

AN ACT concerning local government.

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

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

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

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

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

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

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

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

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

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

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

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

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

(Source: Laws 1961, p. 530.)

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

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

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

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

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

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

(Source: Laws 1955, p. 189.)

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

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

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

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

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

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

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

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

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

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

(Source: Laws 1963, p. 3492.)