



Sen. Laura Fine

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10300SB2938sam001

LRB103 39143 AWJ 71383 a

1 AMENDMENT TO SENATE BILL 2938

2 AMENDMENT NO. _____. Amend Senate Bill 2938 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Mosquito Abatement District Act is amended
5 by changing Sections 7, 8, 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 and monitoring of ticks and the surveillance,
10 monitoring, and extermination of mosquitoes and rats, ~~flies or~~
11 ~~other insects~~ within the district, and, subject to the
12 paramount control of the municipal or other public
13 authorities, to abate as nuisances all stagnant pools of water
14 and other breeding places for mosquitoes and rats, ~~flies or~~
15 ~~other insects~~ within the district; to purchase such supplies
16 and materials and to employ such labor and assistants as may be

1 necessary or proper in furtherance of the objects of this Act,
2 and if necessary or proper, in the furtherance of the same, to
3 build, construct and thereafter to repair and maintain
4 necessary levees, cuts, canals or channels upon any land
5 within the district, and to acquire by purchase, condemnation
6 or other lawful means, in the name of the district, any
7 necessary lands, rights of way, easements, property or
8 material requisite or necessary for any such purpose; to make
9 contracts to indemnify or compensate any owner of land or
10 other property for any injury or damage necessarily caused by
11 the exercise of the powers of this Act conferred or arising out
12 of the use, taking or damage of such property for any such
13 purposes, and generally to do any and all things necessary or
14 incident to the powers hereby granted and to carry out the
15 objects specified herein.

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

17 (70 ILCS 1005/8) (from Ch. 111 1/2, par. 81)

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

25 The board of trustees of any mosquito abatement district,

1 or its designee, shall conduct routine surveillance of vectors
2 ~~mosquitoes~~ to detect the presence of vector-borne
3 ~~mosquito-borne~~ diseases of public health significance. The
4 surveillance shall be conducted in accordance with mosquito
5 abatement and control guidelines as set forth by the U.S.
6 Centers for Disease Control and Prevention. Areas reporting
7 disease in humans shall be included in the surveillance
8 activities. Mosquito abatement districts shall report to the
9 local certified public health department and the Department of
10 Public Health the results of any positive mosquito or tick
11 samples infected with any arboviral or bacterial infections,
12 including, but not limited to: West Nile Virus, St. Louis
13 Encephalitis, ~~and~~ Eastern Equine Encephalitis, Borrelia
14 burgdorferi, rickettsia species, ehrlichia species, and other
15 vector-borne diseases. Reports shall be made to the local
16 certified public health department's director of environmental
17 health, or a designee of the department, within 24 hours after
18 receiving a positive report. The report shall include the type
19 of infection, the number of mosquitoes collected in the
20 trapping device, the type of trapping device used, and the
21 type of laboratory testing used to confirm the infection. Any
22 trustee of a mosquito abatement district, or designee of the
23 board of trustees of a mosquito abatement district, that fails
24 to comply with the requirements of this Act is guilty of a
25 Class A Misdemeanor.

26 As used in this Section, "vector" means arthropods,

1 rodents, including rats and mice, birds, or other animals
2 capable of carrying disease-producing organisms to a human or
3 animal host. "Vector" does not include animals that transmit
4 disease to humans only when used as human food.

5 (Source: P.A. 93-734, eff. 7-14-04.)

6 (70 ILCS 1005/10) (from Ch. 111 1/2, par. 83)

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

11 (a) Upon petition in writing, describing the territory
12 proposed to be annexed and signed by a majority of the legal
13 voters in such territory and by the owners of more than half of
14 the taxable property in such territory as shown by the last
15 ascertained equalized value of the taxable property in such
16 territory, being filed with the trustees of such mosquito
17 abatement district, such trustees may annex such territory by
18 a resolution which shall be published at least once in a
19 newspaper having a general circulation in the territory and
20 shall include a notice of (1) the specific number of voters
21 required to sign a petition requesting that the question of
22 the adoption of the resolution be submitted to the electors of
23 the territory; (2) the time in 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

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

23 (b) Whenever a mosquito abatement district operating
24 within territory predominantly in a municipality or 2 or more
25 municipalities that would become coterminous or nearly
26 coterminous with the municipality or municipalities upon the

1 annexation of additional territory within the municipality or
2 municipalities ~~contains over 90% of territory of a specific~~
3 ~~city or village, the mosquito abatement district may annex~~
4 ~~additional adjacent and contiguous territory within that city~~
5 ~~or village, but not incorporated within a mosquito abatement~~
6 district, the mosquito abatement district may annex the
7 additional territory by the passage of an ordinance to that
8 effect. The ordinance shall describe the territory annexed
9 together with an accurate map of the annexed territory.

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

21 The ordinance shall take effect 30 days after the date of
22 publication unless a referendum is requested prior to the
23 effective date of the ordinance by 10% or more of the
24 registered voters in the territory. The question of the
25 annexation of the territory may be submitted to the legal
26 voters of the territory at a regular election by certifying

1 the question to the proper election officials. Notice of the
2 election shall be given and the election conducted in the
3 manner provided by the general election law. The proposition
4 shall be stated, "Shall the territory (describing it) be
5 annexed to The Mosquito Abatement District?" If the
6 majority of ~~all the~~ votes cast on the question is in favor of
7 the annexation, the territory shall be deemed annexed to and
8 shall be a part of the mosquito abatement district. If the
9 ordinance becomes effective 30 days after the date of
10 publication or is approved by referendum, a copy of the
11 ordinance shall be filed in the offices of the county clerk and
12 recorder of each county in which the annexation takes place.

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

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