

AN ACT concerning local government.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Mosquito Abatement District Act is amended by changing Sections 7, 8, and 10 as follows:

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

Sec. 7. The board of trustees of such district shall have power to take all necessary or proper steps for the surveillance and monitoring of ticks and the surveillance, monitoring, and extermination of mosquitoes and rats,~~flies or 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 and rats,~~flies or other insects~~ within the district; to purchase such supplies and materials and to employ such labor and assistants as may be necessary or proper in furtherance of the objects of this Act, and if necessary or proper, in the furtherance of the same, to build, construct and thereafter to repair and maintain necessary levees, cuts, canals or channels upon any land within the district, and to acquire by purchase, condemnation or other lawful means, in the name of the district, any necessary lands, rights of way, easements, property or

material requisite or necessary for any such purpose; to make contracts to indemnify or compensate any owner of land or other property for any injury or damage necessarily caused by the exercise of the powers of this Act conferred or arising out of the use, taking or damage of such property for any such purposes, and generally to do any and all things necessary or incident to the powers hereby granted and to carry out the objects specified herein.

(Source: Laws 1927, p. 694.)

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

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

The board of trustees of any mosquito abatement district, or its designee, for the limited purposes of cooperation with the Department, shall conduct routine surveillance of Department-identified vectors ~~mosquitoes~~ to detect the presence of vector-borne ~~mosquito-borne~~ diseases of public health significance. The surveillance required by the Department under this Section does not grant a mosquito abatement district any greater independent authority to

monitor and exterminate than those powers granted in Section 7, and a mosquito abatement district, or its designee, shall notify a forest preserve district or conservation district prior to or within 48 hours after accessing the respective forest preserve district's or conservation district's land for surveillance required by the Department. This notification requirement does not apply to mosquitoes, rats, or tick surveillance performed by the mosquito abatement district or its designee. The surveillance shall be conducted in accordance with mosquito abatement and control guidelines as set forth by the U.S. Centers for Disease Control and Prevention. Areas reporting disease in humans shall be included in the surveillance activities. Mosquito abatement districts shall report to the local certified public health department and the Department the results of any positive mosquito, tick, or vector samples infected with any arboviral or bacterial infections, including, but not limited to: West Nile Virus, St. Louis Encephalitis, ~~and~~ Eastern Equine Encephalitis, Borrelia burgdorferi, rickettsia species, ehrlichia species, and other vector-borne diseases. Reports shall be made to the local certified public health department's director of environmental health, or a designee of the department, within 24 hours after receiving a positive report. The report shall include the type of infection, the number of vectors ~~mosquitoes~~ collected in the trapping device, the type of trapping device used, and the type of laboratory

testing used to confirm the infection. Any trustee of a mosquito abatement district, or designee of the board of trustees of a mosquito abatement district, that fails to comply with the requirements of this Act is guilty of a Class A Misdemeanor.

As used in this Section:

"Department" means the Department of Public Health.

"Vector" means any of the following that have been identified by the Department as necessary to be surveilled by a mosquito abatement district for the purposes of supporting the Department's mandate to investigate the causes of dangerously contagious or infectious diseases: arthropods, rodents, including rats and mice, birds, or other animals capable of carrying disease-producing organisms to a human or animal host. "Vector" does not include animals that transmit disease to humans only when used as human food.

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

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

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

(a) Upon petition in writing, describing the territory proposed to be annexed and signed by a majority of the legal voters in such territory and by the owners of more than half of

the taxable property in such territory as shown by the last ascertained equalized value of the taxable property in such territory, being filed with the trustees of such mosquito abatement district, such trustees may annex such territory by a resolution which shall be published at least once in a newspaper having a general circulation in the territory and shall include a notice of (1) the specific number of voters required to sign a petition requesting that the question of the adoption of the resolution be submitted to the electors of the territory; (2) the time in which the petition must be filed; and (3) the date of the prospective referendum. The county clerk of the county in which the territory is situated shall provide a petition form to any individual requesting one. The resolution shall be effective 30 days from the date of publication and is subject to a referendum, if such referendum is requested, prior to the effective date of the resolution, by the voters in the district equal to 10% or more of the registered voters in the district. Such trustees may also order the question of the annexation of such territory to be submitted to the legal voters of such district at a regular election therein by certifying the question to the proper election officials. Notice of such election shall be given and the election conducted in the manner provided by the general election law. The proposition shall be stated, "Shall the territory (describing it) be annexed to The Mosquito Abatement District?" If the majority of all the votes cast on

the question is in favor of such annexation, the board of trustees shall so certify to the county clerk, and within ten days of such election the trustees by an order duly entered upon their records shall annex such territory to the district and shall file a map of the annexed territory in the office of the county clerk of the county where the annexed territory is situated. Thereupon such territory shall be deemed annexed to and shall be a part of such mosquito abatement district.

(b) 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 ~~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,~~ but not incorporated within a mosquito abatement district, the mosquito abatement district may annex the additional territory by the passage of an ordinance to that effect. The ordinance shall describe the territory annexed together with an accurate map of the annexed territory.

The ordinance authorizing the annexation shall be published within 10 days after the ordinance has been adopted, in one or more newspapers having a general circulation within the territory. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters

required to sign a petition requesting the question of annexation; (2) the time within which the petition must be filed; and (3) the date of the prospective referendum. The county clerk of the county in which the territory is situated shall provide a petition form to any individual requesting one.

The ordinance shall take effect 30 days after the date of publication unless a referendum is requested prior to the effective date of the ordinance by 10% or more of the registered voters in the territory. The question of the annexation of the territory may be submitted to the legal voters of the territory at a regular election by certifying the question to the proper election officials. Notice of the election shall be given and the election conducted in the manner provided by the general election law. The proposition shall be stated, "Shall the territory (describing it) be annexed to The Mosquito Abatement District?" If the majority of ~~all the~~ votes cast on the question is in favor of the annexation, the territory shall be deemed annexed to and shall be a part of the mosquito abatement district. 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.

No territory may be annexed under this subsection ~~(i) more than one year after it has first been included in that city or~~

Public Act 103-0932

SB2938 Enrolled

LRB103 39143 AWJ 69286 b

~~village unless the territory so annexed is 50 acres or less or~~
~~(ii)~~ if the annexation would expand the mosquito abatement
district's boundaries outside of a county unless the district
already contains territory in that county.

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