

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2420

2001 SENATE APPROPRIATIONS

SB 2420


2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2420

Senate Appropriations Committee

Conference Committee

Hearing Date February 9, 2001

Tape Number	Side A	Side B	Meter #
1		X	18.8-54.3
2	X		0.0-45.4
Committee Clerk Signature 			

Minutes:

Senator Solberg opened the hearing on SB 2420.

Senator Thomas Trenbeath, District 10, (handout Boundary Concept Alternatives) explained the history of the land. Historical society knows history site of the cemetery and their support on these boundaries. The county acquired the property consisting of a 10 acre parcel. This bill is asking for an appropriation to pay back the county for this purchase.

Senator Tallackson: Are there markers on the graves? Is it fenced?

Senator Trenbeath: Not if you buy this bill; can't get to it easily; access by foot only; map shows the outline. Roughly 200 grave sites.

Senator Tomac: Appropriation from county and state; amounts?

Senator Trenbeath: \$8,400 was the original out of the pocket to improve access.

Senator Robinson: Based on the historical records, this was a barren parcel of land and there is proof of a cemetery, true?

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Senator Trenbeath: Nothing above ground prior to statehood; pass session looked at purchase back in 1893.

Senator Lindaas: Is there plans to reconstruct besides the cemetery?

Senator Trenbeath: Pembina County Commission abided by the law; requires Board to maintain maintenance to honor statute.

Senator Thane: How about the history?

Senator Trenbeath: No record of burials; some can assume from relatives buried there; the Province of Manitoba is very active.

Senator Solberg: Is this the first hearing on this bill?

Representative Wayne Tieman, District 10, yes.

Representative David Monson, District 10, spoke quickly in support and do consideration of this bill.

Senator Heitkamp: First time in front of legislature?

Rep. Tieman: First introduced in 1893 .

Edward Jerome, Minnesota, spoke in opposition of the bill. We were excluded for any input when Pembina County purchased the cemetery. We are concerned on how the cemetery was surveyed. The Highway Dept. Map shows area site with cultural scattered. We question the 10 acres The list is also incomplete on number of burials, we feel there are 215 not 200. The survey is does not include the whole cemetery.

Senator Solberg: You are opposed to the state purchasing this site; what area?

Edward Jerome: Not entirely but that the whole cemetery be preserved in this bill.

Senator Heitkamp: Bills states 10 acres; but right amount should be 14 acres?

Edward Jerome: Yes all the acres on the survey are correct.

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Senator Robinson: 14 acres to be preserved.

Senator Grindberg: The Highway survey is correct?

Edward Jerome: the 1892 cemetery was used; 1921 farming wheat was done on some of this land and it was plowed up in 1922.

Senator Thane: Is farming still done over and around cemetery?

Senator Trenbeath: Since the acquisition from the county, no farming has been done.

Senator Tallackson: Guessing of the location of the cemetery is the concern and evidence?

Edward Jerome: 1893 bill stated cemetery 10 acres.

Senator Robinson: What is the amount of acres to secure total cemetery?

Edward Jerome: Depends on testing and accuracy.

Tape 1, Side B, meter 49.0

Ruth Swan, Winnepeg, Manitoba, testified that in 1992 they organized a committee on the cemetery with descendants to protect the site. I am an expert in this and explained past history

End Tape 1, Side B, meter 54.3

Start Tape 2, Side A, meter 0.0

and evidence of the 2 ½ acres outside of the grave sites. The large area geophysical testing shows this. The list is incomplete.

Senator Robinson: So 14 acres comprise the cemetery site, do you agree?

Ruth Swan: The Highway map shows 10 acres; the problem is with state and local officials with the 2 ½ additional acres. We feel that 10 acres is before development.

Senator Holmberg: How do we proceed from here? How should we amend this bill to your opposition?

Ruth Swan: First we need the description of the boundaries adjusted so that access roads are made beyond the 10 acre parcel; second, have the 1998 report withdrawn and have the State Historical consult with the descendants with their concerns.

Senator Holmberg: I think the committee should find why the Historical Society and geological survey are in disagreement? Have them respond with their comments?

Senator Solberg: Yes we will.

Senator Andrist: With many descendants; can they organize instead of the state?

Ruth Swan: Amendments are suggested; we are concerned with the way it has been handled; direct the Historical Society to deal with them.

Senator Solberg: Are there other cemeteries like this in North Dakota?

Ruth Swan: There is one on the Turtle Mountain Reservation and several that are hard to recognize by names of French Canadian aborigines.

Tape #2, Side A, meter 12.2

Louis Ritcha, Turtle Mountains, testified in opposition of this bill, asking why hasn't this been taken of in the last 100 years. Need to have limitations with the Historical Society to get this project done.

Senator Schobinger: We had this bill 100 years ago, doesn't the bill help with the correct size.

Louis Ritcha: There is no size stated on the bill; just amount of \$500.00

Merl Paaverud, Interim Superintendent State Historical Society of North Dakota, testified in opposition of this bill (testimony attached and copies of past bill (1893) and section 23-06-30.), stating that cemetery should not be sold to the state of North Dakota but under the local control of the county and honor the 1893 commitment. Suggests a one time appropriation to Pembina County.

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Senator Schobinger: The 1893 land stated importance to set cemetery aside; why wasn't this done? Any where to look at to determine why land wasn't bought?

Merl Paaverud ND was bad financially after the 1893 session, funding probably wasn't there. No historical documents to establish this.

Senator Holmberg: Is the county responsible for abandoned cemeteries established prior to 1965? Or is the state?

Merl Paaverud I'd have to read the old law.

Senator Heitkamp: Could all cemeteries be looked at because of this, even though this was look at years ago?

Merl Paaverud This is a concern for other cemeteries; the local level will be empowered to take care of the cemeteries.

Senator Lindaas: Who has title to the parcel of land now?

Merl Paaverud Pembina County has title which paid \$14,000 plus to buy the 10 acres.

Senator Holmberg: To the opposition; a suggestion would be to have state buy the land and interested people maintain the site.

Merl Paaverud That is a possibility; County can do that; the Counties concern was the funding of the cemetery.

Senator Solberg: We should go back and review the records; have research to see if there is any documents to buy the land when the bill was passed back in 1893.

Senator Trenbeath: We do have a copy of the abstract and we see nothing to do with this property; if it did exist is has disappeared.

Senator Schobinger: Do we need to do a repealer to the old 1893 bill to this bill?

Senator Trenbeath: That is correct.

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Senator Heltkamp: Why is there farming when the county owns the land?

Senator Trenbeath: The county just recently acquired the land.

Senator Tallackson: Are the descendants will to take care of some of the expenses?

There was discussion between various committee members and those that testified to this question as well as fencing and to determine the correct amount of acres. It was stated that this land does have international history; the area needs to be layed out and by whom, with all parties involved.

Hearing closed. Tape #2, Side A, meter 45.4.

February 15, 2001 Full Committee Action: (Tape 3, second of six bills acted on 0.0 - 54.6)

Senator Nothing reopened the hearing on SB2420.

Senator Holmberg moved adoption of proposed amendments #10785.0101. Senator Solberg seconded.

Discussion followed. Committee verbally the adoption; no discussion on the bill.

Senator Holmberg moved a DO PASS AS AMENDED; Senator Tallackson seconded the motion. Roll Call Votes: 14 yes; 0 no; 0 absent and not voting.

