



Sen. Terry Link

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1 AMENDMENT TO SENATE BILL 172

2 AMENDMENT NO. _____. Amend Senate Bill 172 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Soil and Water Conservation Districts Act
5 is 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

1 district, shall within 30 days thereafter, adopt and forward to
2 the Department a resolution approving or disapproving the
3 proposed consolidation.

4 If the directors of all of the said districts approve the
5 proposals to consolidate such districts, it shall be the duty
6 of the Department to give 10 days notice of the holding of a
7 referendum by causing such notice to be published at least once
8 in one or more newspapers having general circulation within the
9 district and to hold a referendum within each such district
10 upon the proposition or the proposed consolidation. Except as
11 otherwise provided in this Act, the proposition shall be
12 submitted in accordance with Section 28-3 of the Election Code.

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

15 -----
16 Place an X in the square opposite the proposition for which you
17 desire to vote.

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

24 -----
25 Against approval of the
26 proposed consolidation of (here

1 insert names of districts to be
2 consolidated) into one soil and
3 water conservation district.

4 -----
5 Only owners or occupiers of land, or both, lying within the
6 districts are eligible to vote in such referendum and each
7 shall have one vote. Eligible voters may vote in person or by
8 absentee ballot.

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

1 districts on the question of the proposed consolidation, and
2 that the result of such referendum showed a majority of the
3 votes cast in each district to be in favor of the proposed
4 consolidation.

5 The Secretary of State shall receive and file such
6 application and statement and shall record them in an
7 appropriate book of record in his office. When the application
8 and statements have been made, filed, and recorded as herein
9 provided, the consolidation of such districts shall be deemed
10 affected and the consolidated district shall constitute a
11 public body, corporate and politic, vested with all the power
12 of soil and water conservation districts. The Secretary of
13 State shall make and issue to the signers of the application a
14 certificate, under the seal of the State, of the due
15 organization of the said consolidated district, and shall
16 record such certificate with the application and statement. A
17 copy of the statement and certificate of organization, duly
18 certified by the Secretary of State, shall be recorded with the
19 recorder of the county in which the office of the consolidated
20 district is located.

21 Notwithstanding the other provisions of this Act, if
22 petitions and resolutions to consolidate districts under this
23 Section are filed with the Department before January 1, 2012
24 and if the Director determines that the consolidation is
25 administratively practicable and feasible, then the Director
26 may approve the consolidation without the necessity of holding

1 a referendum under this Section, which shall be deemed to have
2 the same effect as if the referendum had been held and
3 approved.

4 Upon a consolidation of districts, the directors of all
5 such districts shall continue to hold office and serve as a
6 temporary governing body of the consolidated district until the
7 members of a permanent governing body have been elected and
8 have qualified. The provisions of Sections 19, 20 and 21 of
9 this Act that relate to the number, and to the nomination,
10 election and organization of members of the governing bodies of
11 soil and water conservation districts shall govern the
12 selection of the members of the permanent governing body of a
13 consolidated district.

14 Upon the issuance, by the Secretary of State, of a
15 certificate of organization to a consolidated district,
16 property belonging to the constituent district shall become the
17 property of the consolidated district. All contracts
18 theretofore entered into, to which the constituent districts
19 are parties, shall remain in force and effect for the period
20 provided in such contracts. The consolidated districts shall be
21 substituted for each constituent district as party to such
22 contracts, and shall be entitled to all benefits and subject to
23 all liabilities under such contracts and shall have the same
24 right and liability to perform, to require performance, to sue
25 and to be sued thereon, and to modify or terminate such
26 contracts by mutual consent or otherwise, as the constituent

1 district would have had. Any indebtedness, claim, demand or
2 right owing or belonging to any of the constituent districts
3 shall vest in and become due to the consolidated district,
4 which shall have the right to demand, sue for, recover and
5 enforce the same in its own name. Upon a consolidation of
6 districts, all land-use regulations theretofore adopted and in
7 force and effect within any of the constituent districts shall
8 remain in force and effect throughout the territory for which
9 they were originally adopted, until repealed, amended,
10 supplemented, or superseded by action of the consolidated
11 district.

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

13 Section 99. Effective date. This Act takes effect upon
14 becoming law."