

Sixty-third  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1352**

Introduced by

Representatives Hunskor, Drovdal, Monson, Trottier

Senators Andrist, Hogue, Laffen, O'Connell

1 A BILL for an Act to create and enact a new section to chapter 38-11.1 and a new section to  
2 chapter 47-16 of the North Dakota Century Code, relating to mediation of mineral developer and  
3 surface owner disputes and resolution of title disputes.

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

5 **SECTION 1.** A new section to chapter 38-11.1 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Mediation of disputes.**

8 Within one year after a compensation offer made under section 38-11.1-08 is rejected,  
9 either the mineral developer or surface owner may ~~require the parties to submit the matter to~~  
10 ~~mediation. If a mediation is required under this section, the parties may agree on the selection~~  
11 ~~of a civil mediator from the statewide alternative dispute resolution neutral roster. If the parties~~  
12 ~~fail to agree on a mediator within thirty days after a party has required mediation, the parties~~  
13 ~~shall submit the matter to the North Dakota mediation service. Each party to the mediation shall~~  
14 ~~pay an equal portion of the compensation of the mediator.~~ involve the North Dakota mediation  
15 service or other civil mediator. Involvement of a mediator may comply with Rule 8.8 of the North  
16 Dakota Rules of Court for purposes of alternative dispute resolution compliance. The cost of the  
17 mediator must be mediated between the parties. If the parties are unable to reach an  
18 agreement regarding the cost of the mediator through mediation, each party shall pay an equal  
19 portion of the mediator's compensation. The compensation of the mediator must be at least one  
20 hundred seventy dollars per hour.

21 **SECTION 2.** A new section to chapter 47-16 of the North Dakota Century Code is created  
22 and enacted as follows:

- 1     **Resolution of title disputes.**
- 2     If the mineral owner and mineral developer disagree over the mineral owner's ownership
- 3 interest in a spacing unit, the mineral developer shall furnish the mineral owner with a
- 4 description of the conflict and the proposed resolution or with that portion of the title opinion that
- 5 concerns the disputed interest.