



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB0307

Introduced 01/31/11, by Rep. Michael W. Tryon

SYNOPSIS AS INTRODUCED:

70 ILCS 605/12-7

from Ch. 42, par. 12-7

Amends the Illinois Drainage Code. In provisions imposing penalties for the destruction or removal of drainage tiles, provides that the penalties do not apply to a person or entity that obstructs, destroys, or removes agricultural drainage tile located on that person's or entity's property after a licensed hydrological engineer or other professional with similar qualifications determines that the obstruction, destruction, or removal of the agricultural drainage tile will not adversely impact water runoff in the drainage district. Effective immediately.

LRB097 06802 RLJ 46893 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 Illinois Drainage Code is amended by
5 changing Section 12-7 as follows:

6 (70 ILCS 605/12-7) (from Ch. 42, par. 12-7)

7 Sec. 12-7. Penalty for obstructing or injuring drain,
8 drainage structure, levee or pumping plant. Whoever wilfully
9 obstructs, injures or destroys any covered drain constructed
10 through the lands of others as provided in Section 2-6 ~~2-6~~ of
11 this Act, or any other drain, levee, drainage structure or
12 pumping plant, whether private, mutual or district, is guilty
13 of a Class A misdemeanor. The dumping of trash, refuse or
14 debris into an open drain shall be treated and considered as
15 obstructing a drain.

16 The pollution of the water of any drain of any drainage
17 district shall be considered an injury to such drain, within
18 the meaning of this Section. Pollution shall be deemed to be
19 wilful, within the meaning of this Section, if the person, firm
20 or corporation responsible for such pollution shall allow the
21 same to continue for more than 60 days after written notice
22 from the commissioners to abate the same.

23 Whoever wilfully cuts or breaches any private, mutual or

1 district levee is guilty of a Class 3 felony.

2 Any fines collected under this Section for the obstruction,
3 injury or destruction of a district drain, drainage structure
4 or pumping plant or for the cutting or breaching of any
5 district levee shall be paid over to the district.

6 In addition to the criminal penalty imposed by this
7 Section, whoever wilfully or negligently obstructs, injures,
8 cuts, breaches or destroys a private, mutual or district drain
9 or drainage structure, levee or pumping plant is liable for the
10 cost of repairing or reconstructing the same and for any damage
11 to lands, crops or other property that may have resulted
12 therefrom.

13 This Section does not apply to a person or entity that
14 obstructs, destroys, or removes agricultural drainage tile
15 located on that person's or entity's property after a licensed
16 hydrological engineer or other professional with similar
17 qualifications determines that the obstruction, destruction,
18 or removal of the agricultural drainage tile will not adversely
19 impact water runoff in the district.

20 (Source: P.A. 77-2405.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.