

AN ACT authorizing a horse feed checkoff.

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

Section 1. Short title. This Act may be cited as the  
Illinois Equine Research and Promotion Act.

Section 5. Definitions. As used in this Act:

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

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

"Director" means the Director of Agriculture.

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

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

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

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

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

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

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

Section 20. Illinois Equine Industry Research and Promotion Board.

(a) Upon certification of the assent by the majority of qualified Illinois equine owners voting on the referendum, the qualified industry organization shall select the 12 members of the Illinois Equine Industry Research and

Promotion Board.

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

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

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

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

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

(d) Issues related to research, education, and industry

enhancements and promotion shall be given priority by the Board in developing programs and projects.

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

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

Section 25. Assessments.

(a) The Board shall set the assessment at \$2 per ton or 5 cents per 50-pound bag of commercial equine feed. The assessed amount shall apply to all manufacturers of 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 means of collecting the assessment if another means is found to be more effective and efficient. 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.

Section 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 shall be payable when the application has been made to the Board within 60 days after the assessment. Interest shall be allowed and paid at the rate of 5% per annum upon the total amount of such assessment imposed by this Act, except when any such assessment is refunded within 90 days after an application for refund has been made within the required 60 days after assessment. Each application for a refund by a purchaser of commercial equine feed shall have attached thereto proof of assessment charged. A purchaser who obtains a refund is not eligible for any benefits provided under this Act.

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

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