

1 AN ACT concerning local government.

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

4 Section 5. The Soil and Water Conservation Districts Act is
5 amended by changing Sections 2, 10, 22.01, 22.03, 22.05, and
6 22.07a and by adding Section 3.23 as follows:

7 (70 ILCS 405/2) (from Ch. 5, par. 107)

8 Sec. 2. Declaration of policy. The General Assembly
9 declares it to be in the public interest to provide (a) for the
10 conservation of the soil, soil health, soil resources, organic
11 matter in soil and plants, water quality and water resources of
12 this State, (b) for the control and prevention of soil erosion,
13 (c) for the prevention of air and water pollution and the
14 improvement of resilience to droughts, floods, and other
15 extreme weather, and (d) for the prevention of erosion,
16 floodwater and sediment damages, and thereby to conserve
17 natural resources, control floods, prevent impairment of dams
18 and reservoirs, assist in maintaining the navigability of
19 rivers and harbors, conserve wild life and forests, protect the
20 tax base, protect public lands, and protect and promote the
21 health, safety and general welfare of the people of this State.

22 The General Assembly finds that erosion continues to be a
23 serious problem throughout the State, and that rapid shifts in

1 land use from agricultural to nonagricultural uses, changes in
2 farm enterprises, operations, ownership, construction of
3 housing, industrial and commercial developments, streets,
4 highways, recreation areas, schools, colleges and
5 universities, and other land disturbing activities have
6 accelerated the process of soil erosion and sediment deposition
7 resulting in reduced resilience to floods, droughts, and other
8 extreme weather, pollution of the waters of the State and
9 damage to domestic, agricultural, industrial, recreational,
10 fish and wildlife, and other resource uses. It is, therefore,
11 declared to be the policy of this State to strengthen and
12 extend the present erosion and sediment control activities and
13 programs for both rural and urban lands, and to establish and
14 implement, through the Department and soil and water
15 conservation districts in cooperation with units of local
16 government, school districts, other political subdivisions of
17 this State, agencies of this State and other public agencies
18 and private entities, a statewide comprehensive and
19 coordinated erosion and sediment control program to conserve
20 and protect land, water, air and other resources.

21 The provisions of the "Local Governmental and Governmental
22 Employees Tort Immunity Act" shall apply to all districts
23 created pursuant to this Act.

24 (Source: P.A. 84-114.)

25 (70 ILCS 405/3.23 new)

1 Sec. 3.23. "Soil health" means the overall composition of
2 the soil, including the amount of organic matter stored in the
3 soil, and the continued capacity of soil to function as a vital
4 living ecosystem that sustains plants, animals, and humans.

5 (70 ILCS 405/10) (from Ch. 5, par. 115)

6 Sec. 10. Findings and determinations of Department. After
7 such hearing, if the Department determines upon the facts
8 presented at such hearing and upon such other relevant facts
9 and information as may be available that there is need in the
10 interest of the public health, safety, and welfare, for a soil
11 and water conservation district to function in the territory
12 considered at the hearing, it shall make and record such
13 determination and shall define by metes and bounds, or by legal
14 subdivisions, the boundaries of such district. In making such
15 determination and in defining such boundaries, the Department
16 shall give due weight and consideration to the following
17 matters which are hereby stated to be the standards which shall
18 guide the considerations of the Department: The topography of
19 the area considered and of the State; the composition of soils
20 ~~therein~~; the distribution of erosion; the prevailing land use
21 practices; the desirability and necessity of including within
22 the boundaries the particular lands under consideration and the
23 benefits such lands may receive from being included within such
24 boundaries; the relation of the proposed area to existing
25 watersheds and agricultural regions and to other soil

1 conservation districts already organized or proposed for
2 organization under the provisions of this Act, and such other
3 physical, geographical, and economic factors as are relevant.
4 The territory to be included within such boundaries need not be
5 contiguous. No territory shall be included within the
6 boundaries of more than one district. In cases where territory
7 is proposed to be added to an existing district, the Department
8 shall also consider the attitude of the district directors as
9 expressed at the hearing, by resolution or otherwise.

10 If the Department determines after such hearing, and after
11 due consideration of the above-mentioned facts and standards
12 that there is no need for a soil and water conservation
13 district for the territory considered at the hearing, it shall
14 record such determination and deny the petition. No subsequent
15 petitions covering the same or substantially the same territory
16 shall be filed as aforesaid until after the expiration of one
17 year from the date of such denial.

18 (Source: Laws 1961, p. 530.)

19 (70 ILCS 405/22.01) (from Ch. 5, par. 127.1)

20 Sec. 22.01. To initiate and conduct surveys,
21 investigations and research and to develop comprehensive plans
22 for the conservation of soil and water resources, improvement
23 of soil health, and for the control and prevention of soil
24 erosion and erosion, floodwater and sediment damages within the
25 district, which plans shall specify in such detail as may be

1 practicable the acts, procedure, performances and avoidances
2 which are necessary or desirable for the effectuation of such
3 plans, including the specification of engineering operations,
4 methods of cultivation, the growing of vegetation, cropping
5 programs, tillage practices, incorporation of perennial
6 plants, and changes in use of land; and, with the approval and
7 assistance of the Department, to publish such plans and
8 information and bring them to the attention of owners and
9 occupiers of land within the district.

10 (Source: P.A. 77-1757.)

11 (70 ILCS 405/22.03) (from Ch. 5, par. 127.3)

12 Sec. 22.03. To cooperate, or enter into agreements with,
13 and within the limits of appropriations duly made available to
14 it by law, to furnish financial or other aid to, any agency,
15 governmental or otherwise, or any owner or occupier of lands
16 within the district, in the carrying on of soil health
17 improvement, erosion-control, and flood prevention operations
18 within the district, subject to such conditions as the
19 directors may deem necessary to advance the purposes of this
20 Act.

21 (Source: Laws 1955, p. 189.)

22 (70 ILCS 405/22.05) (from Ch. 5, par. 127.5)

23 Sec. 22.05. To make available, on such terms as it shall
24 prescribe, to landowners or occupiers within the district, the

1 use of agricultural and engineering machinery and equipment,
2 and such other material or equipment as will assist such
3 landowners or occupiers to carry on operations upon their lands
4 for the conservation and improvement of soil health and soil
5 and water resources and for the prevention and control of loss
6 of soil health, soil erosion, and erosion floodwater and
7 sediment damages.

8 Soil and water conservation districts may engage in the
9 direct sale of trees, shrubs, or other plant materials as
10 provided in this Section. Plant materials that may be sold are
11 seeds of annual or perennial plants, bare-root stock, or stock
12 in pots not to exceed one gallon. The plant material shall be
13 advertised as follows:

14 "These plants are for conservation purposes only and
15 shall not be used as ornamentals or for landscaping."

16 For purposes of this Section, "stock" means hardwood trees
17 not to exceed 48 inches, conifers not to exceed 36 inches,
18 shrubs not to exceed 24 inches, or any other plant materials
19 not to exceed 24 inches.

20 (Source: P.A. 90-48, eff. 1-1-98.)

21 (70 ILCS 405/22.07a) (from Ch. 5, par. 127.7a)

22 Sec. 22.07a. To cooperate and effectuate agreements with
23 individuals or agencies of government, and to plan, construct,
24 operate, and maintain programs and projects relating to the
25 improvement of soil health and conservation of the renewable

1 natural resources of soil, water, forests, fish, wildlife, and
2 air in this state, for the control and prevention of loss of
3 soil health, soil erosion, floods, flood water and sediment
4 damages, and impairment of dams and reservoirs; to assist in
5 maintaining the navigability of rivers and harbors, and in
6 addition, to cooperate with local interests and agencies of
7 government in providing domestic and industrial municipal and
8 agricultural water supplies and recreational project
9 developments and improvements.

10 (Source: Laws 1963, p. 3492.)