



Sen. Thomas Cullerton

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1 AMENDMENT TO SENATE BILL 2323

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2323 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing  
5 Section 5-1005 and adding Section 5-1005.1 as follows:

6 (55 ILCS 5/5-1005) (from Ch. 34, par. 5-1005)

7 Sec. 5-1005. Powers. Each county shall have power:

8 1. To purchase and hold the real and personal estate  
9 necessary for the uses of the county, and to purchase and  
10 hold, for the benefit of the county, real estate sold by  
11 virtue of judicial proceedings in which the county is  
12 plaintiff.

13 2. To sell and convey or lease any real or personal  
14 estate owned by the county.

15 3. To make all contracts and do all other acts in  
16 relation to the property and concerns of the county

1 necessary to the exercise of its corporate powers.

2 4. To take all necessary measures and institute  
3 proceedings to enforce all laws for the prevention of  
4 cruelty to animals.

5 5. To purchase and hold or lease real estate upon which  
6 may be erected and maintained buildings to be utilized for  
7 purposes of agricultural experiments and to purchase, hold  
8 and use personal property for the care and maintenance of  
9 such real estate in connection with such experimental  
10 purposes.

11 6. To cause to be erected, or otherwise provided,  
12 suitable buildings for, and maintain a county hospital and  
13 necessary branch hospitals and/or a county sheltered care  
14 home or county nursing home for the care of such sick,  
15 chronically ill or infirm persons as may by law be proper  
16 charges upon the county, or upon other governmental units,  
17 and to provide for the management of the same. The county  
18 board may establish rates to be paid by persons seeking  
19 care and treatment in such hospital or home in accordance  
20 with their financial ability to meet such charges, either  
21 personally or through a hospital plan or hospital  
22 insurance, and the rates to be paid by governmental units,  
23 including the State, for the care of sick, chronically ill  
24 or infirm persons admitted therein upon the request of such  
25 governmental units. Any hospital maintained by a county  
26 under this Section is authorized to provide any service and

1 enter into any contract or other arrangement not prohibited  
2 for a hospital that is licensed under the Hospital  
3 Licensing Act, incorporated under the General  
4 Not-For-Profit Corporation Act, and exempt from taxation  
5 under paragraph (3) of subsection (c) of Section 501 of the  
6 Internal Revenue Code.

7 7. To contribute such sums of money toward erecting,  
8 building, maintaining, and supporting any non-sectarian  
9 public hospital located within its limits as the county  
10 board of the county shall deem proper.

11 8. To purchase and hold real estate for the  
12 preservation of forests, prairies and other natural areas  
13 and to maintain and regulate the use thereof.

14 9. To purchase and hold real estate for the purpose of  
15 preserving historical spots in the county, to restore,  
16 maintain and regulate the use thereof and to donate any  
17 historical spot to the State.

18 10. To appropriate funds from the county treasury to be  
19 used in any manner to be determined by the board for the  
20 suppression, eradication and control of tuberculosis among  
21 domestic cattle in such county.

22 11. To take all necessary measures to prevent forest  
23 fires and encourage the maintenance and planting of trees  
24 and the preservation of forests.

25 12. To authorize the closing on Saturday mornings of  
26 all offices of all county officers at the county seat of

1 each county, and to otherwise regulate and fix the days and  
2 the hours of opening and closing of such offices, except  
3 when the days and the hours of opening and closing of the  
4 office of any county officer are otherwise fixed by law;  
5 but the power herein conferred shall not apply to the  
6 office of State's Attorney and the offices of judges and  
7 clerks of courts and, in counties of 500,000 or more  
8 population, the offices of county clerk.

9 13. To provide for the conservation, preservation and  
10 propagation of insectivorous birds through the expenditure  
11 of funds provided for such purpose.

12 14. To appropriate funds from the county treasury and  
13 expend the same for care and treatment of tuberculosis  
14 residents.

15 15. Except as provided in Section 5-1005.1, in ~~in~~  
16 counties having less than 1,000,000 inhabitants, to take  
17 all necessary or proper steps for the extermination of  
18 mosquitoes, flies or other insects within the county.

19 16. To install an adequate system of accounts and  
20 financial records in the offices and divisions of the  
21 county, suitable to the needs of the office and in  
22 accordance with generally accepted principles of  
23 accounting for governmental bodies, which system may  
24 include such reports as the county board may determine.

25 17. To purchase and hold real estate for the  
26 construction and maintenance of motor vehicle parking

1 facilities for persons using county buildings, but the  
2 purchase and use of such real estate shall not be for  
3 revenue producing purposes.

4 18. To acquire and hold title to real property located  
5 within the county, or partly within and partly outside the  
6 county by dedication, purchase, gift, legacy or lease, for  
7 park and recreational purposes and to charge reasonable  
8 fees for the use of or admission to any such park or  
9 recreational area and to provide police protection for such  
10 park or recreational area. Personnel employed to provide  
11 such police protection shall be conservators of the peace  
12 within such park or recreational area and shall have power  
13 to make arrests on view of the offense or upon warrants for  
14 violation of any of the ordinances governing such park or  
15 recreational area or for any breach of the peace in the  
16 same manner as the police in municipalities organized and  
17 existing under the general laws of the State. All such real  
18 property outside the county shall be contiguous to the  
19 county and within the boundaries of the State of Illinois.

20 19. To appropriate funds from the county treasury to be  
21 used to provide supportive social services designed to  
22 prevent the unnecessary institutionalization of elderly  
23 residents, or, for operation of, and equipment for, senior  
24 citizen centers providing social services to elderly  
25 residents.

26 20. To appropriate funds from the county treasury and

1 loan such funds to a county water commission created under  
2 the "Water Commission Act", approved June 30, 1984, as now  
3 or hereafter amended, in such amounts and upon such terms  
4 as the county may determine or the county and the  
5 commission may agree. The county shall not under any  
6 circumstances be obligated to make such loans. The county  
7 shall not be required to charge interest on any such loans.

8 21. To appropriate and expend funds from the county  
9 treasury for economic development purposes, including the  
10 making of grants to any other governmental entity or  
11 commercial enterprise deemed necessary or desirable for  
12 the promotion of economic development in the county.

13 22. To lease space on a telecommunications tower to a  
14 public or private entity.

15 23. In counties having a population of 100,000 or less  
16 and a public building commission organized by the county  
17 seat of the county, to cause to be erected or otherwise  
18 provided, and to maintain or cause to be maintained,  
19 suitable facilities to house students pursuing a  
20 post-secondary education at an academic institution  
21 located within the county. The county may provide for the  
22 management of the facilities.

23 All contracts for the purchase of coal under this Section  
24 shall be subject to the provisions of "An Act concerning the  
25 use of Illinois mined coal in certain plants and institutions",  
26 filed July 13, 1937, as amended.

1 (Source: P.A. 95-197, eff. 8-16-07; 95-813, eff. 1-1-09;  
2 96-622, eff. 8-24-09.)

3 (55 ILCS 5/5-1005.1 new)

4 Sec. 5-1005.1. Mosquito abatement activities by DuPage  
5 County. On the effective date of this amendatory Act of the  
6 99th General Assembly, DuPage County shall discontinue all  
7 mosquito abatement activities and all the rights, powers,  
8 duties, assets, property, liabilities, obligations, and  
9 responsibilities of DuPage County in relation to mosquito  
10 abatement shall vest in and be assumed by the mosquito  
11 abatement districts created in paragraph (4) of Section 11a of  
12 the Mosquito Abatement District Act. Nothing in this Section  
13 shall be construed to prevent DuPage County from leasing or  
14 selling mosquito abatement-related equipment or supplies to  
15 one or more townships.

16 Section 10. The Township Code is amended by changing  
17 Sections 30-170 and 105-20 as follows:

18 (60 ILCS 1/30-170)

19 Sec. 30-170. Mosquito abatement district.

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

23 (b) The township board may adopt a resolution declaring the

1 unincorporated area of the township a mosquito abatement  
2 district for tax purposes. Proof of the resolution authorizes  
3 the county clerk to extend a tax upon the mosquito abatement  
4 district in the amount specified in the annual township tax  
5 levy, but not more than a rate of 0.075% of the value of  
6 taxable property as equalized or assessed by the Department of  
7 Revenue.

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

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

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

22 (d) If a majority of votes cast on the proposition is in  
23 favor of the mosquito abatement district, the district shall be  
24 created.

25 (e) Any territory within a mosquito abatement district that  
26 is annexed to a municipality that provides mosquito abatement

1 services within its corporate limits shall be automatically  
2 disconnected from the township mosquito abatement taxing  
3 district.

4 (f) Beginning on the effective date of this amendatory Act  
5 of the 99th General Assembly, this Section shall not apply to  
6 the extent it conflicts with Section 11a of the Mosquito  
7 Abatement District Act.

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

9 (60 ILCS 1/105-20)

10 Sec. 105-20. Mosquito control and abatement.

11 (a) Except as provided in subsection (b) of this Section,  
12 the ~~The~~ township board may provide for mosquito control and  
13 abatement or may enter into contractual agreements with  
14 counties or with any public or private entity for purposes of  
15 mosquito control and mosquito abatement activities.

16 (b) On the effective date of this amendatory Act of the  
17 99th General Assembly, all townships within DuPage County shall  
18 discontinue all mosquito abatement activities to the extent  
19 they conflict with the provisions of Section 11a of the  
20 Mosquito Abatement District Act.

21 (Source: P.A. 82-783; 88-62.)

22 Section 15. The Illinois Municipal Code is amended by  
23 adding Section 11-20-8.5 as follows:

1 (65 ILCS 5/11-20-8.5 new)

2 Sec. 11-20-8.5. Mosquito abatement activities by  
3 municipalities within DuPage County. On the effective date of  
4 this amendatory Act of the 99th General Assembly, all  
5 municipalities within DuPage County shall discontinue all  
6 mosquito abatement activities and all the rights, powers,  
7 duties, assets, property, liabilities, obligations, and  
8 responsibilities of the municipalities in relation to mosquito  
9 abatement shall vest in and be assumed by the mosquito  
10 abatement districts created in paragraph (4) of Section 11a of  
11 the Mosquito Abatement District Act. Nothing in this Section  
12 shall be construed to prevent a municipality from leasing or  
13 selling mosquito abatement-related equipment or supplies to  
14 one or more townships.

15 A home rule municipality within DuPage County may not  
16 perform mosquito abatement activities. This Section is a denial  
17 and limitation of home rule powers and functions under  
18 subsection (g) of Section 6 of Article VII of the Illinois  
19 Constitution.

20 Section 20. The Mosquito Abatement District Act is amended  
21 by adding Section 11a as follows:

22 (70 ILCS 1005/11a new)

23 Sec. 11a. Dissolution of DuPage County mosquito abatement  
24 districts. On the effective date of this amendatory Act of the

1 99th General Assembly:

2 (1) all mosquito abatement districts in DuPage County  
3 are dissolved and discontinued and all the rights, powers,  
4 duties, assets, property, liabilities, obligations, and  
5 responsibilities of each mosquito abatement district shall  
6 vest in and be assumed by the township in which the  
7 mosquito abatement district is located. If the mosquito  
8 abatement district is located in more than one township,  
9 each township which contains any part of the mosquito  
10 abatement district shall assume the rights, powers,  
11 duties, assets, property, liabilities, obligations, and  
12 responsibilities of that part of the mosquito abatement  
13 district located within its territory. If a parcel of  
14 property owned by the mosquito abatement district is  
15 located in more than one township, all townships in which  
16 any portion of the property lies shall determine and agree  
17 on the use or dividing of the property; and if all  
18 townships in which any portion of the property lies cannot  
19 agree on the use or dividing of the property then the  
20 county board shall determine the use or dividing of the  
21 property;

22 (2) all trustees of a dissolved mosquito abatement  
23 district shall cease to hold office. Each district board of  
24 trustees created under paragraph (4) shall exercise all  
25 duties and responsibilities of the trustees of each  
26 dissolved mosquito abatement district or part of a district

1 for which a township assumed responsibility;

2 (3) each township board of trustees shall assume all  
3 taxing authority of each dissolved mosquito abatement  
4 district or part of a district dissolved for which a  
5 township assumed responsibility under this Section; and

6 (4) new mosquito abatement districts are created in  
7 each township of DuPage County. In each township of DuPage  
8 County, the supervisor, assessor, and highway  
9 commissioner, or their designees, shall serve as the board  
10 of the mosquito abatement district in that township. Each  
11 mosquito abatement district created under this Section,  
12 and each board created under this paragraph (4), shall have  
13 all the rights, powers, duties, obligations, and  
14 responsibilities of any mosquito abatement district or  
15 board created under this Act including, but not limited to,  
16 the ability to levy and collect taxes under this Act."