

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 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 July 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 July 1, 2004. On July 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 July 1, 2004, the Des Plaines  
15 Valley Mosquito Abatement District shall assume all assets,  
16 liabilities, rights, powers, duties, and functions, including  
17 the eradication of the West Nile Virus, of the South Cook  
18 County Mosquito Abatement District, except with respect to  
19 that the part of the South Cook County Mosquito Abatement  
20 District that lies in the City of Chicago, which shall be  
21 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 July 1, 2004 the territory of the  
26 Northwest Mosquito Abatement District shall consist of the  
27 territory of the District as it existed on June 30, 2004 plus  
28 the territory of the North Shore Mosquito Abatement District  
29 as it existed on June 30, 2004. Notwithstanding any other  
30 provision of this Act to the contrary, beginning on July 1,  
31 2004 the territory of the Des Plaines Valley Mosquito  
32 Abatement District shall consist of the territory of the  
33 District as it existed on June 30, 2004 plus the territory of

1 the South Cook County Mosquito Abatement District as it  
2 existed on June 30, 2004, except with respect to that the  
3 part of the South Cook County Mosquito Abatement District  
4 that lies in the City of Chicago on June 30, 2004, which  
5 shall be assumed by the City of Chicago.

6 (70 ILCS 1005/0.05 new)

7 Sec. 0.05. Transfer of property.

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

21 (b) With respect to the assets, liabilities, rights,  
22 powers, duties, and functions of the South Cook County  
23 Mosquito Abatement District abolished by this amendatory Act  
24 of the 93rd General Assembly, the decision on which books,  
25 records, documents, property (real and personal), unexpended  
26 appropriations, and pending business shall be transferred to  
27 the Des Plaines Valley Mosquito Abatement District and which  
28 shall be transferred to the City of Chicago shall be made by  
29 giving consideration to the proportionate percentage of  
30 territory transferred to the Des Plaines Valley Mosquito  
31 Abatement District and the proportionate percentage  
32 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 July 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 June 30, 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 June 30, 2004 shall become, with respect  
23 to that territory, the proposed ordinances, orders, and  
24 resolutions of the Northwest Mosquito Abatement District, the  
25 Des Plaines Valley Mosquito Abatement District, or the City  
26 of Chicago, as appropriate, on July 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 July 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 July 1, 2004,  
13 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 July 1, 2004, a report or notice that  
2           was previously required to be made or given by any person  
3           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 July 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 July 1, 2004. Any such action or proceeding that  
25           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 1005/8) (from Ch. 111 1/2, par. 81)

7       Sec. 8. The board of trustees of any mosquito abatement  
8 district shall, in its work, advise and cooperate with the  
9 Department of Public Health of the State, and the board of  
10 trustees of such district shall submit to such Department, on  
11 or before January 1st of each year, a report of the work done  
12 and results obtained by the district during the preceding  
13 year.

14       The board of trustees of any mosquito abatement district,  
15 or its designee, shall conduct routine surveillance of  
16 mosquitoes to detect the presence of mosquito-borne diseases  
17 of public health significance. The surveillance shall be  
18 conducted in accordance with mosquito abatement and control  
19 guidelines as set forth by the U.S. Centers for Disease  
20 Control and Prevention. Areas reporting disease in humans  
21 shall be included in the surveillance activities. Mosquito  
22 abatement districts shall report to the local certified  
23 public health department the results of any positive mosquito  
24 samples infected with any arboviral infections, including,  
25 but not limited to: West Nile Virus, St. Louis Encephalitis,  
26 and Eastern Equine Encephalitis. Reports shall be made to the  
27 local certified public health department's director of  
28 environmental health, or a designee of the department, within  
29 24 hours after receiving a positive report. The report shall  
30 include the type of infection, the number of mosquitoes  
31 collected in the trapping device, the type of trapping device  
32 used, and the type of laboratory testing used to confirm the  
33 infection. Any trustee of a mosquito abatement district, or

1 designee of the board of trustees of a mosquito abatement  
2 district, that fails to comply with the requirements of this  
3 Act is guilty of a Class A Misdemeanor.

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

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

7 (60 ILCS 1/30-170)

8 Sec. 30-170. Mosquito abatement district.

9 (a) The electors may authorize the township board to  
10 contract for the furnishing of mosquito abatement services in  
11 the unincorporated area of the township.

12 (a-5) Notwithstanding any other provision of this Code,  
13 as provided in Section 0.03 of the Mosquito Abatement  
14 District Act, on July 1, 2004 the North Shore Mosquito  
15 Abatement District and the South Cook County Mosquito  
16 Abatement District are abolished. No new mosquito abatement  
17 districts may be organized in counties with a population of  
18 3,000,000 or more on or after July 1, 2004.

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

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

1 the general election law. The proposition shall be in  
2 substantially the following form:

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

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

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

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

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

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