- 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.
- "Director" means the Director of Agriculture.
- "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
- 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
- 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
- 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
- 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
- of Illinois shall be considered a qualified Illinois equine
- 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
- interest in an equine.
- 24 (5) Feed, supplies, care, or service receipts for
- 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.

- 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
- 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
- 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
- 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 $25 \, \text{th}$ 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
- 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

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- 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
- 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
- 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.