

REFERENCE TITLE: technical correction; oil; gas; enforcement

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1071

Introduced by
Senator Fann

AN ACT

AMENDING SECTION 27-524, ARIZONA REVISED STATUTES; RELATING TO PRODUCTION AND CONSERVATION OF OIL AND GAS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 27-524, Arizona Revised Statutes, is amended to
3 read:

4 27-524. Enforcement

5 A. When it appears that a person is violating or threatening to
6 violate any provision of this article, or a rule, ~~regulation~~ or order made
7 pursuant to this article, and such person fails or refuses, on notice by
8 the commissioner, to desist from such violation or threat of violation,
9 the commissioner may bring an action in the superior court **IN THE COUNTY**
10 where the offending person resides, or in the county in which **THE**
11 violation is alleged to have occurred or is threatened, to restrain the
12 person from continuing the violation or from carrying out a threat of
13 violation.

14 B. The commissioner may without bond obtain a prohibitory or
15 mandatory injunction, including a temporary restraining order and
16 preliminary injunction, and, where appropriate, an injunction restraining
17 **THE** defendant from moving or disposing of illegal oil or gas or **AN** illegal
18 product. ~~upon~~ **ON** filing the action, **A** summons directed to such person may
19 be delivered to the sheriff of any county in this state for service.

20 C. If the commissioner fails to bring **AN** action within ten days to
21 enjoin a threatened or actual violation of any statute relating to
22 conservation of oil and gas, or of any provision of this article, or a
23 rule, ~~regulation~~ or order made pursuant to this article, any person or
24 party in interest adversely affected by the threatened or actual violation
25 who has notified the commissioner in writing thereof and requested the
26 commissioner to file the action may bring the action in the superior court
27 ~~of~~ **IN** any county in which the commissioner might have brought the action
28 to prevent the threatened or actual violation. The commissioner shall be
29 made a party to the action.

30 D. If the court orders that injunctive relief be granted, then the
31 commissioner shall be substituted for the person who brought the action,
32 and the injunction shall issue as if the commissioner had at all times
33 been **THE** plaintiff.

34 E. The owner or operator is responsible for the full cost of
35 plugging each dry or abandoned well. If the owner or operator fails to
36 properly plug and abandon the well, the commission may:

37 1. Forfeit the bond and use the money for that purpose.

38 2. Sue the owner or operator for costs in excess of the amount of
39 the bond and the owner or operator is liable for that amount.