

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
9 Act.

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

12 "Director" means the Director of Agriculture.

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

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

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

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

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

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

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

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

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

1 Promotion Board.

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

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

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

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

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

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

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

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

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

18 Section 25. Assessments.

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

1 may be retained on amounts not remitted in full by the 25th
2 day of each quarter.

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

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

19 Section 30. Refunds. The final purchaser of commercial
20 equine feed, who has a dated receipt displaying the
21 assessment added as a line item to the sale price, may by
22 application in writing to the Board secure a refund in the
23 amount added. The refund shall be payable when the
24 application has been made to the Board within 60 days after
25 the assessment. Interest shall be allowed and paid at the
26 rate of 5% per annum upon the total amount of such assessment
27 imposed by this Act, except when any such assessment is
28 refunded within 90 days after an application for refund has
29 been made within the required 60 days after assessment. Each
30 application for a refund by a purchaser of commercial equine
31 feed shall have attached thereto proof of assessment charged.
32 A purchaser who obtains a refund is not eligible for any
33 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.