

HOUSE BILL 1466
Testimony of Todd D. Kranda
House Energy and Natural Resources Committee

- February 9, 2023 –

Chairman Porter and members of the House Energy and Natural Resources Committee, for the record, my name is Todd D. Kranda, I am an attorney with the law firm of Kelsch Ruff Kranda Nagle & Ludwig in Mandan, ND. I am appearing before you as a lobbyist on behalf of the North Dakota Petroleum Council.

The North Dakota Petroleum Council represents more than 600 companies in all aspects of the oil and gas industry, including oil and gas production, refining, pipeline, transportation, mineral leasing, consulting, legal work, and oilfield service activities in ND.

The North Dakota Petroleum Council is in opposition to HB 1466. This Bill attempts to modify the existing law relating to the availability of an award of attorney's fees and costs with an eminent domain proceeding. The modification proposed within HB 1466 by the inclusion of the term "adjudicative" within the eminent domain statute would now greatly expand and include a possible recovery of attorney's fees and costs in an agency's administrative proceeding.

However, the modification is confusing and completely inappropriate because there is no eminent domain legal process involved within any administrative agency process. The change proposed within HB 1466 attempts to greatly expand and start the clock for possible recovery of attorney's fees and costs well in advance of an eminent domain proceeding, if any, is actually commenced. The effort to establish an opportunity to receive an award of

attorney's fees and costs for an agency's administrative proceeding which occurs far in advance of any eminent domain legal process simply is not reasonable.

In fact, there may never be an eminent domain legal process pursued for a project and yet this Bill would attempt to start to tally and award attorney's fees and costs at the administrative agency proceeding which may discourage parties from reaching a reasonable resolution of a matter and encourage eminent domain litigation.

Therefore, the changes proposed under HB 1466 are inappropriate and completely unnecessary and could actually promote on-going disputes leading to eminent domain litigation rather than resolution of the matter. For these reasons, the North Dakota Petroleum Council strongly opposes HB 1466 and urges a **Do Not Pass Recommendation**.

Thank you for the opportunity to provide this information. I would be happy to answer any questions.