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ROLL NUMBER

DESCRIPTION

2272

2007 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2272

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2272

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 1/26/07

Recorder Job Number: 2041

Committee Clerk Signature

Sharon A. Spackling

Minutes:

All members of the committee were present.

Sen. Dever, Chairman, opened the hearing on SB 2272.

Senator Tracy Potter from District 35 stood in for Senator Robert Erbele to introduce the bill.

See attachment # 1. He explained briefly the history of the Nokota breed. He spoke of the numerous emails that he has gotten from people who have visited the Kuntz ranch. The information in the emails has made him aware that the Kuntz' project has been good for the economy of our state.

Senator Judy Lee asked if there have been any private fundraising efforts to support the museum.

Senator Potter said he is aware of the Nokota Horse Conservancy that has been established.

Some of the emails are from members of the Conservancy.

Senator Nelson asked if they have set a goal in the fundraising effort.

Senator Potter deferred the question to Frank Kuntz, the Executive Vice President of the Nokota Horse Conservancy.

Senator Dever asked if the Tourism Dept. has been contacted and what the feedback has been.

Senator Potter hasn't had any interaction with the Tourism Dept. on this issue.

Senator Dever asked if the tourism budget is being expanded this session.

Senator Potter responded that unless the lodging tax passes, the tourism budget will not be increasing.

Senator Dever asked if the money would be spent strictly for promotion.

Senator Potter said, no, it would be used for planning and developing.

Senator Dever said if it is for planning, they should contact APUC.

Frank Kuntz testified in favor of SB 2272. See attachment # 2. He gave a brief history of the breed. He showed numerous magazines that have articles about the horse. He mentioned the educational aspect of their ranch and the boost it has been to the tourism of the state. It has even attracted people to move to North Dakota.

Senator Oehlke offered his congratulations on the efforts they have made to save the Nokota breed. He asked Frank if he could elaborate on the planning that has been done to date.

Frank said they are short on time to do the planning. They are busy showing the social structure of the herd, etc. They also are busy with their Horses on the Prairie Camp.

Senator Oehlke asked if their horse camp was a therapeutic horse camp.

Frank said that is something they have talked about doing.

Senator Horne asked what type of facility they have at the ranch.

Frank said they have 700 head of horses. They lease 1700 acres and own about 1100 acres.

They have some shelter, a regular ranch operation.

Senator Nelson asked about the camp mentioned in the magazine.

Frank responded it is a camp for young people. He said Seth would explain that further.

Senator Nelson asked if that camp is what makes them 501C3.

Frank responded that they are 501C3 because of their preservation of the Nokota horse and the education about the preservation.

Senator Dever asked if they charge a fee for people to come to the ranch.

Frank said it is on a donation basis.

Seth Zeigler spoke in support of SB 2272. See attachment # 3. He covered the genetic background of the horses. He also spoke of the educational aspect of the ranch and the Horse on the Prairie Camp which is done through United Tribes Technical College. He explained how integrated learning can motivate some students who cannot be reached through traditional educational methods.

Senator Lee asked what fee is charged for the Horse on the Prairie Camp.

Seth said they only charge \$25.00, and the campers come from all over.

Senator Lee asked if they had considered charging what it is worth and giving scholarships to those who need a financial break.

Seth said they have the capacity to expand. They could charge more.

Senator Nelson asked if this is a commuter camp and mentioned that most camps are \$400.00 to \$500.00 for a week. This is a "real bargain" for a month long camp.

Seth said the campers rarely stay overnight and don't stay over the weekends.

Senator Horne asked how they can even do this financially.

Frank Kuntz said they really can't. The camp is partially funded by NASA. The preservation of the horses has depended upon a lot of help from family and friends. They have also used a lot of their own money.

Senator Lee asked if they have a business plan in place.

Frank said they need money to develop a business plan.

Senator Oehlke mentioned that BSC has a program that serves the southwest quadrant of North Dakota. They help people put a business plan together and the cost is very reasonable.

Senator Dever asked if they had asked the tourism department for funds.

Frank said they did when Stenehjem was the director.

Senator Lee mentioned that SCORE, the Service Corp. Retired Executives, provides assistance with business planning for businesses. That would be a good resource to help them move their mission forward.

Frank said they have collaborated with Doc Cassidy of McLaughlin (I couldn't hear the tape.)

_____ University, Linton _____ Development Corporation, _____.

Opposition: -

Neutral: -

Chairman Dever closed the hearing on SB 2272.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2272

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 02/01/07

Recorder Job Number: 2624

Committee Clerk Signature

Theresa Spaulding

Minutes:

All members of the committee were present.

Chairman Dever opened discussion on SB 2272.

Senator Nelson said she did not feel it was appropriate for the legislature to be doing this.

Senator Dever said a more appropriate organization to ask for funding might be APUC, Agricultural Products Utilization Commission. He felt if the bill was voted down at least the committee could offer them some direction.

Senator Horne said it seemed they needed desperately to get organized and would suggest SCORE to help them.

Senator Dever said APUC is under the Dept. of Commerce.

Senator Lee said she hopes that when they are given ideas, they will take them. Cowboys tend to be independent like farmers and ranchers are.

Senator Marcellais stated that they wanted the money for planning. He contacted United Tribes and asked them why they didn't testify and United Tribes personnel didn't even know it was being heard.

Senator Dever remarked that if United Tribes had a business or marketing area, this would be a great project for a student there. There was also discussion about business students at University of Mary using it as a project.

Senator Oehlke said that Senator Erbele had asked what they do with their culls. If you are going to have a good bloodline, you have to get rid of your culls. Senator Oehlke felt they could use some management in that area too.

Senator Lee suggested they could sell off their culls and make money by doing so. She had heard that the genetic pool of the pure breed is only 40 or so horses. The rest could be sold off to raise money. They are attached to the horses and only want to let the horses go to someone who will take good care of them.

Senator Dever said it is more appropriate for the Division of Tourism than the legislature.

There was discussion about the appropriateness of the request being made to the legislature.

Senator Nelson made a do not pass motion.

The motion was seconded by Senator Oehlke.

Roll Call Vote: Yes 6 No 0 Absent 0

Carrier: Dever

Date : 2-01-07
Roll Call Vote # : 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2272

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken do not pass

Motion Made By Nelson Seconded By Oehlke

Senators	Yes	No	Senators	Yes	No
Senator Dick Dever - Chairman	✓		Senator Robert Horne	✓	
Senator Dave Oehlke - VC	✓		Senator Richard Marcellais	✓	
Senator Judy Lee	✓		Senator Carolyn Nelson	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Dever

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

REPORT OF STANDING COMMITTEE (410)
February 1, 2007 5:07 p.m.

Module No: SR-22-1865
Carrier: Dever
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2272: Government and Veterans Affairs Committee (Sen. Dever, Chairman)
recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
SB 2272 was placed on the Eleventh order on the calendar.

2007 TESTIMONY

SB 2272

2272 attach #1

Chairman Dever and members of the Government and Veterans Affairs Committee. I am Robert Erbele Senator from District 28 which encompasses the greater part of 5 counties in south central ND. I am unable to attend the hearing on SB 2272 which I have sponsored on behalf of my constituents from the Linton, ND area. Sen. Potter has expressed strong support for the bill and will introduce the bill to the committee as well as introducing you to Mr. Kuntz and other supporters.

As you are well aware the Nokota horse was named the State Equine in 1993 as a result of a bill sponsored by my predecessor. The Nokota horse is steeped in the western lore of our state.

The Kuntz family who are my constituents have poured their lifeblood into the preservation and propagation of this strain of horse. As I have viewed old pictures of horses from the 1800's there is a rugged quality of their physical characteristics that speak of their survivability and stamina. To look at a Nokota horse is like looking at one of those old photographs. They do not show the refinement that has been bred into our modern breeds.

It is amazing to me how widespread the interest is in the Nokota horse throughout our nation. They appear to have captured the hearts and imaginations of those outside of our states' border in a greater way than even the citizens of ND.

Part of my job as a legislator is to give the citizens of my district a voice and a vehicle in which they can pursue their dreams. The Kuntz brothers have worked hard to make their dreams for the Nokota horse a reality and have done so with quite a bit of success. It is my hope that you will listen to their dreams as they attempt the next step in their grand adventure. There is no denying that what they have already done has created an interest in our state and has brought numerous visitors, not only to Linton, but to other areas of our state as well. Thank you for giving SB2272 your careful and generous consideration

Committee Chairman, Senator Dever and Committee members. My name is Frank Kuntz and I am the Exec. Vice President of the Nokota Horse Conservancy, and I am here today to testify in favor of Senate Bill 2272.

I know some of you might question the merits of this bill. And there are some people who may question if this is a real horse or a make believe breed. It is NOT what Frank and Leo claim about these horses; it is what the conformation of the horse, blood testing, and historical documentation shows. Historical documents follow the surrender of Sitting Bull and his people in 1881 at Ft. Buford, Dakota Territory; and the surrender of his weapons and horses was part of that agreement. These horses ended up in Medora, brought there by the Marquis DeMores who bought them from post traders.

Also, famous western artist from the mid 1800s, Frederick Remington, wrote about the difference between the horse of the northern plains and those of the south and southwest. Theodore Roosevelt also wrote about the native horse in his journals.

As you leave this committee room stop and look at the portrait of Theodore Roosevelt hanging in the great hall. In the lower left hand corner of the portrait is Theodore Roosevelt standing beside a typical native horse, a Nokota. I don't think he'd be saying "bully" when watching these horses that he personally used for transportation and his livelihood and wrote about so passionately, not being preserved or protected.

History also shows us that A.C. Heidekoper, a western ND horse rancher in the late 1800s had one of the largest horse ranches around. They say he ran from 4000-7000 head of horses and stated in his memoirs that he bought 60 of Sitting Bulls mares from the Marquis DeMores. He noted that they were an interesting lot and that many still bore the scars from the Battle of the Little Big Horn.

History also shows that more than 100 years ago in different regions of this country there were different types of horses such as the Appaloosa of the Nez Perce and the Kiger mustang of the northwest. And also the horse of the northern plains was a larger, squarer built and rounder boned animal.

Another question would be ... does it have any value and will the state gain from its investment. It has value as an environment for educational purposes, such as the Horses on the Prairie Camp. There are so few places for people to be able to view the social structure of a wild horse herd, the lead mare's role, the stallion's role, etc. We have had numerous visitors stopping here, 300 or more just last

attach #2, page 2

summer alone, and many more during the last 20 plus years. A number of these guests have never been to ND and many have returned since. Often, they fly into North Dakota, rent cars, stay in motels, take their meals, purchase fuel, etc. Many of them have then traveled to visit other sites within North Dakota. There are a couple of families and a young many from PA who have even moved here to ND because of the Nokota horses. Tourism is one of ND's best assets. These horses have been and can continue to be an asset for North Dakota tourism. The Nokota Horse Living History Museum and Sanctuary would compliment other attractions in the state. Western history, culture and wild horses have always been and will continue to be an attraction to people all over the world.

This is a real horse that has brought real dollars to ND. We get over 18,000 hits per month on the Nokota website. ABC World News with Peter Jennings did a story on the plight of these horses in 1996. And the Kentucky Horse Park will feature a Nokota in its breed barn during its 2007 season. The Nokota has a colorful and interesting history and they deserve a secure future.

Thank you for your time and consideration! I hope and trust that this bill will come out of this committee with a do-pass recommendation.

attach #3 pg 1

Seth Zeigler – January 26 2007

I. Personal Introduction

A. Upon graduating from high school I was the first official NHC volunteer

B. I was so changed and inspired by the experience that I moved to North Dakota and worked full time with the Nokotas for two and a half years

C. In a desire to be able to do more, I began my college career at Dickinson State University, but I finished at the University of Minnesota so I could earn a degree in Agricultural Education: Natural and Managed Environmental Education Specialization

D. But even while at the U of MN, I still spent much of my time, like spring, summer, and winter breaks, and money here

E. I have now returned to work and volunteer full time with the Nokota horses with the intention of using my education as an educator to help inspire others to more deeply explore the world in which we live and thereby help to leave it a better place

II. The preservation of rare & unique genetics cannot truly be valued but does and will continue to yield measurable economic benefit, as testified by Frank Kuntz

A. "The Nokota does not show a close relationship to any breed (Cothran 1998)" & "The TRNP horses are extremely divergent from all major groups of domestic breeds. (Cothran 1992)" & "There were several variants present that are uncommon in domestic breeds (Cothran 1992)"

1. Simply put, we have something that, when blood tested, has a unique genotype (DNA code)

2. This is only logical, for there is a great deal of information showing that the truly wild horses in THRO trace their ancestry back to the Lakota and earliest ranch horses and were influenced little by escaped or abandoned horses of vastly different origin

a. First, many of the ranch horses of the area had similar pedigrees precisely because they were locally adapted to the unique rigors

b. Meanwhile, any horse of value was very deliberately kept far from the truly wild bands in the Park, even if left run feral for some time

attach #3 pg 2

i. once a truly wild stallion had claimed a mare she was far more difficult to recapture
ii. hence the "wild horse county" north of Jones Creek (McLaughlin 1989)

iii. "local horsemen were conscious of the distinction between a 'wild' group and the domestic animals. According to Tom Tescher, 'the good [ranch] horses were always taken in and out,' while the wilder animals were only occasionally chased and were caught even less frequently." (McLaughlin 1989)

iv. "Regarding trespass ranch horses, Morey (THRO Ranger 1953-1957) asserts, 'I never heard of any case where this bunch of horses intermingled with the "wild bunch". Usually the deliberate trespass horses were encouraged to range west of the Little Missouri, probably to avoid intermingling with the "wild bunch"'" (McLaughlin 1989)

c. Even if an outside horse successfully reproduced with the wild horses, selective pressures, like the continual efforts to roundup and remove the wild horses, removed any genes that decreased chances of survival and escape

i. thus continually pushing the population back to the small, swift, and wild phenotype (observable type and characteristics determined in part by genetics) that had become so characteristic of the area

ii. and away from something like an escaped Percheron, which would not be as fast, agile, or long winded

iii. or a Thoroughbred, which would not be nearly as well equipped to care for itself, especially with a lack of protective fetlocks when pawing for grass during an icy winter

3. Although current testing cannot determine the genotype of the horses more than a century ago, just consider how stable the phenotype has been

a. Frederick Remington, 1888 "The cayuse (wild horse of the Northern Plains) is generally roan in color, with always a tendency this way, no matter how slight. He is strongly built, heavily muscled, and the only bronco which possesses square

quarters....while not possessed with the activity of the Texas horse, he has much more power" (McLaughlin 1989)

b. Sitting Bull "My father was a very rich man and owned many ponies in four colors: roans (both blue and red), white, and grey." (McLaughlin 1989)

c. Historic photos

4. But we cannot confuse what remains in the Park today with the horses that existed there prior to the introductions

a. The selective pressures have changed, as the primary is now very purposeful Park Service selection

b. And the introduced horses have been deliberately allowed to have a massive impact

i. ████████ by 1991, 15% of the TRNP population was already "attributable to A1 (the Brookman Stallion)" (Cothran 1992)

ii. "the presence of the Tf-R allele (a segment of DNA that codes for a gene) in the population may be from A1 alone" (Cothran 1992)

iii. while other introduced horses, while not as influential, undeniably have had profound impacts which have typically been favored by the Park's management

c. Because these introductions very likely could have introduced harmful genes into the Nokota population that had gradually evolved to become stable at low numbers, a process that removes many harmful genes "Future inbreeding may expose these genes resulting in inbreeding depression above what might have taken place if the herd size was allowed to increase without introductions (Cothran 1992)"

d. Therefore, what remains in the Park is unquestionably different than the Nokota horses we are seeking to preserve, not as historically significant, and less intimately intertwined with the landscape of North Dakota itself

B. The Nokota horses are the last wild horses anywhere on the northern plains

1. Which further helps to explain the one of a kind genetics, for no other population has been sculpted by the same selective pressures because the Nokotas are geographically unique, distinctly our own

2. The closest population of wild horses is the Pryor Mountain herd in south-central Montana, a much different type adapted to a different ecosystem

C. Thus, if they disappear, so do these distinct genetic combinations which allowed them to adapt so well to the North Dakota badlands while proving invaluable to the prior generations of both Native Americans and ranchers

1. This would be tantamount to the extinction of any other breed, like the blue heeler, with its unique advantages and characteristics, except that this is our breed, and these unique advantages can benefit us most, if capitalized upon through such arenas as tourism, recreation, and education

2. We cannot afford such a travesty, especially today when past and present mistakes have brought to light the critical importance of biological diversity in an increasingly deprived world

D. Basically, when considering genetics the Nokota is North Dakota's breed of horse, a consistently and inimitably distinctive population shaped by the local selective pressures and isolation to be best tailored to the badlands of Theodore Roosevelt National Park that even after more than a century still offers us a wealth of rare opportunities

2. The museum and sanctuary will be far from archives for dead history; they will be powerful tools to help educate people of all ages by captivating and then leading them to explore many locally critical topics, from management of our groundwater to history to health to population dynamics

A. Although they accumulate over years, decades, and even generations, the benefits of education are profound and immeasurable

B. But information is poorly remembered and soon forgotten without intrigue and inspiration to motivate its integration into an individual's permanent memory

C. Some students can see far enough in the future to force themselves to maintain focus in discrete classes with no immediate application and do well one hour in chemistry class, the next in English, and the next in history

D. But many do far better when these all become means to better understand something innately fascinating, as opposed to isolated ends themselves. Many do not reach their full potential in the traditional classroom

E. And who can deny the inborn human interest in wild horses, the interest that brought me here in the first place and is obvious in our state stamp with its wild horses and badlands

F. I truly hope that in the future you all can see first hand how much can be taught simply by capturing one's imagination and attention with wild horses and then giving that interest free rein in and on a living history museum and sanctuary where school classes, tourists, and locals can all gather around common interests

i. This has already been proven so well with the Horses on the Prairie Camp through United Tribes Technical College

a. I have volunteered with the camp since its beginning in June of 2003 and officially became one of its teachers for 2006

b. With an open mind, one can explore and teach anything using wild horses to capture one's imagination and then delve far, far deeper

i. For example, a study of the soils which are the foundation of any natural ecosystem invoke the sciences of chemistry, biology, microbiology, biochemistry, entomology, physics, and more, which themselves are all so dependant upon math. I am sure that you know the impacts of alkaline soils, but would you like to know why North Dakota soils are naturally basic? Did you know that 60-90% of the biological activity of the Great Plains is in the soil? Or exactly how small and numerous root hairs really are, for a single rye plant can produce 7,000 miles of roots and root hairs in 4 months.

ii. Or looking inside the horse itself we find physiology and anatomy that, although very much like our own, is in many ways even more powerful and awesome, precise biomechanics that boggle the mind and beg comparison to human anatomy and health. What if I told you that a horse can inhale more than 1800 liters of air per minute, would that pique your curiosity? What about the fact that horses naturally blood dope by splenic contraction, which can double the oxygen carrying capacity of equine blood in under a minute, thereby profoundly improving athletic performance?

c. These are just a few examples, but they help shown how many doors can be opened by a few questions beginning with the undeniably interesting wild horse of North Dakota. Doors that can lead even many students who struggle in traditional classrooms

into higher education and respected and cherished careers right here in North Dakota working to improve our state, whether employed by fish and game, their tribe, or the local hospital.

References

- Cothran, Gus E. "Genetic Analysis of the Nokota Horses". Department of Veterinary Science, University of Kentucky; 1998.
- Cothran, Gus E. Genetic Analysis of THRO Horses. Department of Veterinary Science, University of Kentucky; 1992.
- McLaughlin, Castle. "The History and Status of the Wild Horses of Theodore Roosevelt National Park." Submitted to the Theodore Roosevelt Nature and History Association, December 1989.