

1 AMENDMENT TO HOUSE BILL 2549

2 AMENDMENT NO. _____. Amend House Bill 2549 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Mosquito Abatement District Act is
5 amended by changing Sections 5 and 8 and adding Sections
6 0.02, 0.03, 0.04, 0.05, 0.06, 0.07, 0.08, 0.09, 0.10, 0.11,
7 0.12, and 5.1 as follows:

8 (70 ILCS 1005/0.02 new)

9 Sec. 0.02. Purpose. It is the purpose of this amendatory
10 Act of the 93rd General Assembly to abolish the North Shore
11 Mosquito Abatement District and to transfer all its assets,
12 liabilities, rights, powers, duties, and functions, including
13 the eradication of the West Nile Virus, to the Northwest
14 Mosquito Abatement District. It is also the purpose of this
15 amendatory Act of the 93rd General Assembly to abolish the
16 South Cook County Mosquito Abatement District and to transfer
17 to the Des Plaines Valley Mosquito Abatement District, or, in
18 the case of territory lying in the City of Chicago, to the
19 City of Chicago, all it's assets, liabilities, rights,
20 powers, duties, and functions, including the eradication of
21 the West Nile Virus.

1 (70 ILCS 1005/0.03 new)

2 Sec. 0.03. Districts abolished; assets, liabilities,
3 rights, powers, duties, and functions assumed.
4 Notwithstanding any other provision of law, including any
5 other provision of this Act, the North Shore Mosquito
6 Abatement District and the South Cook County Mosquito
7 Abatement District are abolished on November 1, 2004. In
8 counties with a population of 3,000,000 or more, no new
9 mosquito abatement districts may be organized on or after
10 November 1, 2004. On November 1, 2004, the Northwest Mosquito
11 Abatement District shall assume all assets, liabilities,
12 rights, powers, duties, and functions, including the
13 eradication of the West Nile Virus, of the North Shore
14 Mosquito Abatement District. On November 1, 2004, the Des
15 Plaines Valley Mosquito Abatement District shall assume all
16 assets, liabilities, rights, powers, duties, and functions,
17 including the eradication of the West Nile Virus, of the
18 South Cook County Mosquito Abatement District, except with
19 respect to that the part of the South Cook County Mosquito
20 Abatement District that lies in the City of Chicago, which
21 shall be assumed by the City of Chicago.

22 (70 ILCS 1005/0.04 new)

23 Sec. 0.04. Mosquito abatement districts expanded.
24 Notwithstanding any other provision of this Act to the
25 contrary, beginning on November 1, 2004 the territory of the
26 Northwest Mosquito Abatement District shall consist of the
27 territory of the District as it existed on October 31, 2004
28 plus the territory of the North Shore Mosquito Abatement
29 District as it existed on October 31, 2004. Notwithstanding
30 any other provision of this Act to the contrary, beginning on
31 November 1, 2004 the territory of the Des Plaines Valley
32 Mosquito Abatement District shall consist of the territory of
33 the District as it existed on October 31, 2004 plus the

1 territory of the South Cook County Mosquito Abatement
2 District as it existed on October 31, 2004, except with
3 respect to that the part of the South Cook County Mosquito
4 Abatement District that lies in the City of Chicago on
5 October 31, 2004, which shall be assumed by the City of
6 Chicago.

7 (70 ILCS 1005/0.05 new)

8 Sec. 0.05. Transfer of property.

9 (a) Effective November 1, 2004, all books, records,
10 documents, property (real and personal), unexpended
11 appropriations, and pending business of the North Shore
12 Mosquito Abatement District shall be transferred and
13 delivered to the Northwest Mosquito Abatement District.
14 Effective November 1, 2004, all books, records, documents,
15 property (real and personal), unexpended appropriations, and
16 pending business of the South Cook County Mosquito Abatement
17 District shall be transferred and delivered to the Des
18 Plaines Valley Mosquito Abatement District, or, in the case
19 of any part of the South Cook County Mosquito Abatement
20 District that lies in the City of Chicago, to the City of
21 Chicago.

22 (b) With respect to the assets, liabilities, rights,
23 powers, duties, and functions of the South Cook County
24 Mosquito Abatement District abolished by this amendatory Act
25 of the 93rd General Assembly, the decision on which books,
26 records, documents, property (real and personal), unexpended
27 appropriations, and pending business shall be transferred to
28 the Des Plaines Valley Mosquito Abatement District and which
29 shall be transferred to the City of Chicago shall be made by
30 giving consideration to the proportionate percentage of
31 territory transferred to the Des Plaines Valley Mosquito
32 Abatement District and the proportionate percentage
33 transferred to the City of Chicago.

1 (70 ILCS 1005/0.06 new)

2 Sec. 0.06. Tax levies for assumed mosquito abatement
3 districts.

4 (a) With respect to the territory of the North Shore
5 Mosquito Abatement District abolished by this amendatory Act
6 of the 93rd General Assembly, the Northwest Mosquito
7 Abatement District shall have the power and authority to levy
8 and collect such taxes at such rates as shall have been
9 previously authorized, levied, and collected by the North
10 Shore Mosquito Abatement District

11 (b) With respect to the territory of the South Cook
12 County Mosquito Abatement District abolished by this
13 amendatory Act of the 93rd General Assembly and assumed by
14 the Des Plaines Valley Mosquito Abatement District, the Des
15 Plaines Valley Mosquito Abatement District shall have the
16 power and authority to levy and collect such taxes at such
17 rates as shall have been previously authorized, levied, and
18 collected by the South Cook County Mosquito Abatement
19 District.

20 (70 ILCS 1005/0.07 new)

21 Sec. 0.07. City of Chicago tax levy. In the case of
22 territory of the South Cook County Mosquito Abatement
23 District abolished by this amendatory Act of the 93rd General
24 Assembly that lies in the City of Chicago, the City of
25 Chicago shall have the power and authority to levy and
26 collect such taxes at such rates as shall have been
27 previously authorized, levied, and collected by the South
28 Cook County Mosquito Abatement District with respect to that
29 territory for mosquito abatement purposes and for other
30 emerging public health threats.

31 (70 ILCS 1005/0.08 new)

32 Sec. 0.08. Ordinances, orders, and resolutions.

1 (a) On November 1, 2004, the ordinances, orders, and
2 resolutions of a mosquito abatement district abolished by
3 this amendatory Act of the 93rd General Assembly that were in
4 effect on October 31, 2004 and pertain to the assets,
5 liabilities, rights, powers, duties, and functions
6 transferred to the Northwest Mosquito Abatement District, the
7 Des Plaines Valley Mosquito Abatement District, or the City
8 of Chicago under this amendatory Act of the 93rd General
9 Assembly shall become, with respect to that territory, the
10 ordinances, orders, and resolutions of the Northwest Mosquito
11 Abatement District, the Des Plaines Valley Mosquito Abatement
12 District, or the City of Chicago, as appropriate, and shall
13 continue in effect until amended or repealed.

14 (b) Any ordinances, orders, or resolutions pertaining to
15 the assets, liabilities, rights, powers, duties, and
16 functions transferred to the Northwest Mosquito Abatement
17 District, the Des Plaines Valley Mosquito Abatement District,
18 or the City of Chicago under this amendatory Act of the 93rd
19 General Assembly that have been proposed by a mosquito
20 abatement district abolished by this amendatory Act of the
21 93rd General Assembly but have not taken effect or been
22 finally adopted by October 31, 2004 shall become, with
23 respect to that territory, the proposed ordinances, orders,
24 and resolutions of the Northwest Mosquito Abatement District,
25 the Des Plaines Valley Mosquito Abatement District, or the
26 City of Chicago, as appropriate, on November 1, 2004, and any
27 procedures that have already been completed by a mosquito
28 abatement district abolished by this amendatory Act of the
29 93rd General Assembly for those proposed ordinances, orders,
30 or resolutions need not be repeated.

31 (c) As soon as practical after November 1, 2004, the
32 Northwest Mosquito Abatement District, the Des Plaines Valley
33 Mosquito Abatement District, and the City of Chicago shall
34 revise and clarify the ordinances, orders, and resolutions

1 transferred to them under this amendatory Act of the 93rd
2 General Assembly to reflect the reorganization of assets,
3 liabilities, rights, powers, duties, and functions effected
4 by this amendatory Act of the 93rd General Assembly. The
5 Northwest Mosquito Abatement District, the Des Plaines Valley
6 Mosquito Abatement District, or the City of Chicago, as
7 appropriate, may propose and adopt such other ordinances,
8 orders, or resolutions as may be necessary to consolidate and
9 clarify the ordinances, orders, and resolutions assumed under
10 this amendatory Act of the 93rd General Assembly.

11 (70 ILCS 1005/0.09 new)

12 Sec. 0.09. Cross references. Beginning on November 1,
13 2004, all references in other statutes, however phrased, to a
14 mosquito abatement district abolished under this amendatory
15 Act of the 93rd General Assembly shall be references to the
16 Northwest Mosquito Abatement District, the Des Plaines Valley
17 Mosquito Abatement District, or the City of Chicago, as
18 appropriate, in its capacity as successor to a mosquito
19 abatement district abolished under this amendatory Act of the
20 93rd General Assembly.

21 (70 ILCS 1005/0.10 new)

22 Sec. 0.10. Savings provisions.

23 (a) The assets, liabilities, rights, powers, duties, and
24 functions transferred to the Northwest Mosquito Abatement
25 District, the Des Plaines Valley Mosquito Abatement District,
26 or the City of Chicago by this amendatory Act of the 93rd
27 General Assembly shall be vested in the Northwest Mosquito
28 Abatement District, the Des Plaines Valley Mosquito Abatement
29 District, or the City of Chicago, as appropriate, subject to
30 the provisions of this amendatory Act of the 93rd General
31 Assembly. An act done by a mosquito abatement district
32 abolished by this amendatory Act of the 93rd General Assembly

1 or an officer, employee, or agent of the abolished district
2 with respect to the transferred assets, liabilities, rights,
3 powers, duties, or functions shall have the same legal effect
4 as if done by the Northwest Mosquito Abatement District, the
5 Des Plaines Valley Mosquito Abatement District, or the City
6 of Chicago, as appropriate, or an officer, employee, or agent
7 of the Northwest Mosquito Abatement District, the Des Plaines
8 Valley Mosquito Abatement District, or the City of Chicago,
9 as appropriate.

10 (b) The transfer of assets, liabilities, rights, powers,
11 duties, and functions under this amendatory Act of the 93rd
12 General Assembly does not invalidate any previous action
13 taken by or in respect to a mosquito abatement district
14 abolished by this amendatory Act of the 93rd General Assembly
15 or its officers, employees, or agents. References to an
16 abolished mosquito abatement district or its officers,
17 employees, or agents in any document, contract, agreement, or
18 law shall, in appropriate contexts, be deemed to refer to the
19 Northwest Mosquito Abatement District, the Des Plaines Valley
20 Mosquito Abatement District, or the City of Chicago, as
21 appropriate, or its officers, employees, or agents.

22 (c) The transfer under this amendatory Act of the 93rd
23 General Assembly of assets, liabilities, rights, powers,
24 duties, and functions of a mosquito abatement district
25 abolished by this amendatory Act of the 93rd General Assembly
26 does not affect any person's rights, obligations, or duties,
27 including any civil or criminal penalties applicable thereto,
28 arising out of those transferred assets, liabilities, rights,
29 powers, duties, and functions.

30 (d) With respect to matters that pertain to an asset,
31 liability, right, power, duty, or function transferred to the
32 Northwest Mosquito Abatement District, the Des Plaines Valley
33 Mosquito Abatement District, or the City of Chicago under
34 this Act:

1 (1) Beginning November 1, 2004, a report or notice
2 that was previously required to be made or given by any
3 person to a mosquito abatement district abolished by this
4 amendatory Act of the 93rd General Assembly or any of its
5 officers, employees, or agents shall be made or given in
6 the same manner to the Northwest Mosquito Abatement
7 District, the Des Plaines Valley Mosquito Abatement
8 District, or the City of Chicago, as appropriate, or its
9 appropriate officer, employee, or agent.

10 (2) Beginning November 1, 2004, a document that was
11 previously required to be furnished or served by any
12 person to or upon a mosquito abatement district abolished
13 by this amendatory Act of the 93rd General Assembly or
14 any of its officers, employees, or agents shall be
15 furnished or served in the same manner to or upon the
16 Northwest Mosquito Abatement District, the Des Plaines
17 Valley Mosquito Abatement District, or the City of
18 Chicago, as appropriate, or its appropriate officer,
19 employee, or agent.

20 (e) This amendatory Act of the 93rd General Assembly
21 does not affect any act done, ratified, or cancelled, any
22 right occurring or established, or any action or proceeding
23 had or commenced in an administrative, civil, or criminal
24 cause before November 1, 2004. Any such action or proceeding
25 that pertains to an asset, liability, right, power, duty, or
26 function transferred to the Northwest Mosquito Abatement
27 District, the Des Plaines Valley Mosquito Abatement District,
28 or the City of Chicago under this amendatory Act of the 93rd
29 General Assembly and that is pending on that date may be
30 prosecuted, defended, or continued by the Northwest Mosquito
31 Abatement District, the Des Plaines Valley Mosquito Abatement
32 District, or the City of Chicago, as appropriate.

1 Sec. 0.11. Disputes. Any disputes that arise as a result
 2 of the abolishment of a mosquito district and the assumption
 3 of the assets, liabilities, rights, powers, duties, and
 4 functions of the abolished district shall be resolved by an
 5 appropriate action commenced in the circuit court.

6 (70 ILCS 1005/0.12 new)

7 Sec. 0.12. Stipend. The Northwest Mosquito Abatement
 8 District and the Des Plaines Valley Mosquito Abatement
 9 District shall pay each of the members of the board of
 10 trustees of the respective district a stipend of \$3,000 per
 11 year as compensation for the additional duties undertaken as
 12 a result of this amendatory Act of the 93rd General Assembly.

13 (70 ILCS 1005/5) (from Ch. 111 1/2, par. 78)

14 Sec. 5. Within 60 days after the organization of any
 15 mosquito abatement district under the provisions of this Act
 16 a board of trustees, consisting of 5 members ,except as
 17 provided in Section 5.1, for the government and control of
 18 the affairs and business of such mosquito abatement district
 19 shall be appointed in the following manner:

20 (1) If the district lies wholly within a single
 21 township, the board of trustees of that township shall
 22 appoint the trustees for the district but no township
 23 official is eligible for such appointment;

24 (2) If the district is not contained wholly within a
 25 single township, but is located wholly within a single
 26 county, the trustees for the district shall be appointed by
 27 the presiding officer of the county board with the advice and
 28 consent of the county board;

29 (3) If the district lies wholly within a municipality,
 30 the governing body of the municipality shall appoint trustees
 31 for the district;

32 (4) If the district does not conform to any of the

1 foregoing classifications, the trustees for the district
2 shall be from each county in the district in numbers
3 proportionate, as nearly as practicable, to the number of
4 residents of the district who reside in each county in
5 relation to the total population of the district. Trustees
6 shall be appointed by the county board of their respective
7 counties, or in the case of a home rule county as defined by
8 Article VII, Section 6 of the Illinois Constitution, by the
9 chief executive officer of that county with the advice and
10 consent of the county board.

11 Upon the expiration of the term of a trustee who is in
12 office on the effective date of this amendatory Act of 1975
13 or at the time of the publication of each decennial Federal
14 census of population, the successor shall be a resident of
15 whichever county is entitled to such representation in order
16 to bring about the proportional representation required
17 herein, and he shall be appointed by the appointing authority
18 of that county. Thereafter, each trustee shall be succeeded
19 by a resident of the same county who shall be appointed by
20 the same appointing authority. Of the trustees thus appointed
21 3 shall hold office until the second Monday in December after
22 the next succeeding general election for members of the
23 General Assembly and 2 shall hold office until the second
24 Monday in December, 2 years after the next succeeding general
25 election for members of the General Assembly, and until their
26 successors are appointed and qualified. Thereafter the
27 trustees of the district shall be appointed in every year in
28 which the term of any of the trustees expires and shall hold
29 office for 4 years and until their successors are appointed
30 and qualified. Each trustee shall be a legal voter in the
31 district, and such trustees shall serve without compensation,
32 except as provided in Section 0.12.

33 Whenever a vacancy occurs in the board of trustees the
34 appropriate appointing authority shall appoint some person to

1 fill the remainder of the unexpired term.

2 (Source: P.A. 82-783.)

3 (70 ILCS 1005/5.1 new)

4 Sec. 5.1. Additional trustees. As soon as practical after
5 November 1, 2004, the Director of the Cook County Department
6 of Public Health shall appoint an additional member to the
7 board of trustees of the Northwest Mosquito Abatement
8 District and the Des Plaines Valley Mosquito Abatement
9 District, respectively. The trustees appointed under this
10 Section shall hold office until the second Monday in December
11 2006 and until their successors are appointed and qualified.
12 Thereafter a trustee shall be appointed under this Section in
13 every year in which the term of a trustee appointed under
14 this Section expires and shall hold office for 4 years and
15 until his or her successor is appointed and qualified.

16 If this Section conflicts with any other provision of
17 this Act, this Section controls. Any other provision of this
18 Act concerning trustees applies to the trustees appointed
19 under this Section if it does not conflict with this Section.

20 (70 ILCS 1005/8) (from Ch. 111 1/2, par. 81)

21 Sec. 8. The board of trustees of any mosquito abatement
22 district shall, in its work, advise and cooperate with the
23 Department of Public Health of the State, and the board of
24 trustees of such district shall submit to such Department, on
25 or before January 1st of each year, a report of the work done
26 and results obtained by the district during the preceding
27 year.

28 The board of trustees of any mosquito abatement district,
29 or its designee, shall conduct routine surveillance of
30 mosquitoes to detect the presence of mosquito-borne diseases
31 of public health significance. The surveillance shall be
32 conducted in accordance with mosquito abatement and control

1 guidelines as set forth by the U.S. Centers for Disease
2 Control and Prevention. Areas reporting disease in humans
3 shall be included in the surveillance activities. Mosquito
4 abatement districts shall report to the local certified
5 public health department the results of any positive mosquito
6 samples infected with any arboviral infections, including,
7 but not limited to: West Nile Virus, St. Louis Encephalitis,
8 and Eastern Equine Encephalitis. Reports shall be made to the
9 local certified public health department's director of
10 environmental health, or a designee of the department, within
11 24 hours after receiving a positive report. The report shall
12 include the type of infection, the number of mosquitoes
13 collected in the trapping device, the type of trapping device
14 used, and the type of laboratory testing used to confirm the
15 infection. Any trustee of a mosquito abatement district, or
16 designee of the board of trustees of a mosquito abatement
17 district, that fails to comply with the requirements of this
18 Act is guilty of a Class A Misdemeanor.

19 (Source: Laws 1927, p. 694.)".

20 Section 10. The Township Code is amended by changing
21 Section 30-170 as follows:

22 (60 ILCS 1/30-170)

23 Sec. 30-170. Mosquito abatement district.

24 (a) The electors may authorize the township board to
25 contract for the furnishing of mosquito abatement services in
26 the unincorporated area of the township.

27 (a-5) Notwithstanding any other provision of this Code,
28 as provided in Section 0.03 of the Mosquito Abatement
29 District Act, on November 1, 2004 the North Shore Mosquito
30 Abatement District and the South Cook County Mosquito
31 Abatement District are abolished. No new mosquito abatement
32 districts may be organized in counties with a population of

1 3,000,000 or more on or after November 1, 2004.

2 (b) The township board may adopt a resolution declaring
3 the unincorporated area of the township a mosquito abatement
4 district for tax purposes. Proof of the resolution authorizes
5 the county clerk to extend a tax upon the mosquito abatement
6 district in the amount specified in the annual township tax
7 levy, but not more than a rate of 0.075% of the value of
8 taxable property as equalized or assessed by the Department
9 of Revenue.

10 (c) Whenever a resolution creating a mosquito abatement
11 district has been adopted, the township board shall order the
12 proposition submitted to the voters within the territory of
13 the proposed district at an election. The clerk shall certify
14 the proposition to the proper election officials. Notice
15 shall be given and the election conducted in accordance with
16 the general election law. The proposition shall be in
17 substantially the following form:

18 Shall a mosquito abatement district be created to
19 serve the unincorporated areas of (name of township), and
20 shall a tax be levied at a rate of not more than 0.075%
21 of the value of taxable property in the district as
22 equalized or assessed by the Department of Revenue?

23 The votes shall be recorded as "Yes" or "No".

24 (d) If a majority of votes cast on the proposition is in
25 favor of the mosquito abatement district, the district shall
26 be created.

27 (e) Any territory within a mosquito abatement district
28 that is annexed to a municipality that provides mosquito
29 abatement services within its corporate limits shall be
30 automatically disconnected from the township mosquito
31 abatement taxing district.

32 (Source: P.A. 86-310; 88-62.)

33 Section 90. The State Mandates Act is amended by adding

1 Section 8.27 as follows:

2 (30 ILCS 805/8.27 new)

3 Sec. 8.27. Exempt mandate. Notwithstanding Sections 6
4 and 8 of this Act, no reimbursement by the State is required
5 for the implementation of any mandate created by this
6 amendatory Act of the 93rd General Assembly.

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