

HOUSE BILL NO. 1403

Introduced by

Representatives Wrangham, Weisz

Senator Wardner

1 A BILL for an Act to amend and reenact section 49-09-04.2 of the North Dakota Century Code,
2 relating to the sale of railroad right of way.

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

4 **SECTION 1. AMENDMENT.** Section 49-09-04.2 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **49-09-04.2. Abandoned or surplus railroad right of way - Sale.**

- 7 1. When service is discontinued on any railroad right of way in the state and the
8 property is offered for sale, lease, exchange, or other disposal by the railroad or an
9 affiliated entity, the property must first be offered for public purposes.
- 10 2. If right-of-way property along abandoned rail lines is first offered for public
11 purposes and refused, the lessee operators of grain and potato warehouses
12 located on the property must be given the next option to purchase, lease,
13 exchange, or otherwise acquire the property described in their lease. Adjoining
14 agricultural landowners must thereafter be given the next option to acquire the
15 property adjoining their land.
- 16 3. When abandoned railroad right of way is offered for wildlife programs or projects,
17 the proposed acquisitions must first be approved by the board of county
18 commissioners of the county or counties in which the right of way is located under
19 section 20.1-02-17.1 if offered to the state game and fish department or under
20 section 20.1-02-18.1 if offered to the United States department of the interior.
- 21 4. If surplus right-of-way property parallel to a rail line is offered for sale by a railroad,
22 this section applies to the sale of the property as if the property were abandoned
23 right of way.