

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED 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~~ present
10 owner or operator of the fixed assets 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 landowners must be given the next option to
13 acquire adjoining railroad property.
- 14 2. ~~If right of way property along abandoned rail lines is first offered for public~~
15 ~~purposes and refused, 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 ~~agricultural landowners must thereafter be given the next option to acquire the~~
19 ~~property adjoining their land.~~
- 20 3. When abandoned railroad right of way is offered for wildlife programs or projects,
21 the proposed acquisitions must first be approved by the board of county
22 commissioners of the county or counties in which the right of way is located under
23 section 20.1-02-17.1 if offered to the state game and fish department or under
24 section 20.1-02-18.1 if offered to the United States department of the interior.