



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3798

Introduced 2/25/2005, by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

510 ILCS 67/5
510 ILCS 67/10
510 ILCS 67/25
510 ILCS 67/30

Amends the Illinois Equine Research and Promotion Act. Exempts multi-species feed and feed sold in units smaller than 50 pounds from the definition of "commercial equine feed". Requires a referendum by qualified equine owners in 2008 and every 5 years thereafter to determine whether assessments will continue. Requires the Illinois Equine Industry Research and Promotion Board to set an assessment rate between \$2 and \$10 per equine per year (rather than \$2 per ton or 5 cents per 50 pound bag of commercial equine feed). Allows the Board to establish an alternative method of assessment and means of collecting except that the Board may not establish an assessment on commercial equine feed. Provides that a refund of an assessment shall be payable within one year or 365 days (rather than 60 days) after the assessment.

LRB094 11577 LJB 42592 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning animals.

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

4 Section 5. The Illinois Equine Research and Promotion Act
5 is amended by changing Sections 5, 10, 25, and 30 as follows:

6 (510 ILCS 67/5)

7 Sec. 5. Definitions. As used in this Act:

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

10 "Commercial equine feed" means manufactured feed,
11 supplement, or premix intended or labeled for equine use.
12 Multi-species feed and feed sold in units smaller than 50
13 pounds shall be exempt from this definition.

14 "Director" means the Director of Agriculture.

15 "Manufactured feed" means grains, seeds, or forage
16 that are ground, mixed, supplemented, or otherwise altered
17 for the purpose of consumption.

18 "Qualified industry organization" means the Horsemen's
19 Council of Illinois or successor organization that
20 represents the entire spectrum of the Illinois equine
21 industry.

22 (Source: P.A. 93-135, eff. 7-10-03.)

23 (510 ILCS 67/10)

24 Sec. 10. Referendum.

25 (a) Within 90 days after the effective date of this Act,
26 the University of Illinois Extension shall determine by
27 referendum whether the affected equine owners in Illinois
28 assent to the levy, collection, and use of an equine feed
29 assessment in accordance with this Act. The University of
30 Illinois Extension shall be compensated for all costs
31 associated with conducting the referendum. The results shall be

1 certified by an independent auditing firm located in Illinois
2 and submitted to the Director within 30 days after
3 certification. All qualified Illinois equine owners shall be
4 entitled to one vote.

5 Voting shall be at locations throughout the State on a day
6 and during a time period as specified by the University of
7 Illinois Extension. Provisions shall be made for absentee
8 voting. Publicity and notification of the referendum date,
9 absentee voting procedures, and voting locations shall be
10 provided in the appropriate trade publications and in the
11 public press at least 3 weeks prior to the date of the
12 referendum.

13 Upon approval by the majority of qualified Illinois equine
14 owners and certification by an independent auditing firm
15 located in Illinois, the Board shall be established and
16 authorized to levy an assessment on horse feed in accordance
17 with this Act.

18 (b) In 2008, and every 5 years thereafter, a referendum
19 shall be held in accordance with subsection (a) of this Section
20 to determine whether the assessments as provided in Section 25
21 of this Act shall continue. The referendum required by this
22 subsection (b) shall take place between July 1 and October 1 of
23 the referendum year. At least 20% of qualified equine owners
24 must vote in the referendum for the determination to be valid.
25 If less than 20% of qualified equine owners vote in the
26 referendum, the assessments shall cease.

27 (Source: P.A. 93-135, eff. 7-10-03.)

28 (510 ILCS 67/25)

29 Sec. 25. Assessments.

30 (a) The Board shall set the assessment at a rate between \$2
31 and \$10 per equine per year and establish a method and means of
32 collecting the assessment. ~~The Board shall set the assessment~~
33 at \$2 per ton or 5 cents per 50-pound bag of commercial equine
34 feed. ~~The assessed amount shall apply to all manufacturers of~~
35 commercial equine feed when the feed is sold or imported for

~~sale in Illinois. The assessment when made shall be listed as a separate line on the bill labeled "Illinois Equine Research and Promotion Assessment". Assessments collected are due to the Board the 25th day of each quarter and shall include the total collected for the previous calendar quarter. The remitting manufacturer may retain 2% of the amount of assessment as a collection fee. If payment is not made in full to the Board by the due date as specified under this subsection, an interest penalty of 5% of any unpaid amount shall be added for each month or fraction of a month after the due date, until final payment is made. No collection fee may be retained on amounts not remitted in full by the 25th day of each quarter.~~

(b) The Board may establish an alternative method of assessment and means of collecting the assessment if another method and means is found to be more effective and efficient, except that the Board shall not establish an assessment on commercial equine feed. The Board shall assess any charges incurred in conjunction with action to secure compliance with this Act by any person who fails to remit any amount due the Board under this Act.

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

(Source: P.A. 93-135, eff. 7-10-03.)

(510 ILCS 67/30)

Sec. 30. Refunds. The final purchaser of commercial equine feed, who has a dated receipt displaying the assessment added as a line item to the sale price, may by application in writing to the Board secure a refund in the amount added. The refund

1 shall be payable when the application has been made to the
2 Board within one year or 365 ~~60~~ days after the assessment.
3 Interest shall be allowed and paid at the rate of 5% per annum
4 upon the total amount of such assessment imposed by this Act,
5 except when any such assessment is refunded within 90 days
6 after an application for refund has been made within the
7 required one year or 365 ~~60~~ days after assessment. Each
8 application for a refund by a purchaser of commercial equine
9 feed shall have attached thereto proof of assessment charged. A
10 purchaser who obtains a refund is not eligible for any benefits
11 provided under this Act.
12 (Source: P.A. 93-135, eff. 7-10-03.)