

**FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED 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 involve the North Dakota mediation service
10 or other civil mediator. Involvement of a mediator may comply with Rule 8.8 of the North Dakota
11 Rules of Court for purposes of alternative dispute resolution compliance. The cost of the
12 mediator must be mediated between the parties. If the parties are unable to reach an
13 agreement regarding the cost of the mediator through mediation, each party shall pay an equal
14 portion of the mediator's compensation. If the mediation is provided by the North Dakota
15 mediation service, compensation of the mediator must be the actual cost of the mediator to the
16 North Dakota mediation service.

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

19 **Resolution of title disputes.**

20 If the mineral owner and mineral developer disagree over the mineral owner's ownership
21 interest in a spacing unit, the mineral developer shall furnish the mineral owner with a
22 description of the conflict and the proposed resolution or with that portion of the title opinion that
23 concerns the disputed interest.