Prepared by the Legislative Council staff for
the House Judiciary Committee
February 14, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1510

Page 1, line 2, remove "or mineral developer"

Page 1, after line 7, insert:

"1."

Page 1, line 10, after the period, insert:

"2."

Page 1, line 11, after "owner" insert "before the start of the litigation"

Page 1, line 12, replace "deem" with "award"

Page 1, line 12, remove "the prevailing party that is entitled to"

Page 1, line 13, after the underscored period insert:

"3."

Page 1, line 14, after "developer" insert "to the surface owner before the start of the litigation"

Page 1, line 15, remove "as the prevailing party"

Page 1, line 15, remove "In addition to determining and awarding"

Page 1, line 16, remove "compensation"

Page 1, line 16, overstrike ", the court shall award the"

Page 1, line 16, remove "surface owner"

Page 1, line 17, overstrike "reasonable attorney's fees,"

Page 1, line 17, remove "and"

Page 1, line 17, overstrike "costs assessed by the court,"

Page 1, line 17, remove "not to exceed the total"

Page 1, line 18, replace "amount of compensation awarded by the court to the surface owner." with:

"4. If the surface owner rejects an offer of settlement made by the mineral developer after the start of the litigation and the amount of compensation awarded by the court to the surface owner is greater than the offer of settlement, the surface owner is entitled to an award of reasonable attorney's fees and costs assessed by the court.

5. Notwithstanding any provision of the North Dakota Rules of Civil Procedure, if the surface owner rejects an offer of settlement made by the mineral developer after the start of litigation, and the amount of compensation awarded by the court to the surface owner is less than the

offer of settlement, the surface owner is entitled to an award of reasonable attorney's fees and costs incurred by the surface owner before the date of the offer of settlement, but is not entitled to any award of reasonable attorney's fees and costs after the date the offer of settlement was made to the surface owner.

6."

Page 1, line 19, remove "over and above the amount offered by the"

Page 1, line 20, remove "mineral developer and"

Page 1, line 22, remove "If the mineral developer issues an offer of settlement under rule 68 of the North"

Page 1, remove lines 23 and 24

Page 2, remove lines 1 through 5

Renumber accordingly