

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

3037

2001 HOUSE TRANSPORTATION

HCR 3037

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3037

House Transportation Committee

Conference Committee

Hearing Date February 15, 2001

Tape Number	Side A	Side B	Meter #
1	x		2,997
		x	5,910
Committee Clerk Signature <i>Lauren B. Ford</i>			

Minutes: Rep. Weisz - Chairman opened the hearing on HCR 3037: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of creating cost-sharing or funding mechanisms for the unexpected discovery of cultural resources within local road projects.

Rep. Mahoney: (3099) For the record I am John Mahoney, representative from District 33 Which is Oliver-Mercer and part of Dunn County. This resolution came from a situation we ran into in our district and it probably has occurred in other districts too. We started a county road Project and along the Missouri River we have a lot of Indian artifacts. When you encounter them -- well you have your road construction moneys, plans and everything in place ---it puts a complete halt on everything and you have redesign -- you may have to do a dig (archeological) and it is incredlly expensive for the county and sometimes it puts a stop to the whole project. Two years ago I introduced a bill to basically say the we would go with 25 - 25 - 50 of state, federal and county funding -- anyway we wanted some state funding when we ran into these

things and the state didn't feel real inclined to jump on board with that. So what we did in the interim we took a look at -- have a study to look at devising a cost a sharing plan. Basically the resolution itself is my prepared testimony. We have one of our county commissioners here to tell you about what we encountered in Mercer County.

Rep. Weisz - Chairman Are you aware of how much of a problem it is?

Rep. Mahoney: (3368) I have talked to people from other areas along the Missouri River, like down in Emmons County, Morton County -- they have run into the same things. Also in talking with Rep. Onstad they have run into it along the lake. It can happen anywhere. If you encounter something when you are digging up for a road, you must stop right now. I have heard that it has happened in the eastern part of the state as well.

Wayne Enzi: I am chairman of the Mercer County Board. We had a federal aid road and we have had others where we encountered -- we have hardly any area in the county where a road would be exempted. When this happens we have to do archeological studies but other studies as well. We had a bridge in this one particular project and this bridge needs to be upgrade to federal aid standards. They did the dig. They did a walk through -- it cost the county about \$15 - 20,000 -- right in that area. They found there were some artifacts along the creek. How it turned out they wanted a \$100,000 to dig 3 feet of dirt out of this project -- in order to set the bridge in -- naturally the project didn't go forward. For \$100,000 we can build a pretty good chunk of road or gravel quite few miles. Basically I believe it effect every county in the state. I have talked to other commissioners and I know this to be true. -- and some of these projects go for years unbuilt. I talked with a previous commissioner, Adolph Miller, some of you maybe new him. --from him I believe the state participated in these projects at one time.

Rep. Weisz - Chairman (3832) I take it that your project didn't go forward?

Wayne Enzi: You are absolutely right. This project was on an old mucker trail road which needed rebuilding because nothing has been done with since I was a child.

Rep. Ruby: When you find artifacts -- what is suppose to happen to the road project. Is there a grant somewhere from those entities who insist on you digging these sites?

Wayne Enzi: If there are I am not aware of any.

Terry Traynor: I am representing the County Commissioners Association. I can't add a great deal to what the sponsor and Mr. Enzi have testified. This has been an issue before our entire membership for the past two years. We supported the bill the Rep. Mahoney sponsored last session. It is definitely an issue which goes across particularly those counties which have a major river i.e. the Missouri, the James, the Sheyenne-- there are a tremendous number of archeological sites along those rivers. It is especially difficult when the site is discovered after construction is underway after the project has been let to contract. There is no way to know what that cost is going to be. The unfortunate part is the county doesn't have a say in how much is investigated or what is to be done -- the is handled by the historical society. There is a value in learning about these sites, but it is a statewide value. It is the heritage of North Dakota. For one county to absorb the entire burden seems to be very unfortunate. We are hoping that a study of this issue will find a better way.

Rep. Weisz - Chairman (4269) Rep. Ruby asked a very good question -- is there any type of funding to participate in these digs.

Terry Traynor: From the testimony last session, it is my understanding first of all the grant

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House Transportation Committee
Bill/Resolution Number HCR 3037
Hearing Date February 15, 2001

funding for these things is very limited and the one the historical society has are target to area they want larger studies on. It also come up on a short time frame. There isn't time to reprogram the dollars for or to budget for.

Rep. Weisz - Chairman (4393) There being no one wishing to testify for or against HCR 3037 we close the hearing on a further testimony.

IN WORK SESSION THIS SAME DATE: SIDE B (5910)

Rep. Weisz - Chairman opened the discussion for action on HCR 3037. There was little or no discussion.

Rep. Jensen: I move a 'Do Pass' for HCR 3037.

Rep. Kelsch: I second the motion.

On a voice vote the motion carried unanimously.

Rep. Hawken was designated to carry HCR 3037 on the floor.

Rep. Weisz - Chairman instructed that the action be place on the consent calendar.

END (6102)

Date: 2/15
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HCR 3037

House Transportation Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By _____ Seconded By _____

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman			Howard Grumbo		
Chet Pollert - Vice Chairman			John Mahoney		
Al Carlson			Arlo E. Schmidt		
Mark A. Dosch			Elwood Thorpe		
Kathy Hawken					
Roxanne Jensen					
RaeAnn G. Kelsch					
Clara Sue Price					
Dan Ruby					
Laurel Thoreson					

Total (Yes) 12 No 0

Absent 0

Floor Assignment Hawken

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

REPORT OF STANDING COMMITTEE (410)
February 15, 2001 12:19 p.m.

Module No: HR-28-3495
Carrier: Hawken
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HCR 3037: Transportation Committee (Rep. Weisz, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3037 was placed on the Tenth order on the calendar.

2001 SENATE TRANSPORTATION

HCR 3037

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3037

Senate Transportation Committee

Conference Committee

Hearing Date 3-8-01;3-15-01

Tape Number	Side A	Side B	Meter #
1		x	36.9-47.1
3-15-01 2	x		2.2-4.9
Committee Clerk Signature <i>Joyette Schaben</i>			

Minutes: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of creating cost-sharing or funding mechanisms for the unexpected discovery of cultural resources within local road projects.

Rep. John Mahoney: (District 33; Supports) I am from the land of beautiful country and lots of artifacts. When local political subdivisions are building roads we run into cultural resources often and have to stop construction. In Mercer county a road was started and stopped because it ran into artifacts. The cost of this is phenomenal. This is a study to create cost sharing mechanisms for finding of artifacts.

Senator Trenbeath: I see it's limited to "cultural resources". We have ran into prehistoric resources. Is this wording appropriate to cover all areas?

Rep. Mahoney: If you want to reword it, that is fine.

Wayne Entze: (Mercer County Commissioner; Supports) How this works is, we get about \$250,000 from DOT, so we have to bank these funds to get enough money to get a road together.

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Senate Transportation Committee
Bill/Resolution Number HCR 3037
Hearing Date 3-8; 3-15

This takes about 4-5 years. There are only certain roads in our county eligible for federal funding. The county does not have the budget to pay for artifact funds by itself and would like some help financially.

Terry Traynor: (Association of Counties; Supports) This is a statewide issue. The problem is that the counties have no control or say on what is going to be studied, the Historical Society does.

Hearing closed.

Committee reopened on 3-15-01.

Senator Trenbeath hands out proposed amendments. Discussion held.

Senator Espegard motions to accept proposed amendment. Senator Bercier seconds, Roll call taken. 6-0-0.

Senator Bercier motions to Do Pass as amended. Seconded by Senator Espegard. Roll call taken. 6-0-0. Floor carrier is Senator Trenbeath.

Committee closed.

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3037

Page 1, line 2, after "cultural" insert "or paleontological"

Page 1, line 4, after "cultural" insert "or paleontological"

Page 1, line 8, after "cultural" insert "or paleontological"

Page 1, line 10, after "cultural" insert "or paleontological"

Page 1, line 15, after "cultural" insert "or paleontological"

Renumber accordingly

3-15

Date:
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

HCR 3037

Senate Transportation Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number 13035.0101

Action Taken Accept Proposed Amendment

Motion Made By Espegard Seconded By Berrier

Senators	Yes	No	Senators	Yes	No
Senator Stenchjem, Chairman	X		Senator O'Connell	X	
Senator Trenbeath, Vice-Chair	X		Senator Berrier		
Senator Mutch	X				
Senator Espegard	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:
(page 1) "cultural" or "paleontological"

Date: 3-15
 Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO.

HC 3037
 Committee

Senate Transportation

- Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number 3035.0101

Action Taken Do Pass as Amended

Motion Made By Berrier Seconded By Espgaard

Senators	Yes	No	Senators	Yes	No
Senator Stenejem, Chairman	X		Senator O'Connell	X	
Senator Trenbeath, Vice-Chair	X		Senator Berrier	X	
Senator Mutch	X				
Senator Espgaard	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Berrier Trenbeath

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

REPORT OF STANDING COMMITTEE

HCR 3037: Transportation Committee (Sen. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3037 was placed on the Sixth order on the calendar.

Page 1, line 2, after "cultural" insert "or paleontological"

Page 1, line 4, after "cultural" insert "or paleontological"

Page 1, line 8, after "cultural" insert "or paleontological"

Page 1, line 10, after "cultural" insert "or paleontological"

Page 1, line 15, after "cultural" insert "or paleontological"

Renumber accordingly