

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

3033

2005 HOUSE AGRICULTURE

HCR 3033

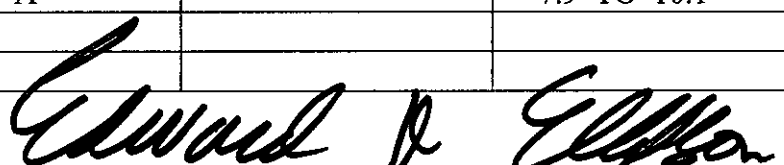
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3033

House Agriculture Committee

☐ Conference Committee

Hearing Date 2---10---05

Tape Number	Side A	Side B	Meter #
ONE	A		7.9 TO 10.1
Committee Clerk Signature 			

Minutes:

CHAIRMAN NICHOLAS: O.K. Representative Damschen, this is your resolution. Would you like to start.

REPRESENTATIVE DAMSCHEN: DISTRICT 10. This Resolution is a straight forward resolution. I think it is more then a right, I think it is an issue. Many road construction that modifies. As to wet lands. Has to mitigated. In spite of that it is mitigated under the idea that wet lands are a public resource. I guess I think the roads are a public resource. I don't have figures but I know that mitigation is expensive. I believe the state paid fifteen hundred an acre to lease the land. That is a high premium as to what land is selling for in that area.

I wish I had figures as to what this is costing nationally. It is a discussion I would lake to be opened up. The Department of Transportation owns about 202,000 acres of land. That is not all for mitigation. Even one hundred acres a year at fifteen hundred an acre is expensive.

Page 2  
House Agriculture Committee  
Bill/Resolution Number HCR 3033  
Hearing Date 2--10---05

So I just thought I would throw this out. Give it to the committee for consideration.

I would appreciate your consideration on this.

REPRESENTATIVE MUELLER. We have talked about these issues. What I don't recall who drives this mitigation. Is it state, federal, if it is federal I think we are going to entering a different arena.

REPRESENTATIVE DAMSCHEN: The orders come from the Federal Government.

It is a Federal requirement. Fish and Wild life is probably one of the instigators of this.

If we adopted it would give our feeling to the Federal Government Open discussion.

I would like to see it done on a Federal level.

CHAIRMAN NICHOLAS: Committee Members we will not take any action on this in case some shows after nine thirty. We will close on HCR 3033 and get back to it later.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3033

House Agriculture Committee

☐ Conference Committee

Hearing Date 2---10---05

Tape Number	Side A	Side B	Meter #
TWO	A		12.6 TO 13.8
Committee Clerk Signature <i>Edward D. Ellyson</i>			

Minutes:

CHAIRMAN NICHOLAS: Committee Members, we will reopen the hearing on HCR 3033.

Committee Members, what are your wishes on HCR 3033.

REPRESENTATIVE FROELICH: I MAKE A MOTION FOR A DO PASS.

REPRESENTATIVE MUELLER: I SECOND THE MOTION.

O.K. THE CLERK WILL TAKE THE ROLL.

THERE WERE 13 YES

0 NO

0 ABSENT

REPRESENTATIVE DAMSCHEN WILL CARRY THE RESOLUTION

CHAIRMAN NICHOLAS CLOSED ON HCR 3033

HCR 3033

Date:

Roll Call Vote #:

2-10-05

**2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.**

House HOUSE AGRICULTURE COMMITTEE

Committee

☐ Check here for Conference Committee

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

Action Taken

Do PASS

Motion Made By

Froelich

Seconded By

Mueller

Representatives	Yes	No	Representatives	Yes	No
REP. EUGENE NICHOLAS CHAIRMAN	✓		REP. TRACY BOE	✓	
REP. JOYCE KINGSBURY VICE CHAIRMAN	✓		REP. ROD FROELICH	✓	
REP. WESLEY BELTER	✓		REP. PHILLIP MUELLER	✓	
REP. M. BRANDENBURG	✓		REP. KENTON ONSTAD	✓	
REP. CHUCK DAMSCHEN	✓				
REP. CHAIG HEADLAND	✓				
REP. GARY KREIDT	✓				
REP. GERALD UGLEM	✓				
REP. JOHN WALL	✓				

Total (Yes) 13 No 0Absent 0Floor Assignment to Damschen

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

**REPORT OF STANDING COMMITTEE (410)**  
February 11, 2005 12:27 p.m.

**Module No: HR-28-2547**  
**Carrier: Damschen**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HCR 3033: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO PASS**  
(13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3033 was placed on the  
Tenth order on the calendar.

2005 SENATE AGRICULTURE

HCR 3033




2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3033

Senate Agriculture Committee

☐ Conference Committee

Hearing Date March 10, 2005

Tape Number	Side A	Side B	Meter #
1	x		5775 - end
1		x	0 - 470
Committee Clerk Signature 			

Minutes:

**Chairman Flakoll** opened the hearing on HCR 3033, a resolution urging Congress to remove wetland mitigation requirements from highway construction projects.

**Representative Damschen** introduced the resolution. It is a straight forward resolution. It is an aggravation when there is never enough money nationally yet we spend it on things like this. If the highway department affects a wetland in any way in the construction of a road, they have to provide land to mitigate replacement. This is done because wetlands are a public resource and for the public good but the roads are for public good, too. North Dakota DOT paid \$1500 per acre for land to mitigate wetlands in Towner county. The going price, if that land had been sold to a farmer would be about \$300 per acre. Not only does this take a lot of taxpayer money, it also competes with local farmers for the ownership of the property. Mitigation banking is a business, probably part of the reason for the federal law. Some land sold for mitigation can sell for up to \$200,000 per acre, it affects the whole country. Fish and wildlife service is involved in

mitigation. He doesn't particularly like the fish and wildlife service so mitigation of land makes us buy something we don't need to give to someone he doesn't like so he can use something he already owns. It just doesn't make sense. (meter 38 side B) The house agriculture committee gave it their full support.

**Senator Klein** said he agrees, they would have liked to hay along Hwy 2 in the Stanley area, the value of the hay was tremendous but could not be hayed due to mitigation of land. He doesn't know if the resolution will accomplish anything but this is one of those things we do just to send a message.

**Representative Demschen** said his hope is that we send a message. If you could sit down across the desk from a reasonable person and get some numbers about what this is costing American taxpayers, they would realize its ridiculous. In Cavalier county they spent years trying to get Hwy 66 paved and when they finally got it wide enough to qualify for funding, an added cost of construction was to build an island in the middle of a slough because the road was made wider. There is no common sense to it. He would like to think there is someone, someday who would look at this from a practical standpoint.

**Senator Flakoll** asked if there was ever any discussion to add language to lessen mitigation requirements.

**Representative Demschen** said no.

**Chairman Flakoll** closed the hearing on HCR 3033.

**Senator Klein** moved a do pass on HCR 3033.

**Senator Taylor** seconded the motion.

The motion passed on a roll call vote 6-0-0.

Page 3

Senate Agriculture Committee

Bill/Resolution Number HCR 3033

Hearing Date March 10, 2005

**Senator Seymour** will carry the resolution.

Date: 3/10/05  
Roll Call Vote # 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 3033

Senate Agriculture Committee

☐ Check here for Conference Committee

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

Action Taken Do Pass

Motion Made By Sen. Klein Seconded By Sen. Taylor

Senators	Yes	No	Senators	Yes	No
Senator Flakoll	✓		Senator Seymour	✓	
Senator Erbele	✓		Senator Taylor	✓	
Senator Klein	✓				
Senator Urlacher	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Seymour

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

**REPORT OF STANDING COMMITTEE (410)**  
March 10, 2005 12:51 p.m.

**Module No: SR-44-4630**  
**Carrier: Seymour**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HCR 3033: Agriculture Committee (Sen. Flakoll, Chairman) recommends DO PASS**  
**(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3033 was placed on the**  
**Fourteenth order on the calendar.**