

HOUSE BILL NO. 1466

Introduced by

Representatives Henderson, D. Anderson, Fisher, Hauck, Headland, Tveit

Senators Magrum, Weston, Wobbema

1 A BILL for an Act to amend and reenact section 32-15-32 of the North Dakota Century Code,
2 relating to costs to landowners in eminent domain adjudicative proceedings.

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

4 **SECTION 1. AMENDMENT.** Section 32-15-32 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **32-15-32. Costs.**

7 The court may in its discretion award to the defendant reasonable actual or statutory costs
8 or both, which may include interest from the time of taking except interest on the amount of a
9 deposit which is available for withdrawal without prejudice to right of appeal, costs on appeal,
10 and reasonable attorney's fees for all judicial and adjudicative proceedings. If the defendant
11 appeals and does not prevail, the costs on appeal may be taxed against the defendant. In all
12 cases when a new trial has been granted upon the application of the defendant and the
13 defendant has failed upon ~~such~~the trial to obtain greater compensation than was allowed the
14 defendant upon the first trial, the costs of ~~such~~the new trial shall be taxed against the
15 defendant.