

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1291

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Lu Costa Rickford
Operator's Signature

10/3/03
Date

2003 HOUSE TRANSPORTATION

HB 1291

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

La Costa Rickford
Operator's Signature

10/3/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1291

House Transportation Committee

Conference Committee

Hearing Date January 30, 2003

Tape Number	Side A	Side B	Meter #
2		x	1.6 to 22.4
Committee Clerk Signature <i>Louanna L. Fink</i>			

Minutes:

Rep. Hawken, Vice Chairman opened the hearing on HB 1291, a bill for an Act to amend and reenact section 49-09-04.2 of the North Dakota Century Code, relating of the sale of railroad right of way.

Rep. Nelson: Representing District 7 introduced HB 1291 on behalf of the North Dakota Association of Counties. This bill defines the right of way property after rila services are discontinued. That is who is first in line as far as to who can purchase, lease or exchange that right of way. Basically what it does, if there is a either a grain handling or a warehouse facility-- they would have the first right and the landowner would be next in line. So it would the private property who would be the first in line to that property after discontinuance of services.

Rep. Weisz: What does it means to ' offer for sale for public purposes?

Rep. Nelson: I will defer that to Wade Williams.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

La Costa Rickford
Operator's Signature

10/3/03
Date

Page 2

House Transportation Committee

Bill/Resolution Number HB 1291

Hearing Date January 30, 2003

Wade William: Representing the North Dakota Association of Counties. This came from the middle part of the state where there has been some abandoned railroad property. As the statute reads now -- the first offering must go to a public entity and those public entities have been generally the Game and Fish, and US Department of Interior. It is the feeling of many county officials that the order should be switched. At first it seemed like the adjacent property owner should have the first option. then we came to the realization there could warehouse there that had leased this property for a good number of years. We gave those grain and potato warehouses as the first option, allowing the individual landowners the second and the third to the public entities.

Rep. Weisz: Could you expand a little on what you mean by a public purpose?

Wade Williams: If I had to guess I would say for wildlife purposes.

Rep. Dosh: in Bismarck here how would that work? Wouldn't it be easier to say the 'current leasee'? If I had a building doesn't necessarily have to be agriculture storage warehouse here in town-- why does it have to be specifically grain or warehouses?

Wade Williams: That language was used because that is the language in the law and we just switched the order of the priorities. As far as the county commissioners are concerned they see where -- if you have a railroad running through your property -- you could have another property owner owning land across you farm and they don't believe the Federal Fish and Wildlife have been very good stewards of the land with respect to weed control, etc.

Rep. Ruby: When this says offered for public purposes -- I guess this is only to a city or county?

Wade Williams: I don't know the history on this -- that is the present statute. It is my understanding that a first it went only to the Fish and Wildlife. Your question is -- if the

Page 3
House Transportation Committee
Bill/Resolution Number HB 1291
Hearing Date January 30, 2003

warehouse don't want it and the adjoining landowner doesn't want it -- when does it go up for sale to the general public?

Steve Stregge: I represent the North Dakota Grain Dealers Association. We very much support this legislation -- if you wonder why, put yourself in the shoes of the leasees who have been there a long time -- have given the railroad a lot of business -- now you don't have a chance to protect your business. It only makes sense to support this bill.

Lowell West: I am here to represent the Township Officers Association of North Dakota. We fully support this bill for the same reasons.

Dan Kuntz: I am here on behalf of the Burlington Northern Santa Fe Railway company. We would support this bill if you could delete subsection 2. What is a public purpose, it is not defined. The only purpose that he was familiar with where public purpose was used in the law was for eminent domain. There is a whole laundry list of purposes like transmission lines, etc. --I don't know if that list would be used here in this if it became law. That is a problem with the current law -- maybe this bill helps to some extent but it doesn't answer the question. Then how do you offer it -- there isn't a process defined-- it doesn't say when or how long. If they are truly a public purpose entity they already have the power of eminent domain. We would support the bill and urge you to delete section 2.

Rep. Dosch: I ask the same question as I asked previously --in Bismarck, my district -- there was a lot of that land that went up for sale and if you had a business on that land under a lease -- you should have first option to protect yourself but this bill specifically names grain. Then the option goes to the adjoining agricultural land owner. So if I have a business -- say McDonald's -- I don't get first option some farmer could come in before me if I was at the edge of town.

Lu Costa Rickford
Operator's Signature

10/3/03
Date

Page 4
House Transportation Committee
Bill/Resolution Number HB 1291
Hearing Date January 30, 2003

Dan Kuntz I don't think that is a likely scenario it would have to go to every other lessee -- I don't think it would happen.

Tom Kelsch: I Represent the Canadian Pacific Railroad: We basically agree with what Mr. Kuntz had to say. We are in the same position as we don't know what the public purpose is or who to notice.

Sandy Clark: I represent the North Dakota Farm Bureau. I stand to say we basically support HB 1291.

The being no others wishing to testify either for or against 1291, Chairman Weisz closed the hearing.

End of record. (22.4)

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

La Costa Rickford
Operator's Signature

10/3/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1291

House Transportation Committee

Conference Committee

Hearing Date 2-7-03

Tape Number	Side A	Side B	Meter #
2	XX		29.7-46.8

Committee Clerk Signature

Laura H. Zink

Minutes:

Chairman Welsz: What are the committee's wishes in regard to HB 1291.

Rep. Price: I move the amendments 30462.0101 .0200.

Rep. Thorpe: Seconded.

Voice Vote: Carried.

Rep. Hawken: I move a Do Pass as Amended.

Rep. Thorpe: Seconded.

13 YES 0 NO 0 ABSENT

DO PASS AS AMENDED

CARRIER: Rep. Ruby

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

La Costa Rickford
Operator's Signature

10/3/03
Date

30462.0101
Title.0200

Adopted by the Transportation Committee
February 7, 2003

VR
2/8/03

HOUSE AMENDMENTS to HB 1291 htrn 2-10-03

- Page 1, line 9, replace "lessee" with "present owner of the fixed assets"
 - Page 1, line 10, remove "operator of a grain or potato warehouse"
 - Page 1, line 12, remove "agricultural"
 - Page 1, line 14, overstrike "If right-of-way property along abandoned rail lines is first offered"
 - Page 1, line 15, remove "to" and overstrike "the lessee operators of grain and potato warehouses"
 - Page 1, line 16, overstrike "located on the property"
 - Page 1, line 18, remove "and to adjoining" and overstrike "agricultural landowners"
 - Page 1, line 19, remove "and refused, the property must then be"
 - Page 1, line 20, remove "offered for sale for public purposes" and overstrike the period
 - Page 1, line 21, overstrike "3."
- Renumber accordingly

Page No. 1

30462.0101

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

La Costa Rickford
Operator's Signature

10/3/03
Date

Date: 2-7-03
Roll Call Vote #: _____

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1291

House TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number 30462.0100

Action Taken Do Pass as Amended

Motion Made By Rep. Hunter Seconded By Rep. Thayer

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	✓		Lois Delmore	✓	
Kathy Hawken - Vice Chairman	✓		Arlo E. Schmidt	✓	
LeRoy G. Bernstein	✓		Elwood Thorpe	✓	
Mark A. Dosch	✓		Steven L. Zaiser	✓	
Pat Galvin	✓				
Craig Headland	✓				
Clara Sue Price	✓				
Dan J. Ruby	✓				
Dave Weiler	✓				

Total Yes 13 No 0

Absent 0

Floor Assignment Rep. Ruby

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

In Costa Rickford 10/3/03
Operator's Signature Date

