

1 AN ACT concerning 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 Section 26a as follows:

6 (70 ILCS 405/26a) (from Ch. 5, par. 131a)

7 Sec. 26a. Any 25 or more owners of lands lying within the
8 boundaries of any district organized under the provisions of
9 this Act may file, with the Department, a petition proposing
10 the consolidation of such district with one or more adjoining
11 soil conservation districts. Such petition shall set forth: (1)
12 the names of the districts proposed to be consolidated, and (2)
13 the proposed name of the consolidated district.

14 Within 30 days after such petition is filed the Department
15 shall submit the proposal to the directors of each district
16 proposed to be consolidated. The Directors of each such
17 district, shall within 30 days thereafter, adopt and forward to
18 the Department a resolution approving or disapproving the
19 proposed consolidation.

20 If the directors of all of the said districts approve the
21 proposals to consolidate such districts, it shall be the duty
22 of the Department to give 10 days notice of the holding of a
23 referendum by causing such notice to be published at least once

1 in one or more newspapers having general circulation within the
 2 district and to hold a referendum within each such district
 3 upon the proposition or the proposed consolidation. Except as
 4 otherwise provided in this Act, the proposition shall be
 5 submitted in accordance with Section 28-3 of the Election Code.

6 The question at such referendum shall be submitted upon
 7 ballots in substantially the following form:

8 -----
 9 Place an X in the square opposite the proposition for which you
 10 desire to vote.

11 -----
 12 For approval of the proposed
 13 consolidation of (here insert names
 14 of districts to be consolidated)
 15 into one soil and water
 16 conservation district.

17 -----
 18 Against approval of the
 19 proposed consolidation of (here
 20 insert names of districts to be
 21 consolidated) into one soil and
 22 water conservation district.

23 -----
 24 Only owners or occupiers of land, or both, lying within the
 25 districts are eligible to vote in such referendum and each
 26 shall have one vote. Eligible voters may vote in person or by

1 absentee ballot.

2 If a majority of the votes cast in the referendum in each
3 of such districts are cast in favor of the proposed
4 consolidation and if the Department determines that such
5 consolidation is administratively practicable and feasible,
6 the Chairmen of the directors of the said districts shall
7 present to the Secretary of State through the Department an
8 application for a certificate of organization of the
9 consolidated district. The application shall be signed and
10 sworn to by all of the said chairmen, and shall set forth the
11 names of the constituent districts, the proposed name of the
12 consolidated district, and the location of the office of the
13 consolidated district. The said application shall be
14 accompanied by the statement from the Department which shall
15 set forth (and such statement need contain no details other
16 than the mere recitals) that a petition for the consolidation
17 of the said district was filed, that the proposed consolidation
18 was, by resolution, approved by the governing bodies of all of
19 such districts, that a referendum was held in each of the said
20 districts on the question of the proposed consolidation, and
21 that the result of such referendum showed a majority of the
22 votes cast in each district to be in favor of the proposed
23 consolidation.

24 The Secretary of State shall receive and file such
25 application and statement and shall record them in an
26 appropriate book of record in his office. When the application

1 and statements have been made, filed, and recorded as herein
2 provided, the consolidation of such districts shall be deemed
3 affected and the consolidated district shall constitute a
4 public body, corporate and politic, vested with all the power
5 of soil and water conservation districts. The Secretary of
6 State shall make and issue to the signers of the application a
7 certificate, under the seal of the State, of the due
8 organization of the said consolidated district, and shall
9 record such certificate with the application and statement. A
10 copy of the statement and certificate of organization, duly
11 certified by the Secretary of State, shall be recorded with the
12 recorder of the county in which the office of the consolidated
13 district is located.

14 Notwithstanding the other provisions of this Act, if
15 petitions and resolutions to consolidate districts under this
16 Section are filed with the Department before January 1, 2012
17 and if the Director determines that the consolidation is
18 administratively practicable and feasible, then the Director
19 may approve the consolidation without the necessity of holding
20 a referendum under this Section, which shall be deemed to have
21 the same effect as if the referendum had been held and
22 approved.

23 Upon a consolidation of districts, the directors of all
24 such districts shall continue to hold office and serve as a
25 temporary governing body of the consolidated district until the
26 members of a permanent governing body have been elected and

1 have qualified. The provisions of Sections 19, 20 and 21 of
2 this Act that relate to the number, and to the nomination,
3 election and organization of members of the governing bodies of
4 soil and water conservation districts shall govern the
5 selection of the members of the permanent governing body of a
6 consolidated district.

7 Upon the issuance, by the Secretary of State, of a
8 certificate of organization to a consolidated district,
9 property belonging to the constituent district shall become the
10 property of the consolidated district. All contracts
11 theretofore entered into, to which the constituent districts
12 are parties, shall remain in force and effect for the period
13 provided in such contracts. The consolidated districts shall be
14 substituted for each constituent district as party to such
15 contracts, and shall be entitled to all benefits and subject to
16 all liabilities under such contracts and shall have the same
17 right and liability to perform, to require performance, to sue
18 and to be sued thereon, and to modify or terminate such
19 contracts by mutual consent or otherwise, as the constituent
20 district would have had. Any indebtedness, claim, demand or
21 right owing or belonging to any of the constituent districts
22 shall vest in and become due to the consolidated district,
23 which shall have the right to demand, sue for, recover and
24 enforce the same in its own name. Upon a consolidation of
25 districts, all land-use regulations theretofore adopted and in
26 force and effect within any of the constituent districts shall

1 remain in force and effect throughout the territory for which
2 they were originally adopted, until repealed, amended,
3 supplemented, or superseded by action of the consolidated
4 district.

5 (Source: P.A. 83-358.)

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