



Sen. Laura Fine

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10300SB2938sam002

LRB103 39143 AWJ 71861 a

1 AMENDMENT TO SENATE BILL 2938

2 AMENDMENT NO. _____. Amend Senate Bill 2938 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Mosquito Abatement District Act is amended
5 by changing Sections 7, 8, and 10 as follows:

6 (70 ILCS 1005/7) (from Ch. 111 1/2, par. 80)

7 Sec. 7. The board of trustees of such district shall have
8 power to take all necessary or proper steps for the
9 surveillance and monitoring of ticks and the surveillance,
10 monitoring, and extermination of mosquitoes and rats, ~~flies or~~
11 ~~other insects~~ within the district, and, subject to the
12 paramount control of the municipal or other public
13 authorities, to abate as nuisances all stagnant pools of water
14 and other breeding places for mosquitoes and rats, ~~flies or~~
15 ~~other insects~~ within the district; to purchase such supplies
16 and materials and to employ such labor and assistants as may be

1 necessary or proper in furtherance of the objects of this Act,
2 and if necessary or proper, in the furtherance of the same, to
3 build, construct and thereafter to repair and maintain
4 necessary levees, cuts, canals or channels upon any land
5 within the district, and to acquire by purchase, condemnation
6 or other lawful means, in the name of the district, any
7 necessary lands, rights of way, easements, property or
8 material requisite or necessary for any such purpose; to make
9 contracts to indemnify or compensate any owner of land or
10 other property for any injury or damage necessarily caused by
11 the exercise of the powers of this Act conferred or arising out
12 of the use, taking or damage of such property for any such
13 purposes, and generally to do any and all things necessary or
14 incident to the powers hereby granted and to carry out the
15 objects specified herein.

16 (Source: Laws 1927, p. 694.)

17 (70 ILCS 1005/8) (from Ch. 111 1/2, par. 81)

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

25 The board of trustees of any mosquito abatement district,

1 or its designee, for the limited purposes of cooperation with
2 the Department, shall conduct routine surveillance of
3 Department-identified vectors ~~mosquitoes~~ to detect the
4 presence of vector-borne ~~mosquito-borne~~ diseases of public
5 health significance. The surveillance required by the
6 Department under this Section does not grant a mosquito
7 abatement district any greater independent authority to
8 monitor and exterminate than those powers granted in Section
9 7, and a mosquito abatement district, or its designee, shall
10 notify a forest preserve district or conservation district
11 prior to or within 48 hours after accessing the respective
12 forest preserve district's or conservation district's land for
13 surveillance required by the Department. This notification
14 requirement does not apply to mosquitoes, rats, or tick
15 surveillance performed by the mosquito abatement district or
16 its designee. The surveillance shall be conducted in
17 accordance with mosquito abatement and control guidelines as
18 set forth by the U.S. Centers for Disease Control and
19 Prevention. Areas reporting disease in humans shall be
20 included in the surveillance activities. Mosquito abatement
21 districts shall report to the local certified public health
22 department and the Department the results of any positive
23 mosquito, tick, or vector samples infected with any arboviral
24 or bacterial infections, including, but not limited to: West
25 Nile Virus, St. Louis Encephalitis, ~~and~~ Eastern Equine
26 Encephalitis, Borrelia burgdorferi, rickettsia species,

1 ehrlichia species, and other vector-borne diseases. Reports
2 shall be made to the local certified public health
3 department's director of environmental health, or a designee
4 of the department, within 24 hours after receiving a positive
5 report. The report shall include the type of infection, the
6 number of vectors ~~mosquitoes~~ collected in the trapping device,
7 the type of trapping device used, and the type of laboratory
8 testing used to confirm the infection. Any trustee of a
9 mosquito abatement district, or designee of the board of
10 trustees of a mosquito abatement district, that fails to
11 comply with the requirements of this Act is guilty of a Class A
12 Misdemeanor.

13 As used in this Section:

14 "Department" means the Department of Public Health.

15 "Vector" means any of the following that have been
16 identified by the Department as necessary to be surveilled by
17 a mosquito abatement district for the purposes of supporting
18 the Department's mandate to investigate the causes of
19 dangerously contagious or infectious diseases: arthropods,
20 rodents, including rats and mice, birds, or other animals
21 capable of carrying disease-producing organisms to a human or
22 animal host. "Vector" does not include animals that transmit
23 disease to humans only when used as human food.

24 (Source: P.A. 93-734, eff. 7-14-04.)

1 Sec. 10. Any territory lying adjacent and contiguous to a
2 mosquito abatement district, and not part of another mosquito
3 abatement district, may be annexed to such district in the
4 following manner:

5 (a) Upon petition in writing, describing the territory
6 proposed to be annexed and signed by a majority of the legal
7 voters in such territory and by the owners of more than half of
8 the taxable property in such territory as shown by the last
9 ascertained equalized value of the taxable property in such
10 territory, being filed with the trustees of such mosquito
11 abatement district, such trustees may annex such territory by
12 a resolution which shall be published at least once in a
13 newspaper having a general circulation in the territory and
14 shall include a notice of (1) the specific number of voters
15 required to sign a petition requesting that the question of
16 the adoption of the resolution be submitted to the electors of
17 the territory; (2) the time in which the petition must be
18 filed; and (3) the date of the prospective referendum. The
19 county clerk of the county in which the territory is situated
20 shall provide a petition form to any individual requesting
21 one. The resolution shall be effective 30 days from the date of
22 publication and is subject to a referendum, if such referendum
23 is requested, prior to the effective date of the resolution,
24 by the voters in the district equal to 10% or more of the
25 registered voters in the district. Such trustees may also
26 order the question of the annexation of such territory to be

1 submitted to the legal voters of such district at a regular
2 election therein by certifying the question to the proper
3 election officials. Notice of such election shall be given and
4 the election conducted in the manner provided by the general
5 election law. The proposition shall be stated, "Shall the
6 territory (describing it) be annexed to The Mosquito
7 Abatement District?" If the majority of all the votes cast on
8 the question is in favor of such annexation, the board of
9 trustees shall so certify to the county clerk, and within ten
10 days of such election the trustees by an order duly entered
11 upon their records shall annex such territory to the district
12 and shall file a map of the annexed territory in the office of
13 the county clerk of the county where the annexed territory is
14 situated. Thereupon such territory shall be deemed annexed to
15 and shall be a part of such mosquito abatement district.

16 (b) Whenever a mosquito abatement district operating
17 within territory predominantly in a municipality or 2 or more
18 municipalities that would become coterminous or nearly
19 coterminous with the municipality or municipalities upon the
20 annexation of additional territory within the municipality or
21 municipalities ~~contains over 90% of territory of a specific~~
22 ~~city or village, the mosquito abatement district may annex~~
23 ~~additional adjacent and contiguous territory within that city~~
24 ~~or village,~~ but not incorporated within a mosquito abatement
25 district, the mosquito abatement district may annex the
26 additional territory by the passage of an ordinance to that

1 effect. The ordinance shall describe the territory annexed
2 together with an accurate map of the annexed territory.

3 The ordinance authorizing the annexation shall be
4 published within 10 days after the ordinance has been adopted,
5 in one or more newspapers having a general circulation within
6 the territory. The publication of the ordinance shall be
7 accompanied by a notice of (1) the specific number of voters
8 required to sign a petition requesting the question of
9 annexation; (2) the time within which the petition must be
10 filed; and (3) the date of the prospective referendum. The
11 county clerk of the county in which the territory is situated
12 shall provide a petition form to any individual requesting
13 one.

14 The ordinance shall take effect 30 days after the date of
15 publication unless a referendum is requested prior to the
16 effective date of the ordinance by 10% or more of the
17 registered voters in the territory. The question of the
18 annexation of the territory may be submitted to the legal
19 voters of the territory at a regular election by certifying
20 the question to the proper election officials. Notice of the
21 election shall be given and the election conducted in the
22 manner provided by the general election law. The proposition
23 shall be stated, "Shall the territory (describing it) be
24 annexed to The Mosquito Abatement District?" If the
25 majority of ~~all the~~ votes cast on the question is in favor of
26 the annexation, the territory shall be deemed annexed to and

1 shall be a part of the mosquito abatement district. If the
2 ordinance becomes effective 30 days after the date of
3 publication or is approved by referendum, a copy of the
4 ordinance shall be filed in the offices of the county clerk and
5 recorder of each county in which the annexation takes place.

6 No territory may be annexed under this subsection ~~(i) more~~
7 ~~than one year after it has first been included in that city or~~
8 ~~village unless the territory so annexed is 50 acres or less or~~
9 ~~(ii)~~ if the annexation would expand the mosquito abatement
10 district's boundaries outside of a county unless the district
11 already contains territory in that county.

12 (Source: P.A. 95-664, eff. 10-11-07.)".