

2013 SENATE NATURAL RESOURCES

SB 2259

2013 SENATE STANDING COMMITTEE MINUTES

Senate Natural Resources Committee Fort Lincoln Room, State Capitol

SB 2259
February 1, 2013
18175

Conference Committee

Committee Clerk Signature

Veronica Spaulding

Explanation or reason for introduction of bill/resolution:

Relating to administration of Fort Abraham Lincoln State Park

Minutes:

Attachments

Chairman Lyson opened the hearing on SB 2259.

Senator Triplett, District 18, introduced the bill. See attachment #1. (Ends at 6:36)

Senator Laffen asked who manages what under the present arrangement. Senator Triplett explained the present arrangement and expounded on the reason she brought this bill. (Ends at 10:08)

There was discussion about the delicate balance between preserving historical artifacts and making them available and accessible for the public to appreciate. There was discussion about the camping/RV parking being placed where it would not ruin the ambience of the experience.

Tracy Potter, the Executive Director of the Fort Abraham Lincoln Foundation, spoke in a neutral position and made it clear he was not speaking for the Foundation, only for himself. He spoke about the rich Native American history of the site, and he feels it is the most important historic site in ND. He feels that as the Fort Abraham Lincoln Foundation exits from providing the interpretation out there, it is important for the state to pick it up. The buildings have all been built through the efforts of the Foundation and have been turned over to the state. All the contents, exhibits and furnishings of the Custer house and the accouterments of the earth lodges have been owned by the Foundation. It was a concern that the Foundation walk out whole but also that the interpretation continue, so an agreement has been reached that all those items will stay there so the state can continue the interpretive effort. He feels the entity that is willing to take it over, is the entity that should take it over. He feels the site is more important as a historical site than it is as a recreational site. (Ends at 20:00)

There was discussion about whether the Fort Abraham Lincoln Foundation has backed away from Fort Lincoln. Mr. Potter gave a history of the Fort Abraham Lincoln Foundation and stated that the Foundation is not backing away from Fort Lincoln. (Ends at 22:10)

There was discussion about the lay of the land, the placement of the campground, the earth lodges, and the blockhouses, etc. Senator Triplett had asked that the hearing could be left open so she could submit maps of the area and make them part of the record. (Ends at 24:10)

Opposition:

Merl Paaverud, Director of the State Historical Society of ND, presented written testimony in opposition to the bill. See attachment #2. (Ends at 29:06)

Senator Triplett questioned Mr. Paaverud about a discussion they had a few weeks ago about what his involvement would be if the plan to put in an RV park went forward. (Ends at 33:26)

Mark Zimmerman, Director for ND Parks and Recreation, spoke in opposition to the bill and stood for questions. In response to questions, Mr. Zimmerman gave a history of the property on which the historical site is located. He explained the lay of the land and the importance of preserving a view shed from certain areas of the historical site. They have received 250 responses to an online survey. The responses have been split quite evenly between those wanting more campsites available and those who don't want them to interfere with the historic site. They feel they are in the discussion phase. There are options including screening it with trees, etc. (Ends at 41:10)

Doug Prchal, former Director of ND Parks and Recreation, speaking as a citizen, questioned "where is the public dissent with regard to the management of Fort Abraham Lincoln?" He feels that needs to be factored in. (42:00 to 44:43) He spoke about the balance between the historic aspects and the recreational aspect. He believes the agencies will work well together to resolve this. He recommends a Do Not Pass. The public dissent is not there.

Neutral:

Chairman Lyson closed the hearing on SB 2259.

2013 SENATE STANDING COMMITTEE MINUTES

Senate Natural Resources Committee Fort Lincoln Room, State Capitol

SB 2259
February 7, 2013
18530

Conference Committee

Committee Clerk Signature	<i>Vanessa Spurling</i>
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Explanation or reason for introduction of bill/resolution:

Relating to administration of Fort Abraham Lincoln State Park

Minutes:

No attachments

Chairman Lyson opened the discussion on SB 2259.

Senator Triplett said she is working on an amendment.

Chairman Lyson closed the discussion of SB 2259.

2013 SENATE STANDING COMMITTEE MINUTES

Senate Natural Resources Committee Fort Lincoln Room, State Capitol

SB 2259
February 8, 2013
18610

Conference Committee

Committee Clerk Signature	<i>Veronica Spurling</i>
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Explanation or reason for introduction of bill/resolution:

Relating to administration of Fort Abraham Lincoln State Park

Minutes:

Attachment

Chairman Lyson opened the discussion of SB 2259.

Senator Triplett presented the amendment. See attachment #1. The intent is to prioritize history over parks and trails in parks that have previously designated historic sites. Authority to take action would have to come from legislative management rather than being based on an online survey. (Ends at 03:36)

Senator Triplett: motion to accept amendment 13.0711.01001.

Senator Burckhard asked why Merl Paaverud was in opposition to this bill.

Senator Triplett said he maybe just didn't want to get into a turf war between Parks and Rec and himself. She again cautioned that archeological remains are being compromised by trails and such. She also explained that the amendment addresses Mr. Paaverud's concern. (Her explanation ends at 07:05)

Senator Murphy: Second

Senator Hogue questioned which parks this would apply to. The committee came to the conclusion that it would apply to Fort Buford and to Fort Ransom in addition to Fort Lincoln. The rest of the forts in ND are already under the State Historical Society or under federal jurisdiction. Senator Hogue voice a concern that the last part of the amendment would put the Director of Parks in a "two parent situation" where he can go to either one and try to get permission for what he wants to do.

The committee decided to amend the amendment by ending it after "historic site".
The discussion about amending the amendment ends at 11:40.

The vote is on the amendments as amended.
It carried by voice vote.

Senator Triplett: The fiscal note involved the two FTE's they were requesting. If the amendment takes away the need for the FTE's then there would be no fiscal note. There was discussion about the need for a fiscal note or not. After conferring with Senator Holmberg it was determined that it would not have to be referred to the Appropriations Committee.

Senator Triplett: Do Pass as Amended

Senator Murphy: Second

Roll Call Vote: 5, 1, 1

Carrier: Senator Triplett

FISCAL NOTE
Requested by Legislative Council
01/21/2013

Bill/Resolution No.: SB 2259

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$321,000	\$0	\$321,000	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties	\$0	\$0	\$0
Cities	\$0	\$0	\$0
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

SB 2259, changes jurisdiction over the administration & operation of Fort Abraham Lincoln State Park to the Historical Society. State Parks will continue to operate the campground & trails. Section 1 creates the need for additional staff & will require the transfer of resources between agencies.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section 1 changes jurisdiction over the administration and operation of Fort Abraham Lincoln State Park to the State Historical Society of ND. A minimum of two additional FTE's will be needed by the Society for administration of the park. State Parks and Recreation will likely need to retain their current full time staff to manage and operate the campground. The general fund cost for two additional FTE's is approximately \$321,000. In addition to providing general funds for two new FTE's, it will be necessary to transfer appropriation authority from ND State Parks and Recreation to the State Historical Society of ND. The amount transferred would depend on the role of each state agency within the park. Funds transferred would be used to pay seasonal staff salaries and park operating and maintenance costs. Funding for capital projects ultimately managed by the State Historical Society should also be transferred.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

NA - This bill does not provide for additional revenues.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Two additional FTE's would be needed by the State Historical Society of North Dakota for a general fund cost of \$321,000. In addition to providing general funds for two new FTE's, it will be necessary to transfer appropriation

authority from ND State Parks and Recreation to the State Historical Society of ND. The amount transferred would depend on the role of each state agency within the park. Transferred funds would be used to pay seasonal staff salaries and park operating and maintenance costs, and for capital projects.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

This bill does not provide for any appropriation changes. It does however, create the need for an additional \$321,000 in general fund spending authority for two new FTE's.

Name: David Skalsky

Agency: State Historical Society of ND

Telephone: 701-328-3562

Date Prepared: 01/25/2013

2/8/13
TD

PROPOSED AMENDMENTS TO SENATE BILL NO. 2259

Page 1, line 1, remove "create and enact a new section to chapter 55-01 of the North Dakota"

Page 1, remove line 2

Page 1, line 3, remove "park; and to"

Page 1, line 3, remove "section 55-02-01.3 and"

Page 1, line 4, replace "administration of Fort Abraham Lincoln state park" with "historic preservation at state parks"

Page 1, remove lines 6 through 18

Page 1, line 21, remove the overstrike over "Seek"

Page 1, line 21, remove "Except for administration and operation of Fort Abraham Lincoln state park, seek"

Page 1, line 23, after "parks" insert "and if a state park contains a designated historic site, the director of the parks and recreation department shall follow the advice as it relates to the preservation of the designated historic site"

Renumber accordingly

Date: 2-8-13
Roll Call Vote #: 2

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2259

Senate Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Triplet Seconded By Murphy

Senators	Yes	No	Senators	Yes	No
Senator Lyson	✓		Senator Triplet	✓	
Senator Burckhard		✓	Senator Murphy	✓	
Senator Hogue	✓				
Senator Laffen					
Senator Unruh	✓				

Total (Yes) 5 No 1

Absent 1

Floor Assignment Triplet

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

REPORT OF STANDING COMMITTEE

SB 2259: Natural Resources Committee. (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SB 2259 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact a new section to chapter 55-01 of the North Dakota"

Page 1, remove line 2

Page 1, line 3, remove "park; and to"

Page 1, line 3, remove "section 55-02-01.3 and"

Page 1, line 4, replace "administration of Fort Abraham Lincoln state park" with "historic preservation at state parks"

Page 1, remove lines 6 through 18

Page 1, line 21, remove the overstrike over "Seek"

Page 1, line 21, remove "Except for administration and operation of Fort Abraham Lincoln state park, seek"

Page 1, line 23, after "parks" insert "and if a state park contains a designated historic site, the director of the parks and recreation department shall follow the advice as it relates to the preservation of the designated historic site"

Renumber accordingly

2013 HOUSE POLITICAL SUBDIVISIONS

SB 2259

2013 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee Prairie Room, State Capitol

SB 2259
March 8, 2013
Job # 19645

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the historic preservation at state parks.

Minutes:

Chairman N. Johnson: opened the hearing on SB 2259.

Senator Triplett: Introduced the bill. This bill has history with it. It was amended twice in the Senate side. I was concerned about whether the historic interpretive research at Ft. Abraham Lincoln for about thirty years or so and would continue so I put a bill together without talking to anyone or discussing with anyone. Ft Lincoln is unique because it has a state historic site designated inside the park. The State Historic Society came in and testified against the bill because they did not want authority over this park. Now we have in front of you just to add to the list of duties for parks and recreation that when there is a designated historic site within the confines of the state parks that they should work to preserve and protect that. It seems obvious, but if you go back to the section of law that described the duties of the state parks and recreation director it is not in there anywhere.

Rep. Klemin: In looking at the statues relating to these issues in the past in this particular title that where ever I have seen the word paleontological I have always seen with it archeological. There are requirements if the state deeds off property that they own they are required to reserve certain things like minerals etc. but also paleontological and archeological sites so I am wondering if you would have an issue with amending this into this?

Senator Triplett: Absolutely not.

Rep. Koppelman: Who determines if something is a designated historic site?

Senator Triplett: Yes there is a defined process.

Rep. Kathy Hogan: Are there other state parks that have found historic sites that you are aware of?

Senator Triplett: There are a couple that have small bites designated, but none that have a large area like this.

Mark Zimmerman, Director of Parks and Recreation for the state of North Dakota: Ft. Abraham Lincoln is the largest historic site there that is. Parks and recreation was part of the state historical society. In 1965 those agencies were split and Ft. Lincoln stayed with the parks department side and other sides like Chateau De Mores; Ft. Abercrombie sent to the State Historical Society.

Rep. Klemin: What about adding the word archeological?

Mark Zimmerman: I think that would be a great addition to the bill.

Rep. J. Kelsh: I am not sure I understand the relationship of Ft. Lincoln state park and the foundation. Did the foundation build the buildings or did the park system build the buildings? How did that work?

Mark Zimmerman: The Ft. Abraham Lincoln Foundation was certainly the driving force for the construction and reconstruction of the buildings. The state of North Dakota assumes the ownership of those properties when they are built. Our department has the responsibility to maintain those buildings. The foundation was the guiding force to get those buildings built.

Rep. L. Meier: So you are working in the park and some artifact are discovered then where does the artifacts go to?

Mark Zimmerman: I set on the board for the State Historical Society by virtual of being director of state parks and when artifacts are found they are given to the State Historical Society.

Rep. L. Meier: Do any of the artifacts go to a university?

Mark Zimmerman: I am not aware of that from our sites. I do know John Hoganson, the State Paleontologist works closely with UND and Lynn Helms department.

Rep. Kretschmar: About White Stem Battlefield, I believe they are planning a celebration this summer; it is the 150 anniversary of this battle down there. They could use any help they could get.

Chairman N. Johnson: Are there any other questions pertaining to the bill?

Opposition: None

Hearing closed.

Motion Made to Amend SB 2259 on page 1, line 6 after the word prehistoric and the comma add the word archaeological and a comma by Rep. Klemin: Seconded by Rep. A. Maragos

House Political Subdivisions Committee
SB 2259
March 8, 2013
Page 3

Voice vote carried.

Vote: 15 Yes 0 No 0 Absent Carrier: Rep. L. Meier

Closed.

FISCAL NOTE
Requested by Legislative Council
02/15/2013

Amendment to: SB 2259

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties	\$0	\$0	\$0
Cities	\$0	\$0	\$0
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name: Mark Zimmerman
Agency: ND Parks & Recreation
Telephone: 701-328-5353
Date Prepared: 02/15/2013

FISCAL NOTE
Requested by Legislative Council
02/11/2013

Amendment to: SB 2259

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

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Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

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- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Amendments to SB 2259 leaves the jurisdiction over Ft Abraham Lincoln State Park with ND Parks and Recreation but requires ND Parks & Recreation to follow the advice of the State Historical Society as it relates to the preservation of historic sites contained within any of the state parks.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Since the amendments leave jurisdiction over Fort Abraham Lincoln State Park with the ND State Parks and Recreation Department, additional expense of \$321,000 for two Historical Society staff will not be needed. In addition, it will not be necessary to transfer spending authority or funding from ND State Parks and Recreation to the State Historical Society of ND.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

NA - This bill does not provide for additional revenues.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Since the amendments leave jurisdiction over Fort Abraham Lincoln State Park with the ND State Parks and Recreation Department, additional expense of \$321,000 for two Historical Society staff will not be needed. In addition, it will not be necessary to transfer spending authority or funding from ND State Parks and Recreation to the State Historical Society of ND.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

This bill does not provide for any appropriation changes.

Name: David Skalsky

Agency: State Historical Society of ND

Telephone: 701-328-3562

Date Prepared: 01/25/2013

FISCAL NOTE
Requested by Legislative Council
01/21/2013

Bill/Resolution No.: SB 2259

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

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SB 2259, changes jurisdiction over the administration & operation of Fort Abraham Lincoln State Park to the Historical Society. State Parks will continue to operate the campground & trails. Section 1 creates the need for additional staff & will require the transfer of resources between agencies.

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- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

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authority from ND State Parks and Recreation to the State Historical Society of ND. The amount transferred would depend on the role of each state agency within the park. Transferred funds would be used to pay seasonal staff salaries and park operating and maintenance costs, and for capital projects.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

This bill does not provide for any appropriation changes. It does however, create the need for an additional \$321,000 in general fund spending authority for two new FTE's.

Name: David Skalsky

Agency: State Historical Society of ND

Telephone: 701-328-3562

Date Prepared: 01/25/2013

FISCAL NOTE
Requested by Legislative Council
02/15/2013

Amendment to: SB 2259

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

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Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties	\$0	\$0	\$0
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School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

13.0711.03001
Title.04000

Prepared by the Legislative Council staff for
House Political Subdivisions Committee
March 8, 2013

3/8/13
CONC

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2259

Page 1, line 6, after the second underscored comma insert "archaeological."

Renumber accordingly

Date: 3-8-13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2259

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Klemin Seconded By Rep. Maragos

Representatives	Yes	No	Representatives	Yes	No
Chairman Nancy Johnson			Rep. Ben Hanson		
Vice Chairman Patrick Hatlestad			Rep. Kathy Hogan		
Rep. Thomas Beadle			Rep. Jerry Kelsh		
Rep. Matthew Klein			Rep. Naomi Muscha		
Rep. Lawrence Klemin					
Rep. Kim Koppelman					
Rep. William Kretschmar					
Rep. Alex Looyen					
Rep. Andrew Maragos					
Rep. Lisa Meier					
Rep. Nathan Toman					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Pg 1, line 6 add archaeological after,

Vote carried!

Date: 3-8-13
Roll Call Vote #: 2

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2259

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment

Rerefer to Appropriations Reconsider

Motion Made By Rep. L. Meier Seconded By Rep. T. Bealle

Representatives	Yes	No	Representatives	Yes	No
Chairman Nancy Johnson	✓		Rep. Ben Hanson	✓	
Vice Chairman Patrick Hatlestad	✓		Rep. Kathy Hogan	✓	
Rep. Thomas Beadle	✓		Rep. Jerry Kelsh	✓	
Rep. Matthew Klein	✓		Rep. Naomi Muscha	✓	
Rep. Lawrence Klemin	✓				
Rep. Kim Koppelman	✓				
Rep. William Kretschmar	✓				
Rep. Alex Looyen	✓				
Rep. Andrew Maragos	✓				
Rep. Lisa Meier	✓				
Rep. Nathan Toman	✓				

Total (Yes) 15 No 0

Absent 0

Floor Assignment Rep. L. Meier

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

REPORT OF STANDING COMMITTEE

SB 2259, as reengrossed: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2259 was placed on the Sixth order on the calendar.

Page 1, line 6, after the second underscored comma insert "archaeological."

Renumber accordingly

2013 TESTIMONY

SB 2259

#1

Testimony of Sen. Connie Triplett regarding SB 2259

Before the Senate Natural Resources Committee

Sen. Stan Lyson, Chairman

February 1, 2013

Chairwoman Lyson and members of the Senate Natural Resources Committee, my name is Connie Triplett. I represent District 18, a part of the City and County of Grand Forks, in the North Dakota Senate. I am here today to introduce SB 2259.

This is a simple bill. It seeks to split the jurisdiction of Fort Abraham Lincoln State Park between two of our state agencies. Under the terms of Section 1 of this bill, the State Historical Society would have primary management of the park, thereby giving priority to the historical aspects of the park. The State Parks and Recreation Department would continue to manage the existing campgrounds and nature trails with the oversight of the Historical Society. Sections 2 and 3 of the bill simply clean up language of other sections to make them consistent with the idea presented in Section 1.

Mr. Chairman and Members, I brought this bill because of an article that appeared in the Bismarck Tribune on January 10, 2013, not long before our deadline for filing bills, so I did not have much time to meet with people to discuss the best solution. I am not here today to suggest that my proposed solution is the best solution or the only solution, but I very much wanted to have a discussion about Ft. Lincoln in a policy committee rather than leave it to the Appropriations Committee.

The current factual situation, as far as I have been able to ferret it out, is that there has been a long-standing cooperative agreement between the State of North Dakota through its Parks and Recreation Department with a nonprofit foundation known as the Fort Abraham Lincoln Foundation. The foundation has done fund-raising on behalf of the park and has used the money

it has raised to purchase artifacts for the fort, to assist in the reconstruction and maintenance of historic buildings on the site, and has created and maintained interpretive services to help tourists understand and appreciate the history of the fort and its surrounding area. The problem is that the relationship between Parks & Rec and the foundation has broken down; and the foundation has recently bowed out of the picture. It appears that the controversy, at least to some degree, relates to the competition for space between historical interpretation and a new RV parking lot.

The policy question presented by this bill is whether preservation and interpretation of history should take priority over additional campsites or vice versa. Fort Abraham Lincoln has a rich history. I hope you all know that Gen. George Armstrong Custer's life and death are intimately connected to this piece of ground out south of Mandan. I hope you know that this fort played an important role in the opening of western North Dakota and eastern Montana. I hope you know that Theodore Roosevelt granted the lands to the State of North Dakota on behalf of the federal government during his Presidency. I hope you know that this park was North Dakota's first state park. If you don't know those things, I am hoping that someone may be here to testify in more detail today regarding the historical significance of this special place.

I did not put an appropriation into this bill. There will, however, be a loss to the Park of approximately \$200,000 per year which the Foundation has been contributing. I have no way of knowing if the Historical Society would try to re-develop the relationship with the Ft. Abraham Lincoln Foundation (or whether the Foundation would even be receptive to that), or if the State Historical Society would try to develop a similar relationship with some other foundation, or if the Historical Society would try to raise funds to pay for the loss of revenue through its own foundation, or if they would choose to request additional funds from the legislature. Merl Paaverud told me a few days ago, when I questioned him about this issue, that the Historical Society Board was meeting this week, so he may have something to report this morning. Since the Historical Society is a state agency with an appropriations bill before the legislature, I think that issue could be resolved in the Appropriations Committee.

Thank you for your attention and I will try to answer any questions you may have.

Ft. Lincoln plans unveiled

By BRIAN GEHRING
Bismarck Tribune

More than 60 people attended a Wednesday night meeting in Mandan to hear about a new campground and other changes proposed for North Dakota's oldest state park.

Mark Zimmerman, director of the North Dakota Parks and Recreation Department, said Fort Abraham Lincoln's current 98 camping spots can't handle the newer, larger campers.

Part of the park master plan, if funding is approved by the 2015 Legislature, is to build a new campground.

The park acquired about 300 acres south of the Cavalry Square area, which sits on the west side of state Highway 1806 and is home to the park's historic build-

ings, remnants of the 7th Cavalry and Lt. Col. George Custer.

Most of the camping spots — about 80 percent — are used by residents of Bismarck and Mandan, Zimmerman said.

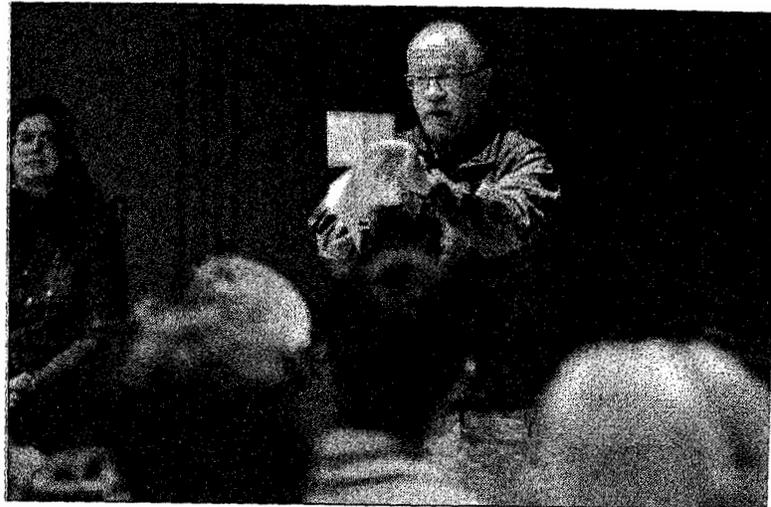
"We've had a 20-year gap in planning," he said.

The idea is to update the camping areas to meet more contemporary needs, Zimmerman said.

Concepts for upgrades at the park include 60-75 new camping pads adjacent to the square, an in-park transportation system, relocating the park manager's residence near the new campground and construction of a new park office.

The park could also lose about 80 acres on its south boundary to the National Guard for expansion of the North Dakota Veterans Cemetery.

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MIKE McCLEARY/Tribu

Mark Zimmerman, North Dakota Parks and Recreation director, gestures during a public meeting held to discuss the Fort Abraham Lincoln State Park master plan on Wednesday night in Mandan.

Ft. Lincoln

Continued from 1B

Margaret Follingsstad, a consultant with YHR Partners of Fargo, a firm brought in to consult on the plans, said a number of the park's historic buildings, including the Commissary, Granary, Triple Shelter and Barracks, are now underused.

Plans for upgrades have already caused a rift with the Fort Abraham Lincoln Foundation, a nonprofit established about 30 years ago to provide financial support for interpretive programming.

The state department and the foundation parted ways at the end of 2012, and while the Parks and Recreation Department owns the buildings, the foundation owns most of the contents.

Joy and Jim Sorenson of Bismarck were among those with a particular interest. The Sorensens have spent about the last 50 years camping, hiking and using the 1,100-some acres of the park that was established in 1907.

The Sorensens said they understand the need to

update facilities and grounds, but they are worried the historic, cultural and natural value of area will be compromised.

Joy Sorenson said any changes should preserve — not sacrifice — the integrity of the natural landscape and history of the area.

"As adults, we need to foster and encourage interest in this area for the future," she said. For camping and other recreational opportunities, she said, there are other parks in the state to consider — but Fort Abraham Lincoln is an area uniquely North Dakota.

Jesse Hanson, planning and development manager for the Parks and Recreation Department, said an online survey on the department's website will continue to take comments through the end of the month. That survey can be found at www.parkrec.nd.gov.

Hanson said it's hoped the department will have a draft of the new master plan in about six weeks.

Senate Bill 2259

Merl Paaverud, Director

State Historical Society of North Dakota

Mr. Chairman and members of the Committee, my name is Merl Paaverud, and I am the director of the State Historical Society of North Dakota.

The State Historical Board met in special session to discuss this bill and voted unanimously to go on record in opposition to it. The Board has the responsibility for overseeing the operation of the State Historical Society (as outlined in Section 55-01-01).

In arriving at its decision, the Historical Board reviewed the bill and the history of the relationship between the Historical Society and the Department of Parks and Recreation. They found no compelling reason to change the current arrangements.

Prior to 1965, the State Historical Society and the State Parks were one agency. By action of the 1965 Legislative Assembly, the duties were separated and the Department of Parks and Recreation was created, as it is now known.

Since that time, the two agencies have worked together in a collaborative manner and in partnership, for the best interest of the Fort Abraham Lincoln State Park. It has been successful and that is why the Board made the decision it did.

The Board fully understands that this park has historical significance, which is important to understanding North Dakota's history and that this should be a priority for the site. However, the Board also recognizes that the park is highly valued for camping and recreational reasons.

The Board believes that those dual functions have and can exist together, which is acknowledged in this particular bill. During the past 47 years, the Historical Society has successfully worked with the Department of Parks and Recreation regarding the preservation of historical and archaeological artifacts and historical structures in all state parks (as stated in Sections 55-02-01.3 and 55-08-01.3 of the Century Code).

The Historical Board believes that the Department has taken these responsibilities seriously as well, and has done a good job when, at the same time, it has provided for camping and recreation trails. In providing these activities, they include programming that includes historical and natural resources along with the recreation. This provides for a blend that is appealing to the public and draws considerable usage of the park area.

The Department of Parks and Recreation is currently updating a master plan for the use of Fort Abraham Lincoln State Park and the Historical Society and the Department of Tourism are both actively involved in that process. The plan has not yet been finalized, but the Board is confident that the result will protect and enhance the park's historical significance, as well as providing expanded recreational options for the public.

Therefore, the State Historical Board concluded that because of the historical cooperation between the two agencies, and according to their respective duties as established in current law, they have executed their respective responsibilities and mission in a responsible manner. Consequently, there is no compelling reason to make the change proposed in this bill.

Finally, while not participating in yesterday's decision, it must be noted that by state law adopted by the legislature, the Director of the Department of Parks and Recreation is a member of the State Historical Board. As such, the Director has a vested interest in the success of both agencies.

Thank you.

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Title.

Prepared by the Legislative Council staff for
Senator Triplett
February 8, 2013

PROPOSED AMENDMENTS TO SENATE BILL NO. 2259

Page 1, line 1, remove "create and enact a new section to chapter 55-01 of the North Dakota"

Page 1, remove line 2

Page 1, line 3, remove "park; and to"

Page 1, line 3, remove "section 55-02-01.3 and"

Page 1, line 4, replace "administration of Fort Abraham Lincoln state park" with "historic preservation at state parks"

Page 1, remove lines 6 through 18

Page 1, line 21, remove the overstrike over "Seek"

Page 1, line 21, remove "Except for administration and operation of Fort Abraham Lincoln state park, seek"

Page 1, line 23, after "parks" insert "and if the state park contains a designated historic site, the director of the parks and recreation department shall follow the advice as it relates to the preservation of the designated historic site, unless the director of the parks and recreation department receives approval from the legislative management"

Re-number accordingly