

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED 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 railroad right of way - Sale.**

- 7 1. When service is discontinued on any railroad right of way in the state ~~and, all right~~
8 of way must be reclaimed. If the property is offered for sale, lease, exchange, or
9 other disposal by the railroad or an affiliated entity, the ~~property must first be~~
10 offered for public purposes present owner or operator of the fixed assets located
11 on the property must be given the first option to purchase, lease, exchange, or
12 otherwise acquire the property described in the lease. Adjoining landowners must
13 be given the next option to acquire adjoining railroad property. The sale price of
14 abandoned railroad property cannot exceed comparable values of adjacent and
15 similar property.
- 16 2. ~~If right of way property along abandoned rail lines is first offered for public~~
17 ~~purposes and refused, the lessee operators of grain and potato warehouses~~
18 ~~located on the property must be given the next option to purchase, lease,~~
19 ~~exchange, or otherwise acquire the property described in their lease. Adjoining~~
20 ~~agricultural landowners must thereafter be given the next option to acquire the~~
21 ~~property adjoining their land.~~
- 22 3. When abandoned railroad right of way is offered for wildlife programs or projects,
23 the proposed acquisitions must first be approved by the board of county
24 commissioners of the county or counties in which the right of way is located under

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- 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.