

SENATE THIRD READING
SB 1223 (Padilla)
As Introduced February 19, 2026
Majority vote

SUMMARY

This bill would prohibit a fair from issuing an invitation to bid or request for proposal (RFP), in connection with the awarding of a contract, for services to any person or entity, in a manner that limits the bidding directly or indirectly to any one bidder. This bill would make any contract awarded in violation of this prohibition void.

Major Provisions

Adds Section 3107 to the Food and Agricultural Code (FAC) to state:

- 1) A fair shall not issue any invitation to bid or request for proposal, in connection with the awarding of a contract, for services to any person or entity, in a manner that limits the bidding directly or indirectly to any one bidder.
- 2) Any contract awarded in violation of 1) shall be void.

COMMENTS

County fairs in California are vital, year-round economic drivers while also serving as hubs for agricultural education and innovation. Fairs serve as essential gathering places for community and display local agriculture, from livestock to cornstalk, encouraging people to learn where their food comes from and to buy locally. Many fairs are also part of the state's emergency response network.

Most county fairs operate as District Agricultural Associations (DAAs), and for vendor contracts above certain thresholds they are generally required to go through an RFP process under Public Contract Code Section (PCC) 10300 et seq. and related state contracting policy. Those rules are intended to keep the bidding competitive. The California Department of Food and Agriculture's (CDFA) Fair and Exposition Branch, in the Division of Marketing Services, oversees the fiscal and policy side of the state's 77 fairs—54 DAAs plus county-owned fairs—all of which are subject to those procurement requirements.

The author's office points to two lawsuits brought by Talley Amusements, Inc. (Talley), a Texas-based carnival midway company that supplies rides, games, and food concessions, as the reason this bill is needed. Both cases center on the same alleged conduct: fair officials adjusting a bidder's evaluation score after bids were submitted.

Del Mar Fairgrounds (22nd DAA). On July 28, 2021, Talley sued the Del Mar Fair, alleging the 22nd DAA interfered with its contract and violated the federal Civil Rights Act (42 U.S.C. Section 1983) by changing scores—revising a bidder's numerical rating after the fact based on updated information, pricing, or non-cost factors. The fair settled in 2024, paying Talley \$500,000 and guaranteeing it a spot at the San Diego County Fair through 2029.

Orange County Fairgrounds (32nd DAA). On June 18, 2024, after the Orange County Fair awarded its master carnival contract to Ray Cammack Shows, Talley sued the 32nd DAA,

alleging corruption, favoritism, and bid-rigging in the 2021 selection, again claiming officials changed scores during the bid process. Talley sought a temporary injunction under PCC 10339, but the Orange County Superior Court denied it, finding that PCC 10339 did not apply to the contract. The Fourth District Court of Appeal, Division Three, upheld that decision, holding that PCC 10339 did not reach the contract because it was not for services rendered to the state.

According to the Author

According to the author, California's fairs are a tradition that brings communities together each year to celebrate and enjoy local agriculture, food, and entertainment. In order for these fairs to operate, they manage millions of dollars in contracts each year to provide rides, food vendors, and other services.

Recent investigations have revealed that competitive bidding requirements do not apply to state fairs. Bids are being written in a way that applies only to a single contractor, opening the door to favoritism and corruption. SB 1223 would prohibit a fair from issuing a request for proposal or invitation to bid that is written in a way that applies only to one party, helping to protect competitive bidding in fair contracts.

Arguments in Support

None on file.

Arguments in Opposition

None on file.

FISCAL COMMENTS

CDFA, which oversees the state's network of fairs, anticipates minor and absorbable costs.

VOTES**SENATE FLOOR: 39-0-1**

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNeerney, Menjivar, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Niello

ASM AGRICULTURE: 8-0-0

YES: Soria, Hadwick, Aguiar-Curry, Alanis, Connolly, Jeff Gonzalez, Irwin, Ransom

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Hoover, Arambula, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Solache, Ta

ABS, ABST OR NV: Calderon, Pellerin, Sharp-Collins, Tangipa

UPDATED

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