

HOUSE BILL NO. 1291

Introduced by

Representatives Nelson, Brusegaard, Headland, Mueller

Senators Heitkamp, Urlacher

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 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~~ lessee
10 operator of a grain or potato warehouse located on the property must be given the
11 first option to purchase, lease, exchange, or otherwise acquire the property
12 described in the lease. Adjoining agricultural landowners must be given the next
13 option to acquire adjoining railroad property.
- 14 2. If right-of-way property along abandoned rail lines is first offered ~~for public~~
15 ~~purposes and refused,~~ to the lessee operators of grain and potato warehouses
16 located on the property ~~must be given the next option to purchase, lease,~~
17 ~~exchange, or otherwise acquire the property described in their lease. Adjoining~~
18 and to adjoining agricultural landowners ~~must thereafter be given the next option to~~
19 ~~acquire the property adjoining their land~~ and refused, the property must then be
20 offered for sale for public purposes.
- 21 3. When abandoned railroad right of way is offered for wildlife programs or projects,
22 the proposed acquisitions must first be approved by the board of county
23 commissioners of the county or counties in which the right of way is located under

Fifty-eighth
Legislative Assembly

- 1 section 20.1-02-17.1 if offered to the state game and fish department or under
- 2 section 20.1-02-18.1 if offered to the United States department of the interior.