

**SENATE BILL NO. 2335**

Introduced by

Senators Magrum, Dwyer, Paulson

1 A BILL for an Act to amend and reenact section 38-11.1-09 of the North Dakota Century Code,  
2 relating to the recovery of attorney's fees in an action relating to oil and gas production.

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

4 **SECTION 1. AMENDMENT.** Section 38-11.1-09 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **38-11.1-09. Rejection - Legal action - Fees and costs.**

7 If the person seeking compensation rejects the offer of the mineral developer, that person  
8 may bring an action for compensation in the court of proper jurisdiction. If the amount of  
9 compensation awarded by the court is greater than that which had been offered by the mineral  
10 developer, the court shall award the person seeking compensation reasonable attorney's fees,  
11 any costs ~~assessed by the court~~ and disbursements, all reasonable expert witness fees, and  
12 interest on the amount of the final compensation awarded by the court from the day drilling is  
13 commenced. The rate of interest awarded must be the prime rate charged by the Bank of North  
14 Dakota on the date of the judgment.