

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1291

Page 1, line 1, replace "section" with "sections" and after "49-09-04.2" insert "and 49-09-04.3"

Page 1, line 2, after "the" insert "abandonment and the" and after the first "of" insert "abandoned"

Page 1, line 9, remove the overstrike over "~~property must first be offered~~" and replace "present" with "to the following persons in the order of priority as follows:"

- a. The present lessee of the abandoned property described in the lease;
- b. A person presenting a reasonable plan for public recreational use of the abandoned property; and
- c. The adjoining landowner if the adjoining land, at the time of abandonment, is assessed for tax purposes as agricultural land"

Page 1, remove lines 10 through 12

Page 1, line 13, remove "acquire adjoining railroad property"

Page 1, line 19, after "~~land~~" insert "The railroad company shall publish notice of its intent to dispose of abandoned railroad right of way in two consecutive issues of the official county newspaper in each county in which the property is located. A railroad company is not required to give a priority party an option to purchase the property unless the party provides a written statement of interest to purchase the property within thirty days after final publication of notice of the railroad company's intent to dispose of the property. The sale price of abandoned railroad property must be equitable" and remove the overstrike over the overstruck period

Page 1, line 20, remove the overstrike over "3:"

Page 1, after line 24, insert:

"SECTION 2. AMENDMENT. Section 49-09-04.3 of the North Dakota Century Code is amended and reenacted as follows:

49-09-04.3. Abandoned railway lines - Removal of abandoned materials - Charge by city, county, or state. Unless otherwise allowed by the commission, any railroad corporation abandoning the use of any railway line in this state shall remove and clear all rail, ties, materials, supplies, and debris from the railway line and leave the surface in a condition easily traversable by a motor vehicle, and shall control noxious weeds on; the railway line right of way within a reasonable time. On request of a city or county in which there is an abandoned line, the commission shall require the railroad corporation, as to railway line right of way in that city or county, within a reasonable time, to take the action required by this section. On request of any state agency having an interest in any property abutting an abandoned railway line right of way, the commission shall require the railroad corporation, as to that railway line right of way, within a reasonable time, to take the action required by this section. The commission shall take all action necessary and appropriate, including the adoption of rules under chapter 28-32, to enforce this section. If a railroad corporation fails to take action required by this section, the requesting entity may do the work on the parts of the abandoned railway line right of way under that entity's jurisdiction. A county may do the work on the parts of the abandoned railway line right of way in the county, regardless of

whether those parts are inside city limits. The entity doing the work may charge the railroad corporation the reasonable expense of doing the work. If the charges remain unpaid after ninety days, the entity may certify to the county auditor the amount of the charges imposed under this section. These charges become part of the taxes levied against the land for the ensuing year and must be collected in the same manner as other real estate taxes and placed to the credit of the jurisdiction entitled to the charges. The taxpayer's right to appeal the assessment is governed by chapter 57-23."

Renumber accordingly