lease and the date of expiration of the lease; and
 - 8) Each project shall be listed separately on the report along with the cost of the project.
- c) Itemized bills and receipts as evidence of expenditures shall accompany the rehabilitation report. A fee of \$25 will be deducted from the total rehabilitation claim each day receipts are late. Receipts and/or copies of cancelled checks indicating that payments of bills have been made by the fair association or agricultural society issued by the persons who performed the services or from whom the equipment was purchased shall also accompany the rehabilitation report. The itemized bills and receipts of payments submitted with the rehabilitation report will not be returned as they are a permanent part of the rehabilitation report.
- d) The rehabilitation report shall be signed by the president and secretary of the fair association or agricultural society and shall be notarized.
- (Source: Amended at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.225 Pro Rata Payments and Justification

If any amount remains in the appropriation for rehabilitation after claims from all fairs are paid, pro rata payments shall be made to fairs that have exceeded their maximum reimbursement in accordance with the provisions of Section 13 of the Act. The Bureau will use that amount of money as indicated by receipts that were submitted with the rehabilitation report in excess of expenditures of \$45,000 as justification for pro rata reimbursement.

(Source: Amended at 28 Ill. Reg. 11091, effective July 23, 2004)

SUBPART C: PROCEDURES FOR PARTICIPATION IN THE 4-H FUND

Section 260.300 Appropriation and Eligibility

- a) University of Illinois extension units shall be eligible to participate in appropriations made to the Department of Agriculture for premiums and judges' fees paid at county 4-H shows or exhibitions approved by the State 4-H Office and based on the Accountability for Agricultural Premiums report in the following order in accordance with the provisions of Section 14 of the Act:
- 1) cash premiums awarded; and
 - 2) judges' fees paid (not to exceed \$800).
- b) County 4-H shows or exhibitions must have separate and distinct classes from junior and open show classes.
- c) All exhibit classes or types of projects must be approved by the University of Illinois Extension State 4-H Office within three weeks prior to the show or exhibition.
- d) All projects must be competitively judged and exhibited at a public display where reasonable prior public notice of the event has been given. If judged and exhibited at a county fair, the projects must be shown and judged separately from junior and open show classes.
- e) The amount or method used to determine the amount of the 4-H premium must be publicly stated and notice sent to the University of Illinois Extension State 4-H Office in advance of the show or exhibition. The premium amounts must be on a graduated scale.
- f) Only one show or exhibition of a class or type of project work will be eligible for awards as provided in Section 14 of the Agricultural Fair Act.
- g) Only awards to eligible 4-H members during the current year are eligible for reimbursement.

h) Livestock and exhibits must be on the fairgrounds on the opening day of the 4-H show and remain until the close of the 4-H show, unless earlier dismissal is granted by the Bureau in accordance with Section 260.50(a).

(Source: Amended at 30 Ill. Reg. 2253, effective February 6, 2006)

Section 260.305 A 4-H Claim Report

a) The State 4-H Office shall notify the Bureau of the number of 4-H premium eligible members in each county or unit before December 31 of each year.

b) Extension leaders of each county or unit designated by the State 4-H Office *shall certify to the State 4-H officer under oath, on a blank form furnished by the Department, the amount paid out in premiums, judges' fees and ribbons at the 4-H shows or exhibitions for the current year, and the name of the officer or organization making the payments and the number of eligible members enrolled for the current year* [30 ILCS 120/14]. Records verifying award recipients must be available and maintained for three years for official review.

c) Extension leaders shall file this report with the Bureau on or before December 31 of each year (postmarked December 31 is acceptable). If the deadline is not met, a 5% penalty fee of total premiums claimed will be assessed each day the report is late and then subtracted from the total claim of the unit.

d) The extension leader of each county or unit shall provide itemized signed receipts as evidence of the eligible certified amounts to the State 4-H Office. Before December 31 of each year the State 4-H Office shall file with the Department certification of the eligible amount claimed for premiums awarded, judges' fees and ribbons, along with the claim report for each county or unit.

e) The Department will reimburse each county or unit at a rate calculated under this subsection (e). The appropriation will be divided by the total number of certified eligible 4-H members in all counties or units as certified by the State 4-H Office before December 31 of each year, then multiplied by the State 4-H Office certified number of individual eligible members for the county or unit. The amount for reimbursement shall be justified by receipted expenditures received in the Bureau with the current report by December 31 in the following order:

- 1) cash premiums awarded; and
- 2) judges' fees (not to exceed \$800).

f) If there remains an amount of the appropriation after claims has been paid as specified in subsection (e), the Department shall provide reimbursement to each county or unit in the following order:

- 1) excess cash premiums awarded;
- 2) excess judges' fees; and
- 3) ribbons.

The above reimbursements shall be justified by receipted expenditures already submitted to the Bureau on or before December 31 with the current year's 4-H report.

(Source: Amended at 30 Ill. Reg. 2253, effective February 6, 2006)

Section 260.310 Pro Rata Payment and Justification (Repealed)

(Source: Repealed at 26 Ill. Reg. 5122, effective April 1, 2002)

SUBPART D: PROCEDURES FOR PARTICIPATION IN THE VOCATIONAL AGRICULTURE EDUCATION FUND

Section 260.400 Appropriation

Agricultural education section fairs are eligible to participate in appropriations made to the Department of Agriculture on behalf of such fairs in accordance with the provisions of Section 16 of the Act.

(Source: Amended at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.405 Eligibility for Premiums

Eligibility for premiums awarded to agricultural education section fair students shall be as set forth in Section 16 of the Act.

(Source: Amended at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.410 List of Premiums Sent to Bureau (Repealed)

(Source: Repealed at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.415 Vocational Agriculture Report of Premium Awards

a) Within 30 days after the close of the fair, section fair managers designated by the Illinois Association of Vocational Agriculture Teachers (IAVAT) shall certify to the Department, under oath, on forms furnished by the Bureau, a detailed report of premium awards showing all premiums awarded to agricultural education students at each fair. In addition, amendments to the detailed report of premium awards shall be made by the section fair manager. If the detailed report of premium awards is not submitted within 30 days after the close of the fair, a 5% penalty fee of the fair's total premiums awarded will be assessed each day the report is late, then subtracted from the total claim. Records verifying award recipients must be available and maintained for five years for official review.

b) The report shall include the following information:

- 1) The section number of the fair;
- 2) The dates the fair was held;
- 3) The location of the fair;
- 4) The total awards that were distributed;
- 5) The name and address of the school;
- 6) The agricultural education teacher's name, title, and address should be listed under the name of the school; and
- 7) Student's name (listed only once) with a listing of winnings for that student and a total of all amounts won. All the students who have won premiums from that school should be listed under the name of their agricultural education teacher.

c) As vouchers are prepared directly from this report of premium awards, a blank space should be left between each student's total winnings in order to set them apart.

d) The report of premium awards shall be signed by the vocational agricultural section fair manager and notarized by a notary public.

(Source: Amended at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.420 Pro Rata Payments

a) Any amount remaining in the appropriation after all eligible claims are paid shall be distributed, expended for the purposes, and a fiscal accounting made, in accordance with the provisions of Section 16 of the Act.

b) Forms shall be furnished by the Bureau for pro rata justification of funds expended by the agricultural education section fair. The section fair manager shall submit a list of premiums paid in the first fair held following the receipt of pro rata monies, but not later than one year after receipt of such funds. This justification shall be signed by the section fair manager and notarized by a notary.

(Source: Amended at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.425 Fiscal Accounting (Repealed)

(Source: Repealed at 9 Ill. Reg. 3233, effective March 1, 1985)

SUBPART E: FAIRS OPERATING UNDER THE FAIR AND EXPOSITION FUND

Section 260.500 Appropriation (Repealed)

(Source: Repealed at 9 Ill. Reg. 3233, effective March 1, 1985)

Section 260.505 Eligibility

- a) A fair association or agricultural society shall be eligible to participate in the Fair and Exposition Fund in lieu of participating in the Agricultural Premium Fund in accordance with Sections 17 and 18 of the Act. The fair and exposition participant shall file by January 1 with the Bureau a letter indicating its election to participate in the Fair and Exposition Fund.
- b) A fair and exposition authority shall be eligible to participate in the Fair and Exposition Fund in accordance with Sections 18 and 19 of the Act.
- c) In accordance with Section 17 of the Act, agricultural fairs or agricultural societies that have been participating in the Fair and Exposition Fund and elect to participate in the Agricultural Premium Fund are not eligible for participation in the rehabilitation fund until the next fiscal year.
- d) All fair associations or agricultural societies participating in the Fair and Exposition Fund shall operate and conduct the premium portion of their county fair in accordance with Sections 260.5, 260.10(b), (c) and (d), 260.30, 260.35, 260.40(a), (b) and (c), 260.45, 260.50, 260.55, 260.60, 260.80, 260.85, 260.95 and 260.117 of this Part.

(Source: Amended at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.510 Ownership or Leasing of Grounds

Each fair participating in the Fair and Exposition Fund shall file with the Bureau a certified copy of its lease or evidence that the land is owned by the fair association, agricultural society or fair and exposition authority. The lease shall be for a period of at least 20 years, the terms of which require the lessee to have continuous possession of the land during every day of the lease period, except as otherwise allowed by the Director, and it shall contain a clause that those buildings constructed with fair and exposition funds shall be the property of the fair. Should the lease be terminated before the expiration date, the ownership of the buildings and improvements constructed with or equipment purchased with fair and exposition funds lies with the fair association or agricultural society, and the fair association or agricultural society has the right to remove buildings, improvements and equipment purchased with fair and exposition funds.

(Source: Amended at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.515 Declaration of Intention and Construction Plans/Specifications

a) On or before December 31 of the year previous to participating in the Fair and Exposition Fund, the fair shall file with the Bureau, on forms furnished by the Bureau, a Declaration of Intention. Plans and specifications relating to construction projects, as applicable, should be submitted with the Declaration of Intention. A \$25 fee will be deducted respectively each day the Declaration of Intention and/or any pertinent information relating to items claimed on the fair's Declaration of Intention are late from the amount due the fair and exposition. The following information shall be submitted on and/or accompany the Declaration of Intention:

- 1) Information on the fair's organization;
- 2) Dates of the next year's fair (these dates should also be submitted to the Bureau by October 15 each year on a copy of the premium grand summary);
- 3) Location of the fair;
- 4) The amount of money requested from the Fair and Exposition Fund for the purposes listed in Section 20 of the Act;
- 5) Number of acres in the fairgrounds and whether they are owned or leased. If the fairgrounds are leased, the number of years remaining under the terms of the lease and date of expiration of the lease;
- 6) The names and addresses of the president, secretary and treasurer of the fair and exposition fair; and
- 7) A current copy of the lease of fairgrounds, unless it is owned.

b) The Declaration of Intention shall be signed by the president, secretary and treasurer of the fair and notarized by a notary public.

(Source: Amended at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.520 Transfer of Funds (Repealed)

(Source: Repealed at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.522 Entry Fee Certification Form and Premium Books

All fairs participating in the Fair and Exposition Fund must submit an entry fee certification form (furnished by the Bureau) to the Bureau signed by the fair president, secretary and treasurer stating that all entry fees are in compliance with Section 260.40(a). A fee of \$25 will be deducted from the total due for the fair each day the form and books are late. Reimbursement shall be delayed until the certification is received. Fairs may utilize computer programs to supply the Bureau's reporting requirements, the certification, and the 10% and 75% report.

(Source: Added at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.524 Premium State Aid Payable on the Authorized Base

If premiums are claimed by a fair and exposition association or authority, reimbursement will be based on the authorized base system set forth in Section 260.20.

(Source: Added at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.525 Penal Bond

a) Each participant in Fair and Exposition funds shall file a penal bond in accordance with Section 18 of the Act at the same time it files a Declaration of Intention (December 31). A fee of \$25 will be deducted for each day the bond is late from the total amount due the fair and exposition association or authority. The penal bond shall show the effective date and the termination date of the bond by the company issuing the penal bond. If the fair and exposition participant requests the bond be cancelled, the participant shall notify the Department of Agriculture of such request at the same time it notifies the company that issued the bond.

b) The maximum claim that any fair and exposition participant may receive from the Fair and Exposition Fund shall be determined in accordance with Section 18 of the Act.

(Source: Amended at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.530 Expenditure of Funds

Fair and Exposition funds may be used only for payment of expenses relating directly to those purposes as outlined in Section 20 of the Act. Expenses for a certified public accountant's audit (should a fair and exposition or authority obtain one) are eligible for reimbursement from Fair and Exposition funds. Fair and Exposition funds spent for other purposes shall be refunded to the Department of Agriculture within 30 days from the date written notice is received by the fair and exposition participant that such expenditures are ineligible for reimbursement.

(Source: Amended at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.535 Accumulation of Funds for Major Building Projects (Repealed)

(Source: Repealed at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.537 Premium Grand Summary Report and Fair and Exposition Financial Statement and Receipts

a) Each participant in Fair and Exposition funds shall follow the same guidelines as other county fair associations or agricultural societies when submitting the premium grand summary report and receipts (see Section 260.100(c), (d), (e) and (f). The premium grand summary report shall be notarized by a notary. The president and the secretary of the fair association or agricultural society shall sign the premium grand summary report.

1) The premium grand summary report, along with all premium, ribbon and trophy receipts, if claimed, shall be postmarked on or before December 31 of each year in the County Fair Office on forms provided by the Bureau, along with any and all receipts that were claimed on a fair and exposition's Declaration of Intention. A fee of \$25 will be deducted from the total amount due the fair for each day the report and/or receipts are late. A premium book shall accompany the premium grand summary report.

2) The fair and exposition financial statement, which is part of the premium grand summary report, is to be completed in lieu of a certified public accountant's audit and is due on or as soon after December 31 as is practical. However, if a certified public accountant's audit is maintained by the fair and exposition association or authority, a copy should be provided to the Bureau. A copy of the premium grand summary report and copies of all applicable paid receipts should be retained by the fair association or agricultural society five years for its files. A fee of \$25 will be deducted from the total amount due the fair for each day the financial statement and/or receipts are late. The financial statement on file with the Department of Agriculture is subject to audit by auditors investigating Department of Agriculture accounts.

3) Income shown on the financial statement shall include gate admission, grandstand admission, auto parking, stall and pen fees, fees paid by concessionaires, commercial exhibits and the carnival, entry fees, estimated premium State aid for the current year, estimated rehabilitation aid for the current year, aid from the county, if any, rental fees for the buildings and grounds for periods other than the fair, and any other income that was received by the fair but not included in the other categories mentioned. Borrowed money shall not be reported as income. Expenses of the fair shall include premiums paid, costs of grounds improvements, charges for music and attractions, judges' and assistants' fees, administrative and office payrolls, personnel expenses for gates, grandstand help, police and parking vehicles, general and common labor payrolls, advertising expenses including the costs of the premium book, federal admission tax paid, and other operating expenses, such as interest on indebtedness, that were not listed in the categories mentioned.

4) The financial statement shall show receipts, expenditures and the total operating profit or loss. The amount of money spent for real estate and capital or permanent improvements for the current year shall also be provided.

5) The bottom portion of the financial statement shall include a Declaration of Intention breakdown of State funds received and expended by a fair and exposition for the current fair and shall include:

A) whether the fair and exposition funds declared were used to finance eligible items declared on the previous Declaration of Intention submitted to the Bureau and, if so, the amounts used; and

B) The total of fair and exposition funds claimed, expended by, and paid to the fair and exposition association or authority for eligible expenses.

C) Any funds declared on the financial statement as having been received and not utilized to finance eligible items claimed shall be returned to the Illinois Department of Agriculture.

(Source: Added at 28 Ill. Reg. 11091, effective July 23, 2004)

Section 260.540 Administrative Rules (Formal Administrative Hearings, Contested Cases, Petitions, and Administrative Procedures)

All decisions of the Department of Agriculture in implementing these rules are subject to the Illinois Administrative Procedure Act [5 ILCS 100] and the rules of the Department of Agriculture pertaining to administrative hearings as promulgated thereunder (8 Ill. Adm. Code 1).

(Source: Added at 21 Ill. Reg. 2139, effective January 29, 1997)