

Sixty-third
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1061

Introduced by

Energy and Natural Resources Committee

(At the request of the State Engineer)

1 A BILL for an Act to amend and reenact section 61-03-23 of the North Dakota Century Code,
2 relating to penalties for violation of provisions for the appropriation of water; and to declare an
3 emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 61-03-23 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **61-03-23. Penalties - Civil.**

8 In addition to criminal sanctions that may be imposed pursuant to law, a person who
9 knowingly violates any provision of this title or any rules adopted under this title may be
10 assessed a civil penalty not to exceed ~~five~~fifteen thousand dollars for each day the violation
11 occurred and continues to occur and may be required by the state engineer to forfeit any right to
12 the use of water. The civil penalty or forfeiture of a right to use water may be adjudicated by the
13 courts or by the state engineer through an administrative hearing under chapter 28-32.

14 If a civil penalty levied by the state engineer after an administrative hearing is not paid
15 within thirty days after a final determination that the civil penalty is owed, the civil penalty may
16 be assessed against the property of the landowner responsible for the violation leading to the
17 assessment of the penalty. The assessment must be collected as other assessments made
18 under this title are collected. Notwithstanding the provisions of section 57-20-22, all interest and
19 penalties due on the assessment must be paid to the state. Any civil penalty assessed under
20 this section must be in addition to any costs incurred by the state engineer for enforcement of
21 the order.

22 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.