



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2938

Introduced 1/31/2024, by Sen. Laura Fine

SYNOPSIS AS INTRODUCED:

70 ILCS 1005/7
70 ILCS 1005/10

from Ch. 111 1/2, par. 80
from Ch. 111 1/2, par. 83

Amends the Mosquito Abatement District Act. Provides that the board of trustees of a mosquito abatement district shall have power to take all necessary or proper steps for the surveillance, monitoring, and extermination of mosquitoes, flies, ticks, and vectors within the district (rather than for the extermination of mosquitoes, flies and other insects within the district), and, subject to the paramount control of the municipal or other public authorities, to abate as nuisances all stagnant pools of water and other breeding places for mosquitoes, flies, ticks, and vectors (rather than mosquitoes and other insects) within the district. Provides that a district may annex territory by ordinance whenever a mosquito abatement district operating within territory predominantly in a municipality or 2 or more municipalities that would become coterminous or nearly coterminous with the municipality or municipalities upon the annexation of additional territory within the municipality or municipalities (rather than whenever a mosquito abatement district contains over 90% of territory of a specific city or village, the mosquito abatement district may annex additional adjacent and contiguous territory within that city or village). Requires the ordinance to describe the territory annexed together with an accurate map of the annexed territory and that, if the ordinance becomes effective 30 days after the date of publication or is approved by referendum, a copy of the ordinance shall be filed in the offices of the county clerk and recorder of each county in which the annexation takes place. Removes a prohibition to annexing territory until more than one year after territory has first been included in a municipality unless the territory annexed is 50 acres or less. Makes other changes.

LRB103 39143 AWJ 69286 b

1 AN ACT concerning local government.

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 7 and 10 as follows:

6 (70 ILCS 1005/7) (from Ch. 111 1/2, par. 80)

7 Sec. 7. The board of trustees of such district shall have
8 power to take all necessary or proper steps for the
9 surveillance, monitoring, and extermination of mosquitoes,
10 flies, ticks, and vectors ~~or other insects~~ within the
11 district, and, subject to the paramount control of the
12 municipal or other public authorities, to abate as nuisances
13 all stagnant pools of water and other breeding places for
14 mosquitoes, flies, ticks, and vectors ~~or other insects~~ within
15 the district; to purchase such supplies and materials and to
16 employ such labor and assistants as may be necessary or proper
17 in furtherance of the objects of this Act, and if necessary or
18 proper, in the furtherance of the same, to build, construct
19 and thereafter to repair and maintain necessary levees, cuts,
20 canals or channels upon any land within the district, and to
21 acquire by purchase, condemnation or other lawful means, in
22 the name of the district, any necessary lands, rights of way,
23 easements, property or material requisite or necessary for any

1 such purpose; to make contracts to indemnify or compensate any
2 owner of land or other property for any injury or damage
3 necessarily caused by the exercise of the powers of this Act
4 conferred or arising out of the use, taking or damage of such
5 property for any such purposes, and generally to do any and all
6 things necessary or incident to the powers hereby granted and
7 to carry out the objects specified herein. As used in this
8 Section, "vector" means arthropods, rats, mice, birds, or
9 other animals capable of carrying disease-producing organisms
10 to a human or animal host but does not include animals that
11 transmit disease to humans only when used as human food.

12 (Source: Laws 1927, p. 694.)

13 (70 ILCS 1005/10) (from Ch. 111 1/2, par. 83)

14 Sec. 10. Any territory lying adjacent and contiguous to a
15 mosquito abatement district, and not part of another mosquito
16 abatement district, may be annexed to such district in the
17 following manner:

18 (a) Upon petition in writing, describing the territory
19 proposed to be annexed and signed by a majority of the legal
20 voters in such territory and by the owners of more than half of
21 the taxable property in such territory as shown by the last
22 ascertained equalized value of the taxable property in such
23 territory, being filed with the trustees of such mosquito
24 abatement district, such trustees may annex such territory by
25 a resolution which shall be published at least once in a

1 newspaper having a general circulation in the territory and
2 shall include a notice of (1) the specific number of voters
3 required to sign a petition requesting that the question of
4 the adoption of the resolution be submitted to the electors of
5 the territory; (2) the time in which the petition must be
6 filed; and (3) the date of the prospective referendum. The
7 county clerk of the county in which the territory is situated
8 shall provide a petition form to any individual requesting
9 one. The resolution shall be effective 30 days from the date of
10 publication and is subject to a referendum, if such referendum
11 is requested, prior to the effective date of the resolution,
12 by the voters in the district equal to 10% or more of the
13 registered voters in the district. Such trustees may also
14 order the question of the annexation of such territory to be
15 submitted to the legal voters of such district at a regular
16 election therein by certifying the question to the proper
17 election officials. Notice of such election shall be given and
18 the election conducted in the manner provided by the general
19 election law. The proposition shall be stated, "Shall the
20 territory (describing it) be annexed to The Mosquito
21 Abatement District?" If the majority of all the votes cast on
22 the question is in favor of such annexation, the board of
23 trustees shall so certify to the county clerk, and within ten
24 days of such election the trustees by an order duly entered
25 upon their records shall annex such territory to the district
26 and shall file a map of the annexed territory in the office of

1 the county clerk of the county where the annexed territory is
2 situated. Thereupon such territory shall be deemed annexed to
3 and shall be a part of such mosquito abatement district.

4 (b) Whenever a mosquito abatement district operating
5 within territory predominantly in a municipality or 2 or more
6 municipalities that would become coterminous or nearly
7 coterminous with the municipality or municipalities upon the
8 annexation of additional territory within the municipality or
9 municipalities ~~contains over 90% of territory of a specific~~
10 ~~city or village, the mosquito abatement district may annex~~
11 ~~additional adjacent and contiguous territory within that city~~
12 ~~or village, but not incorporated within a mosquito abatement~~
13 ~~district, the mosquito abatement district may annex the~~
14 additional territory by the passage of an ordinance to that
15 effect. The ordinance shall describe the territory annexed
16 together with an accurate map of the annexed territory.

17 The ordinance authorizing the annexation shall be
18 published within 10 days after the ordinance has been adopted,
19 in one or more newspapers having a general circulation within
20 the territory. The publication of the ordinance shall be
21 accompanied by a notice of (1) the specific number of voters
22 required to sign a petition requesting the question of
23 annexation; (2) the time within which the petition must be
24 filed; and (3) the date of the prospective referendum. The
25 county clerk of the county in which the territory is situated
26 shall provide a petition form to any individual requesting

1 one.

2 The ordinance shall take effect 30 days after the date of
3 publication unless a referendum is requested prior to the
4 effective date of the ordinance by 10% or more of the
5 registered voters in the territory. The question of the
6 annexation of the territory may be submitted to the legal
7 voters of the territory at a regular election by certifying
8 the question to the proper election officials. Notice of the
9 election shall be given and the election conducted in the
10 manner provided by the general election law. The proposition
11 shall be stated, "Shall the territory (describing it) be
12 annexed to The Mosquito Abatement District?" If the
13 majority of ~~all the~~ votes cast on the question is in favor of
14 the annexation, the territory shall be deemed annexed to and
15 shall be a part of the mosquito abatement district. If the
16 ordinance becomes effective 30 days after the date of
17 publication or is approved by referendum, a copy of the
18 ordinance shall be filed in the offices of the county clerk and
19 recorder of each county in which the annexation takes place.

20 No territory may be annexed under this subsection ~~(i) more~~
21 ~~than one year after it has first been included in that city or~~
22 ~~village unless the territory so annexed is 50 acres or less or~~
23 ~~(ii)~~ if the annexation would expand the mosquito abatement
24 district's boundaries outside of a county unless the district
25 already contains territory in that county.

26 (Source: P.A. 95-664, eff. 10-11-07.)