Sixty-fourth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2251

Introduced by

Senators O'Connell, Axness, Luick

Representatives Hunskor, M. Nelson

A BILL for an Act to amend and reenact section 38-08-16 of the North Dakota Century Code, relating to the enforcement of laws relating to the conservation of oil and gas.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 38-08-16 of the North Dakota Century Code is amended and reenacted as follows:

38-08-16. Civil and criminal penalties.

1. The director of the department of mineral resources shall enforce vigorously all laws, including rules and orders concerning the conservation of oil and gas under this chapter on behalf of the commission. Any person who violates any provision of this chapter, or any rule, regulation, or order of the commission is subject to a civil penalty to be imposed by the commission not to exceed twelve thousand five hundred dollars for each offense, and each day's violation is a separate offense, unless the penalty for the violation is otherwise specifically provided for and made exclusive in this chapter. The amount of civil penalty may not be less than the cost of enforcement and remedying the violation unless limited by this section. Any ~~such~~ civil penalty may be compromised by the commission but only after the full amount of the penalty has been deposited with the commission and if the violation is found to be the direct result of a circumstance beyond the control of the violator. All amounts paid as civil penalties must be deposited in the abandoned oil and gas well plugging and site reclamation fund. The penalties provided in this section, if not paid, are recoverable by suit filed by the attorney general in the name and on behalf of the commission, in the district court of the county in which the defendant resides, or in which any defendant resides, if there be more than one defendant, or in the district court of any county in which the violation occurred. The payment of the penalty may not operate to legalize any illegal

oil, illegal gas, or illegal product involved in the violation for which the penalty is imposed, or to relieve a person on whom the penalty is imposed from liability to any other person for damages arising out of the violation. The commission may not release any bond required by law which has been paid by a violator until any civil penalty imposed is paid to the commission.

2. Notwithstanding any of the other provisions of this section, a person who willfully violates any provision of this chapter, or any rule or order of the commission that pertains to the prevention or control of pollution or waste is guilty of a class C felony unless the penalty for the violation is otherwise specifically provided for and made exclusive in this chapter. The criminal penalty provided for in this subsection may only be imposed by a court of competent jurisdiction.