



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 2/6/2004, by Edward D. Maloney

SYNOPSIS AS INTRODUCED:

See Index

Amends the Mosquito Abatement District Act. Provides that, notwithstanding any other provision of law, (i) the North Shore Mosquito Abatement District and the South Cook County Mosquito Abatement District are abolished on January 1, 2005, (ii) no new mosquito abatement districts may be organized on or after January 1, 2005 in Cook County, and (iii) the assets, liabilities, rights, powers, duties, and functions, including the taxing authority, of the North Shore Mosquito Abatement District are assumed by the Northwest Mosquito Abatement District; the assets, liabilities, rights, powers, duties, and functions, including the taxing authority, of the South Cook County Mosquito Abatement District are assumed by the Des Plaines Valley Mosquito Abatement District, and the City of Chicago for any part of the District that lies in the City of Chicago. Authorizes the appointment of 2 additional trustees to the Northwest and the Des Plaines Valley mosquito abatement districts and requires the Districts to pay a supplemental stipend of \$3,000 per year to each of the trustees. Amends the Township Code to provide that no new mosquito abatement districts may be created under the Code in counties with a population of 3,000,000 or more on or after January 1, 2005. Provides that the board of trustees of any mosquito abatement district shall conduct routine surveillance of mosquitoes to detect the presence of mosquito-borne diseases. Provides that the district must report results of any positive mosquito samples infected with any and all arboviral infections to the director of environmental health of the local certified public health department, or his or her designee, within 24 hours of receiving the result. Provides penalties for failure to comply. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB093 20674 MKM 46542 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning mosquito abatement districts.

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 changing Sections 5 and 8 and adding Sections 0.02, 0.03,
6 0.04, 0.05, 0.06, 0.07, 0.08, 0.09, 0.10, 0.11, 0.12, and 5.1
7 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 City
19 of Chicago, all it's assets, liabilities, rights, powers,
20 duties, and functions, including the eradication of the West
21 Nile Virus.

22 (70 ILCS 1005/0.03 new)

23 Sec. 0.03. Districts abolished; assets, liabilities,
24 rights, powers, duties, and functions assumed. Notwithstanding
25 any other provision of law, including any other provision of
26 this Act, the North Shore Mosquito Abatement District and the
27 South Cook County Mosquito Abatement District are abolished on
28 January 1, 2005. In counties with a population of 3,000,000 or
29 more, no new mosquito abatement districts may be organized on
30 or after January 1, 2005. On January 1, 2005, the Northwest
31 Mosquito Abatement District shall assume all assets,

1 liabilities, rights, powers, duties, and functions, including
2 the eradication of the West Nile Virus, of the North Shore
3 Mosquito Abatement District. On January 1, 2005, the Des
4 Plaines Valley Mosquito Abatement District shall assume all
5 assets, liabilities, rights, powers, duties, and functions,
6 including the eradication of the West Nile Virus, of the South
7 Cook County Mosquito Abatement District, except with respect to
8 that the part of the South Cook County Mosquito Abatement
9 District that lies in the City of Chicago, which shall be
10 assumed by the City of Chicago.

11 (70 ILCS 1005/0.04 new)

12 Sec. 0.04. Mosquito abatement districts expanded.
13 Notwithstanding any other provision of this Act to the
14 contrary, beginning on January 1, 2005 the territory of the
15 Northwest Mosquito Abatement District shall consist of the
16 territory of the District as it existed on December 31, 2004
17 plus the territory of the North Shore Mosquito Abatement
18 District as it existed on December 31, 2004. Notwithstanding
19 any other provision of this Act to the contrary, beginning on
20 January 1, 2005 the territory of the Des Plaines Valley
21 Mosquito Abatement District shall consist of the territory of
22 the District as it existed on December 31, 2004 plus the
23 territory of the South Cook County Mosquito Abatement District
24 as it existed on December 31, 2004, except with respect to that
25 the part of the South Cook County Mosquito Abatement District
26 that lies in the City of Chicago on December 31, 2004, which
27 shall be assumed by the City of Chicago.

28 (70 ILCS 1005/0.05 new)

29 Sec. 0.05. Transfer of property.

30 (a) Effective January 1, 2005, all books, records,
31 documents, property (real and personal), unexpended
32 appropriations, and pending business of the North Shore
33 Mosquito Abatement District shall be transferred and delivered
34 to the Northwest Mosquito Abatement District. Effective

1 January 1, 2005, all books, records, documents, property (real
2 and personal), unexpended appropriations, and pending business
3 of the South Cook County Mosquito Abatement District shall be
4 transferred and delivered to the Des Plaines Valley Mosquito
5 Abatement District, or, in the case of any part of the South
6 Cook County Mosquito Abatement District that lies in the City
7 of Chicago, to the City of Chicago.

8 (b) With respect to the assets, liabilities, rights,
9 powers, duties, and functions of the South Cook County Mosquito
10 Abatement District abolished by this amendatory Act of the 93rd
11 General Assembly, the decision on which books, records,
12 documents, property (real and personal), unexpended
13 appropriations, and pending business shall be transferred to
14 the Des Plaines Valley Mosquito Abatement District and which
15 shall be transferred to the City of Chicago shall be made by
16 giving consideration to the proportionate percentage of
17 territory transferred to the Des Plaines Valley Mosquito
18 Abatement District and the proportionate percentage
19 transferred to the City of Chicago.

20 (70 ILCS 1005/0.06 new)

21 Sec. 0.06. Tax levies for assumed mosquito abatement
22 districts.

23 (a) With respect to the territory of the North Shore
24 Mosquito Abatement District abolished by this amendatory Act of
25 the 93rd General Assembly, the Northwest Mosquito Abatement
26 District shall have the power and authority to levy and collect
27 such taxes at such rates as shall have been previously
28 authorized, levied, and collected by the North Shore Mosquito
29 Abatement District

30 (b) With respect to the territory of the South Cook County
31 Mosquito Abatement District abolished by this amendatory Act of
32 the 93rd General Assembly and assumed by the Des Plaines Valley
33 Mosquito Abatement District, the Des Plaines Valley Mosquito
34 Abatement District shall have the power and authority to levy
35 and collect such taxes at such rates as shall have been

1 previously authorized, levied, and collected by the South Cook
2 County Mosquito Abatement District.

3 (70 ILCS 1005/0.07 new)

4 Sec. 0.07. City of Chicago tax levy. In the case of
5 territory of the South Cook County Mosquito Abatement District
6 abolished by this amendatory Act of the 93rd General Assembly
7 that lies in the City of Chicago, the City of Chicago shall
8 have the power and authority to levy and collect such taxes at
9 such rates as shall have been previously authorized, levied,
10 and collected by the South Cook County Mosquito Abatement
11 District with respect to that territory for mosquito abatement
12 purposes and for other emerging public health threats.

13 (70 ILCS 1005/0.08 new)

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

15 (a) On January 1, 2005, the ordinances, orders, and
16 resolutions of a mosquito abatement district abolished by this
17 amendatory Act of the 93rd General Assembly that were in effect
18 on December 31, 2004 and pertain to the assets, liabilities,
19 rights, powers, duties, and functions transferred to the
20 Northwest Mosquito Abatement District, the Des Plaines Valley
21 Mosquito Abatement District, or the City of Chicago under this
22 amendatory Act of the 93rd General Assembly shall become, with
23 respect to that territory, the ordinances, orders, and
24 resolutions of the Northwest Mosquito Abatement District, the
25 Des Plaines Valley Mosquito Abatement District, or the City of
26 Chicago, as appropriate, and shall continue in effect until
27 amended or repealed.

28 (b) Any ordinances, orders, or resolutions pertaining to
29 the assets, liabilities, rights, powers, duties, and functions
30 transferred to the Northwest Mosquito Abatement District, the
31 Des Plaines Valley Mosquito Abatement District, or the City of
32 Chicago under this amendatory Act of the 93rd General Assembly
33 that have been proposed by a mosquito abatement district
34 abolished by this amendatory Act of the 93rd General Assembly

1 but have not taken effect or been finally adopted by December
2 31, 2004 shall become, with respect to that territory, the
3 proposed ordinances, orders, and resolutions of the Northwest
4 Mosquito Abatement District, the Des Plaines Valley Mosquito
5 Abatement District, or the City of Chicago, as appropriate, on
6 January 1, 2005, and any procedures that have already been
7 completed by a mosquito abatement district abolished by this
8 amendatory Act of the 93rd General Assembly for those proposed
9 ordinances, orders, or resolutions need not be repeated.

10 (c) As soon as practical after January 1, 2005, the
11 Northwest Mosquito Abatement District, the Des Plaines Valley
12 Mosquito Abatement District, and the City of Chicago shall
13 revise and clarify the ordinances, orders, and resolutions
14 transferred to them under this amendatory Act of the 93rd
15 General Assembly to reflect the reorganization of assets,
16 liabilities, rights, powers, duties, and functions effected by
17 this amendatory Act of the 93rd General Assembly. The Northwest
18 Mosquito Abatement District, the Des Plaines Valley Mosquito
19 Abatement District, or the City of Chicago, as appropriate, may
20 propose and adopt such other ordinances, orders, or resolutions
21 as may be necessary to consolidate and clarify the ordinances,
22 orders, and resolutions assumed under this amendatory Act of
23 the 93rd General Assembly.

24 (70 ILCS 1005/0.09 new)

25 Sec. 0.09. Cross references. Beginning on January 1, 2005,
26 all references in other statutes, however phrased, to a
27 mosquito abatement district abolished under this amendatory
28 Act of the 93rd General Assembly shall be references to the
29 Northwest Mosquito Abatement District, the Des Plaines Valley
30 Mosquito Abatement District, or the City of Chicago, as
31 appropriate, in its capacity as successor to a mosquito
32 abatement district abolished under this amendatory Act of the
33 93rd General Assembly.

34 (70 ILCS 1005/0.10 new)

1 Sec. 0.10. Savings provisions.

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

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

33 (c) The transfer under this amendatory Act of the 93rd
34 General Assembly of assets, liabilities, rights, powers,
35 duties, and functions of a mosquito abatement district
36 abolished by this amendatory Act of the 93rd General Assembly

1 does not affect any person's rights, obligations, or duties,
2 including any civil or criminal penalties applicable thereto,
3 arising out of those transferred assets, liabilities, rights,
4 powers, duties, and functions.

5 (d) With respect to matters that pertain to an asset,
6 liability, right, power, duty, or function transferred to the
7 Northwest Mosquito Abatement District, the Des Plaines Valley
8 Mosquito Abatement District, or the City of Chicago under this
9 Act:

10 (1) Beginning January 1, 2005, a report or notice that
11 was previously required to be made or given by any person
12 to a mosquito abatement district abolished by this
13 amendatory Act of the 93rd General Assembly or any of its
14 officers, employees, or agents shall be made or given in
15 the same manner to the Northwest Mosquito Abatement
16 District, the Des Plaines Valley Mosquito Abatement
17 District, or the City of Chicago, as appropriate, or its
18 appropriate officer, employee, or agent.

19 (2) Beginning January 1, 2005, a document that was
20 previously required to be furnished or served by any person
21 to or upon a mosquito abatement district abolished by this
22 amendatory Act of the 93rd General Assembly or any of its
23 officers, employees, or agents shall be furnished or served
24 in the same manner to or upon the Northwest Mosquito
25 Abatement District, the Des Plaines Valley Mosquito
26 Abatement District, or the City of Chicago, as appropriate,
27 or its appropriate officer, employee, or agent.

28 (e) This amendatory Act of the 93rd General Assembly does
29 not affect any act done, ratified, or cancelled, any right
30 occurring or established, or any action or proceeding had or
31 commenced in an administrative, civil, or criminal cause before
32 January 1, 2005. Any such action or proceeding that pertains to
33 an asset, liability, right, power, duty, or function
34 transferred to the Northwest Mosquito Abatement District, the
35 Des Plaines Valley Mosquito Abatement District, or the City of
36 Chicago under this amendatory Act of the 93rd General Assembly

1 and that is pending on that date may be prosecuted, defended,
2 or continued by the Northwest Mosquito Abatement District, the
3 Des Plaines Valley Mosquito Abatement District, or the City of
4 Chicago, as appropriate.

5 (70 ILCS 1005/0.11 new)

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

11 (70 ILCS 1005/0.12 new)

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

18 (70 ILCS 1005/5) (from Ch. 111 1/2, par. 78)

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

25 (1) If the district lies wholly within a single township,
26 the board of trustees of that township shall appoint the
27 trustees for the district but no township official is eligible
28 for such appointment;

29 (2) If the district is not contained wholly within a single
30 township, but is located wholly within a single county, the
31 trustees for the district shall be appointed by the presiding
32 officer of the county board with the advice and consent of the
33 county board;

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

4 (4) If the district does not conform to any of the
5 foregoing classifications, the trustees for the district shall
6 be from each county in the district in numbers proportionate,
7 as nearly as practicable, to the number of residents of the
8 district who reside in each county in relation to the total
9 population of the district. Trustees shall be appointed by the
10 county board of their respective counties, or in the case of a
11 home rule county as defined by Article VII, Section 6 of the
12 Illinois Constitution, by the chief executive officer of that
13 county with the advice and consent of the county board.

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

35 Whenever a vacancy occurs in the board of trustees the
36 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 January 1, 2005, the President of the Cook County Board shall
6 appoint 2 additional members to the board of trustees of the
7 Northwest Mosquito Abatement District and the Des Plaines
8 Valley Mosquito Abatement District, respectively. The trustees
9 appointed under this Section shall hold office until the second
10 Monday in December 2006 and until their successors are
11 appointed and qualified. Thereafter a trustee shall be
12 appointed under this Section in every year in which the term of
13 a trustee appointed under this Section expires and shall hold
14 office for 4 years and until his or her successor is appointed
15 and qualified.

16 If this Section conflicts with any other provision of this
17 Act, this Section controls. Any other provision of this Act
18 concerning trustees applies to the trustees appointed under
19 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 year.

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

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

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

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

19 (60 ILCS 1/30-170)

20 Sec. 30-170. Mosquito abatement district.

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

24 (a-5) Notwithstanding any other provision of this Code, as
25 provided in Section 0.03 of the Mosquito Abatement District
26 Act, on January 1, 2005 the North Shore Mosquito Abatement
27 District and the South Cook County Mosquito Abatement District
28 are abolished. No new mosquito abatement districts may be
29 organized in counties with a population of 3,000,000 or more on
30 or after January 1, 2005.

31 (b) The township board may adopt a resolution declaring the
32 unincorporated area of the township a mosquito abatement
33 district for tax purposes. Proof of the resolution authorizes
34 the county clerk to extend a tax upon the mosquito abatement

1 district in the amount specified in the annual township tax
2 levy, but not more than a rate of 0.075% of the value of
3 taxable property as equalized or assessed by the Department of
4 Revenue.

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

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

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

19 (d) If a majority of votes cast on the proposition is in
20 favor of the mosquito abatement district, the district shall be
21 created.

22 (e) Any territory within a mosquito abatement district that
23 is annexed to a municipality that provides mosquito abatement
24 services within its corporate limits shall be automatically
25 disconnected from the township mosquito abatement taxing
26 district.

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

28 Section 90. The State Mandates Act is amended by adding
29 Section 8.28 as follows:

30 (30 ILCS 805/8.28 new)

31 Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8
32 of this Act, no reimbursement by the State is required for the
33 implementation of any mandate created by this amendatory Act of
34 the 93rd General Assembly.

1 Section 99. This Act takes effect upon becoming law.

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