

1 AN ACT concerning mosquito abatement.

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

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

7 (70 ILCS 1005/0.02 new)

8 Sec. 0.02. Purpose. It is the purpose of this amendatory
9 Act of the 93rd General Assembly to abolish mosquito
10 abatement districts in counties with a population of
11 3,000,000 or more and to transfer to the county in which the
12 territory lies, or, in the case of territory lying in the
13 City of Chicago, to the City of Chicago, all assets,
14 liabilities, rights, powers, duties, and functions of the
15 district, with the duties and functions of the abolished
16 mosquito abatement district, including the eradication of the
17 West Nile Virus, to be assumed by the respective State
18 certified public health departments of those entities.

19 (70 ILCS 1005/0.03 new)

20 Sec. 0.03. Districts abolished; assets, liabilities,
21 rights, powers, duties, and functions assumed.
22 Notwithstanding any other provision of law, including any
23 other provision of this Act, mosquito abatement districts in
24 counties with a population of 3,000,000 or more are abolished
25 on January 1, 2004. In counties with a population of
26 3,000,000 or more, no new mosquito abatement districts may be
27 organized on or after January 1, 2004. On January 1, 2004,
28 the county in which the territory of an abolished district
29 lies, or, in the case of territory of an abolished district
30 that lies in the City of Chicago, the City of Chicago, shall

1 assume all assets, liabilities, rights, powers, duties, and
2 functions of the abolished mosquito abatement district with
3 respect to the territory of the abolished district that lies
4 within the boundaries of the county or the City of Chicago,
5 as the case may be, with the duties and functions of the
6 abolished mosquito abatement district, including the
7 eradication of the West Nile Virus, to be assumed by the
8 respective State certified public health departments of those
9 entities.

10 (70 ILCS 1005/0.04 new)

11 Sec. 0.04. Transfer of personnel.

12 (a) On January 1, 2004, personnel employed by a mosquito
13 abatement district abolished by this amendatory Act of the
14 93rd General Assembly are transferred to the State certified
15 public health department of the county in which the abolished
16 district lies, or, in the case of an abolished district that
17 lies in the City of Chicago, the State certified public
18 health department of the City of Chicago.

19 (b) In the event that the assets, liabilities, rights,
20 powers, duties, and functions of a mosquito abatement
21 district abolished by this amendatory Act of the 93rd General
22 Assembly are assumed by a county and the City of Chicago
23 because the territory of the abolished district lies
24 partially in the City of Chicago, the decision on which
25 positions shall be transferred to the State certified public
26 health department of the county and which positions shall be
27 transferred to the State certified public health department
28 of the City of Chicago shall be made by giving consideration
29 to the proportionate percentage of territory transferred and
30 the assuming county's and the City of Chicago's staffing
31 needs.

32 The rights of employees of a mosquito abatement district
33 abolished by this amendatory Act of the 93rd General Assembly

1 under applicable collective bargaining agreements are not
2 affected by this amendatory Act of the 93rd General Assembly.

3 (70 ILCS 1005/0.05 new)

4 Sec. 0.05. Transfer of property.

5 (a) Effective January 1, 2004, all books, records,
6 documents, property (real and personal), unexpended
7 appropriations, and pending business of a mosquito abatement
8 district abolished by this amendatory Act of the 93rd General
9 Assembly shall be transferred and delivered to the county in
10 which the abolished district lies, or, in the case of an
11 abolished district that lies in the City of Chicago, the City
12 of Chicago.

13 (b) In the event that the assets, liabilities, rights,
14 powers, duties, and functions of a mosquito abatement
15 district abolished by this amendatory Act of the 93rd General
16 Assembly are assumed by a county and the City of Chicago
17 because the territory of the abolished district lies
18 partially in the City of Chicago, the decision on which
19 books, records, documents, property (real and personal),
20 unexpended appropriations, and pending business shall be
21 transferred to the county and which shall be transferred to
22 the City of Chicago shall be made by giving consideration to
23 the proportionate percentage of territory transferred to the
24 county and the proportionate percentage transferred to the
25 City of Chicago.

26 (70 ILCS 1005/0.06 new)

27 Sec. 0.06. Local public health tax. Beginning on January
28 1, 2004, the corporate authorities of the county in which
29 territory of the abolished district lies or, in the case of
30 territory of an abolished district that lies in the City of
31 Chicago, the City of Chicago shall have the power and
32 authority to levy and collect such taxes at such rates as

1 shall have been previously authorized, levied, and collected
2 by the mosquito abatement district abolished by this
3 amendatory Act of the 93rd General Assembly with respect to
4 that territory. This tax shall be known as the local public
5 health tax.

6 (70 ILCS 1005/0.07 new)

7 Sec. 0.07. Ordinances, orders, and resolutions.

8 (a) On January 1, 2004, the ordinances, orders, and
9 resolutions of a mosquito abatement district abolished by
10 this amendatory Act of the 93rd General Assembly that were in
11 effect on December 31, 2003 and pertain to the assets,
12 liabilities, rights, powers, duties, and functions
13 transferred to the county in which any part of the territory
14 of the abolished district lies, or, in the case of an
15 abolished district that lies, at least in part, in the City
16 of Chicago, the City of Chicago under this amendatory Act of
17 the 93rd General Assembly shall become, with respect to that
18 territory, the ordinances, orders, and resolutions of the
19 county in which that part of the abolished district lies, or,
20 in the case of an abolished district that lies, at least in
21 part, in the City of Chicago, the City of Chicago and shall
22 continue in effect until amended or repealed.

23 (b) Any ordinances, orders, or resolutions pertaining to
24 the assets, liabilities, rights, powers, duties, and
25 functions transferred to the county in which any part of the
26 territory of the abolished district lies, or, in the case of
27 an abolished district that lies, at least in part, in the
28 City of Chicago, the City of Chicago under this amendatory
29 Act of the 93rd General Assembly that have been proposed by a
30 mosquito abatement district abolished by this amendatory Act
31 of the 93rd General Assembly but have not taken effect or
32 been finally adopted by December 31, 2003 shall become, with
33 respect to that territory, the ordinances, orders, and

1 resolutions of the county in which that part of the abolished
2 district lies, or, in the case of an abolished district that
3 lies, at least in part, in the City of Chicago, the City of
4 Chicago on January 1, 2004, and any procedures that have
5 already been completed by a mosquito abatement district
6 abolished by this amendatory Act of the 93rd General Assembly
7 for those proposed ordinances, orders, or resolutions need
8 not be repeated.

9 (c) As soon as practical after January 1, 2004, the
10 assuming county or the City of Chicago, as appropriate, shall
11 revise and clarify the ordinances, orders, and resolutions
12 transferred to it under this amendatory Act of the 93rd
13 General Assembly to reflect the reorganization of assets,
14 liabilities, rights, powers, duties, and functions effected
15 by this amendatory Act of the 93rd General Assembly. The
16 assuming county or the City of Chicago, as appropriate, may
17 propose and adopt such other ordinances, orders, or
18 resolutions as may be necessary to consolidate and clarify
19 the ordinances, orders, and resolutions assumed under this
20 amendatory Act of the 93rd General Assembly.

21 (70 ILCS 1005/0.08 new)

22 Sec. 0.08. Cross references. Beginning on January 1,
23 2004, all references in other statutes, however phrased, to a
24 mosquito abatement district abolished under this amendatory
25 Act of the 93rd General Assembly shall be references to the
26 county or the City of Chicago, as appropriate, in its
27 capacity as successor to the mosquito abatement district
28 abolished under this amendatory Act of the 93rd General
29 Assembly.

30 (70 ILCS 1005/0.09 new)

31 Sec. 0.09. Savings provisions.

32 (a) The assets, liabilities, rights, powers, duties, and

1 functions transferred to a county or the City of Chicago by
2 this amendatory Act of the 93rd General Assembly shall be
3 vested in that county or the City of Chicago, as appropriate,
4 subject to the provisions of this amendatory Act of the 93rd
5 General Assembly. An act done by a mosquito abatement
6 district abolished by this amendatory Act of the 93rd General
7 Assembly or an officer, employee, or agent of the abolished
8 district with respect to the transferred assets, liabilities,
9 rights, powers, duties, or functions shall have the same
10 legal effect as if done by the county to which the transfer
11 was made or the City of Chicago, as appropriate, or an
12 officer, employee, or agent of that county or the City of
13 Chicago, as appropriate.

14 (b) The transfer of assets, liabilities, rights, powers,
15 duties, and functions under this amendatory Act of the 93rd
16 General Assembly does not invalidate any previous action
17 taken by or in respect to the mosquito abatement district
18 abolished by this amendatory Act of the 93rd General Assembly
19 or its officers, employees, or agents. References to an
20 abolished mosquito abatement district or its officers,
21 employees, or agents in any document, contract, agreement, or
22 law shall, in appropriate contexts, be deemed to refer to the
23 assuming county or the City of Chicago, as appropriate, or
24 its officers, employees, or agents.

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

33 (d) With respect to matters that pertain to an asset,
34 liability, right, power, duty, or function transferred to a

1 county or the City of Chicago under this Act:

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

10 (2) Beginning January 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 assuming county or the City of Chicago, as appropriate,
17 or its appropriate officer, employee, or agent.

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

28 (70 ILCS 1005/0.10 new)

29 Sec. 0.10. Disputes. Any disputes that arise as a result
30 of the abolishment of a mosquito district and the assumption
31 of the assets, liabilities, rights, powers, duties, and
32 functions of the abolished district shall be resolved by an
33 appropriate action commenced in the circuit court.

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

3 (60 ILCS 1/30-170)

4 Sec. 30-170. Mosquito abatement district.

5 (a) The electors may authorize the township board to
6 contract for the furnishing of mosquito abatement services in
7 the unincorporated area of the township.

8 (a-5) Notwithstanding any other provision of this Code,
9 as provided in Section 0.03 of the Mosquito Abatement
10 District Act, on January 1, 2004, mosquito abatement
11 districts in counties with a population of 3,000,000 or more
12 are abolished. No new mosquito abatement districts may be
13 organized in counties with a population of 3,000,000 or more
14 on or after January 1, 2004. The assets, liabilities, rights,
15 powers, duties, and functions, including the taxing
16 authority, of a mosquito abatement district created under
17 this Code that is abolished by this amendatory Act of the
18 93rd General Assembly shall be assumed as provided in
19 Sections 0.02 through 0.10 of the Mosquito Abatement District
20 Act.

21 (b) The township board may adopt a resolution declaring
22 the unincorporated area of the township a mosquito abatement
23 district for tax purposes. Proof of the resolution authorizes
24 the county clerk to extend a tax upon the mosquito abatement
25 district in the amount specified in the annual township tax
26 levy, but not more than a rate of 0.075% of the value of
27 taxable property as equalized or assessed by the Department
28 of Revenue.

29 (c) Whenever a resolution creating a mosquito abatement
30 district has been adopted, the township board shall order the
31 proposition submitted to the voters within the territory of
32 the proposed district at an election. The clerk shall certify
33 the proposition to the proper election officials. Notice

1 shall be given and the election conducted in accordance with
2 the general election law. The proposition shall be in
3 substantially the following form:

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

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

10 (d) If a majority of votes cast on the proposition is in
11 favor of the mosquito abatement district, the district shall
12 be created.

13 (e) Any territory within a mosquito abatement district
14 that is annexed to a municipality that provides mosquito
15 abatement services within its corporate limits shall be
16 automatically disconnected from the township mosquito
17 abatement taxing district.

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

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.