

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 Section 8 and adding Sections 0.02, 0.03,
6 0.04, 0.05, 0.06, 0.07, 0.08, 0.09, 0.10, and 0.11 as
7 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 mosquito
11 abatement districts in counties with a population of
12 3,000,000 or more and to transfer to the Suburban Cook County
13 Mosquito Abatement District, created in this amendatory Act
14 of the 93rd General Assembly, or, in the case of territory
15 lying in the City of Chicago, to the City of Chicago, all
16 assets, liabilities, rights, powers, duties, and functions of
17 the districts, with the duties and functions of the abolished
18 mosquito abatement districts, including the eradication of
19 the West Nile Virus, to be assumed by the Suburban Cook
20 County Mosquito Abatement District or the City of Chicago, as
21 appropriate.

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, mosquito abatement districts in
6 counties with a population of 3,000,000 or more are abolished
7 on July 1, 2004. In counties with a population of 3,000,000
8 or more, no new mosquito abatement districts may be organized
9 on or after July 1, 2004. On July 1, 2004, the Suburban Cook
10 County Mosquito Abatement District, or, in the case of
11 territory of an abolished district that lies in the City of
12 Chicago, the City of Chicago, shall assume all assets,
13 liabilities, rights, powers, duties, and functions of the
14 abolished mosquito abatement districts, as the case may be,
15 with the duties and functions of the abolished mosquito
16 abatement districts, including the eradication of the West
17 Nile Virus, to be assumed by the Suburban Cook County
18 Mosquito Abatement District or the City of Chicago, as
19 appropriate.

20 (70 ILCS 1005/0.04 new)

21 Sec. 0.04. Suburban Cook County Mosquito Abatement
22 District created. Notwithstanding any other provision of
23 this Act to the contrary, on January 1, 2004 the Suburban
24 Cook County Mosquito Abatement District is created, to become
25 fully operational on July 1, 2004. The territory of the
26 District shall consist of all of Cook County outside of the
27 City of Chicago.

28 A board of trustees, consisting of 7 members, for the
29 government and control of the affairs and business of the
30 Suburban Cook County Mosquito Abatement District, shall be
31 appointed by the President of the Cook County Board of
32 Commissioners, with the advice and consent of the County
33 Board. In making the appointments, an effort shall be made to

1 appoint members who represent the different geographic
2 regions of the District. One member of the board shall be a
3 representative of the Cook County Department of Public Health
4 who resides in the District. The appointments shall be made
5 on or after January 1, 2004 but before July 1, 2004 so that
6 the board may prepare for the assumption on July 1, 2004 of
7 the assets, liabilities, rights, powers, duties, and
8 functions of the mosquito abatement districts abolished by
9 this amendatory Act of the 93rd General Assembly.

10 Of the initial trustees appointed under this Section, 4
11 shall hold office until the second Monday in December 2004
12 and 3 shall hold office until the second Monday in December
13 2006, and until their successors are appointed and qualified.
14 Thereafter a trustee of the District shall be appointed in
15 every year in which the term of a trustee expires and shall
16 hold office for 4 years and until his or her successor is
17 appointed and qualified.

18 If this Section conflicts with any other provision of
19 this Act, this Section controls. Any other provision of this
20 Act concerning trustees applies to the board of trustees of
21 the Suburban Cook County Mosquito Abatement District if it
22 does not conflict with this Section.

23 (70 ILCS 1005/0.05 new)

24 Sec. 0.05. Transfer of property.

25 (a) Effective July 1, 2004, all books, records,
26 documents, property (real and personal), unexpended
27 appropriations, and pending business of a mosquito abatement
28 district abolished by this amendatory Act of the 93rd General
29 Assembly shall be transferred and delivered to the Suburban
30 Cook County Mosquito Abatement District or, in the case of an
31 abolished district that lies in the City of Chicago, the City
32 of Chicago.

33 (b) In the event that the assets, liabilities, rights,

1 powers, duties, and functions of a mosquito abatement
2 district abolished by this amendatory Act of the 93rd General
3 Assembly are assumed by both the Suburban Cook County
4 Mosquito Abatement District and the City of Chicago because
5 the territory of the abolished district lies partially in the
6 City of Chicago, the decision on which books, records,
7 documents, property (real and personal), unexpended
8 appropriations, and pending business shall be transferred to
9 the Suburban Cook County Mosquito Abatement District and
10 which shall be transferred to the City of Chicago shall be
11 made by giving consideration to the proportionate percentage
12 of territory transferred to the Suburban Cook County Mosquito
13 Abatement District and the proportionate percentage
14 transferred to the City of Chicago.

15 (70 ILCS 1005/0.06 new)

16 Sec. 0.06. Suburban Cook County Mosquito Abatement
17 District tax levy. Notwithstanding Section 9, the Suburban
18 Cook County Mosquito Abatement District may levy and collect
19 a general tax on the property situated in the district, but
20 the aggregate amount of taxes levied for any one year shall
21 not exceed the rate of 0.025% of the value of all taxable
22 property in the district, as equalized or assessed by the
23 Department of Revenue. The board of trustees shall determine
24 and certify the amount to be levied and shall return the same
25 to the county clerk. This limitation upon the rate of the tax
26 may be increased or decreased under the referendum provisions
27 of the Property Tax Code.

28 The tax provided for in this Section shall be levied at
29 the same time and in the same manner as nearly as practicable
30 as taxes are now levied for city and village purposes under
31 the laws of this State.

32 All such general taxes when collected shall be paid over
33 to the treasurer of the board of trustees, who is authorized

1 to receive and receipt for the same.

2 (70 ILCS 1005/0.07 new)

3 Sec. 0.07. City of Chicago tax levy. Beginning on July
4 1, 2004, in the case of territory of an abolished district
5 that lies in the City of Chicago, the City of Chicago shall
6 have the power and authority to levy and collect such taxes
7 at such rates as shall have been previously authorized,
8 levied, and collected by the mosquito abatement district
9 abolished by this amendatory Act of the 93rd General Assembly
10 with respect to that territory for mosquito abatement
11 purposes and for other emerging public health threats.

12 (70 ILCS 1005/0.08 new)

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

14 (a) On July 1, 2004, the ordinances, orders, and
15 resolutions of a mosquito abatement district abolished by
16 this amendatory Act of the 93rd General Assembly that were in
17 effect on June 30, 2004 and pertain to the assets,
18 liabilities, rights, powers, duties, and functions
19 transferred to the Suburban Cook County Mosquito Abatement
20 District, or, in the case of an abolished district that lies,
21 at least in part, in the City of Chicago, the City of Chicago
22 under this amendatory Act of the 93rd General Assembly shall
23 become, with respect to that territory, the ordinances,
24 orders, and resolutions of the Suburban Cook County Mosquito
25 Abatement District, or, in the case of an abolished district
26 that lies, at least in part, in the City of Chicago, the City
27 of Chicago and shall continue in effect until amended or
28 repealed.

29 (b) Any ordinances, orders, or resolutions pertaining to
30 the assets, liabilities, rights, powers, duties, and
31 functions transferred to the Suburban Cook County Mosquito
32 Abatement District, or, in the case of an abolished district

1 that lies, at least in part, in the City of Chicago, the City
2 of Chicago under this amendatory Act of the 93rd General
3 Assembly that have been proposed by a mosquito abatement
4 district abolished by this amendatory Act of the 93rd General
5 Assembly but have not taken effect or been finally adopted by
6 June 30, 2004 shall become, with respect to that territory,
7 the proposed ordinances, orders, and resolutions of the
8 Suburban Cook County Mosquito Abatement District, or, in the
9 case of an abolished district that lies, at least in part, in
10 the City of Chicago, the City of Chicago on July 1, 2004, and
11 any procedures that have already been completed by a mosquito
12 abatement district abolished by this amendatory Act of the
13 93rd General Assembly for those proposed ordinances, orders,
14 or resolutions need not be repeated.

15 (c) As soon as practical after July 1, 2004, the
16 Suburban Cook County Mosquito Abatement District or the City
17 of Chicago, as appropriate, shall revise and clarify the
18 ordinances, orders, and resolutions transferred to it under
19 this amendatory Act of the 93rd General Assembly to reflect
20 the reorganization of assets, liabilities, rights, powers,
21 duties, and functions effected by this amendatory Act of the
22 93rd General Assembly. The Suburban Cook County Mosquito
23 Abatement District or the City of Chicago, as appropriate,
24 may propose and adopt such other ordinances, orders, or
25 resolutions as may be necessary to consolidate and clarify
26 the ordinances, orders, and resolutions assumed under this
27 amendatory Act of the 93rd General Assembly.

28 (70 ILCS 1005/0.09 new)

29 Sec. 0.09. Cross references. Beginning on July 1, 2004,
30 all references in other statutes, however phrased, to a
31 mosquito abatement district abolished under this amendatory
32 Act of the 93rd General Assembly shall be references to the
33 Suburban Cook County Mosquito Abatement District or the City

1 of Chicago, as appropriate, in its capacity as successor to a
2 mosquito abatement district abolished under this amendatory
3 Act of the 93rd General Assembly.

4 (70 ILCS 1005/0.10 new)

5 Sec. 0.10. Savings provisions.

6 (a) The assets, liabilities, rights, powers, duties, and
7 functions transferred to the Suburban Cook County Mosquito
8 Abatement District or the City of Chicago by this amendatory
9 Act of the 93rd General Assembly shall be vested in the
10 Suburban Cook County Mosquito Abatement District or the City
11 of Chicago, as appropriate, subject to the provisions of this
12 amendatory Act of the 93rd General Assembly. An act done by a
13 mosquito abatement district abolished by this amendatory Act
14 of the 93rd General Assembly or an officer, employee, or
15 agent of the abolished district with respect to the
16 transferred assets, liabilities, rights, powers, duties, or
17 functions shall have the same legal effect as if done by the
18 Suburban Cook County Mosquito Abatement District or the City
19 of Chicago, as appropriate, or an officer, employee, or agent
20 of the Suburban Cook County Mosquito Abatement District or
21 the City of Chicago, as appropriate.

22 (b) The transfer of assets, liabilities, rights, powers,
23 duties, and functions under this amendatory Act of the 93rd
24 General Assembly does not invalidate any previous action
25 taken by or in respect to a mosquito abatement district
26 abolished by this amendatory Act of the 93rd General Assembly
27 or its officers, employees, or agents. References to an
28 abolished mosquito abatement district or its officers,
29 employees, or agents in any document, contract, agreement, or
30 law shall, in appropriate contexts, be deemed to refer to the
31 Suburban Cook County Mosquito Abatement District or the City
32 of Chicago, as appropriate, or its officers, employees, or
33 agents.

1 (c) The transfer under this amendatory Act of the 93rd
2 General Assembly of assets, liabilities, rights, powers,
3 duties, and functions of a mosquito abatement district
4 abolished by this amendatory Act of the 93rd General Assembly
5 does not affect any person's rights, obligations, or duties,
6 including any civil or criminal penalties applicable thereto,
7 arising out of those transferred assets, liabilities, rights,
8 powers, duties, and functions.

9 (d) With respect to matters that pertain to an asset,
10 liability, right, power, duty, or function transferred to the
11 Suburban Cook County Mosquito Abatement District or the City
12 of Chicago under this Act:

13 (1) Beginning July 1, 2004, a report or notice that
14 was previously required to be made or given by any person
15 to a mosquito abatement district abolished by this
16 amendatory Act of the 93rd General Assembly or any of its
17 officers, employees, or agents shall be made or given in
18 the same manner to the Suburban Cook County Mosquito
19 Abatement District or the City of Chicago, as
20 appropriate, or its appropriate officer, employee, or
21 agent.

22 (2) Beginning January 1, 2004, a document that was
23 previously required to be furnished or served by any
24 person to or upon a mosquito abatement district abolished
25 by this amendatory Act of the 93rd General Assembly or
26 any of its officers, employees, or agents shall be
27 furnished or served in the same manner to or upon the
28 Suburban Cook County Mosquito Abatement District or the
29 City of Chicago, as appropriate, or its appropriate
30 officer, employee, or agent.

31 (e) This amendatory Act of the 93rd General Assembly
32 does not affect any act done, ratified, or cancelled, any
33 right occurring or established, or any action or proceeding
34 had or commenced in an administrative, civil, or criminal

1 cause before July 1, 2004. Any such action or proceeding that
2 pertains to an asset, liability, right, power, duty, or
3 function transferred to the Suburban Cook County Mosquito
4 Abatement District or the City of Chicago under this
5 amendatory Act of the 93rd General Assembly and that is
6 pending on that date may be prosecuted, defended, or
7 continued by the Suburban Cook County Mosquito Abatement
8 District or the City of Chicago, as appropriate.

9 (70 ILCS 1005/0.11 new)

10 Sec. 0.11. Disputes. Any disputes that arise as a result
11 of the abolishment of a mosquito district and the assumption
12 of the assets, liabilities, rights, powers, duties, and
13 functions of the abolished district shall be resolved by an
14 appropriate action commenced in the circuit court.

15 (70 ILCS 1005/8) (from Ch. 111 1/2, par. 81)

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

23 The board of trustees of any mosquito abatement district,
24 or its designee, shall conduct routine surveillance of
25 mosquitoes to detect the presence of mosquito-borne diseases
26 of public health significance. The surveillance shall be
27 conducted in accordance with mosquito abatement and control
28 guidelines as set forth by the U.S. Centers for Disease
29 Control and Prevention. Areas reporting disease in humans
30 shall be included in the surveillance activities. Mosquito
31 abatement districts shall report to the local certified
32 public health department the results of any positive mosquito

1 samples infected with any arboviral infections, including,
2 but not limited to: West Nile Virus, St. Louis Encephalitis,
3 and Eastern Equine Encephalitis. Reports shall be made to the
4 local certified public health department's director of
5 environmental health, or a designee of the department, within
6 24 hours after receiving a positive report. The report shall
7 include the type of infection, the number of mosquitoes
8 collected in the trapping device, the type of trapping device
9 used, and the type of laboratory testing used to confirm the
10 infection. Any trustee of a mosquito abatement district, or
11 designee of the board of trustees of a mosquito abatement
12 district, that fails to comply with the requirements of this
13 Act is guilty of a Class A Misdemeanor.

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

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

17 (60 ILCS 1/30-170)

18 Sec. 30-170. Mosquito abatement district.

19 (a) The electors may authorize the township board to
20 contract for the furnishing of mosquito abatement services in
21 the unincorporated area of the township.

22 (a-5) Notwithstanding any other provision of this Code,
23 as provided in Section 0.03 of the Mosquito Abatement
24 District Act, on July 1, 2004, mosquito abatement districts
25 in counties with a population of 3,000,000 or more are
26 abolished. No new mosquito abatement districts may be
27 organized in counties with a population of 3,000,000 or more
28 on or after July 1, 2004. The assets, liabilities, rights,
29 powers, duties, and functions, including the taxing
30 authority, of a mosquito abatement district created under
31 this Code that is abolished by this amendatory Act of the
32 93rd General Assembly shall be assumed as provided in

1 Sections 0.02 through 0.11 of the Mosquito Abatement District
2 Act.

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

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

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

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

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

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

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".