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Sixty-sixth
Legislative Assembly
of North Dakota

**FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED HOUSE BILL NO. 1302**

Introduced by

Representatives M. Nelson, P. Anderson, Becker, Simons

1 A BILL for an Act to create and enact a new section to chapter 32-15 of the North Dakota
2 Century Code, relating to the sale of property acquired by eminent domain or acquired when the
3 property was eligible for taking by eminent domain, but no longer needed for a public purpose.

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

5 **SECTION 1.** A new section to chapter 32-15 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Sale of property not used for original purpose.**

8 Except as otherwise provided by law, if property is acquired by the state or a political
9 subdivision through eminent domain but not used for the purpose for which it was acquired, the
10 person from whom it was acquired must be given an opportunity to purchase the property. The
11 purchase price must equal the just compensation paid for the property minus any attorney's
12 fees and court costs the purchaser incurs in the new transaction or incurred challenging the
13 original acquisition. If the opportunity to purchase the property is declined, the property must be
14 sold at auction, and the mineral rights, if acquired through eminent domain for the same
15 purpose, must revert to the person from whom the rights were acquired.