

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

3058

2007 HOUSE TRANSPORTATION

HCR 3058

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HCR 3058

House Transportation Committee

Check here for Conference Committee

Hearing Date: 02-22-2007

Recorder Job Number: 3651/3652

|                           |
|---------------------------|
| Committee Clerk Signature |
|---------------------------|

Minutes:

**Chairman Weisz** opened the hearing on HCR 3058. HCR 3058 is a resolution directing Legislative Council to study the manner in which railroads have obtained right of way and the procedures for disposition of that right of way upon abandonment or sale.

**Rep. Kelsch** was absent.

**Rep. Brandenburg** introduced the bill.

**Rep. Brandenburg:** It has come to my attention that there is a problem with the way that railroads and right of ways are being abandoned. The sale of the right of ways to landowners, there is a situation down in my district, if they owned the line going from Ashley to Danzig up to Wishek which is being abandoned and landowners are trying to purchase the property back and been in the process for a while and there has been some difficulty in doing it. This resolution would look into the matter of how this can be handled so that the people along the right of ways will be able to buy that land back.

**Rep. Ruby:** A few sessions ago, we worked on this issue where we set up a pecking order of who is in line to receive or have a chance to acquire the land that was abandoned. Is that not clear?

**Rep. Brandenburg:** I don't think it's completely crystal clear. I think there are some issues

throughout where these people are trying to buy this land for a period of time and they can't get to an agreement with the railroads. I don't think it's a clear process.

**Rep. Ruby:** It may be something dealing with the terms and all the other parts and things that could be part of the discussion to sell it, rather than who is first in line for having access to it and I suppose that they have to give a certain land owner certain time to waive his right to first option, it might be going through that. Also, with this, is you have written in the resolution, "shall study", not a "shall consider". This would require them to study it?

**Rep. Brandenburg:** This is an issue and people that are trying to buy the land are having problems. They can't seem to get it done and they are frustrated right now. Maybe we just need to have our railroad lobbyist get a hold of the people down there and work it out. It might be solved over night.

**Rep. Schmidt:** We had a case in our area with Great Northern and then Red River came over and the landowners next to it, wanted to buy it and we did then get real estate company to handle the sale. The problem was the abandoned part of this track was all rocks and they wanted eight hundred dollars per acre. I think that is the biggest problem. They want too much in our area.

**Rep. Brandenburg:** This brings up a point of what the problem is.

**There were no further questions from the committee. There was no further support for the bill. There was no opposition to this bill.**

**There was no action taken on this bill. Later that day, Chairman Weisz allowed for committee discussion on the bill.**

**Rep. Weisz:** From personal experience, I can attest to the time it takes. I spent two years and the deal still isn't signed yet, but that has nothing to do with the study as far as who has first dibs and it's just a process that takes time when you are dealing with a large corporation. I can

understand their frustration, but again, I thought we did adequately address the issue of who is in line first and so on.

**Rep. Ruby:** I see language there that it is required. It wouldn't even give them the option, unless I'm reading it wrong.

**Rep. Price:** It seems that is the way that all of them are coming down. (referring to the language of the resolution)

**Rep. Ruby:** You are always going to have discussions and negotiations and contracts and time frames and whether you believe the land is the value that they are asking or not, that wouldn't be settled with this. By statute we can't set the valuations of land.

**Rep. Ruby moved a DO NOT PASS. Rep. Gruchalla seconded.**

**Roll Call Vote: 9 yes. 3 no. 1 absent.**

**Carrier: Rep. Ruby**

Date: 2-22-07  
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. \_\_\_\_\_ HCR 3058

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Not Pass ~~reconsent calendar~~

Motion Made By Ruby Seconded By Gruchalla

| Representatives    | Yes | No | Representatives | Yes | No |
|--------------------|-----|----|-----------------|-----|----|
| Chairman Weisz     |     | X  | Rep. Delmore    | X   |    |
| Vice Chairman Ruby | X   |    | Rep. Gruchalla  | X   |    |
| Rep. Dosch         | X   |    | Rep. Myxter     | X   |    |
| Rep. Kelsch        |     |    | Rep. Schmidt    | X   |    |
| Rep. Owens         | X   |    | Rep. Thorpe     |     | X  |
| Rep. Price         | X   |    |                 |     |    |
| Rep. Sukut         | X   |    |                 |     |    |
| Rep. Vigesaa       |     | X  |                 |     |    |
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Total Yes 9 No 3

Absent 1

Floor Assignment Rep. Ruby

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HCR 3058: Transportation Committee (Rep. Weisz, Chairman) recommends DO NOT PASS (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HCR 3058 was placed on the Eleventh order on the calendar.**