

1 AN ACT authorizing a horse feed checkoff.

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 Equine Research and Promotion Act.

6 Section 5. Definitions. As used in this Act:

7 "Board" means the Illinois Equine Industry Research
8 and Promotion Board appointed in accordance with this Act.

9 "Commercial equine feed" means manufactured feed,
10 supplement, or premix intended or labeled for equine use.

11 "Director" means the Director of Agriculture.

12 "Manufactured feed" means grains, seeds, or forage
13 that are ground, mixed, supplemented, or otherwise altered
14 for the purpose of consumption.

15 "Qualified industry organization" means the
16 Horsemen's Council of Illinois or successor organization that
17 represents the entire spectrum of the Illinois equine
18 industry.

19 Section 10. Referendum. Within 90 days after the
20 effective date of this Act, the University of Illinois
21 Extension shall determine by referendum whether the affected
22 equine owners in Illinois assent to the levy, collection, and
23 use of an equine feed assessment in accordance with this Act.
24 The University of Illinois Extension shall be compensated for
25 all costs associated with conducting the referendum. The
26 results shall be certified by an independent auditing firm
27 located in Illinois and submitted to the Director within 30
28 days after certification. All qualified Illinois equine
29 owners shall be entitled to one vote.

30 Voting shall be at locations throughout the State on a

1 day and during a time period as specified by the University
2 of Illinois Extension. Provisions shall be made for absentee
3 voting. Publicity and notification of the referendum date,
4 absentee voting procedures, and voting locations shall be
5 provided in the appropriate trade publications and in the
6 public press at least 3 weeks prior to the date of the
7 referendum.

8 Upon approval by the majority of qualified Illinois
9 equine owners and certification by an independent auditing
10 firm located in Illinois, the Board shall be established and
11 authorized to levy an assessment on horse feed in accordance
12 with this Act.

13 Section 15. Qualified Illinois equine owner. A resident
14 of Illinois shall be considered a qualified Illinois equine
15 owner if he or she executes an affidavit verifying Illinois
16 residency and one of the following requirements:

- 17 (1) Current registration for the equine.
18 (2) Receipt of a valid coggins test within the last
19 12 months.
20 (3) Receipt for the current lease of an equine.
21 (4) A lease purchase agreement, contract, or other
22 legal document showing current ownership or lease
23 interest in an equine.
24 (5) Feed, supplies, care, or service receipts for
25 an equine within the past 12 months.

26 Section 20. Illinois Equine Industry Research and
27 Promotion Board.

28 (a) Upon certification of the assent by the majority of
29 qualified Illinois equine owners voting on the referendum,
30 the qualified industry organization shall select the 12
31 members of the Illinois Equine Industry Research and
32 Promotion Board.

1 In selecting members, the qualified industry organization
2 shall give due regard to selecting a Board that is
3 representative of the diverse geographical regions of the
4 State and the equine industry, to include representation of:

- 5 (1) The harness racing industry.
- 6 (2) The thoroughbred racing industry.
- 7 (3) The Illinois pleasure, show, and working horse
8 industries.

9 The qualified industry organization shall select one
10 member of the Board from the Illinois feed and grain
11 industry. Each selected member of the Board with the
12 exception of the member representing the feed and grain
13 industry shall be a qualified Illinois equine owner, a person
14 fully employed in the Illinois equine industry, or a person
15 servicing the Illinois equine industry.

16 (b) Except for initial appointees, Board members shall
17 serve terms of 3 years. Members may not serve more than 2
18 consecutive terms. Members filling unexpired terms may not
19 serve more than a total of 7 consecutive years. Former
20 members of the Board may return to the Board if they have not
21 been a member for 2 years. Initial appointments to the Board
22 shall be for terms of one, 2, and 3 years staggered to
23 provide for the selection of 4 members each year.

24 (c) The Board shall select from its members a
25 chairperson and other officers as necessary. The Board may
26 establish committees and subcommittees of the Board and shall
27 adopt rules and bylaws for the conduct of business and
28 implementation of this Act. The Board shall establish
29 procedures for the solicitation of equine industry comment
30 and recommendation on any significant plans, programs, or
31 projects to be funded by the Board. The Board may establish
32 advisory committees of persons other than Board members.

33 (d) Issues related to research, education, and industry
34 enhancements and promotion shall be given priority by the

1 Board in developing programs and projects.

2 (e) At the beginning of each fiscal year, the Board
3 shall prepare a budget for the next fiscal year including the
4 costs of all projects, contracts, and programs. The Board
5 shall submit the budget to the Director for review and
6 comment. The Director may recommend appropriate programs and
7 activities.

8 (f) The Board shall keep minutes, books, and records
9 that clearly reflect all acts and transactions of the Board
10 and shall make public that information. The books of the
11 Board shall be audited by a certified public accountant at
12 least once during each fiscal year and other times the Board
13 may designate. The expense of the audit shall be the
14 responsibility of the Board. Copies of the audit shall be
15 provided to the Director and all members of the Board and to
16 other members of the equine industry upon request.

17 Section 25. Assessments.

18 (a) The Board shall set the assessment at \$2 per ton or
19 5 cents per 50-pound bag of commercial equine feed. The
20 assessed amount shall apply to all manufacturers of
21 commercial equine feed when the feed is sold or imported for
22 sale in Illinois. The assessment when made shall be listed as
23 a separate line on the bill labeled "Illinois Equine Research
24 and Promotion Assessment". Assessments collected are due to
25 the Board the 25th day of each quarter and shall include the
26 total collected for the previous calendar quarter. The
27 remitting manufacturer may retain 2% of the amount of
28 assessment as a collection fee. If payment is not made in
29 full to the Board by the due date as specified under this
30 subsection, an interest penalty of 5% of any unpaid amount
31 shall be added for each month or fraction of a month after
32 the due date, until final payment is made. No collection fee
33 may be retained on amounts not remitted in full by the 25th

1 day of each quarter.

2 (b) The Board may establish an alternative means of
3 collecting the assessment if another means is found to be
4 more effective and efficient. The Board shall assess any
5 charges incurred in conjunction with action to secure
6 compliance with this Act by any person who fails to remit any
7 amount due the Board under this Act.

8 (c) Pending disbursement pursuant to a program, plan, or
9 project, the Board shall invest funds collected through
10 assessments, and any other funds received by the Board, only
11 (i) in obligations of the United States or any agency
12 thereof, (ii) in general obligations of any state or
13 political subdivision thereof, (iii) in any interest-bearing
14 account or certificate of deposit of a bank that is a member
15 of the Federal Reserve System, or (iv) in obligations fully
16 guaranteed as to the principal and interest by the United
17 States.

18 Section 30. Refunds. The final purchaser of commercial
19 equine feed, who has a dated receipt displaying the
20 assessment added as a line item to the sale price, may by
21 application in writing to the Board secure a refund in the
22 amount added. The refund shall be payable when the
23 application has been made to the Board within 60 days after
24 the assessment. Interest shall be allowed and paid at the
25 rate of 5% per annum upon the total amount of such assessment
26 imposed by this Act, except when any such assessment is
27 refunded within 90 days after an application for refund has
28 been made within the required 60 days after assessment. Each
29 application for a refund by a purchaser of commercial equine
30 feed shall have attached thereto proof of assessment charged.
31 A purchaser who obtains a refund is not eligible for any
32 benefits provided under this Act.

1 Section 35. Compliance. The circuit courts of this State
2 have jurisdiction specifically to enforce this Act.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.