

# **Illinois Stewardship Alliance**

## **FARM (Families Against Rural Messes)**

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### **Proposed Legislation Threatens Constitutional Rights**

Rochester IL: Legislation introduced in the Illinois Senate this spring would have restricted the ability of local governments to exercise their responsibilities to manage local land use for the common good, by blocking a Public Hearing process covering new development.

“SB 2835 would undercut the rights of individual citizens to protect their health and property rights in Illinois and severely restrict the rights of county government,” said Mark Beorkrem Executive Director of the Illinois Stewardship Alliance (ISA). “SB 2835 would amend the Agriculture Areas Conservation & Protection Act and the Livestock Management Facilities Acts. We believe that this legislation unconstitutionally restricts rights of Illinoisans to seek civil court relief for violations of common law that threaten their homes, property and health from large-scale livestock operations (CAFOs – Confined Animal Feeding Operations ) that could be a nuisance. The proposed legislation would also eliminate a very valuable Public Meeting process that provides opportunities for farmers and residents and public officials to publicly review proposals for factory farms in their counties.”

“Problems do occur requiring either regulatory action by local, state and federal agencies, and/or civil actions by individuals,” said Karen Hudson FARM president, ISA board member and Peoria county farmer. Our members, my neighbors, have been harmed by CAFO’s polluting the environment,” Hudson added.

Restricting the rights of individuals to seek remedy under Common Law Nuisance statues, this legislation in effect puts a black eye on the entire livestock industry by allowing bad actors to hide under the cloak of good neighborliness provided by most family farmers. Moreover, SB 2835 unconstitutionally restricts individual rights of redress under Illinois common law.

There are already extensive time tested regulations and ordinances governing how local land use decisions are made. The current process provides a fair mix of protecting private property rights and community rights with court relief should disputes arise. Legislative actions that would negate the exercise of court action as a final arbiter of disputes places the legislator in the uncomfortable position of determining a priori that one party has privileges and rights not accorded to others, no matter the circumstances of the dispute.

“SB2835 or similar legislation would violate the Illinois Constitution and create further tensions within the State over the management and regulation of CAFOs,” said Edith Galloway, Illinois Stewardship Alliance Board president and farmer from Hancock county. Galloway added, “ISA will continue to monitor legislation and strongly oppose legislation that would limit the democratic rights of Illinois’ citizens.”