

# MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

2249

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Ballantyne  
Operator's Signature

12/21/03  
Date

2003 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2249

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Walsh  
Operator's Signature

10/21/03  
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2249

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date 01/30/03

Tape Number	Side A	Side B	Meter #
Tape 1	x		0 to end
Tape 1		x	0-2400
Committee Clerk Signature <i>Asa Hufsch</i>			

Minutes:

**Senator Karen Krebsbach**, Chairman opens SB 2249. All senators present.

**Senator Judy lee** introduces bill.

**Terry Traynor**, Assistant Director, ND Association of Counties (Testimony attached)

**Senator Fairfield** : The right to petition for a vote only happens if the building is to be demolished and the director of the historical society is able to give a opinion but can not make a decision without the board?

**Traynor**: Yes

**Senator Brown**: Are you familiar with Cass County and how does it effect that example?

**Traynor**: I do not know.

**Senator Wardner** : The Stutsman county Courthouse what is the history there and why it ends up being a historical building and was it against the political subdivision?

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna D. Hufsch*  
Operator's Signature

*12/21/03*  
Date

Page 2  
Senate Government and Veterans Affairs Committee  
Bill/Resolution Number SB 2249  
Hearing Date 01/30/03

**Traynor:** I do not know where the designation came in but when the county wanted to build the new courthouse it was on the registered list and the county wanted to demolish the building so the county quick claimed the deed to the historical society and it belongs to the state but is not heated or being used or anything right now.

**Senator Wardner :** The county has no liability?

**Traynor:** It is as good of deal as they could get.

**Senator Dever :** Is Cass County building vacant? On line 5 page 2 the bill says if the building has an existing public function, so that might take it away.

**Traynor:** Many courthouses are listed and are on the register

**Senator Fairfield :** This would be for buildings designated by the state historical society what about the national registry does that fall into the same category?

**Traynor:** I will let the attorneys handle that.

**Ronald Krebsbach, McLean County Commission, President of the County commission**

(Testimony attached)

**Senator Krebsbach :** Did you have a vote in McLean County?

**Krebsbach:** Yes, it is in the testimony.

**Ladd Erickson, McLean County State's Attorney**

Cass County has been involved with this bill. (testimony attached)

**Senator Dever :** Are you currently prevented from building a new courthouse and demolishing the old one?

**Erickson:** We can't demolish the old one because the historical society, we can build a new one but not destroy the old one.

*Deanna D. Smith*  
Operator's signature

10/21/03  
Date

Page 3  
Senate Government and Veterans Affairs Committee  
Bill/Resolution Number SB 2249  
Hearing Date 01/30/03

**Senator Krebsbach** : How does this differ from Stutsman County, do they have to keep it up also?

**Erickson**: Stutsman County deeded it to the state.

**Connie Sprynzynatck, League of Cities**, in support of SB 2249.

This has taken control away from the locals. Not only buildings but also other things such as streets. we don't have control over our own buildings but have to fund them.

**Senator Brown**: The old building you moved your offices into was renovated wasn't it?

**CS**: It was not on the historical registry but the remodeling was mostly done on the outside.

**Marlon Hvinden, McLean County Auditor**,: I June 2002 we did a ballot of a new courthouse.

Major issue arose with he Historical Society and said the town would have to maintain the existing building even if the vote passed to build a new one. This dual maintenance defeated this bill. They did not want to take on additional taxes to build a new building and keep the old one maintained also.

**Senator Nelson** : Is it included if it is not being used for existing public functions?

**Bill Wolten, City of Bismarck** testifies in support of SB 2249. As a matter of balance, the historical society can veto what Bismarck decides that would offer an amendment on the streets.

**Senator Krebsbach** : How does this affect a street?

**Wolten**, If the street goes through a historical section of the town we can't do anything without the approval of the historical society.

#### Testimony in Opposition

**Merl Paavorud, Director of the State Historical Society of ND** (Testimony attached)

Page 4  
Senate Government and Veterans Affairs Committee  
Bill/Resolution Number SB 2249  
Hearing Date 01/30/03

**Senator Nelson :** Once a building is on the register is there a process to get it off.

**Paaverud:** Yes, the national park service we work with the national register, They are the ones that have the final say whether or not the building get put on the list. We have a committee that people submit to be put on the registry. The state registry can be taken off by the state board.

**Senator Nelson :** How many entities are on the federal registry?

**Paaverud:** 180/ 20 state owned.

**Senator Brown:** Stutsman county case, do you think results are good?

**Paaverud:** The exterior has been renovated and restored. There are efforts to find use for this building.

**Senator Brown:** did the historical society pay for the renovation?

**Paaverud:** Yes

**Senator Brown:** Are you familiar with McLean County and is there a solution?

**paaverud:** The problem that we encounter is that we find out about these things to late and envoke 55-02. that is on the national register and trying to preserve that. trying to find continuous use for that building and to take care of health issues. It is not being maintained, that results in the bat problem.

We look for unique buildings for our history.

**Senator Brown:** Cass County Jail and Sheriff's house, what do you thin of that?

**Paaverud:** Once they are gone they are gone forever, we have not envied 55-02-07 there yet. But the commission is working with us and we are looking at reuse issues and renovation issues. We have put together some recommendations for that.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Ballantyne  
Operator's Signature

10/21/03  
Date

Page 5  
Senate Government and Veterans Affairs Committee  
Bill/Resolution Number SB 2249  
Hearing Date 01/30/03

**Senator Nelson :** Are those 2 buildings considered 2 buildings in Cass County or is it 1.

**Paaverud:** 2 separate buildings

**Senator Dever :** by this bill we are negotiating the continuing existence of historical buildings by giving power to the political subs?

**Paaverud:** I could go either way, what would happen is that we re concerned about proper process to lookout these things including health and safety issues. We feel the earlier we get the communication lines open we could work easier with these agencies to do the planning process together.

**Attached testimony for Mike Simonson**

**Dale Bentley, Executive Director Preservation North Dakota**

(Testimony attached)

**Senator Wardner** Does Preservation North Dakota do any fund raising to put it in these sites?

**Bentley:** Yes we do work with prairie churches and funding raising for those projects.

**Senator Dever :** The Dept. of Public Instruction takes an interest in schools do they do anything to help with this fund raising?

**Bentely:** I do believe there was one of courthouses and schools.

**Barbara Lang, Board of Advisors to the National Trust for historic Preservation (testimony attached)**

**Senator Fairfield :** Explain the situation in Stutsman County.

**Lang:** It is the oldest standing courthouse and where the beginning talks of our statehood took place.

**Amy Gutherie Saakerson (Testimony attached)**

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna D. Hall*  
Operator's Signature

10/21/03  
Date

Page 6  
Senate Government and Veterans Affairs Committee  
Bill/Resolution Number SB 2249  
Hearing Date 01/30/03

**Corrinne J. Kerzmann** (Testimony attached)

Closed SB 2249

Senator Krebsbach assigns subcommittee consisting of Senator Wardner, Senator Krebsbach, and  
Senator Fairfield

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Waller  
Operator's Signature

10/21/03  
Date



2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2249

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date 02/04/03

Tape Number	Side A	Side B	Meter #
Tape 1	x		0-5000
Committee Clerk Signature			

Minutes: *Subcommittee*

Senator Wardner, Senator Krebsbach, and Senator Fairfield present. Merl Paaverud with the State Historical Society, Terry Trynor, ND Association of Counties, Bill Wolken, City of Bismarck, Ladd Erickson, McLean County State's Attorney, Fern Swenson, State Historical Society were all present. This subcommittee meet regarding solutions they felt could be found on common ground between the groups. Information on the Historical Society was handed out and attached to this testimony. The discussion was put in recess until next Tuesday and they were to try to come up with solutions that could further solve this situation.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna Ball...*  
Operator's Signature

*12/21/03*  
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2249

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date 02/11/03

Tape Number	Side A	Side B	Meter #
Tape 1	x		

Committee Clerk Signature

Minutes:

Subcommittee on SB 2249. Senators Wardner, Krebsbach, and Fairfield are present along with Merl Paaverud from the State Historical Society, Ladd Erickson, McLean County State's Attorney, Fern Swenson, State Historical Society, Terry Traynor, Association of Counties, Bill Wolken, City Administrator of Bismarck, and someone from the League of Cities.

the discussion was how all parties could come to an agreement on an idea to solve the problem they have with the bill. Ladd Erickson purposed an amendment and Merl Paaverud came back with a different amendment.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Waller  
Operator's Signature

10/21/03  
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2249

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date 02/17/03

Tape Number	Side A	Side B	Meter #
Tape 1	x		750-2500

Committee Clerk Signature

Minutes:

**Senator Karen Krebsbach**, Chairman reopens SB 2249. All Senators present.

Senator Wardner hands out new amendments.

**Senator Wardner** : The basic thing is it gives the political sub the right to make the final decision I feel the political subs should be involved. I think Mr. Paaverud is doing a great job, but he won't always be the director in charge.

Senator Wardner moves to adopt the amendment

Senator Brown 2nd

**Senator Wardner** : I guess they would make their comment to the political sub. Now they go to the state historical society.

**Senator Fairfield** : My comfort level with this amendment would be better if on Line 8 the word "destroy" would eliminated. I think the word destroy scares me. I want to make sure that it would go to a vote.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Waller  
Operator's Signature

10/21/03  
Date

Page 2

Senate Government and Veterans Affairs Committee

Bill/Resolution Number SB 2249

Hearing Date 02/17/03

**Senator Wardner** : I think it is in there. I like it the way it reads.

6 Yes 0 No on amendment

Senator Brown moves a Do Pass as amended

Senator Wardner 2nd

**Senator Dever** : Does this mean they are going to be courthouses torn down all over the state?

**Senator Wardner** : I don' think so.

**Senator Dever** : If the historical society would want to buy the building and resotre it and run it could they?

**Senator Wardner** : Yes, or even a fundraiser to keep it going would save it also.

4 Yes 2 No

Carrier: Senator Wardner

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanne Waller  
Operator's Signature

10/21/03  
Date

30583.0101  
Title.0200

Prepared by the Legislative Council staff for  
Senator Wardner  
February 13, 2003

*JB*  
2-18-03

PROPOSED AMENDMENTS TO SENATE BILL NO. 2249

Page 2, line 10, replace "Before any action may be taken by an agency or governing body under this section," with "If an action is to be taken by an agency or governing body under this section, notice of intent to take the action must be given to the director at the onset of the planning process. At the director's request, the agency or governing body shall inform the director of each meeting at which planning or decisions on a project are on the agenda. At each meeting, the agency or governing body shall provide the director with an opportunity to comment or provide preservation funding for the proposed project and the agency or governing body shall consider the director's comments or offers of funding in the development and implementation of the project. Although the agency or governing body may take the action it deems necessary, the agency or governing body shall make all reasonable effort to preserve the historical characteristics of a site taking into consideration economic and technical feasibility."

Page 2, remove lines 11 through 13

Page 2, line 14, remove "governing body determines necessary."

Renumber accordingly

Date: 2/17/03  
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2249

Senate Government and Veteran Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number 30583.0101 Title Title

Action Taken amendment

Motion Made By Wardner Seconded By Brown

Senators	Yes	No	Senators	Yes	No
Senator Karen Krebsbach, Chr.	✓		Senator April Fairfield	✓	
Senator Dick Dever, Vice Chr.	✓		Senator Carolyn Nelson	✓	
Senator Richard Brown	✓				
Senator Rich Wardner	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Waller 10/21/03  
Operator's Signature Date

Date: 2/17/03  
 Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2249

Senate Government and Veteran Affairs Committee

Check here for Conference Committee

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

Action Taken Do Pass as amended

Motion Made By Brown Seconded By Wardner

Senators	Yes	No	Senators	Yes	No
Senator Karen Krebsbach, Chr.	✓		Senator April Fairfield		✓
Senator Dick Dever, Vice Chr.	✓		Senator Carolyn Nelson		✓
Senator Richard Brown	✓				
Senator Rich Wardner	✓				

Total (Yes) 4 No 2

Absent 0

Floor Assignment Wardner

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

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna D. [Signature] 10/21/03  
 Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)  
February 18, 2003 12:35 p.m.

Module No: SR-31-3071  
Carrier: Wardner  
Insert LC: 30583.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**

**SB 2249: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2249 was placed on the Sixth order on the calendar.

Page 2, line 10, replace "Before any action may be taken by an agency or governing body under this section," with "If an action is to be taken by an agency or governing body under this section, notice of intent to take the action must be given to the director at the onset of the planning process. At the director's request, the agency or governing body shall inform the director of each meeting at which planning or decisions on a project are on the agenda. At each meeting, the agency or governing body shall provide the director with an opportunity to comment or provide preservation funding for the proposed project and the agency or governing body shall consider the director's comments or offers of funding in the development and implementation of the project. Although the agency or governing body may take the action it deems necessary, the agency or governing body shall make all reasonable effort to preserve the historical characteristics of a site taking into consideration economic and technical feasibility."

Page 2, remove lines 11 through 13

Page 2, line 14, remove "governing body determines necessary."

Renumber accordingly



2003 HOUSE POLITICAL SUBDIVISIONS

SB 2249

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Walsh  
Operator's Signature

10/21/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2249

House Political Subdivisions Committee

Conference Committee

Hearing Date: March 13, 2003

Tape Number	Side A	Side B	Meter #
1	X		33.4-40.1
2	X		0.0-51.0
3	X		0.0-53.3
3		X	0.0-21.6

Committee Clerk Signature

Minutes:

**TAPE 1; SIDE A:**

**(33.4) CHAIRMAN GLEN FROSETH:** We will open the hearing on SB 2249.

**(33.5) SEN. JUDY LEE:** Although the newspaper talks a lot about the issues in Cass County that's not the reason why this bill was initiated. There were other circumstances where there has been a struggle with counties finding a practical middle that considers the needs for maintaining our historical buildings because we want to make sure that they recognize the importance of public structures in our state, but also recognizing for example in the county the challenges they have financially and meeting the requirements of a structural challenges that are very expensive to repair. The School for the Blind at Bathgate was sold to the community for \$1, so that they could use it as a walk-in care facility. They were trying to figure out what to do because it wasn't classified as a historic building. The front doors were in terrible shape. The requirement for

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

*Deanna D. Smith*

12/21/03  
Date

Page 2

House Political Subdivisions Committee

Bill/Resolution Number SB 2249

Hearing Date: March 13, 2003

replacement of these doors in order to meet the historical criteria were so extensive that I know that all of you know the reimbursement for long term care facilities don't allow for luxury's like \$5000 doors. And so they were really struggling. And we were able to figure out a way to address that, and continue to function and have something that was in keeping was a historical nature of the building, but did not have to be done exactly as originated as before. So that's why I brought this to the attention of the legislatures. It requires some collaboration between the Historical Society and Political Subdivisions. We think in the long run it will bring us to the best outcome. We want to preserve as much as we can appropriately, but there are other structures sometimes we really need to consider whether or not the function and the cost make it all worth while. So this means that there's a little bit more equal powers that come together at the table.

**(36.6) REP. DALE SEVERSON:** Under current law, there is the opportunity for a municipality to arbitrate. Would that change or would it reverse the role and allow the Arts to arbitrate a city? If this bill passes does the Historical Society have the same opportunities to arbitrate a municipality?

**(37.4)** Without objection I cannot answer that. Rep. Wieland could probably answer that better than I. Our goal is not to take all power away from anybody. But to make sure that there is some opportunity for dialogue and some reasonable appeal process and there does need to be some closure to this. I'm sure you will be hearing about McKlean County where they've had some struggles meeting ADA requirements and trying to make sure that their courthouse serves it's citizens well. And the way that they can both feasibly do it, has not been acceptable and the way that they were asked to do it is absolutely not cost feasible.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Waller  
Operator's Signature

10/21/03  
Date

Page 3

House Political Subdivisions Committee

Bill/Resolution Number SB 2249

Hearing Date: March 13, 2003

**(38.5) CHAIRMAN GLEN FROSETH:** We'll get to the bottom of that. The arbitration guide lines are in 55-10-08 when we're dealing with 55-02-07, so I think the arbitration is still in place. Without objection we will take a ten minute recess to wait for some others that were planning on being here. (40.1)

**TAPE 2; SIDE B:**

---

**(0.0) CHAIRMAN GLEN FROSETH:** I will call the committee back to order. With that, we will continue with the hearing on SB 2249.

**(0.8) TERRY TRAYNOR; ASSOCIATION OF THE COUNTIES:** (Testimony in support)

(See attachment #1 & #2- a resolution)

**(3.4) REP. DALE SEVERSON:** As I read the bill, under current law the Historical Society has the governing body or county had the opportunity to actually go after the Historical Society and get arbitration. I don't see this true in here anymore. It's either the way the municipality wants it or go to the vote of the people.

**(3.9) TERRY TRAYNOR:** My understanding is that the arbitration provision is effective only for those sites that are listed on the State Historic Registry. There are two registries, the National Historic Registry and the State Historic Registry. The arbitration provisions in there are for the State Historic Registry. The section that we're concerned about is much broader than that. It deals with anything that the Historical Society determines as a historical significance. It doesn't necessarily have to be listed in one of those two registries to be affected by the Historical Society's authority to halt any renovation or demolition. The arbitration provision is only available for state listed structures, which there are only about 20 in North Dakota. Most of the court houses I believe, 40 some, are listed on the National Historic Registry.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna Waller*  
Operator's Signature

10/21/03  
Date

Page 4  
House Political Subdivisions Committee  
Bill/Resolution Number SB 2249  
Hearing Date: March 13, 2003

**(4.9) REP. DALE SEVERSON:** This will change that as well?

**(4.9) TERRY TRAYNOR:** Yes, I believe so.

**(5.0) REP. DALE SEVERSON:** How many times has this occurred within our state? Is this an ongoing issue?

**(5.1) TERRY TRAYNOR:** Yes, it is an ongoing issue as long as I've been with the Association of Counties, 15-16 years, this has been an recurring issue, it isn't necessarily every year always ongoing, but it is recurring.

**(5.4) REP. DALE SEVERSON:** These incidents that have occurred then, have they come to resolve?

**(5.5) TERRY TRAYNOR:** It's gotten to the point of where the Historical Society has issued a requirement that something happened in 12 or 13 times. At least six of those ultimately was resolved by removal of a building and the others, there was some kind of renovation implement to meet the requirements. The provision being there however, it isn't always invoked, but Counties are well aware that it is there and it can be invoked if they are not following the recommendations of the Historical Society.

**(6.4) CHAIRMAN GLEN FROSETH:** Is part of the concern to the counties, that once a building has been placed on the Historical Society roles and can't be removed. Who's responsibility for the maintenance and up keep?

**(6.6) TERRY TRAYNOR:** If the building was constructed and is owned by the political subdivision, the responsibility rests with that political subdivision.

**(6.8) CHAIRMAN GLEN FROSETH:** Is there any grant money, federal or state?

**(6.9) TERRY TRAYNOR:** There is some, but, it is very limited.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna D. Hall*  
Operator's Signature

10/21/03  
Date

Page 5  
House Political Subdivisions Committee  
Bill/Resolution Number SB 2249  
Hearing Date: March 13, 2003

**(7.0) REP. NANCY JOHNSON:** In section 2 where it talks about they have to have a vote within 60 days? Does that mean that after the political subdivision makes a decision that the building is to be demolished, then it must wait 60 days to allow anyone who wishes to get a petition going and then if this is a petition of 10 %, then it can move forward to a vote?

**(7.4) TERRY TRAYNOR:** Yes.

**(7.5) CHAIRMAN GLEN FROSETH:** What's the procedure if there's a referral, at what point does the proceedings, if it's county and in the process of destroying a building and a referral has started, is everything put on hold at this point?

**(7.9) TERRY TRAYNOR:** The way I read it is once the decision was made they could not proceed with that demolition project for 60 days. That would be the window of opportunity for the petition to be circulated and submitted to the County Auditor.

**(8.4) REP. NANCY JOHNSON:** On line 23, the petition which is 10% or more of the electric should be filed with the County Auditor. What is this, a city, a building?

**(8.7) TERRY TRAYNOR:** This has just been brought to our attention, and possibly that should have been the Auditor of the jurisdiction that's involved. The problem is it could be a school district building which doesn't have an Auditor, however they have a clerk or a financial manager. There is a County Auditor that is in every area and at least there will be one central place. That could be changed.

**(9.2) REP. DALE SEVERSON:** What's been done over the last few years to deal with the counties, municipalities and the Historical Society to resolve a problem? Has there been an effort?

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna Wallcraft*  
Operator's Signature

12/21/03  
Date

Page 6

House Political Subdivisions Committee

Bill/Resolution Number SB 2249

Hearing Date: March 13, 2003

**(9.5) TERRY TRAYNOR:** I was asked to make it clear that in many, many instances the relationship has been good. There have been a lot of situations where we built a new building after the flood and they're renovating the courthouse now. Their negotiations for changes with the Historical Society has been good, and they want that noted as well. The problem is from their prospective that the final say rests with the Historical Society. The counties have to negotiate from a very weak position, because when all is said and done, the Historical Society has the final say.

**(10.4) CHAIRMAN GLEN FROSETH:** In past history, how many times have arbitration provisions have been used by counties?

**(10.5) TERRY TRAYNOR:** I do not know.

**(10.9) RON KRETBACH: PRESIDENT OF COUNTY COMMISSION ASSOCIATION:**

(Testimony in support) The news media says that the Historical Society says McLEAN county did not let us know for more than a year ago that we were having problems with our court house. In 1992 we made a grant application for ADA work. In 1995, our ADA coordinator contacted the ND State Historical Society with information and a video on historic preservation which was reviewed by the Board of Commissioners. We received a letter back from them thanking us for wanting to try and reserve. February of 1998, the NDSHS was notified, advised of county plans to construct an interior elevator in the court house. They countered that a chair lift was sufficient. We are four floors that we need to get access to. A chair lift would be very degrading to anybody who would have to try to go down the four floors. In 1999, a letter from Architect, Al Fitterer, from Mike Simonsons, was a copy of plans for the exterior 1963 addition of the elevator, and a 720 square foot third floor level that would house ADA compliance bathroom and reception

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna D. Wall  
Operator's Signature

10/21/03  
Date

Page 7  
House Political Subdivisions Committee  
Bill/Resolution Number SB 2249  
Hearing Date: March 13, 2003

areas. In November of 2001, there was review of Historical Art heaters proposal for ADA work and court house renovations. We've been trying to work with them for years. In 1998 when we were trying to put the elevator on the exterior, they wouldn't let us do it. Right now we're back to this. We are proceeding with that plan. In the meantime it has cost our tax payors approximately half a million dollars. Counties and Political Subdivisions can't afford that type of a wage. We have to proceed. We have an ADA complaint against us right now also. All of our counties need this bill.

**(13.5) CHAIRMAN GLEN FROSETH:** Your building has been placed in the State Historical Registry?

**(13.5) RON KRETBACH:** No, it's on the Federal Historical Registry.

**(13.7) CHAIRMAN GLEN FROSETH:** Every time you want to do any renovation or remodeling to that building, you have to get their permission?

**(13.8) RON KRETBACH:** Yes.

**(14.1) REP. DALE SEVERSON:** You said that a chair lift would meet the need. Did you put one in?

**(14.2) RON KRETBACH:** We are not ADA compatible right now.

**(14.3) REP. DALE SEVERSON:** Do you feel that the people said we want the elevator, not the chair lift?

**(14.8) RON KRETBACH:** The chair lift would not get to our basement level. The elevator is the correct answer.

**(15.1) REP. CAROL NIEMIER:** If you're on the National Registry, what kind of regulation or assistance can you get from them?



Page 8  
House Political Subdivisions Committee  
Bill/Resolution Number SB 2249  
Hearing Date: March 13, 2003

**(15.3) RON KRETBACH:** There probably is some money, but very little. One time there was \$5,000, and our project was going to run well over a million just to get us into the building.

**(15.6) CHAIRMAN GLEN FROSETH:** I guess every situation is unique. The situation in Washburn, I think the board is turning down the new construction of a new courthouse.

**(15.9) RON KRETBACH:** Yes. We put it on the ballot. During the General election we went back in and asked if they would fund renovation.

**(16.7) BILL WOCKEN; CITY ADMINISTRATOR FOR BISMARCK:** (Testimony in support) (See attachment #3)

**(21.0) ALAN WALTER; DIRECTOR OF PUBLIC WORKS FOR MINOT:** (Testimony in support) Several years ago, I purchased a piece of property on "H" Street NW in Minot, knowing that we were going to use part of the lot for right a way improvement to 8th street. When we bought the house, it was not on the historical registries. And it was not considered to be historical piece of property. There was a historical survey taken and was deemed at that time that it was historical property. We ended up having to move the house back on the lot o save the house and keep it in the historical area, which was not historical area when we started the process. We spent about \$150, 000 on this house to keep it in the area and putting a basement in. The house is not significant. It's a two story, older house, that had renovation started on it, the plastic siding was never completed, there was a new modern garage built on the property and doesn't look anything like the house. We've been trying to sell the house for the last two years, we can't get \$35,000 for it. This is one example that happens when with this situation with historical property in areas where cities have projects.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Waller  
Operator's Signature

12/21/03  
Date

Page 9  
House Political Subdivisions Committee  
Bill/Resolution Number SB 2249  
Hearing Date: March 13, 2003

**(23.1) CHAIRMAN GLEN FROSETH:** How do the proceedings start on getting a piece of property to be listed on the Historical List?

**(23.4) ALAN WALTER:** I'm not that familiar with it but, in this instance, because it was close to the historical area, they had to do a historical survey on this house.

**(24.4) REP. DALE SEVERSON:** You had already started construction before the Historical study was made?

**(24.5) ALAN WALTER:** No. It was done prior to construction. In this instance, the city was responsible for the right away for the entire project.

**(25.5) CHAIRMAN GLEN FROSETH:** I believe this committee needs some clarification on the arbitration proceedings and whether they will still be in effect if this bill does pass?

**(26.3) BONNIE JOHNSON; CASS COUNTY COORDINATOR:** (Testimony in support)  
Cass County has been attempting to remove it's crumbling old jail and it's crumbling old Sheriff's residence. Our board voted to remove the structures in May of 2001. Just last week we began demolition at the jail and Tuesday of this week we had a hearing before the State Historic Board with regards to the face of the house. That hearing has been continued until April 11, 2003. This is the second time in ten years that Cass County Board of Commissioners appeared before the State Historical Society. When we attempted to remodel the front entrance of our court house to make it ADA assessable and incorporate full security, we were told that we could not. Our County Commissioners at that time appealed the decision to the full board of the State Historical Society and the county prevailed and ultimately the work was done. As a result of that work our county received an award for the project with regards to the ADA compatibility. Without these timely improvements, our buildings become obsolete. It can no longer serve the functions of

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Waller  
Operator's Signature

10/21/03  
Date

Page 10  
House Political Subdivisions Committee  
Bill/Resolution Number SB 2249  
Hearing Date: March 13, 2003

modern society. We must be realistic about the ever changing needs. Even the National Registry which our court house is on, does not restrict local government from remodeling and removing obsolete structures. This is not a Cass County issue as we've heard today. This is a state wide issue. Can local governments be entrusted to make these kinds of decisions. We believe they can and urge your support on this bill.

**(28.9) REP. NANCY JOHNSON:** You said that the National Registry allow the removal of remodel of the structure, they don't have any oversight or any concerns?

**(29.1) BONNIE JOHNSON:** There is oversight if federal funds are used and in our projects no federal funds were used. They have a recording preservation club that's known as the HABBS process. It strictly requires us to measure and record and keep in some valuable place information about how the property looks and how it was constructed. We go beyond that in Cass County. We salvage and reuse this for new structures and have a long history for doing that, and we claim to be doing that in our current project as well.

**(29.9) REP. DALE SEVERSON:** The arbitration of the hearing that you had on your court house that you were trying to ADA certified. You met with the entire board of the Historical Society, yet he says he prevailed. Was it a compromising issue where the Historical Society told you what they expected and you concurred and then you said you need to do, make it current. How did that hearing go?

**(30.4) BONNIE JOHNSON:** We've been there twice as I had mentioned. The first time that we went there on the front door issue, Mr. Paaverud was not there and his predecessor recommended against the county that we now perceive with the remodeling and proposed the State Historical board staff made up of citizens and voted against the staff and allowed us to

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Waller  
Operator's Signature

10/21/03  
Date

Page 11  
House Political Subdivisions Committee  
Bill/Resolution Number SB 1249  
Hearing Date: March 13, 2003

proceed. The hearing that we had on Tuesday, the 11th, 2003, Mr. Paaverud made a staff recommendation that the county should be allowed to demolish both structures and the board said they needed more time to evaluate the information given to them.

**(32.3) SCOT WAGNER; CHAIRMAN CASS BOARD OF COUNTY COMMISSIONERS:**

(Testimony in support) The issue and concern I have is the fact that there's an issue of election. We have two open seats on our County Commission. The two individuals who won elections were endorsed by a local paper and publicly took the position of supporting the removal of our two buildings because of the cost issues and the keeping of the court house. In our home rule charter, we have a provision that states that if there is any issue that the citizens of our county do not like or feel the board is wrong in it's decisions, through a proficient process, they can take it directly to the fellow citizens. That was established in 1994 by a vote of the citizens. Our citizen's determine what that structure would be and what that criteria would be. We have some passionate people who want to preserve these two buildings, the Sheriff's residence and the jail. What I've advocated for well over a year and a half, let's go through the local process get the signatures, and as for the state, they have not done that. The issue that I'm concerned about is just to work around the residence, we're looking at \$500 to \$750 thousand dollars that come from county tax dollars to short that residence. That's what our professionals are telling us, that we should work around it. Only those affected, the tax payors will take the burden of the cost of what every decision that is made. It's important when citizens want to take issues for themselves they make those determinations when they financially effect them, that they have the opportunity to do that. I think the Historical Society has a very important role, going through the process of suggesting and making recommendations is important.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna Waller*  
Operator's Signature

12/21/03  
Date

Page 12  
House Political Subdivisions Committee  
Bill/Resolution Number SB 2249  
Hearing Date: March 13, 2003

**(37.0) LADD ERICKSON; STATES ATTORNEY FOR McLEAN COUNTY:** (Testimony

in support) (See attachment #4) This is an attempt to correct the lack of proper Democratic procedures in the current law. 40 of our 53 Court Houses in the State are considered nationally historic. That doesn't bring the power of being regulatory scheme under the federal law, that just puts them on a list and designates them at. But under the way that 55-02-07 is written now, you can turn this honor, or prestige into a regulatory scheme that becomes unworkable for the counties. The Historical Society can form an opinion that that building is historic and then all changes to the building need to go through that person. In effect what this bill is about is tax policy. In this legislature, if you're debating a number of different revenue provisions and in our constitution is the Legislature that set's State tax policy, no other branch. In addition in the constitution, property taxes are reserved for the funding of local government.

What happens here with the Historic Preservation Program is Executive Branch State agency that's not accountable to elected official, forms an opinion that your structure's historical. Then they can mandate what ever things that have to happen with us. So it becomes the use of local property taxes without the voice of local commission being forced to be put into preservation, perhaps against our will, to keep the other public functioning things in the building. The McLEAN County Courthouse issue has been going on for 11 years. The chair lift will not comply with ADA under our circumstances because we have a handicapped employee. We have to make reasonable accommodations not only for the public but, for a particular employee. Checking with other court houses that have put them in, they are very disgusted with them. They don't use them because it humiliates people having to ride up and down like a spectacle through the Court

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Waller  
Operator's Signature

10/21/03  
Date

Page 13  
House Political Subdivisions Committee  
Bill/Resolution Number SB 2249  
Hearing Date: March 13, 2003

House. It won't do the job, we have a Court room on the top floor, a jury room on the lower floor. The Historical Society has demanded that the elevator be placed in the rear of the Court House so it doesn't change the outside of the steps. The County wants to put it on the side because that's the way the Court House was designed to leave the corridors open on each floor and you wouldn't have to go through a bunch of interior renovation. This conflict has lead to huge division in the County, it went to the public vote. The problem with their plan is it adds seven or eight hundred thousand dollars to the product that we're supposed to absorb in our tax payor base. Arbitration is available for twenty state historic sites. There's a new amendment to the Stark Preservation Laws. It does not affect laws like National Historic Sites and 55-02-07. Here's an example of how broad that is. In this building, the Capitol, it is not on the State or National Historic list. In fact I was informed by legislatures that it's been resisted to be put on a list. However, one of the Bills this session was to do something with the stairs coming into the Capitol. You could vote to fund and do some construction work. But, under the law as it is, 55-02-07, the Historical Society Director could then write you a letter and say no, all changes to your building need to go through you. Even though as elected officials took a vote, they can trump that. There's a tremendous problem with the civics, so my first concern would be the arbitration process, is it a mandate over here and it doesn't straighten out the improper civics that are currently in the law. The second thing is it takes a decision to get into arbitration. That can take a lot of money for the county to get into. You can hire an Architect, set forth the engineering, lay it out and then you have to go to the Historical Society now and they might say that's not good enough, go back. Well you might have spent, like McLEAN County, \$240,000 on architecture fees to get to that point. So it's not a proper solution to the problems. I believe the federal approach where the owners of the property

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna D. Hall  
Operator's Signature

10/21/03  
Date

Page 14  
House Political Subdivisions Committee  
Bill/Resolution Number SB 2249  
Hearing Date: March 13, 2003

don't lose control of it, with preservation is presumed but economics and technical feasibility is taken into account. I don't know if it's important to put the City Auditor's in there for the public vote. This is why: that provision is modeled after the home rule provision so there's going to be parody throughout the states. Cass County for example requires 15 % signatures versus 10 % to get an initiative on the ballot.

**(45.6) REP. WILLIAM KRETSCHMAR:** The comment on the provision on page 2. In each instance would the commission have to wait and see if the subdivisions are going to come in?

**(46.5) LADD ERICKSON:** The intention of that section is that Commissioner's cannot take action until the people have had their chance to speak up. That language is similar to all home rule language in the law. I think the County Commissioners want the people to be able to vote.

**(47.3) REP. DALE SEVERSON:** In some of the previous testimony that was provided in asking the question of how many times this has happened. You indicate that no arbitration has never been used because you don't feel it's an appropriate step. Before this bill was prepared do you know of any opportunities or chances to visit with the leaders of the counties and come together to find some terms to find a bill that's agreeable to both parties? Or is this just a bill that was put in because you don't like the Historical Society to have the final say?

**(48.0) LADD ERICKSON:** What happened before the session started was the people interested in this and people from Bismarck have worked on this issue a lot longer than I have in trying to get a resolution. They have the arbitration proceeding available there. In the Senate committee, when we got to the public hearing, concerns were brought in by the Historical Society primarily that if they would get notice, they wouldn't have the problem of conflicts. So amendments were made to accommodate their concerns in the city. Historical Society at current

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna D. [Signature]*  
Operator's Signature

10/21/03  
Date

Page 15  
House Political Subdivisions Committee  
Bill/Resolution Number SB 2249  
Hearing Date: March 13, 2003

is vested with absolute power. That's without the bait. The Attorney General says that they got all the power they can and to just live with whatever they want. In their court, anything that changes that, I don't see it as supportive. No, there wasn't a pre-session meeting with the Historical Society and myself.

**TAPE 3; SIDE A:**

**(0.0) JOHN VON RUEDEN; VOLUNTEER SHS :** (Testimony in opposition) We serve with historical passion. We do the will of our great State's history. The second biggest money maker in North Dakota will be Tourism. This is more than just an argument over a building. Proven procedures in place that will address virtually any historical requirements however, they arrive a lot of times on the ship that is sinking. We need time sometimes. Give us a chance to function and we will take care of you, your municipalities and your projects. But it might not be right on time, it takes time.

**(4.9) REP. LONNIE WINRICH:** (Testimony in opposition) From early in 1998, until about the same time in 2000, I served as the coordinator for the Grand Forks Historical Preservation Commission. I was a staff person to that volunteer commission and kept the records, ran the office, dealt with the issues that were before the commission at that time. The flood of 1997 damaged almost every building in Grand Forks including all of the historic ones. The fire that occurred coincidentally with the flood took its toll as well. There were a number of buildings that were already on the Historic National Register of Historic places which were demolished. There were others that were successfully restored. The City Council, the County Commission, the Historic Preservation Commission and the State Historical Board had to work together and cooperate. It can be done, it worked very well in Grand Forks. I believe the provisions of current

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Waller  
Operator's Signature

10/21/03  
Date



Page 16  
House Political Subdivisions Committee  
Bill/Resolution Number SB 2249  
Hearing Date: March 13, 2003

law, under which we work at that period of time, are adequate to address the situation. Certainly there has been rather sensational incidents across the state. I ask that you recognize that those are relatively isolated incidents. The ongoing efforts toward historic preservation and the promotion of heritage, tourism and so on are working in the state and under current law and working with those organizations. In the forty years that that statute has been in effect, it has been invoked only 13 times. In eight of those cases, the proposed project by the local unit of government was demolition of the historic structure. In four of those eight, demolition was approved by the State Historical Board. This is not a common procedure, it is only used in very egregious cases and at least half of the cases that have come before the Board, the Board has cooperated with the plans of the local political subdivision. There were a couple of people who wanted to come and testify but were unable to. I have their written testimony I will hand out. (See attachments #5 & #6)

**(11.6) REP. DALE SEVERSON:** Do you see this bill as taking the State Historical Society out of the picture?

**(11.7) REP. LONNIE WINRICH:** Certainly if the provisions of section 2 are invoked by the local governing unit. There's a specific exemption based on section 2 and section 3 of the Bill, that take the State Historical Board out of the picture. What the Bill doesn't do is change federal law and under federal law if a building is on the National Register of Historic places, the State Historical Board through the Historic preservation officer who's recognized by the National Park Service, still has responsibility for some of the federal regulations and enforcing the Secretary of Interior standards for historic buildings and so on. In some cases, there would still be responsibility there.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna D. Hall  
Operator's Signature

10/21/03  
Date

Page 17  
House Political Subdivisions Committee  
Bill/Resolution Number SB 2249  
Hearing Date: March 13, 2003

**(12.7) REP. MIKE GROSZ:** Do you know any examples of those four requests that were denied for demolition and the financial concerns that came along with them?

**(13.1) REP. LONNIE WINRICH:** I am not familiar with them.

**(13.9) MERL PAAVERUD; DIRECTOR OF STATE HISTORICAL SOCIETY OF ND:**

(See attachment #7)

**(21.5) REP. ALON WIELAND:** You just mentioned that there is some national or federal funding available. Do you have a provision for and in fact have you ever received any private donations that are specified for specific or not specified for specific projects and I'm not talking about ten or twenty dollars, I'm talking substantial dollars from people who are willing to contribute to a worth while program?

**(22.1) MERL PAAVERUD:** We have received funds in the past, but not substantial funds. We're looking at our State Historical Society ND Foundation, growing to the point where we can get money together so we can have a resource fund to help out in those situations.

**(22.6) REP. ALON WIELAND:** Are you an organization that, someone can do that and have a tax consequence or to them?

**(23.0) MERL PAAVERUD:** We aren't 501C3, but our foundation is.

**(23.2) REP. CAROL NIEMEIR:** I identify with the McLEAN County situation. We did the same thing in our church. What kind of an appeal process do you have in place in our society?

**(23.5) MERL PAAVERUD:** What we look at there is we have one of our staff go up there, provide information about a process that would provide that resource for the building and again taking into account what the historical nature's structure of the building is. What we want to do, and we've done this numerous times throughout the State in court houses, is go back and forth

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna Walsh*  
Operator's Signature

10/21/03  
Date

and try to resolve that issue. If there were arbitration, then we could take a look at that part of it.

We take a look at the preservation, the front, the sides of the building and try to place elevators in areas in back where it wouldn't be that closely seen.

**(24.6) REP. CAROL NIEMEIR:** Is there an option for a second opinion or reexamination of the situation?

**(24.6) MERL PAAVERUD:** We do that as part of the process back and forth.

**(25.0) REP. NANCY JOHNSON:** You mentioned in your testimony about early opportunity to talk about things and you shared your ND. list of the sites. How does the local political subdivision know what sites are in it's domain that are on that list?

**(25.4) MERL PAAVERUD:** We talked about this with the Assoc. of Counties to have them assist us, to be that inter media to let both sides know what's going on. If there is a historic building, they would contact us through the association. Through the association we could probably work that information back and forth.

**(26.4) REP. NANCY JOHNSON:** You talked about amendments and I don't have any here.

**(26.6) MERL PAAVERUD:** There is an amendment that is being worked through at this time.

**(26.9) REP. DALE SEVERSON:** What's the normal process for a community or county who wants to remodel, revamp or demolish?

**(27.3) MERL PAAVERUD:** Again early contact so we can provide technical assistance, if it's not listed we provide technical assistance through the community. We come out and take a look at it and identify it and figure out what it is used for, finding the history, what it's age is and then put together some work. The critical part we would have to call in professionals to take a look at that.

Page 19

House Political Subdivisions Committee

Bill/Resolution Number SB 2249

Hearing Date: March 13, 2003

**(28.8) AMY GUTHERIE SAKARIASSEN; ARCHIOLOGIST:** (Testimony in support) (See attachment #8)

**(34.8) BARBARA LANG; NATL. TRUST FOR HISTORICAL PRESERVATION:**

(Testimony in opposition) (Providing testimony for Rosemarie Myrdal) (See attachment #9)

**(39.2) JEMS TENNEFES; FORMER SEN. & HOUSE MEMBER:** (Testimony in

opposition) The older I get, the more interested in history I get. Miss Johnson said the Sheriff's home is crumbling. I've read several reports that says it's not in too bad of shape. This law has been in the books for so many years. All of a sudden we have a couple of issues where there hasn't been able to be an agreement. On line 21, page 2, it says " a petition for a public vote on the governing body's action containing the names of at least ten percent", I think there should be a time limit there. Has anybody ever worked on an initiated measure or referral? It takes lots and lots of work. It takes time. I think we should amend it to at least 60 days.

**(48.2) RICK SPRYNSANATYK; LOCAL ARTIST:** (Testimony in opposition) Last year I was commissioned to draw some Court Houses in the State. Until I had done this, I hadn't had the chance to see any of these buildings. I was in awe that many of these structures existed in many of our rural communities. They're absolutely beautiful and I'd hope that they would be the pride and joy of most of these small towns.

**(52.2) GENE SHANNON; CITIZEN OF CASS CO.:** (Testimony in opposition) In 1989 to 1991, I had the pleasure of serving with then, Commissioner Alon Wieland on the Cass County Board. One of the principals that drove my time there was to bring a home rule charter to Cass County. One of the main issues that we are talking about today is local control. Local control in context with the Bill seems to be the Political Subdivision versus the State Historical Society of

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna O'Neil  
Operator's Signature

10/21/03  
Date

Page 20  
House Political Subdivisions Committee  
Bill/Resolution Number SB 2249  
Hearing Date: March 13, 2003

North Dakota. One of the reasons I was a supporter of the home rule charter was the other component of local control, initiative and referendum aspect of it. I submit to you that the suggestion of 60 days here has some sort of an adequate measure for the local citizens to try and have their perspective weighed back against the Political Subdivision's. This is a bad Bill

**TAPE 3; SIDE A:**

---

**(4.0) GENE SHANNON:** (Testimony in opposition) The question was asked of the prime sponsor of this Bill, the Senate, will this Bill alter the authority of the State Historical Society of North Dakota? And the prime sponsor said " I do not know". That's reason enough for me, Do Not Pass.

**(4.2) JOHN STRAND; EDITOR & PUBLISHER OF THE FARGO GREETER:**

(Testimony in opposition) I wrote an article about four buildings on the Grafton State School that was going to be demolished. That led to an interesting process, everyone got together and took some time and turned that into an opportunity that created transit for Grafton, Walsh County for may years. Back in Cass County where my new residence is, the news this week is they want you to reinvent the street car and run it down a historic neighborhood. The street car used to go down Ninth Street South in Fargo where my house was. It will go down by the Cass County Jail and the Cass County Sheriff's residence and the Court House. We'll reinvent the street car to tell people there used to be some history there. But meanwhile today while you're debating the issue of SB 2249, what you're really hearing today is this came about mostly because of Cass County and McLEAN County and a couple other instances. We need to look at some issues. People say you can refer and the people can speak. On February 18, 2003, our Cass County Commission voted to demolish two landmarks, they're demolishing them now. So when can the people come

Page 21  
House Political Subdivisions Committee  
Bill/Resolution Number SB 2249  
Hearing Date: March 13, 2003

forward and come up with 9,000 signatures in a matter of days. If you pass this bill, with the emergency clause, you have authorized the demolition of the residence that's in question. The next of the State Board is April 11th, 2003, for further conversation. If you pass this, you need to know the consequences. You've stripped us of our ability to participate in the process.

**(7.7) JOE LARRIVEE; JPL ARCHITECTS;** (Testimony in opposition) (See attachment #10)

**(11.1) REP. STEVE ZAISER;** (Testimony in opposition) There was a comment about Tourism in the state and Cultural Tourism. Approving this legislation would prevent much of that and is significant to our state. There was talk about this legislation would allow for a window of opening for opportunities to protest and get referable. That window opening was just a sliver, a very small opening. In the Fargo Forum a couple of days ago, where the Cass County Historical Society Director was basically told because of your support for the preservation of this historic building, you're funding probably will be withdrawn. Now is this a balanced program? Perhaps you should consider this a study resolution.

**(13.1) DALE BENTLEY; DIRECTOR OF PRESERVATION IN ND;** (Testimony in opposition) (See attachment #11)

**(15.1) DICK GROSZ; CITIZEN;** (Testimony in opposition) My wife and I live in the Cathedral National State Historic District. We live in a prairie school home. It was designed in 1912 by a firm out of Minneapolis. The prairie school architecture flourished in the US between 1905 and 1915. There were six buildings designed in Bismarck, three were businesses and three were homes. Ours is the only one left in text. I think that says a great deal. I want to thank the

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna Waller*  
Operator's Signature

12/21/03  
Date

Page 22  
House Political Subdivisions Committee  
Bill/Resolution Number SB 2249  
Hearing Date: March 13, 2003

Historical Society for the volunteer work that they do and encourage you to allow them to be able to do that work.

**(16.4) CORINNE KERZMANN; COMMITTEE TO SAVE McLEAN COUNTY**

**COURTHOUSE:** (Testimony in opposition) (See attachment #12)

**(18.4) TRACY POTTER; FORT ABRAHAM LINCOLN FOUNDATION:** Preservation is economic development. The great thing about Heritage Tourism is that it gives us the economic justification to do the kinds of things we want to do. Heritage Tourism is the number one, or soon will be the economic engine in the world. At Fort Lincoln we can't turn a shovel without resorting to the State Historical Society of ND. The fact is, the results are good. We either confirm the things that we thought we knew about the Park, or we learn things that we didn't know about the Park and the history. They help us restore and reserve history.

**(20.2) CHAIRMAN GLEN FROSETH:** Any more testimony? Seeing none, I will close the hearing on SB 2249. The committee will have to sort through this and decide what they feel is right. I will appoint Rep. Nancy Johnson, Rep. Herbel and Rep. Ekstrom to a sub committee.

**(21.6)**

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna D. Smith  
Operator's Signature

12/21/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2249 A

House Political Subdivisions Committee

Conference Committee

Hearing Date: March 20, 2003

Tape Number	Side A	Side B	Meter #
2	X		0.0-5.2
Committee Clerk Signature	<i>Mickie Schmidt</i>		<i>4-4-03</i>

Minutes:

**TAPE 2; SIDE A:**

**(0.0) CHAIRMAN GLEN FROSETH:** Let's take a look at SB 2249 again. I will let Rep.

Johnson explain to you about the committee work on this Bill.

**(0.1) REP. NANCY JOHNSON:** Rep. Ekstrom and Rep. Herbel were also on the sub committee. What we're doing with the Bill, and this kind of has changing who has the authority to determine whether a building can be demolished, whether it's a Political Subdivision or the Historical Society. We will bring forward two amendments for this group to consider. One of them would be the study resolution. The other amendment would be using the Bill that we have that was presented to us. In that Bill, we're going to bring an amendment that would allow for a mediation process, not a binding arbitration process. Now we are trying to determine who would pick the mediator. I have some requests in at the Governor's office to see if it is through the Governor or through the Division of Community Services or whomever, we don't know yet. We

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna D. Hall*  
Operator's Signature *10/21/03*  
Date



Page 2

House Political Subdivisions Committee

Bill/Resolution Number SB 2249

Hearing Date: March 20, 2003

would amend in here a little bit more restriction on how to go about going to the vote. What would happen first, they need to have an early offset notification with the Historical Society if the governing body wants to make a change, and trying to work with them giving them notification, let the Historical Society have the opportunity to be involved in that notification. If they choose not to be, they can bow out and then the governing body doesn't have to keep them up with fees. But if they do request, then the Governing body needs to keep the Historical Society informed, invited to the meetings, and talking through the whole thing. If after talking, there still seems to be no way to resolve it, then either group could ask to have a mediator. Then it would be within the 30 days, they would have to go through a mediation process with an individual who would work with the two groups and try to find middle ground. If that doesn't happen within 30 days, then the Governing Board would make their decision, and if the decision is to dispose, demolish, removal or at this point an intensive substantial alteration of \$50,000 or more. Then that Governing body would have to vote at each meeting to do one of those things. Then they would be required to publish a notice in the official newspaper. Once that notice is published, that starts the process and any individual in that subdivision can apply this in a letter of intent to do a petition. If that letter's intent is solved within that 14 day time period, then the Governing Board cannot do anything. That's an essence of stay of any activity. And the individual who filed the final intents of the petition, then there's a 120 days to get the petition going. Within that 120 days and they don't get the 10% signatures, the Governing Board takes whatever estimate they haven chosen to take. If within that 120 days and they get the 10 % of signatures needed, then it will go to a vote the next election. The jurisdiction covered by that Governing body would determine

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

*Deanna D. [Signature]*

10/21/03

Date

that. We're also in that amendment are going to ask to put the study resolution on. That's where we're sitting now.

**(2.5) REP. MARY EKSTROM:** Just to clarify one issue. One of the concerns within the Historical Society would be if they are planning alterations and we put a floor under that, because if it costs more than \$50,000, then it goes to this process. So it's not just demolition, it's also includes substantial alteration. When I discussed this with Dick Broze, they were not wild about the idea of a vote, but I told him that I felt the feelings of the committee was that the vote was an important thing, and that we really wanted to see that voting process.

**(3.3) REP. RON IVERSON:** I like what the committee has done although I don't think that the study resolution will really solve anything. We need to resolve this, and have something else to resolve this.

**(3.6) REP. GIL HERBEL:** The only thing is with that study resolution, they could come up with something the might be significant to help us decide. I have asked Terry Traynor to get information from some other states in terms of what they're doing.

**(4.1) CHAIRMAN GLEN FROSETH:** I want to commend the committee, you've done a lot of work on this. This is very contentious work, we're changing state policy that's been in effect since the 1960's with this Bill. There are pretty high emotions on both sides of the issue. I don't think we'll be able to get the amendments today. We'll meet at 10:00 am tomorrow morning to do committee work to get this out of committee. (5.2)

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2249b

House Political Subdivisions Committee

Conference Committee

Hearing Date: March 21, 2003

Tape Number	Side A	Side B	Meter #
1	X		0.0-10.7
Committee Clerk Signature		<i>Mickie Schmidt</i>	4-4-03

Minutes:

**TAPE 1; SIDE A:**

**(0.0) CHAIRMAN GLEN FROSETH:** I'll call the committee together and have the clerk take the roll; Rep. Wieland was absent. Let's take a look at SB 2249 again. Can you give us an update Rep. Johnson?

**(2.0) REP. NANCY JOHNSON:** I did meet with the sub committee and L.C. yesterday morning, and when we got to the part about the mediation that I shared with you yesterday in trying to find out who would appoint the mediator, so I went to the Governor's office to see if the Governor's office would be willing to do that and I heard back this A.M. that they did agree that they would be willing to pick the mediator. And then it would be a matter of both sides being able to talk with the mediator and try and resolve it, and if not, then the Bill would go to the governing body to make the decision and then start the clock when the citizen's decide to petition

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna Wallis*  
Operator's Signature 10/21/03  
Date

Page 2

House Political Subdivisions Committee

Bill/Resolution Number SB 2249

Hearing Date: March, 21, 2003

to go to public vote. L.C. thought the amendments would be done later today or possibly Monday.

**(3.0) REP. GIL HERBEL:** There is a stop clause in there isn't there? With this petition being brought up the percentage of the signatures that they need will be based on what? Will it be based on the last election?

**(3.3) REP. NANCY JOHNSON:** I believe it is the last election of that jurisdiction or if it's the school district doesn't want to demolish the school building, it would be the number of people that voted in the last school election. If it's a City facility it would be a City election. On line 25 and 26 on page 2, it says this.

**(3.7) REP. MARY EKSTROM:** Sometimes they base the percentage on the last written referral election. I don't think it's fixed at all.

**(4.1) CHAIRMAN GLEN FROSETH:** On line 23, page 2, it says the last preceding general election.

**(4.4) REP. SALLY SANDVIG:** We are concerned about the emergency clause that's on there and if it passes, then Cass County will be able to go ahead with the demolition.

**(4.9) REP. NANCY JOHNSON:** My thought is if it doesn't become law, they would have to go back and go through the mediation process again.

**(5.0) REP. MARY EKSTROM:** Maybe we shouldn't say that it's from this point forward. We should ask L.C.

**(5.2) CHAIRMAN GLEN FROSETH:** So in that light it might be good that the emergency clause did pass?

**(5.3) REP. MARY EKSTROM:** Yes.

Page 3

House Political Subdivisions Committee

Bill/Resolution Number SB 2249

Hearing Date: March, 21, 2003

**(5.6) REP. GIL HERBEL:** We had talked about including a study in this amendment as well.

Is that still an option?

**(5.6) REP. NANCY JOHNSON:** That's what the amendments would do, and also I think Rep.

Ekstrom has a separate amendment.

**(6.8) CHAIRMAN GLEN FROSETH:** Any more discussion? We will try to get everything

ready for next Thursday and take action on this Bill. Terry Traynor has some information on

other states and regulations.

**(7.7) TERRY TRAYNOR:** (See attachment #1) Rep. Herbel had asked me what other states

do in this area and what I did was sent a request to a list service of all the State Associations and

Counties, and so far I've gotten nine responses back. And it is a real mixed bag. West Virginia

and Texas have a similar current situation where the State Board has absolute authority over all

government buildings. Nebraska, South Carolina, Georgia, Alaska and Utah, their power is

limited to only state buildings. There's a lot of different things, Virginia and Pennsylvania have

absolute power invested with the local Historic District Board. So it's more of a local government

board, but it's a Historic Board at the local level that has absolute power over government

buildings. There's some in the middle where the State can dictate on listed projects only but they

have no historical significance.

**(8.9) REP. NANCY JOHNSON:** Someone asked if how does a governing body know if the

site or building is considered historic? I did get a hold of Mr. Paaverud and he said that right now

they're talking with the Association of Counties about doing this and getting a list put together.

There's nothing that I know of in law that says these are the buildings or the things you have to

consider. The rule of thumb of buildings over 50 years old would be eligible to be on the

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

*Dennis D. Hall*

12/21/03

Date

Page 4

House Political Subdivisions Committee

Bill/Resolution Number SB 2249

Hearing Date: March, 21, 2003

National Registry. At this point there isn't a list somewhere that says this one we have to check on and this one we don't.

**(9.6) REP. BRUCE ECKRE:** It seems to me that a lot of that comes from the local level and lawfully requested some buildings to get on there and they didn't get on there. It didn't come from the State, we went together as a town, one was at the College and one was a county building that we requested that did get on the Historical site, so it wasn't the State that initiated it, it was us local's who initiated it.

**(9.8) REP. MARY EKSTROM:** In terms of the federal government when federal funds are used for anything, there are two findings that have to be found and they're called Fonsie Finding. The two are historic properties and under the federal definition it's 50 years or older and environmental regulations. So for instance on an Indian burial grounds and things like that, they have to find that there's been no significant impact to the historic fonsie or the environmental fonsie.

**(10.5) CHAIRMAN GLEN FROSETH:** Any further comments or questions by the committee? Seeing none, we will adjourn for today. (10.7)

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

Date

12/21/03

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2249c

House Political Subdivisions Committee

Conference Committee

Hearing Date: March 27, 2003

Tape Number	Side A	Side B	Meter #
1	X		0.0-53.3
1		X	0.0-6.0
Committee Clerk Signature <i>Micki Schmidt</i>			4-7-03

Minutes:

**TAPE 1; SIDE B:**

**(0.0) CHAIRMAN GLEN FROSETH:** I'll call the committee to order. I'll have the clerk call the roll: we have a quorum. Let's take a look at SB 2249 again. The sub committee has been working hard on this Bill. Rep. Johnson has an amendment, 0205 and I will have her explain it.

**(1.8) REP. NANCY JOHNSON:** (See attachment #1-pink copy of Bill, & # 2- proposed amendment) The amendment # 0205 is the one that has been put into the pink copy that you have. The title was changed slightly to add the study to it. There are no other changes in essence on the top page from what the original Bill was. The changes start on line 19, page 2 on the pink copy which is line 17 on the original Bill. (read from line 19 on pink copy) So what it does is the governing body has to include the Historical Society early on and to be invited to the meetings. If the Historical Society says we're not concerned, you can do what you want with that building, that you don't need to notify us anymore, then they're out of it and the governing body goes

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna Dalrymple*  
Operator's Signature

10/21/03  
Date

Page 2  
House Political Subdivisions Committee  
Bill/Resolution Number SB 2249  
Hearing Date: March 27, 2003

forward. It still would allow the public, once the board has decided to do a certain action, to be notified. If the Historical Society wants to be involved, then they need to be informed all of the way through and have the opportunity to share their concerns after we bring forward money if they have it with that governing body. If those two can't seem to find a resolution then it would go to mediation. We went with mediation rather than binding arbitration because binding arbitration is final and there would be no need for a vote, because binding arbitration would be final.

Mediation brings both groups to the table to talk to the third party to see if there isn't some way that they can resolve this. The mediator will issue their decision or report and then that would be published. That would then be notice to the community about what happened.

**(5.5) REP. DALE SEVERSON:** It says the mediator shall give the decision within thirty days, is this the mediator's decision or a consensus of the two groups that got together and the mediator says here's what we agreed to do?

**(5.7) REP. NANCY JOHNSON:** It would be the latter, it would be the information and if they can reach a decision, then this is what the mediator says. The mediator might say we could not reach a conclusion and that could possibly happen.

**(6.3) REP. MARY EKSTROM:** It furthers it. The public then has the right to petition and ask for a public vote, so that if mediation fails, there still has to be an action by sub powers by voters saying I want a petition. I want to put it on the ballot and put it to the full public to decide on the outcome. The fact that the petition has to kick in, other than the action of the governing body, the political subdivision takes effect.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

*Deanna D. Hall*

Date

10/21/03



Page 3

House Political Subdivisions Committee

Bill/Resolution Number SB 2249

Hearing Date: March 27, 2003

**(6.9) REP. BRUCE ECKRE:** On the pink copy on line 22, page 1 it says published once in the official newspaper of the State or political subdivision. What is the official newspaper in the State? I didn't know we had one. Is that someplace in statute?

**(7.5) CHAIRMAN GLEN FROSETH:** I know the final abstract of votes from general elections are published in the official State newspaper and that's the Bismarck Tribune.

**(8.1) REP. GIL HERBEL:** Is there any place in statute that defines the mediator, who absorbs the cost of the mediator? Shouldn't the cost be shared equally?

**(8.6) REP. ANDREW MARAGOS:** So am I to understand that if, say Walsh County has a disagreement with the Historical Society or the State Historical Society, it can be published once in the Bismarck Tribune and satisfied with the requirements of the legislation?

**(9.0) REP. ALON WIELAND:** It says "or" political subdivision and so it would have to be in the local newspaper of the particular county. It should say "and" instead of or.

**(9.5) REP. NANCY JOHNSON:** So it needs to be published in both?

**(9.6) CHAIRMAN GLEN FROSETH:** It probably should. It would be a good safeguard. Does it say that anywhere else?

**(10.0) REP. NANCY JOHNSON:** Yes, on line 26, it's also there. It should say "and the" instead of or.

**(10.4) DICK GROSZ; MEDIATOR:** I just have some comments: I just wanted to address Rep. Severson's question. There is a type of mediator known as an "evaluative" mediator who is empowered with many decisions. This language would suggest that if the parties themselves do not come to an agreement, the mediator would give his or her decision and that might be different from either side or both sides. This does not imply that that decision has to be resolved

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

*Deanna Walsh*

Date

10/21/03

Page 4

House Political Subdivisions Committee

Bill/Resolution Number SB 2249

Hearing Date: March 27, 2003

by both parties. If you want that language, you'll have to add it, otherwise, this says that the mediator gives his decision, not the decision of the group.

**(11.5) REP. DALE SEVERSON:** What type of mediator did you refer to?

**(11.5) DICK GROSZ:** There are many different kinds, this ones called evaluative mediation.

This says the mediator is his decision, it doesn't say that is the consensus of the group.

**(12.0) REP. DALE SEVERSON:** Is there a name for the type of mediator where there is a consensus? Or is there another word we can put in here to say that we want a consensus?

**(12.2) DICK GROSZ:** There are different terms used, but I don't think you want to get into that, because there are various descriptions of various kinds of mediation and the whole field continues to evolve. The work I do is called facilitation. It's not facilitated mediation, it's facilitation and that is we get together to form a consensus. If you want talk about a consensus as a group, then that kind of language ought to be added.

**(13.2) REP. MARY EKSTROM:** What we were trying to get at was the idea that mediation comes before trying to get at a consensus. If a consensus cannot be found, something needs to be done.

**(13.4) REP. DALE SEVERSON:** If we were to add language in there where the Governor shall appoint a mediator to facilitate. I think we need that in the language that we want the mediator to facilitate. We want both sides to make that decision and if they can't, then the mediator will say, sorry, couldn't do it and then as long as it's published, then I would leave the local people the opportunity to vote.

**(14.0) REP. MARY EKSTROM:** But what happens is if a consensus cannot be found, if the two do not agree, and know one petitions, the governing body has the authority to go ahead. I

Page 5  
House Political Subdivisions Committee  
Bill/Resolution Number SB 2249  
Hearing Date: March 27, 2003

think we need to state that, that here is what will happen unless you petition, he needs to make that statement in whatever publication. They have to know what's going to happen.

**(14.6) CHAIRMAN GLEN FROSETH:** On line 21 on the pink copy on page 2, it says "decision", we should make it "a decision based on the consensus of both sides.

**(14.9) REP. DALE SEVERSON:** On line 20 also, we need to change it.

**(16.1) CHAIRMAN GLEN FROSETH:** We will recess on this for now.

**(16.2) REP. BRUCE ECKRE:** Miss Brown did check on the official newspaper and it is the Bismarck Tribune. The problem is 2/3 of the people live 100 miles north of the valley and trying to find a Bismarck Tribune is almost impossible. We need to change that too.

**(17.1) REP. ALON WIELAND:** "To facilitate a consensus between the two parties, and if none is reached must so state in his report." I am working off of the white copy. Committee discussed the verbiage.

**(18.4) REP. DALE SEVERSON:** On the pink copy on line 20 after the word Governor, "to facilitate a consensus." I'd like to stop it there and on the next line, "the mediator shall issue a report within thirty days."

**(19.0) REP. ALON WIELAND:** To state that there was a consensus reached for none. It should be put in there that if none is reached, that should be stated in the report.

**(19.3) REP. DALE SEVERSON:** The problem I have is if we leave that language in that says, "and if you can't find," that just opens the doors and we don't have to agree on anything.

**(20.9) TOM MAYER; COUNSELOR FOR ND STATE HISTORICAL SOCIETY:** I have concern about revisions on lines 26 and 28 on page 2 of pink copy, where it indicates "after mediation, if any, if the governing body of a political subdivision determine that its actions will

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna D. [Signature]*  
Operator's Signature

10/21/03  
Date

Page 6  
House Political Subdivisions Committee  
Bill/Resolution Number SB 2249  
Hearing Date: March 27, 2003

result in completely demolishing, removing, or significantly degrading". I'm concerned that if a political subdivision could determine that its actions will not significantly degrading historical characteristics of a building or real property. It seems like they should not have both. I think it should be changed to say for instance, "if the governing body or political subdivision determines to proceed with actions that will result, that way they don't determine whether or not something is degrading.

**(22.7) REP. NANCY JOHNSON:** So you want it to say on line 27, page 2; "if the governing body of a political subdivision determines to proceed with actions that will result." Is that what you said?

**(23.0) TOM MAYER:** Yes. And just one other point, the first sentence of section 2, says what the governing body may do. If they decide that they are going to go ahead, it might be argued that if they make that decision per sentence that the rest of the section is inapplicable. So I'd suggest also in line 9, after the word "may", insert "subjects to be following provisions", this will tie them in. If they can make the decision under the first sentence, why would we need mediation.

**(24.3) REP. MARY EKSTROM:** One more thing, on page 4, line 3, we're leaving in the emergency clause. What that means is, anything that is signed, it becomes law and has authority over current projects. Anything that is presently being considered will be included. In the original Bill, they wanted to right ahead. This will affect anything currently going on. Rep. Johnson pointed out that if the Historical Society makes this decision and we're not going to persue, the final decision building will go to the political subdivision. It does give them the opportunity to start over again.

**COMMITTEE DISCUSSION:**

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna Ballantyne*  
Operator's Signature

10/21/03  
Date

Page 7

House Political Subdivisions Committee

Bill/Resolution Number SB 2249

Hearing Date: March 27, 2003

**(27.1) REP. DALE SEVERSON:** By putting in the emergency clause, it will just allow everyone to start the process sooner is my understanding.

**(28.3) REP. NANCY JOHNSON:** The changes I think that we're looking at, going back to LC is on line 9, page 2, adding the provision after "may" add "subject to the following provisions".

And then changing the "decision of mediator" to the "report of the mediator" on lines 21. On lines 20; "differences must be submitted to mediator selected by the Governor to facilitate a consensus between the parties". We want to include "State and the political subdivision".

Rep. Johnson goes on to explain the amendments. **(30.3)** Also, a political subdivision might be a city that has their official newspaper, but that might not be used as the county newspaper.

**(30.7) REP. WILLIAM KRETSCHMAR:** Don't they publish it in the county newspaper in the location where the property is located?

**(30.9) REP. NANCY JOHNSON:** I'll check on this.

**(32.4) TOM MAYER:** I've heard discussion about the State being involved in the mediation process. I wasn't sure if that's what you intended. This language doesn't include the State in the mediation process. Unless in line 19, add the word " if the State or".

**(32.9) CHAIRMAN GLEN FROSETH:** But the Director indicates that that's the State.

**(33.1) TOM MAYER:** Yes, the State Historical Society, but what I'm getting at is if there was property owned by the State.

**(33.8) CHAIRMAN GLEN FROSETH:** This legislation pertains basically to municipality property?

**(33.8) TOM MAYER:** Except for the first sentence. It says " Notwithstanding any other provision of law, if the state or a political subdivision has a property.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna Waller*  
Operator's Signature

10/21/03  
Date

Page 8  
House Political Subdivisions Committee  
Bill/Resolution Number SB 2249  
Hearing Date: March 27, 2003

(36.8) COMMITTEE DISCUSSION on the time, 30 or 60 days.

(40.7) REP. NANCY JOHNSON: On page 3 of the pink sheet, it says on line 6, "all actions to remove or demolish a building are stayed", we need to change this to, "all actions to remove, demolish or significantly degrade the historical characteristics of a building." We did change one other thing; in section 4, page 3, line 27; we had used the Directors and put it back to the director of the State Historical Society. That I think is all.

(42.1) REP. RON SEVERSON: I agree with everything the committee's doing, but do have some concerns about political subdivisions on line 27 on page 2; "if the governing body of a political subdivision determines that its actions will result in completely demolishing, removing, or significantly degrading. And Mr. Mayer had brought up that he doesn't want the political sub's to determine that. You have to have someone determine that. It can't left stayed and obviously the political subdivisions are here because of the determinations of the Historical Society on what's significant. That I would ask be reviewed.

(43.0) CHAIRMAN GLEN FROSETH: The language I have is "if the governing body of the political subdivision determines to proceed with actions that will result in completely demolishing.

(43.2) REP. ANDREW MARAGOS: Are you looking at the amendment version?

(43.4) CHAIRMAN GLEN FROSETH: Yes.

(43.5) REP. RON SEVERSON: I'm asking that they leave the original language in. There's a number of reasons for it. 1. There has to be somebody to decide what is significant. 2. The political subdivisions are the ones who are going to have to pay for the votes; to have the public

Deanna Ball  
Operator's Signature

10/21/03  
Date

Page 9  
House Political Subdivisions Committee  
Bill/Resolution Number SB 2249  
Hearing Date: March 27, 2003

election, put it on, and have this project going. The political subdivisions have to be able to determine that issue.

**(44.5) CHAIRMAN GLEN FROSETH:** Any discussion? I think we understand the amendments, I think what we can do with this is approve the amendments and take action on the Bill and we'll hold it and make sure we have the sub committee go through the amendments and make sure they're all correct. If there's any questions, we'll call the committee back.

**(45.6) REP. ALON WIELAND:** I would like to go back to the emergency clause. There are some things going on now that I'm not sure that this emergency clause might have some effect on, for example the issue of the Historical Society has said they will make a decision on April 11, 2003. I don't care about the emergency clause, except in issues where they are already doing something within that. Either we can make an exception or remove it. I don't see why we have to have the emergency clause on there.

**(46.7) REP. MARY EKSTROM:** We discussed this at length with Mr. Paaverud yesterday. They are going to come together on April 11, 2003. They still have the ability right now with or without the ???, saying, fine you won't do what you're going to do.

**(47.6) REP. ALON WIELAND:** I agree. My concern is though that if they decided that's what they're going to allow, that then this group could still petition and have a vote. My concern is the delays the action. Because then we're talking about 60 days plus 120 days for them to have a petition.

**(48.5) REP. MARY EKSTROM:** That only happens if they don't agree on what should happen. That would be the only moment that that would happen.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna D. [Signature]  
Operator's Signature

10/21/03  
Date

Page 10  
House Political Subdivisions Committee  
Bill/Resolution Number SB 2249  
Hearing Date: March 27, 2003

**(51.4) REP. ALON WIELAND:** Actually they didn't petition to put it on the ballot, they just put a petition and just disagreed. So they did make an assertive effort to put it on the ballot and yes, they only got 284 signatures, but that was in a 4 or 5 week time frame. (53.3)

**TAPE 2; SIDE B:**

---

**(0.0) REP. NANCY JOHNSON:** Explains the amendments.

**(0.3) CHAIRMAN GLEN FROSETH:** What are the committees wishes on the emergency clause.

**(0.5) REP. GIL HERBEL:** I think just leave it in.

**(0.6) CHAIRMAN GLEN FROSETH:** One other thing, let's go back to page 2, line 27. The new language that was suggested; "if the governing body of a political subdivision determines "to proceed with actions that will". That was the new language that was proposed. Any other committee discussion? Does anyone disagree with making that change?

**(2.9) REP. RON SEVERSON:** I WOULD MOVE THE AMENDMENT.

**(3.0) REP. MIKE GROSZ:** I SECOND IT.

**(3.1) CHAIRMAN GLEN FROSETH:** We have a motion by Rep. Severson, seconded by Rep. Grosz to move the amendment which is amendment #0205 covered in #0206. I'll ask the clerk to call the roll on the amendments; 14-y; 0-n; 0-absent. Amendments have been adopted.

**(4.1) REP. RON IVERSON:** I WOULD MOVE A DO PASS AS AMENDED.

**(4.2) REP. MARY EKSTROM:** I SECOND IT.



Page 11  
House Political Subdivisions Committee  
Bill/Resolution Number SB 2249  
Hearing Date: March 27, 2003

**(4.3) CHAIRMAN GLEN FROSETH:** Any further discussion? I'll have the clerk take the  
Roll Call Vote for a Do Pass As Amended: 13-y; 1-n; 0-absent; Carrier; Rep. Johnson.

(6.0)

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Waller  
Operator's Signature

10/21/03  
Date

#2

30583.0205  
Title. 0300

Prepared by the Legislative Council staff for  
Representatives N. Johnson and Ekstrom  
March 27, 2003

3-27-03

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2249

Page 1, line 4, after the semicolon insert "to provide for a legislative council study of the protection of historical or archaeological artifacts or sites; to provide for application;"

Page 2, line 17, after the underscored period insert "If the governing body and the director do not agree on the action to be taken, the differences must be submitted to a mediator selected by the governor. The mediator shall issue a decision within thirty days of appointment by the governor. The decision of the mediator must be published once in the official newspaper of the state or political subdivision."

Page 2, line 19, replace "If the" with "The decision of the governing body must be published once in the official newspaper of the state or political subdivision. After mediation, if any, if the governing body of a political subdivision determines that its actions will result in completely demolishing, removing, or significantly degrading the historical characteristics of a building or real property, a resident of the political subdivision where the building or real property is located may submit a written notice to the county auditor of intention to petition for a public vote. The notice must be filed with the county auditor within fourteen days of the publication of the decision of the governing body. A petition for a public vote must contain the names of at least ten percent of the qualified electors from that governing body's jurisdiction who voted in the last general election and must be filed with the county auditor within one hundred twenty days of the governing body's publication of notice of its final action. If a petition is filed, the matter must be submitted for a vote of the qualified electors at the next special, primary, or general election held in that jurisdiction. All actions to remove or demolish a building are stayed for fourteen days after the governing body's publication of notice of its final action, and if notice of intention to seek a public vote is filed, actions are stayed until either the petition fails or the public vote is held"

Page 2, remove lines 20 through 25

Page 2, line 26, remove "jurisdiction"

Page 3, after line 8, insert:

**"SECTION 4. LEGISLATIVE COUNCIL STUDY OF THE PROTECTION OF HISTORICAL OR ARCHAEOLOGICAL ARTIFACTS OR SITES.** The legislative council shall consider studying, during the 2003-04 interim, issues relating to the protection of historical or archaeological artifacts or sites that are found or located upon land owned by the state or its political subdivisions or otherwise comes into the custody or possession of the state or its political subdivisions and the role of the director of the state historical society of North Dakota in the protection of historical or archaeological artifacts or sites. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly.

**SECTION 5. APPLICATION OF ACT.** This Act applies to any proceeding or determination not finalized before the effective date of this Act."

Renumber accordingly

Page No. 1

30583.0205

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this notice, it is due to the quality of the document being filmed.

Operator's Signature

*Deanna D. [Signature]*

Date

10/21/03

Date: 3-27-03

Roll Call Vote #: |

*Amendment passes 0206*

**2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2249**

House "POLITICAL SUBDIVISION" Committee

Check here for Conference Committee

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

Action Taken Motion to Move Amendment

Motion Made By Rep. Severson Seconded By Rep. Grosz

Representatives	Yes	No	Representatives	Yes	No
Chairman Glen Froseth	✓				
Vice-Chairman Nancy Johnson	✓				
Mike Grosz	✓				
Gil Herbel	✓				
Ron Iverson	✓				
William E. Kretschmar	✓				
Andrew Maragos	✓				
Dale Severson	✓				
Alon Wieland	✓				
Bruce Eckre	✓				
Mary Ekstrom	✓				
Carol A. Niemeler	✓				
Sally M. Sandvig	✓				
Vonnie Pietsch	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment \_\_\_\_\_

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

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Waller 12/21/03  
Operator's Signature Date

Date: 3-27-03

Roll Call Vote #: 2

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2249

House "POLITICAL SUBDIVISION" Committee

Check here for Conference Committee

Legislative Council Amendment Number 30583.020 title .0300

Action Taken Do Pass As Amended

Motion Made By Rep. Iverson Seconded By Rep. Ekstrom

Representatives	Yes	No	Representatives	Yes	No
Chairman Glen Froseth	✓				
Vice-Chairman Nancy Johnson	✓				
Mike Grosz	✓				
Gil Herbel	✓				
Ron Iverson	✓				
William E. Kretschmar	✓				
Andrew Maragos	✓				
Dale Severson	✓				
Alon Wieland	✓				
Bruce Eckre	✓				
Mary Ekstrom		✓			
Carol A. Niemeier	✓				
Sally M. Sandvig	✓				
Vonnie Pietsch	✓				

Total (Yes) 13 No 1

Absent 0

Floor Assignment Rep. Johnson

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

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna D. Smith 10/21/03  
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)  
April 1, 2003 9:27 a.m.

Module No: HR-58-6292  
Carrier: N. Johnson  
Insert LC: 30583.0206 Title: .0300

**REPORT OF STANDING COMMITTEE**

**SB 2249, as engrossed: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2249 was placed on the Sixth order on the calendar.

Page 1, line 4, after the semicolon insert "to provide for a legislative council study of the protection of historical or archaeological artifacts or sites; to provide for application;"

Page 2, line 7, after "may" insert ", subject to the following provisions."

Page 2, line 17, after the underscored period insert "If the agency or governing body and the director do not agree on the action to be taken, the differences must be submitted to a mediator selected by the governor to facilitate a consensus between the parties. The cost of the mediator must be shared equally by the parties. The mediator shall issue a report within sixty days of appointment by the governor. The report of the mediator must be published once in the official newspaper of the state and political subdivision."

Page 2, line 19, replace "If the" with "The decision of the agency or governing body must be published once in the official newspaper of the state and political subdivision. After mediation, if any, if the governing body of a political subdivision determines to proceed with actions that will result in completely demolishing, removing, or significantly degrading the historical characteristics of a building or real property, a resident of the political subdivision where the building or real property is located may submit a written notice to the county auditor of intention to petition for a public vote. The notice must be filed with the county auditor within fourteen days of the publication of the decision of the governing body. A petition for a public vote must contain the names of at least ten percent of the qualified electors from that governing body's jurisdiction who voted in the last general election and must be filed with the county auditor within one hundred twenty days of the governing body's publication of notice of its final action. If a petition is filed, the matter must be submitted for a vote of the qualified electors at the next special, primary, or general election held in that jurisdiction. All actions to remove, demolish, or significantly degrade the historical characteristics of a building or real property are stayed for fourteen days after the governing body's publication of notice of its final action, and if notice of intention to seek a public vote is filed, actions are stayed until either the petition falls or the public vote is held"

Page 2, remove lines 20 through 25

Page 2, line 26, remove "jurisdiction"

Page 3, after line 8, insert:

**"SECTION 4. LEGISLATIVE COUNCIL STUDY OF THE PROTECTION OF HISTORICAL OR ARCHAEOLOGICAL ARTIFACTS OR SITES.** The legislative council shall consider studying, during the 2003-04 interim, issues relating to the protection of historical or archaeological artifacts or sites that are found or located upon land owned by the state or its political subdivisions or otherwise comes into the custody or possession of the state or its political subdivisions and the role of the director of the state historical society of North Dakota in the protection of historical or archaeological artifacts or sites. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly.

**SECTION 5. APPLICATION OF ACT.** This Act applies to any proceeding or determination not finalized before the effective date of this Act."

(2) DESK, (3) COMM

Page No. 1

HR-58-6292

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

Date

REPORT OF STANDING COMMITTEE (410)  
April 1, 2003 9:27 a.m.

Module No: HR-58-6292  
Carrier: N. Johnson  
Insert LC: 30583.0206 Title: .0300

Rer.umber accordingly

(2) DESK, (3) COMM

Page No. 2

HR-58-6292

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna D. Waller  
Operator's Signature

10/21/03  
Date

2003 SENATE GOVERNMENT AND VETERANS AFFAIRS

CONFERENCE COMMITTEE

SB 2249

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Waller  
Operator's Signature

10/21/03  
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2249

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date 04/10/03

Tape Number	Side A	Side B	Meter #
Tape 1	X		1790-4404
Committee Clerk Signature <i>Lisa Hux</i>			

Minutes:

SENATOR WARDNER begins the conference committee on SB 2249. Senators Wardner, Krebsbach, and Nelson are present. Representatives N. Johnson, Herbel, and Niemeier are present.

SENATOR WARDNER goes over amendment that was handed out.

SENATOR NELSON asks what the official newspaper is in North Dakota, it was answered The Bismarck Tribune. The committee discusses the words "significantly degrading" that is in the amendments. What it means and who determines it. They ask Ladd Erickson, State's Attorney for McLean County. He also could not come up with a specific definition. He states he feels it either needs to be defined or the political subdivision should have to define that at the time of concern. He feels the political subs are the ones who put on the elections and that they should have the right.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna Waller*  
Operator's Signature

*10/21/03*  
Date



Page 2  
Senate Government and Veterans Affairs Committee  
Bill/Resolution Number SB 2249  
Hearing Date 04/10/03

The committee continues throwing out questions trying to determine this. REPRESENTATIVE HERBEL thinks that both sides have tried to do the best for both sides on this bill and feels the way it is the best they can do at this time. SENATOR WARDNER states they need some time to think it over and calls the committee in recess until further notice.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna D. Hall  
Operator's Signature

10/21/03  
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2249

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date 04/11/03

Tape Number	Side A	Side B	Meter #
Tape 1		x	0-370
Committee Clerk Signature <i>L. Swadlow</i>			

Minutes:

SENATOR WARDNER calls SB 2249 to order. Senators Wardner, Krebsbach, and Nelson, Representatives N. Johnson, Niemeier, and Herbel are all present .

Senator Wardner asks Senator Krebsbach on her motion she would like to make. Senator Krebsbach makes the motion that the Senate accede with the houses amendments on SB 2249. She states the reasoning behind that is she recognizes the fine job that house committee did on this bill. They put back some of the "bumps" to slow the process down to give the historical society the consideration of reviewing all of the actions that need to take place. However she would like to from the stand point of the intent from the legislative side on the Senate side especially and hopes the house would agree with this, we have put the authority to lay within the political subdivision on the matters of demolition, removal, or significantly degrading, or modifying of a project, with that however the input and consultation with the historical society would be one of the requirements.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna Waller*  
Operator's Signature

*10/21/03*  
Date

Page 2

Senate Government and Veterans Affairs Committee

Bill/Resolution Number SB 2249

Hearing Date 04/11/03

Representative N. Johnson 2nd. She wants to say that the house is on agreement with Senator Krebsbach comments. That is what the house was trying to do also. The bodies that have to pay for the renovation or removal need to have some authority to do that but we also wanted to give due consideration to the historical society so that when they had something that was in contention they had a process were we could say let's talk about it and try to resolve it but at some point and time we need to proceed and make a decision. At this time it is kind of a road block and nobody can get beyond it. This gives the historical society a chance to discuss this. Rep. Neimeier states she likes that we have mediation in here. As a piece of this legislation and for the benefit for those parties that may be at odds, I think it is a good move.

Senator Wardner calls for vote on the motion 6 yes 0 no.

Senator Wardner states to the house a thanks for the time you put into the bill, the senate also put in a lot of time also. The one word that came up that we were not really involved in was "significantly degrading" and so we appreciate what you did. I think we have a piece of legislation that is going to work for both sides. I am personally concerned about historical things in our state on the other hand I really felt that the people needed to be involved on some of these issues and that it wasn't there before.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Waller  
Operator's Signature

10/21/03  
Date

30583.0207  
Title.

Prepared by the Legislative Council staff for  
Senator Wardner  
April 8, 2003

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2249

That the House recede from its amendments as printed on page 1066 of the Senate Journal and pages 1173 and 1174 of the House Journal and that Engrossed Senate Bill No. 2249 be amended as follows:

Page 1, line 4, after the semicolon insert "to provide for a legislative council study of the protection of historical or archaeological artifacts or sites; to provide for application;"

Page 2, line 7, after "may" insert ", subject to the following provisions."

Page 2, line 17, after the underscored period insert "If the agency or governing body and the director do not agree on the action to be taken, the differences must be submitted to a mediator selected by the governor to facilitate a consensus between the parties. The cost of the mediator must be shared equally by the parties. The mediator shall issue a report within sixty days of appointment by the governor. The report of the mediator must be published once in the official newspaper of the state and political subdivision."

Page 2, line 19, replace "If the" with "The decision of the agency or governing body must be published once in the official newspaper of the state and political subdivision. After mediation, if any, if the governing body of a political subdivision determines its actions will result in completely demolishing, removing, or significantly degrading the historical characteristics of a building or real property, a resident of the political subdivision where the building or real property is located may submit a written notice to the county auditor of intention to petition for a public vote. The notice must be filed with the county auditor within fourteen days of the publication of the decision of the governing body. A petition for a public vote must contain the names of at least ten percent of the qualified electors from that governing body's jurisdiction who voted in the last general election and must be filed with the county auditor within one hundred twenty days of the governing body's publication of notice of its final action. If a petition is filed, the matter must be submitted for a vote of the qualified electors at the next special, primary, or general election held in that jurisdiction. All actions to remove, demolish, or significantly degrade the historical characteristics of a building or real property are stayed for fourteen days after the governing body's publication of notice of its final action, and if notice of intention to seek a public vote is filed, actions are stayed until either the petition falls or the public vote is held"

Page 2, remove lines 20 through 25

Page 2, line 26, remove "jurisdiction"

Page 3, after line 8, insert:

**"SECTION 4. LEGISLATIVE COUNCIL STUDY OF THE PROTECTION OF HISTORICAL OR ARCHAEOLOGICAL ARTIFACTS OR SITES.** The legislative council shall consider studying, during the 2003-04 interim, issues relating to the protection of historical or archaeological artifacts or sites that are found or located upon land owned by the state or its political subdivisions or otherwise comes into the custody or possession of the state or its political subdivisions and the role of the director of the state historical society of North Dakota in the protection of historical or archaeological

artifacts or sites. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly.

**SECTION 5. APPLICATION OF ACT.** This Act applies to any proceeding or determination not finalized before the effective date of this Act."

Renumber accordingly

Page No. 2

30583.0207

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna D. D. D.  
Operator's Signature

10/21/03  
Date

Date: 04/10/03  
 Roll Call Vote #: 1

**2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB 2249**

Senate Government and Veterans' Affairs Committee

Check here for Conference Committee

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

Action Taken Senate accedes to the house amendments

Motion Made By Sen. Krebsbach Seconded By Rep N. Johnson

Senators	Yes	No	Senators	Yes	No
Senator Wardner	✓		Representative N. Johnson	✓	
Senator Krebsbach	✓		Representative Herbel	✓	
Senator Nelson	✓		Representative Niemeier	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Wardner

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

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna D. Wall Operator's Signature 10/21/03 Date

**REPORT OF CONFERENCE COMMITTEE (420)**  
April 11, 2003 12:45 p.m.

Module No: SR-66-7504

Insert LC: .

**REPORT OF CONFERENCE COMMITTEE**

**SB 2249, as engrossed:** Your conference committee (Sens. Wardner, Krebsbach, Nelson and Reps. N. Johnson, Herbel, Nlemeler) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1066 and place SB 2249 on the Seventh order.

Engrossed SB 2249 was placed on the Seventh order of business on the calendar.

(2) DESK, (2) COMM

Page No. 1

SR-66-7504

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Waller  
Operator's Signature

10/21/03  
Date

2003 TESTIMONY

SB 2249

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna D. Smith  
Operator's Signature

10/21/03  
Date



Ladd Erickson

AMENDMENTS TO SB2249

1. After "integrity", on page 2, lines 10-14, replace: "~~Before any action may be taken by an agency or governing body under this section, the director of the state historical society shall be given a reasonable opportunity to provide alternatives to the proposed action. After having considered the director's comments, if any, the agency or governing body may take the action affecting the property the agency or governing body determines necessary.~~" with

"If an action is to be taken by an agency or governing body under this section, notice of intention to take action must be given to the director at the onset of the planning process. At the director's request, the agency or governing body shall inform the director of each meeting in which planning or decisions on a project are on the agenda. At each meeting, the agency or governing body must provide the director with an opportunity to comment or provide preservation funding for the proposed project, and the agency or governing body must consider the director's comments or offers of funding in the development and implementation of the project. Although the agency or governing body may take the actions it deems necessary, the agency or governing body shall make all reasonable efforts to preserve the historical characteristics of a site taking into consideration economic and technical feasibility."

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Waller  
Operator's Signature

10/21/03  
Date

*Met Paavola*

SENATE BILL 2249

A BILL for an Act to amend and reenact section 55-02-07 of the North Dakota Century Code, relating to the powers of the state historical board.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 55-02-07 of the North Dakota Century Code is amended and reenacted as follows:

**55-02-07. Protection of historical or archeological artifacts or sites.** Any historical or archeological artifact or site that is found or located upon any land owned by the state or its political subdivision or otherwise comes into its custody or possession which is, in the opinion of the director of the state historical society, significant in understanding and interpreting the history and prehistory of the state, may not be destroyed, defaced, altered, removed, or otherwise disposed of in any manner without the approval of the state historical board. Notification of the director's opinion of significance must be communicated to the appropriate governing official.

The state or political subdivision shall notify the director upon initial consideration of its desire, need, or intent to destroy, alter, remove, or otherwise dispose of a significant artifact or site and include the director in the decision making and planning process regarding the artifact or site.

The state historical board through the director, within sixty days of written notification to it by the appropriate governing official of the state or political subdivision's desire, need or intent to destroy alter remove or otherwise dispose of a significant artifact or site, shall provide the governing official written director of the care, protection, excavation storage destruction or other

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna D. Smith*  
Operator's Signature

*10/21/03*  
Date

disposition of the significant artifact or site. The state and its political subdivision shall cooperate with the director in identifying and implementing any reasonable alternative to destruction or alteration of any historical or archeological artifact or site significant in understanding and interpreting the history and prehistory of the state before the state historical board may approve the demolition or alteration. If any state agency or department or a political subdivision objects to any decision of the state historical board to disallow alteration or demolition of a site identified as historically significant under this section, the objecting party may submit the objection to arbitration according to the procedure set forth in subsection 6 of section 55-10-08 of the North Dakota Century Code. Arbitration may also be demanded by either the board or the objecting party if the board or the objecting party determines that the other has failed to cooperate in identifying or implementing reasonable alternatives to demolition or alteration.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna D. Smith  
Operator's Signature

12/21/03  
Date

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA

Section 1. APPROPRIATION.

There is hereby appropriated out of any moneys in the general fund, not otherwise appropriated, the sum of \$1,000,000 to the historical impact emergency fund for the purposes set forth in section 55-02-09 of the North Dakota Century Code, for the biennium beginning July 1, 2003 and ending June 30, 2005.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Walcott  
Operator's Signature

12/21/03  
Date

55-02-06 STATE HISTORICAL SOCIETY AND STATE PARKS

effective March 29, 2001, pursuant to an emergency clause in section 59 of chapter 503, S.L. 2001.

vides: "EFFECTIVE DATE. This Act becomes effective on July 1, 2001."

Note. Section 58 of chapter 503, S.L. 2001, pro-

effective N emergency S.L. 2001.

Note. Section 58

55-02-06. State historical museum at Pembina — Chateau de Mores. The director of the state historical society shall maintain and operate the state historical museum located at or near the city of Pembina, in the county of Pembina, and shall have custody of and preserve in the museum at Pembina, for the people of the state of North Dakota, objects of primitive Indian art and other articles of historical value to the state which are acquired for that purpose. The state historical society may accept gifts, donations, or contributions to be used or expended in the maintenance and operation of the historical museum and may transfer the operation of the museum to the city of Pembina upon such terms and conditions as the state historical board may require. The Chateau de Mores at Medora must be maintained and operated as a historic house museum under the direction of the state historical society.

Source: S.L. 1959, ch. 376, § 1; 1965, ch. 379, § 17; 1995, ch. 539, § 1; 2001, ch. 503, § 36.

emergency clause in section 59 of chapter 503, S.L. 2001.

Effective Date. The 2001 amendment of this section by section 36 of chapter 503, S.L. 2001 became effective March 29, 2001, pursuant to an

Note. Section 58 of chapter 503, S.L. 2001, provides: "EFFECTIVE DATE. This Act becomes effective on July 1, 2001."

55-02-07. Protection of historical or archaeological artifacts or sites. Any historical or archaeological artifact or site that is found or located upon any land owned by the state or its political subdivisions or otherwise comes into its custody or possession and which is, in the opinion of the director of the state historical society, significant in understanding and interpreting the history and prehistory of the state, may not be destroyed, defaced, altered, removed, or otherwise disposed of in any manner without the approval of the state historical board. Notification of the director's opinion of significance must be communicated to the appropriate governing official. The state historical board through the director shall, within sixty days of written notification to it by the appropriate governing official of the state or political subdivision's desire, need, or intent to destroy, alter, remove, or otherwise dispose of a significant artifact or site, provide the governing official written direction for the care, protection, excavation, storage, destruction, or other disposition of the significant artifact or site. The state and its political subdivisions shall cooperate with the director in identifying and implementing any reasonable alternative to destruction or alteration of any historical or archaeological artifact or site significant in understanding and interpreting the history and prehistory of the state before the state historical board may approve the demolition or alteration.

Source: S.L. 1965, ch. 379, § 18; 1983, ch. 585, § 1; 1985, ch. 590, § 1; 1989, ch. 645, § 9; 2001, ch. 503, § 37.

Effective Date. The 2001 amendment of this section by section 37 of chapter 503, S.L. 2001 became

55-02 data. The release of, data that paleontology from the director information to ass destruction

Source: S.L. 503, § 38.

Effective Date. The 2001 amendment of section 38 of chapter 503 became effective March 29, 2001, pursuant to an

55-02-06 Maintenance executive manager North Dakota Pacific Addition historical society

Source: S.L. 1992, § 46; 2001, ch. 503, § 38.

Effective Date. The 2001 amendment of section 39 of chapter 503 became effective March 29, 2001, pursuant to an

55-02-09. by director of authorization the historical information of adverse structures, or of historical impact authorized the agency fund may grant, devise, or not subject to see the investment of

Source: S.L. 1985, ch. 503, § 40.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

10/21/03 Date

effective March 29, 2001, pursuant to an emergency clause in section 59 of chapter 503, S.L. 2001. vide: "EFFECTIVE DATE. This Act becomes effective on July 1, 2001."

Note. Section 58 of chapter 503, S.L. 2001, pro-

**55-02-07.1. Protection of prehistoric or historic site locational data.** The director of the state historical society may limit access to, and release of, information from files of the state historical society which contain data that specifically identifies the location of archaeological, historical, or paleontological sites in North Dakota. No access to, or release of, information from files that contain site-specific locational data may be made until the director is satisfied that the applicant has a reasonable need for the information contained in those files and professionally acceptable qualifications to assure that release of the information will not result in unnecessary destruction of the resource.

Source: S.L. 1979, ch. 579, § 1; 2001, ch. 503, § 38. emergency clause in section 59 of chapter 503, S.L. 2001.

Effective Date. The 2001 amendment of this section by section 38 of chapter 503, S.L. 2001 became effective March 29, 2001, pursuant to an emergency clause in section 59 of chapter 503, S.L. 2001. Note. Section 58 of chapter 503, S.L. 2001, provides: "EFFECTIVE DATE. This Act becomes effective on July 1, 2001."

**55-02-08. Custody and control of former executive mansion — Maintenance responsibility.** The custody and control of the former executive mansion located at 320 Avenue B East in the city of Bismarck, North Dakota, with the legal description of lots 3 and 4, Block 11, Northern Pacific Addition to the city of Bismarck, is the responsibility of the state historical society.

Source: S.L. 1975, ch. 424, § 1; 1991, ch. 592, § 46; 2001, ch. 503, § 39. emergency clause in section 59 of chapter 503, S.L. 2001.

Effective Date. The 2001 amendment of this section by section 39 of chapter 503, S.L. 2001 became effective March 29, 2001, pursuant to an emergency clause in section 59 of chapter 503, S.L. 2001. Note. Section 58 of chapter 503, S.L. 2001, provides: "EFFECTIVE DATE. This Act becomes effective on July 1, 2001."

**55-02-09. Historical impact emergency fund — Administration by director of state historical society — Emergency commission authorization.** The director of the state historical society shall administer the historical impact emergency fund for the purpose of emergency mitigation of adverse effects on cultural resources and historical buildings, structures, or objects in the state. The director may use the moneys in the historical impact emergency fund only after the emergency commission has authorized the proposed use and expenditure. The historical impact emergency fund may receive moneys by legislative appropriation and by gift, grant, devise, or bequest of any money or property to the fund. The fund is not subject to section 54-44.1-11 and all income and moneys derived from the investment of the fund must be credited to the fund.

Source: S.L. 1985, ch. 591, § 1; 2001, ch. 503, § 40. Effective Date. The 2001 amendment of this section by

be-  
  
de  
und  
na,  
the  
s of  
ich  
fts,  
and  
the  
cate  
be  
n of  
  
503,  
  
pro-  
t b  
  
is or  
ated  
wise  
f the  
and  
yed,  
hout  
stor's  
rning  
sixty  
of the  
alter,  
e the  
ation,  
site.  
tor in  
lon or  
nt in  
state  
ation.  
  
tion by  
became

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna Walsh*  
Operator's Signature 10/21/03  
Date

declared to be a proper and necessary purpose for the expenditure of public funds. The proceeds of tax increments or bonds or both may be expended by a city for such a project within an urban renewal area when determined by the governing body to be desirable for the redevelopment, rehabilitation, and conservation of the area in accordance with chapter 40-58.

6 If any state agency or department or a political subdivision objects to any decision of the state historical board to disallow alteration or demolition of a site listed on the state historic sites registry, the objecting party may submit the objection to arbitration. Arbitration may also be demanded by either the board or the objecting party if the board or the objecting party determines that the other has failed to cooperate in identifying or implementing reasonable alternatives to demolition or alteration. The party desiring arbitration shall make a written demand therefor of the other and in the demand shall name three arbitrators. The demand must also set forth the objections that the party desires to submit to arbitration, with reference to the particular state historic site. The demand must be made within ninety days of a decision by the board. The demand must be served upon the other party, which, within ten days, shall name in writing three arbitrators, and set forth in writing its response to the objections set forth in the demand served upon it and any additional objections that it desires to submit to arbitration on its part. The six arbitrators selected shall name a seventh arbitrator. If the party proceeded against fails or refuses to name three arbitrators, the moving party may apply ex parte to the judge of the district court of the county in which the state historical site in question, or any part thereof, is located, for the appointment of the unnamed arbitrators. If upon the appointment of three arbitrators by each of the parties, the six have been unable to agree upon a seventh arbitrator within five days, either party, upon five days' notice may apply to the district court for the appointment of the seventh arbitrator. The political subdivision may select its arbitrators from among the governing board of the affected political subdivision, from any regular or special committee appointed by the governing board, whether serving on such governing board or not, or from any combination thereof. A state agency may select its arbitrators from its officers or employees. The state historical board may select its arbitrators from among the board itself, from an executive committee of the board, or from any combination thereof. When a panel of arbitrators has been appointed, a submission in writing must be acknowledged by the parties in the same manner as a conveyance of real property and may fix the time on or before which the award must be made. The submission must provide for the entry of judgment upon the award by the district court of the county within which the state historical site or some part thereof is located. The submission must also provide that each party shall bear its own arbitration costs and expenses, however, the costs and expenses relating to the seventh arbitrator must be borne equally by both parties to the dispute. The seven arbitrators shall proceed to resolve the controversies brought before them, and the decision of the arbitrators, or a majority of them, must be given in writing to the parties concerned and is binding upon both parties. Thereafter, the arbitration must proceed in accordance with chapter 32-29.2.

January 30, 2003

Madam Chairman and members of the Government and Veteran's Affairs Committee:

For the record, my name is Barbara Lang, from Jamestown, North Dakota. Along with Rosemarie Myrdal, I represent North Dakota on the Board of Advisors to the National Trust for Historic Preservation.

I would like to testify today against Senate Bill 2249. This piece of legislation is not needed, as the current law is perfectly adequate and properly protects our significant public historic structures in North Dakota.

We are fortunate to have some wonderful historic buildings scattered across many of our cities and smaller rural communities. However, we do not have an over-abundance of them, so it becomes very important to closely and thoroughly evaluate them when changes or demolition is proposed. In my experience while working on historic preservation issues around the state, the existing laws as implemented through the State Historical Society work very well.

Our historic structures are irreplaceable; it is appropriate that the decision to alter or demolish them not be taken lightly. Careful, deliberative study by experts in the field is essential, because the decision will carry such an impact on the future of our communities and our state.

We are working hard to promote heritage tourism in North Dakota – integral in that effort is the role that our historic structures play in the stories we are trying to tell. Please do not make it too easy to “tear down” our heritage. Vote no on Senate Bill 2249.

Thank you.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Ball  
Operator's Signature

10/21/03  
Date



SB 2049  
State Government and  
Veterans Affairs

Madame Chairman, members of the committee -

My name is Amy Guthrie Sakaraisen. I am a professional archaeologist and researcher, and current president of the State Historic Preservation Review Board of North Dakota.

"Act in haste, repent at your leisure" is a phrase my grandmother (Bischoff) used to force impetuous children to think twice - perhaps even three times - before making important decisions. She would wholeheartedly approve of the legal wisdom expressed in the existing law protecting historical or archaeological sites - 55-02-07, of the ND Century Code.

In the context of historic preservation a second look at a specific issue is vital. Proposed changes are often irrevocable. The properties - or sites - are of significance beyond the ordinary - or a state and national level.

Local agencies and entities may fuss and crab about having their hands 'tied', cry loudly of an impediment to civic progress. The balance between preservation of our limited historic resources and the demands of 'progress' is often difficult to find.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Waller  
Operator's Signature

10/21/03  
Date

The current - foresightful - century code regulations function well as a tool to insure that a balance suited to each situation is found.

Not all progress is good, just as not all buildings can or should be saved. We need section 55-02-07 to continue to supply the necessary power and authority to the State Historical Society of North Dakota's director and assure that haste will not make waste.

According to present policy, the interested party is allowed ample voice, and if unsatisfied with the director's recommendation, is able to appeal the decision. Sounds pretty fair to me. - And functional. - And ... well-progressive

I urge you today to reject this emasculated version of a strong and wise historic preservation law, and retain the original 55-02-07.

I ask you to give a do not pass recommendation to SB 2249.

Thank you.

Read section

Applies to the system of binding and is built in to insure that the results are to conflict

be demanded by either the board or the objecting party if the board or the objecting party determines that the other has failed to cooperate in identifying or implementing reasonable alternatives to demolition or alteration. The party desiring arbitration shall make a written demand therefor of the other and in such the demand shall name three arbitrators. The demand must also set forth the objections ~~which~~ that the party desires to submit to arbitration, with reference to the particular state historic site. The demand must be made within ninety days of a decision by the board. The demand must be served upon the other party, which, within ten days, shall name in writing three arbitrators, and ~~in connection therewith shall~~ set forth in writing its response to the objections set forth in the demand served upon it and any additional objections ~~which~~ that it desires to submit to arbitration on its part. The six arbitrators ~~so~~ selected shall name a seventh arbitrator. If the party proceeded against falls or refuses to name three arbitrators, the moving party may apply ex parte to the judge of the district court of the county in which the state historical site in question, or any part thereof, ~~may be~~ is located, for the appointment of the unnamed arbitrators, ~~and if~~ if upon the appointment of three arbitrators by each of the parties, the six ~~so appointed~~ have been unable to agree upon a seventh arbitrator within five days, ~~then~~ either party, upon five days' notice may apply to the district court for the appointment of the seventh arbitrator. The political subdivision may select its arbitrators from among the governing board of the affected political subdivision, from any regular or special committee appointed by the governing board, whether serving on such governing board or not, or from any combination thereof. A state agency may select its arbitrators from its officers or employees. The state historical board may select its arbitrators from among the board itself, from an executive committee of the board, or from any combination thereof. When a panel of arbitrators has been appointed, a submission in writing must be acknowledged by the parties ~~thereto~~ in the same manner as a conveyance of real property and may fix the time on or before which the award must be made. The submission must provide for the entry of judgment upon the award by the district court of the county within which the state historical site or some part thereof is located. The submission must also provide that each party shall bear its own arbitration costs and expenses, however, the costs and expenses relating to the seventh arbitrator must be borne equally by both parties to the dispute. The seven arbitrators shall proceed to resolve the controversies brought before them, and the decision of the arbitrators, or a majority of them, must be given in writing to the parties concerned and is binding upon both parties. Thereafter, the arbitration must proceed in accordance with ~~the provisions of~~ chapter 32-29.2.

**SECTION 53. AMENDMENT.** Section 55-10-09 of the North Dakota Century Code is amended and reenacted as follows:

**55-10-09. Cooperation.** The state and its governmental political subdivisions shall cooperate with the ~~superintendent~~ director of the state historical ~~board~~ society in safeguarding state historic sites and in the preservation of historic and archaeological sites.

**SECTION 54. AMENDMENT.** Section 55-10-10 of the North Dakota Century Code is amended and reenacted as follows:

**55-10-10. North Dakota historic sites - Changes:** Sites designated as state historic sites by ~~sections 55-10-03, 55-10-04, 55-10-05, and 55-10-06~~ may be changed from time to time, ~~and the superintendent.~~ The director of the state historical ~~board~~ society shall notify the legislative assembly of ~~the needs for such changes and make recommendations in regard thereto so that the registries of historic sites may be kept current and complete~~ each change.

**SECTION 55. AMENDMENT.** Section 55-10-12 of the North Dakota Century Code is amended and reenacted as follows:

**55-10-12. Authority to mark sites.** The ~~superintendent~~ director of the state historical ~~board~~ society may authorize, fund, and place state historical markers, ~~as defined by subsection 2 of section 10-02,~~ on any site listed in the state historic sites registry. This includes authority to negotiate with ~~state~~ private property owners to mark privately owned sites but does not include agreements to pay private property owners compensation to mark ~~such~~ the property.

SENATE BILL NO. 2249

I have read the proposed Senate Bill #2249, which if enacted, would severely limit the State Historical Society's ability to implement North Dakota Century Code 55-02-07

Let me share with you the reasons I am so strongly opposed to this bill:

For over two years, I have worked very hard, along with other committee members, to save our beautiful, historical Mclean County courthouse in Washburn, North Dakota. We gave up much of our time with family and friends fighting to preserve our courthouse. I feel that this bill will make the battle much longer and harder, and sometimes impossible, for the people that know the importance of saving these historical monuments throughout all of North Dakota.

You would not have time today to hear about the long, tiring hours we spent and the unbelievable, sometimes underhanded, strategies our opponents used to oppose us. All because they wanted to build a "house of sand" rather than making an effort to save our solid, historical building. It became a very controversial issue that split the community.

It had initially been decided by the three commissioners in our county that a new courthouse was going to be built, without the vote of the people, and there was a great deal of talk of demolishing this historical monument. The issue was finally settled though a vote of the people, which had to be fought for, by requesting an opinion from the Attorney General. The reason for the Attorney General's opinion was because of Century code 55-02-07.

Our small committee, with the North Dakota Historical Society, North Dakota Preservation, and National Preservation close by our side, was able to save our beautiful, historical building.

Through this long battle, we have realized, if it were not for the North Dakota Century Code 55-02-07, just as it is, we would have more than likely lost this battle, just as many other battles will be lost if this bill is allowed to pass. The historical society needs this bill left as it is in order to help protect our historical sites. The reason I say this is because with section 2 as it is, stating **"the governing body of the agency or political subdivision owning the property interest may improve, alter, modify, or destroy that property if the agency or governing body determines that action is necessary to protect public health or safety, to provide access for disabled persons, or to ensure structural integrity,"** will leave the field wide open for a handful of commissioners to use these as excuses to demolish historical buildings. It would allow all of North Dakota's historical landmarks to be in the hands of those inexperienced in historical preservation. As we are all aware, some people just do not care about our history or about our historical buildings, which would make the passing of this bill a tragedy.

Page 2

The McLean County Courthouse is a very good example. Our commissioners would have used the excuse of protecting public health because there has been a bat problem in the building, leaving out the fact that the building was neglected in that there were holes in the tower which were never repaired and the bat droppings never cleaned up. They would have used the excuse that the building was not handicapped accessible, even though the historical society tried numerous times to work with them to put an elevator in the back of the courthouse so as not to destroy the historical beauty of the front of the building. The issue was never settled. They would have said that a new, modern building would "ensure structural integrity." Such a conjecture would certainly be a matter of opinion.

This bill would allow the commissioners to remodel rather than renovate, which would totally destroy the courthouse's historic beauty. We need the North Dakota Historical Society to be empowered by century code 55-02-07 rather than to be impaired by Bill #2249.

Consequently, I am here to ask you to reject such a bill which would affect the responsibilities our preservationists and the North Dakota Historical Society to such a degree, it may become impossible to preserve our North Dakota heritage.

Thank you for your consideration of my plea.

Corinne J. Kerzmann  
(701) 462-3394

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna O. Wall  
Operator's Signature

10/21/03  
Date

Testimony to the  
SENATE GOVERNMENT & VETERANS AFFAIRS COMMITTEE  
Prepared January 30, 2003 by  
Terry Traynor, Assistant Director  
North Dakota Association of Counties

CONCERNING SENATE BILL NO. 2249

Chair Krebsbach and members of the Committee, I appear before you today on behalf of counties and county officials to support Senate Bill 2249. This, we believe, is a reasonable proposal to restore some balance to the recurring disputes over the maintenance and preservation of the numerous public buildings constructed and maintained by local government.

The structures we are concerned with were built with local public funds to provide places to deliver services, and locations for the public to assemble. Service delivery however, has changed dramatically since most of these buildings were constructed. Automation is increasing constantly, most counties have fewer and fewer employees, and more and more services are delivered electronically. Some of these buildings can no longer serve their intended purpose without major renovation and repair, and many cannot meet federal access standards without enormous reinvestment. Some of them lack the structural integrity to provide a safe environment for the public to assemble, and others are simply unhealthy in which to work.

This bill allows local government and its citizens to have the final say on what becomes of their capital investment in three situations. These three are identified on page 2 of the bill, beginning on line 8, where it states "*is necessary to protect public health or safety, to provide access for disabled persons, or to ensure structural integrity.*" In these situations, we believe a State agency should not be able to demand that property taxes be raised to implement renovations that are not in the taxpayers' best interest.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Dorinda D. Hall  
Operator's Signature

10/21/03  
Date

Our history is extremely important to county officials, but our property taxpayers cannot afford to preserve, in original condition, every single school, city hall, community center, and courthouse in the State for history's sake. We have seen in the case of the old Stutsman County Courthouse where preservation was required, and now we have an old building, sitting empty and gradually falling apart.

This bill does not remove the role of the State Historical Society in advising and recommending, and in situations other than those three identified, in directing what should happen to local government buildings. But in those three situations, it places the authority, and the responsibility, on the local leaders elected to deliver the services, levy the taxes, and make the tough decisions.

A provision has also been included in this bill to allow for a citizen vote (Lines 14-20 of page 2) should the local governing board feel that removal or demolition is warranted.

Chair Krebsbach and committee members; please give SB2249 a Do Pass recommendation, to restore local control in those situations where it is necessary.

Deanna Ball  
Operator's Signature

10/21/03  
Date

**Government & Veterans Affairs Committee Hearing**  
**Senate Bill 2249**  
**Thursday, January 30, 2003**

Madam Chairman and committee members, my name is Ronald Krebsbach I am the chairman of the McLean County Commission. I thank you for the opportunity to appear before you this morning.

The interpretation of existing North Dakota laws governing what owners of properties deemed "Historically Significant" can do with their various properties have become both frustrating and costly to owners of those properties. A case in point is the McLean County Courthouse in Washburn. In 1982 the courthouse and county jail were both placed on the National Historic Register. These same buildings have never been placed on the state register. During the period 1982 to 1997 the historical significance of the buildings was never a major issue or concern. It only became a concern and issue when the county found the building in need of major repairs and renovation and that it was not offering accessibility to the public in accordance with the American's With Disabilities Act.

McLean County has for the past five years been working to meet Americans' With Disabilities Act requirements for the County Courthouse. The existing courthouse and annex do not have an elevator, which is a major accessibility issue. In 1998 the county began work with an architect to complete plans for the installation of an elevator within the county courthouse. When the design was completed local historical preservationists opposed the plan, citing the location of an elevator would destroy an interior stairwell, and contacted the North Dakota Historical Society to seek their support in halting the proposed work. As a result that plan abandoned and the architect began design work on an exterior elevator which would have been placed on a courthouse addition constructed in 1963.

The design plans were complete and the county was within 30 days of calling for bids on the project when the architect informed the county that the State Historical Society opposed the exterior elevator because it would change the outward appearance of the original courthouse built in 1907 and 1915. Mr. Mike Simonson, a historical preservation officer for the society told the board of commissioners if they went ahead with the project he would file a restraining order to halt the work. As a result the commissioners abandoned the project at a cost of more than \$41,380.67 in architectural fees.

Since 1999 the State Historical Society has been involved in reviewing county plans for both major repairs to the courthouse as well as renovation and installation of an elevator. In almost every instance the work proposed by the county was either rejected by the historical society or involved work which would have substantially increased the county's costs.

Each portion of the project became a drawn out effort to determine if the repair or renovation would alter the existing appearance of the building. Although the courthouse does not have any unique features society guidelines generally required reusing existing materials in any repair project, which again increases costs.

While the society has provided some viable alternatives to repair issues and building accessibility,

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Waller  
Operator's Signature

10/21/03  
Date



they are much more costly. McLean County feels that it can make necessary repairs and renovations that will keep the general architectural theme of our building in place without increasing project costs. McLean County believes the Historical Society has over the years assumed authority which goes far beyond legislative intent and only asks that society input on building repair, renovation or modification is limited to only those areas in which a significant change in architectural design is being contemplated. The county also believes the society should be required to cite its legal authority whenever it conflicts with local plans for repair or renovation work on "historically significant" structures or sites.

Following several years of frustration the McLean County Commission, in 2002, placed the question of construction of a new courthouse and law enforcement center on the ballot. That decision came after architects hired by McLean County and a historical preservation architect hired by the State Historical Society agreed that the existing building would require a total renovation to remain functional into the 21<sup>st</sup> century and that costs of that project would reach \$2.8 million. The County Commission then decided to support construction of a new facility. Architectural fees for the proposed new courthouse cost the county just less than \$200,000.00.

The construction ballot was defeated. A major factor attributed to that defeat were statements by the Historical Society that the county would be required to maintain what would have become a vacant building. The society never did cite its source of authority to require continued maintenance of the old courthouse. Voters stated they would not support new construction if it meant maintaining the old building. The end result is McLean County has spent a considerable amount of money on plans for both renovation of the current courthouse and on construction of a new facility, neither has been accomplished and the county continues to face escalating costs and lengthy delays as it must have every item and issue approved by the State Historical Society.

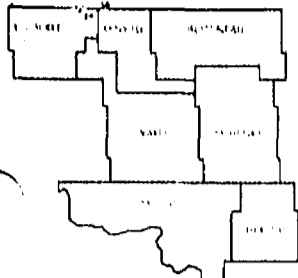
The McLean County Board of Commissioners asks that this committee give Senate Bill 2249 favorable consideration.

-30-

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna D. Smith  
Operator's Signature

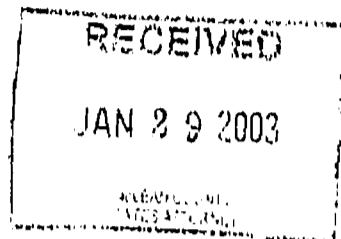
10/21/03  
Date



OFFICES IN:  
Minot, Bottineau, Bowbells, Garrison,  
Kenmare, McClusky, Minot AFB,  
Mohall, Towner, Velje & Washburn

## FIRST DISTRICT HEALTH UNIT

801 - 11th Avenue SW • PO Box 1268 • Minot, ND 58702 • Phone (701)852-1376 • Fax (701)852-5043



January 28, 2003

Ladd R. Erickson  
McLean County States Attorney  
712 5<sup>th</sup> Ave  
P.O. Box 1108  
Washburn, ND 58577

RE: Health & Safety Concerns

First District Health completed a walk-through inspection of the old part of the McLean County Courthouse on November 1, 2002, and again on January 27, 2003. The inspections were made regarding several complaints from staff housed within the older part of the Courthouse. The inspection on January 27, 2003 was completed by Jayme Calavera and James Heckman, with Ron Krebsbach and Sandra Birst in attendance. Mr. Krebsbach and Mrs. Birst were invited to accompany the inspection team and to provide a history of the Courthouse. The following items were noted:

- The freestanding staircase appears to be leaning in to the center. Several of the center supports are beginning to separate and sag.
- The stairs creak and shift with every step and do not feel sturdy.
- The floors creak extremely loud and are very disconcerting for the staff located on the next floor below them.
- There is a shortage of usable storage room.
- As equipment becomes larger, it becomes more difficult to move it from one floor to another via the staircase.
- The absence of an elevator limits the usefulness of the building for the staff and general public, and is likely in violation of the ADA.
- If an elevator were installed, the upper floors would be accessible for storage.
- The ramp in the furnace room is too steep for the nurses to move equipment and supplies into and out of the building.
- The roof is in need of repair. Several places show stained ceiling tiles and/or stained sheetrock.
- Daylight could be seen through the fascia when looking from the attic. If daylight is apparent, it is likely an opening large enough for a bat to access.
- The new concrete floor outside the county nurse's office has large cracks that are likely the result of the building moving and shifting.

The mission of public health is to make a positive impact on the health & welfare of the community through service, education, prevention and collaborative activities.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

*Ladd R. Erickson*

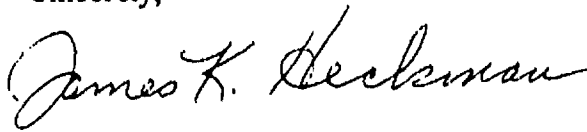
Date

10/21/03

Additionally, it appears the issue with bats has not been completely resolved. The county nurse and other personnel told us of opening drawers, or lifting papers on a desk, to find a bat hiding inside or under the papers. In an office that is to provide medical assistance to the general public, this is not acceptable.

First District Health Unit is willing to assist you in whatever means necessary to mitigate these issues in an expeditious manner. Please feel free to call me with any questions you may have.

Sincerely,



James K. Heckman -- Director  
Environmental Health Division

Cc: McLean County Auditor  
McLean County Nurse

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

  
Operator's Signature

10/21/03  
Date

Office of  
McLean County State's  
Attorney

# McLean County

STATE OF NORTH DAKOTA

712 5<sup>th</sup> Avenue  
P.O. Box 1108  
Washburn, ND 58577-1108  
(701) 462-8541  
Fax (701) 462-8212

January 29, 2003

Madam Chairman and Members of the Committee:

My name is Ladd Erickson and I am the McLean County State's Attorney. I am here to support SB 2249 which is a measure that implicates millions of dollars across the state in the elimination of liabilities for political subdivisions and reduced expenditure of tax dollars for our citizens.

The problems with the current law, or at least the historical societies interpretation of their laws, relate directly to the lack of proper civics and due process. For example, there exists little if any political accountability. There is not an elected official, like the Governor, in a position to implement policies that not only view the dimension of the preservationists, but take into account all necessities facing a particular site or tract.

Second, there has been an unfunded mandate approach to implementing the law. Currently, the ability for a political subdivision to pay for mandates from the historical society director is not being considered.

Third, there is no legal or formal process for political subdivisions to address grievances with directives it receives from the superintendent. There is an arbitration procedure for state historic registry sites, but those sites are few compared with all of the city and county owned

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Ladd Erickson*  
Operator's Signature

1/29/03  
Date

January 29, 2003


Re: SB2249

Page 2

property that the historical society has the ability to exercise complete control over. Under N.D.C.C. § 55-02-07, every publicly owned building or structure in the state can be controlled by the historical society if they choose. That control can occur, and is occurring, without consideration for the real purpose of the property, whether that property is a school, library, courthouse, bridge, row of old trees, etc. and is needed for the intended purpose by the owners of the property. I am not implying that the historical society is trying to control every publicly owned structure in the state, but as a number of attorney general opinions point out, if the historical society wants control over a political subdivisions property the current state laws give them complete and absolute power to control any projects pertaining to those structures, and the costs of their control is then placed upon the local taxpayers who have no voice under current law. This system is in direct defiance of the basic principals of American civic process.

When I refer to the current laws, I am referencing two chapters in the North Dakota Century Code and a federal statute. The federal law is called the "National Historic Preservation Act" (NHPA). This federal law develops a planning and listing process for historic sites, creates federal granting mechanisms for protection or enhancement of historic sites, sets forth procedures for states to implement portions of the law, and sets guidelines for people with private property to qualify for federal tax exemptions if they restore or protect a privately owned historic site. The stated purpose of the NHPA is to develop a planning process for federal agencies when they implement projects so they consider impacts to historic areas. The NHPA does not prohibit a federal agency from doing any project it deems necessary, it just makes that agency review the impacts to an area before beginning the project. The NHPA imposes no requirements or regulations on the state or local government provided the action is local or state funded. If the project is federally funded, the consideration of alternatives to the procedure is needed before the project can begin.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

  
Operator's Signature

10/21/03  
Date

January 29, 2003

Re: SB2249


Page 3

The second tier of historical law is the State Historical Registry statutes found in chapter 55-10. Under these statutes, locations within the state are placed on a registry list. Some of those sites are listed in the N.D. Century Code and others are not. The procedures for listing a site are found in chapter 40-02-01 of the North Dakota Administrative Code. These rules create a fairly simple process to list a property, and thus bringing that property under the umbrella of rules, regulations, and mandates of the Historical Society. Because currently functioning schools, libraries, courthouses, etc. can easily be or are listed on the state registry, this Bill adjusts the Historical Society's power regarding areas they consider historic and have listed on the State Registry - areas that are owned and used by political subdivisions for their intended purpose.

The third tier of historical law impacting publicly owned real property is found in N.D.C.C. § 55-02-07. From a civic's perspective, this statute is the most troubling. It allows the historical society to exercise control over a structure if "in the opinion of the director of the state historical society, [it is] significant in understanding and interpreting the history and prehistory of the state." If the director forms that opinion regarding your structure, then under the rest of the statute you are stuck and have to approve everything you do through them.

A specific case example of the current use of N.D.C.C. § 55-02-07 involves the McLean County courthouse, a courthouse along with about forty other courthouses in the state that the historical society has placed on the national historic registry, which by itself does not mean any regulations attach. The McLean County courthouse has a number of needs in order to keep functioning as a courthouse. As District Judge Robert Wefald stated in the local paper a few weeks ago, "It needs to be repaired or replaced. If nothing happens, you won't have court cases heard [there]...I like preservation...But the truth of the matter is, you have to draw the line...If you

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

  
Operator's Signature

12/21/03  
Date

January 29, 2003

Re: SB2249

Page 4

are going to have an old building it has to be accessible to the public...It has to meet the regulations of the ADA Act. The McLean County Courthouse does not meet that."

The reason the courthouse is not in compliance with ADA is the State Historical Society's mandates for installation of an elevator are well beyond what the county can afford.

To show you what I believe is happening I will use the example of our roof. The courthouse roof leaks and has degraded to the point where there are holes in the trim and fascia boards which have created entrance points for bats. Bats infest the attic of the courthouse in the summer and work their way through offices in the courthouse from time to time. The bat droppings and urine piles up in the attic and when it gets moist and warm the smell radiates through the courthouse. Maggots fell through a vent from a dead bat onto the head of a secretary last summer causing her to get fed up with the situation and quit.

The McLean County commission has been trying to fix the roof for years now, but the historical society has used N.D.C.C. § 55-02-07 to claim that we have to replace the old fascia boards and trim with identical material, which is not made anymore. Having these items custom made, instead of replacing the items with materials on the market doubles the cost of fixing the roof, adding tens of thousands of dollars to the project, again an unfunded mandate.

Under the current law, this degraded fascia board and trim must be "significant in understanding and interpreting the history and prehistory of the state"...which is on its face, ridiculous. What the Historical Society appears to be doing is using that language from N.D.C.C. § 55-02-07 and then making all of the federal guidelines for tax purposes mandatory or regulatory.

The Bill before the committee is not an attempt to change legislative policy in this area. In reviewing the legislative history of this statute, there is no hint that this was the way the legislature intended counties to be treated, or that the law be implemented.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna Ballantyne*  
Operator's Signature

10/21/03  
Date

January 29, 2003

Re: SB2249

Page 5

The Bill before the committee corrects the civics, which is needed if political subdivisions are going to be able to properly protect and provide for their citizens.

Political subdivisions own many bridges and roads, by their nature each create a safety issue that needs to be addressed locally. When buildings are abandoned they are by their nature unsafe or unhealthy situations and many need to be torn down. Additions and modifications need to periodically occur to protect the structural integrity of the building. This Bill places the responsibility on political subdivisions for determining what health, safety, access, or structural needs a location has, and the power in local boards to address those issues. I ask for your support on this measure.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Waller  
Operator's Signature

1/21/03  
Date



# No more court cases heard in the county?

By Stu Merry

If South Central District Judge Hon. Robert O. Wefald's prediction comes true, in a couple of years, there could be no more court hearings held in the McLean County Courthouse.

In discussing his travels to various courthouses within the district, Wefald talked about the condition of a number of facilities he visits as a district judge. Speaking in a personal capacity and not for any other district court judges, Wefald said changes need to be made at the McLean County Courthouse — or else.

"If we can't go to the courtroom, we will move the court cases to another county," he said. "It (the courthouse) has exceeded its usefulness as a courthouse, in my opinion. It is inadequate. It needs to be repaired or replaced. Citizens of McLean County can't decide to do nothing. If nothing happens, you won't have any more court cases heard etc."

Wefald was the featured speaker at Monday's regular monthly meeting of the Garrison Lions Club.

"I like preservation," Wefald went on to say about the facility. "But the truth of the matter is, you have to draw the line... If you are going to have an old building, it has to be accessible to the public. Everything now has to meet regulations of the ADA Act. The McLean County Courthouse does not meet that."

He told those in attendance that if there is something he doesn't like (as far as cleanliness and accessibility goes) he lets the commission of that county know. He told of a situation at the McLean County Courthouse where a dead bat fell on an employee's head.

"It's not a healthy situation. Your job is to keep your facility clean," he said. "You have an obligation here."

Wefald explained that, currently, jurors court cases, see page 12

## Access to courthouse

not be able to do this in a single phase. Rather, I see several phases."

But Linn admitted that the plan would not see access by elevator to the Civil Defense room. He suggested a chairlift. Treasurer Les Korgef interjected that there would be no room for such a unit in the stairwell.

Krebsbach explained that the county has only so much money to work with.

"But if we are going to do it, we have to do it right," he said.

Linn said an addition should be placed on the back of the current facility.

"Doing anything to the front of the building is totally unacceptable," he said.

As discussion progressed, no clear-cut solution presented itself.

"It is a real catch 22," Schenfisch said, when thinking about repairing the roof first, then having to possibly cut into the roof to put on addition to the rear of the

told Linn, "Your decisions are costing us a lot of money."

"This is not a solid wonderful old building," he said. "We now have limited resources. We don't have the \$1.5 million loan to work with."

"To me, it makes more sense to go in front of the 1963 addition and give us access to the Civil Defense room and access to the second floor — maybe a third floor on the '63 addition. It would maybe make the building look better."

Lee interjected, "We can't go one year at a time. We need to have a goal — a long-range plan."

Hvinden continued, saying time is of the essence.

"We can't spend time debating what and how we are going to do it. There has to be a decision made soon."

The commission instructed Linn to return to the historical society and get an opinion from the

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's signature

*[Handwritten Signature]*

12/21/03  
Date

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature: *Bob Smith*

Date: 12/21/03

tion.

"There's nothing to decide until we find out if we get the loan," Leidholm said.

In the meantime, though, Washburn residents are sitting up and paying attention, too. They hear the rumblings in Garrison, though talk that one McLean County town offered \$2 million and land if the courthouse is moved there puts rumor out ahead of fact.

"Nobody approached me with any money," said Ron Krebsbach, county commissioner for the Garrison district.

Johnson said, "I'd just as soon see it go away."

Krebsbach noted that similar attempts in other counties — Mercer and Dunn, for example — not only didn't work, the struggle left a bad taste.

"In the long run, we're better off where we're at," Krebsbach said.

Kitty Tweeten of rural Washburn and Mike Nelson, head of the Washburn Civic Club, want to make sure that their town continues to be the county seat. They say having the courthouse in Washburn provides employment and an economic spin.

"Everyone in Washburn is kind of holding their

her thought was, "Yeah, right, we're going to just sit back and let it happen."

So she wrote a letter of her own and has been amazed at the response from people in her town wondering what Washburn should do to keep its courthouse. But she's realistic.

"Washburn does have a problem. It's hard to unite our own community," Tweeten observed. "Garrison seems like it can work together and get things done."

The two towns run neck-and-neck in population at about 1,500. Garrison's McLean County Independent still manages to easily out-ballot Washburn's

Hvinden said.

Hvinden said the commission is looking at building 15,000 feet to replace the 23,000 in the old courthouse, where a multitude of hallways and floor lobbies with highly polished oak floors take up a lot of room.

And if the commission decides to build new — likely behind the 1963 addition — the old building will become an expensive white elephant, costing thousands each year in heating alone.

"It's almost a sure bet that this building will have to be demolished," Hvinden said. "The county is not going to pay to operate and maintain this building if we have a new building."

## Present courthouse always must field a potent bat team

WASHBURN — When Les Korgel hears a scream that curdles his blood, he puts on a pair of leather gloves and goes on the attack.

This mild-mannered McLean County treasurer is one of three Clark Kents on the courthouse bat patrol.

A colony of bats in the courthouse attic has had a long reign of terror.

The winged rodents find their way down into the lower county offices. They hang from wastebaskets and sit on open boxes of computer paper.

frightening an unsuspecting clerk reaching in for handful of paper. They get behind light panels and fly through the open stairwell.

They scare the living heck out of county employees. But there's an upside.

"We always joke that we haven't had a mosquito in the courthouse for years," Korgel said.

He doesn't like bats. But when he hears a scream, or doors slamming, or when someone comes running, he takes his turn.

"It's a dirty job, but somebody's got to do it," he said. He wears leather gloves to prevent infection in case a bat has rabies. He's never been bitten; however, he has fallen from a ladder trying to snag a bat.

"We've found them in every imaginable location," he



Hvinden:  
Bat patrol.

said.

No one knows how many bats are in the courthouse attic, but there are likely hundreds, if not thousands, of them snuggled away beneath the insulation up there.

"One summer a couple of years ago, we caught 55 of them," Korgel said.

He and the bat team — the county agent and highway superintendent — keep a running tally.

Auditor Marlin Hvinden has a key to the attic.

He opens the door, walks

across the creaky wooden floor and points out the piles of bat guano.

The janitor cleans it occasionally, but still the smell of bat guano and urine can be overwhelming in hot, humid weather, he said.

Hvinden said a federal law protecting migratory mammals prevents the county from simply killing the bats.

"We've spent money trying to figure out how they get in," he said. "We've reworked the entire soffits and put tents in the soffits, hoping if we chilled

the attic, they'd migrate out."

They haven't.

One way to get rid of the bats is to get rid of the building. That might happen if the old courthouse is replaced by a new one, as is the plan.

The old building may have to go the way of handicap accessibility problems, not to mention the bats.

"There are some major issues that it looks like the new building will take care of," Korgel said.

— Lauren Dowd

Senate Bill 2249

Testimony by Merl Paaverud, Director

State Historical Society of North Dakota

Madame Chair and Members of the Government and Veterans Affairs Committee, my name is Merl Paaverud and I am the director of the State Historical Society of North Dakota. Thank you for this opportunity to present my testimony on Senate Bill 2249.

The State Historical Society of North Dakota is responsible for administering statutes that deal with historic preservation in our state. We also administer the Federal Historic Preservation program in North Dakota and the State Historic Preservation Office. Section 55-02-07 and 55-10-08 of the North Dakota Century Code are important parts in our efforts to preserve historic sites and buildings throughout the state.

Many of North Dakota's most important historic buildings are owned and operated by political subdivisions. This building inventory is a source of pride and identity for our communities and counties and has been for years. Many of the structures are listed on the National Register of Historic Places and on the State Register of Historic Places. Both listings demonstrate the belief by citizens and government that they are important, and should be preserved and kept for future generations to use and enjoy. For these reasons, North Dakota Century Code statutes have been developed to support preservation of the state's important historic building inventory.

The Society is aware that over time and use, the operating systems in any building

Page 1 of 3

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Hall  
Operator's Signature

10/21/03  
Date

may no longer function properly or efficiently and building materials become worn. Even with good maintenance procedures, equipment and systems require upgrades. The use for buildings may also change and not be adequate for providing the services that are required. Structural problems may also develop that impair the use of historic buildings.

These issues can be identified and assessed through a thorough professional review process. State Historical Society staff are prepared to identify problem areas, determine causes and find solutions for them.

Alternative uses for historic buildings must also be considered (this is being done in Renaissance Zones projects as they develop throughout the state). If demolition is identified as a solution, state and federal law require mitigation to be completed.

**Preservation of our historic properties depends on several key issues:**

1. Proper maintenance and repair for the structures must be provided.
2. Replacement and new systems must be sensitively installed to preserve building integrity.
3. Alternative uses for historic buildings must be considered.
4. There must be a serious will and intent by officials and the general public to preserve historic buildings.

**Preservation Support and Incentives:**

1. Historic Preservation fund grants.
2. Technical Assistance for building maintenance.
3. Tax breaks.

Page 2 of 3

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna D. Smith  
Operator's Signature

12/2/03  
Date

4. Community focus and pride.

**We must have adequate time to examine historic structures, consider alternatives and find the best solutions.** Early communication between the State Historical Society and the political subdivision about plans to alter or remove historic structures is critical and will improve the process and ensure adequate consideration for preservation, needs of the community, and mitigation efforts. We must also be aware that federal funding for the political subdivision could be affected if National Register properties are not given this consideration.

Enactment of the changes suggested for Chapter 55-02 will have a negative impact on preservation, reuse, and mitigation of historic buildings that are important to North Dakota as centerpieces and landmarks in our state. Passage of Senate Bill 2249 will remove the incentive to give serious consideration for preservation of North Dakota's historic buildings. The future of many of our state's most prominent and important historic buildings lies in the balance. For these reasons, I request a do not pass vote for Senate Bill 2249 that creates and enacts a new section to Chapter 55-02 and amends and reenacts subsection 2 of 55-10-08 of the North Dakota Century Code.

This concludes my testimony. May I answer any questions from the committee?

Page 3 of 3

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Wallis  
Operator's Signature

10/21/03  
Date

**Testimony on Senate Bill 2249 Presented to the  
Senate Government and Veterans Affairs Committee,  
Senator Karen Krebsbach, Chair**

**Presented by Michael Simonson, President, Fargo-Moorhead Heritage Society**

Chairwoman and Members of the Committee:

I am Michael Simonson, President of the Fargo-Moorhead Heritage Society. The Heritage Society has been in existence for over a quarter century, and includes a diverse and broad membership in Fargo. We respectfully requests a "Do Not Pass" recommendation for Senate Bill #2249. We are opposed the proposed revision of NDCC 55-02-07 because it is unnecessary, and because it would limit the effectiveness of State Historical Society of North Dakota (SHSND) to help political subdivisions.

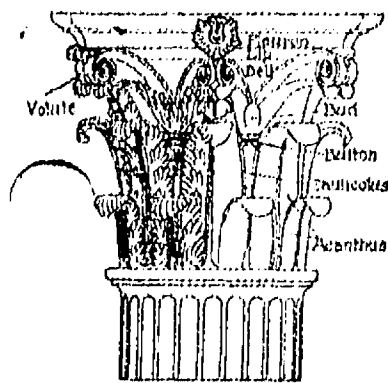
This bill's proposes changes to the current process when there are health related issues. This is unnecessary, as the current process outlined in state law allows for due consideration of such issues. In fact, the SHSND can bring their expertise to bear in such matters, as they have a staff of highly trained professionals. Also, the SHSND owns and operates more historical buildings than any political subdivision in North Dakota, and so can speak from experience. Lastly, the proposed revision to NDCC 55-02 is vague and confusing. It does not specify what a "reasonable opportunity to provide alternatives" for the Superintendent would be.

Please give SB2249 a "Do Not Pass" recommendation.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Michael Simonson*  
Operator's Signature

10/21/03  
Date



# Preservation North Dakota

An incorporated, non-profit, 501 C (3) organization. EIN # 45-0459947, ND charitable solicitation license #3979.  
PO Box 28 305 4th St N Buffalo, North Dakota 58011-0028  
E-mail: PresND@LISTSERV.NODAK.EDU Voice: 701-633-2763 Fax: 701-633-2763

## BOARD OF DIRECTORS

- Barbara Lang, Pres.
- Marsha Gunderson, V. Pres.
- Susan Sigurdson, Sec.
- Rebecca Heise, Treas.
- Rurik Ekstrom
- Gail Gabrielson
- Dr. Tom Isern
- Steve Martens
- Veronica Miller
- Lt. Gov. Rosemarie Myrdal
- Dorothy Pearson
- Ronald Ramsay
- Jeanette Robb-Ruenz
- Patsy Thompson
- Daryl Van Hale
- Ex-Officio Members
- Mary Humstone
- James Lindberg
- Merl E. Paaverud

## EXECUTIVE DIRECTOR

Dale R. Bentley

## ADVISORY COUNCIL

- Mary Ekstrom
- Rev. Dwight Meier
- Joanne Olson
- Rev. Jack Seville
- Janice Stowman
- Deanna Vickers

## **Proposed Senate Bill #2249**

**Madam Chairman and members of the Government and Veteran's Affairs Committee.**

For the Record, my name is Dale Bentley and I am from Buffalo, North Dakota. I am the Executive Director of Preservation North Dakota.

Preservation North Dakota is the statewide, preservation advocacy organization for North Dakota. I urge you to vote against the proposed Senate Bill #2249. The Bill would limit the State Historical Society of North Dakota's ability to review and comment on plans, that affect the integrity of buildings and sites on the National Register of Historic Places.

In a democratic society, it is necessary to have a system of checks and balances. It is especially important to have this "review and comment" authority in place, in situations where our state's irreplaceable heritage is in jeopardy.

Most of the historic properties affected by this legislation are held in the "Public Trust". This means that we must be extremely careful in the process of making irreversible decisions concerning them. The people of North Dakota, as tax payers, have already made a substantial investment in constructing these properties. Why should they be forced to pay to tear them down, and then pay again to construct a new building for the same purpose? Often these historic buildings were built with an infinite useable life expectancy. Modern buildings have "built in" obsolescence; sometimes providing as little as 40 years of service. How long can tax-payers and local economies support this type of spending? In today's world of shaky economies and the need to conserve, recycle, and reuse; Preservation is often the most viable alternative.

The existing law provides those interested in fully exploring all options, the necessary time to gather all the information necessary to make the most informed decision. Often, you will hear of a County Commission of five or even fewer members, making decisions, some of which are not even legal, on behalf of the

*"Promoting Preservation for the People of North Dakota."*

Prairie Churches of North Dakota Project [www.prairiechurches.org](http://www.prairiechurches.org)

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

*Deanna Vickers*

10/21/03

Date

entire population. This is NOT how the American system of Democracy was designed to function. County Commissioners are good stewards of local services, but often lack the knowledge and understanding of how valuable heritage, history, and sense of place, is for the economic future of a community. This is where input from preservationists and the State Historical Society, can be invaluable.


The SHSND is charged with the responsibility of being a steward, of the heritage of North Dakota. They do wonderful things with a small staff and budget. To take this authority away, or to limit it in any way, does not allow them to accomplish their mission. A mission your predecessors have deemed as important, essential, and worthy of supporting, over and over again. Those legislative efforts were motivated by a need to ensure the best interest of the people of North Dakota and their proud heritage, was kept close at heart. I urge you to continue protecting this legacy with the important "safety net" provided by the wisdom of former legislators.

I hear from North Dakotans every day, that express their community's regret about destroying an important structure or site. I have never spoken to a person who regrets preserving one.

Thank you for your time,

Dale R. Bentley  
Executive Director

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

  
Operator's Signature

12/21/03  
Date



Senate Bill 2249

Testimony  
by Merl Paaverud, Director  
State Historical Society of North Dakota

I submit the following information for consideration regarding the bill.

Our biggest problem with 55-02-07 is that it is sometimes invoked late in the planning process for a project. I believe that if we could be involved with this process during the conceptual planning stage of a project, we could avoid much of the disagreement that we have experienced in the past. I think we can agree that our historical resources are important to our communities and the state. The state legislature has also found this to be important since the statute was put into law in 1965. Here is a process that I would submit for consideration as part of the statute:

Political Subdivisions/Higher Education - Universities/ State Historical Society of North Dakota.

1. Completion of a survey of historic buildings in the political subdivision or university.
  - a. Historic Preservation Funds can be granted for completion of this option.
  - b. Provide a copy of the completed survey listing to the State Historical Society and for the public record.
2. During the early stages of project consideration, notification would be sent to the State Historical Society of North Dakota. The Society could participate in the planning and participate in considerations for preservation, reuse, demolition, and mitigation.
  - a. Hold local public forums for input regarding the project.
  - b. Hold a vote during the next general election for approval of the political subdivision or state.
3. Complete the approved preservation, restoration, renovation or mitigation.
  - a. Technical assistance from the State Historical Society of North Dakota

This process will also assist with completion of the National Register of Historic Places process.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

*Deanna O'Neil*

10/21/03

Date

Funding

State: A Historical Resource fund was established by the legislature in the past. However, this fund has very little money in it. A future state appropriation could provide funding for this purpose.

Historic Preservation Funds are available through a grant process for National Register listed properties. This has been used for maintaining and improving public properties.

Other Considerations

1. Would the vote for university projects have to be statewide?
2. If SB 2249 passes as presently written, I would recommend that it is not retroactive.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna D. Smith  
Operator's Signature

10/21/03  
Date

State Historic Site Registry as of January 31, 2003. The listing includes 51 State Historic Sites managed by the State Historical Society, three sites managed by North Dakota Parks and Recreation, and three managed by the National Park Service. The remaining 19 are private, city, county, other/combination, or unknown management. The sites/properties are listed in alphabetical order by name.

Bagg Bonanza Farm	32RI5	Mooreton	Private	May 2, 1986	
Bandstand, Island Park	32CS2103	Fargo	City of Fargo	October 11, 1996	
Big Mounds Battlefield	32KDX26	Kidder	SHSND	July, 1967	
Birch Creek	32BAX20	Barnes		July, 1967	
Bismarck Cathedral Area Historic District	32BL27 (multiple sites)	Bismarck	Private and City of Bismarck	October 11, 1996	
Bismarck-Deadwood Stage Trail	32MOX131	Morton	SHSND	July, 1967	
Brenner Crossing	32EDX4	Eddy	SHSND	July, 1967	
Buffalo Creek	32CSX126	Cass	SHSND	July, 1967	
Burman	32KDX25	Kidder		July, 1967	
Camp Arnold	32BAX131	Barnes	SHSND	July, 1967	

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

*Deanna D. Smith*

Date

10/21/03

Camp Atchison	32GGX42	Griggs	SHSND	July, 1967	
Camp Buell	32SAX44	Sargent	SHSND	July, 1967	
Camp Corning	32BAX189	Barnes	SHSND	July, 1967	
Camp Grant	32SNX89	Stutsman	SHSND	July, 1967	
Camp Hancock	32BL26	Burleigh	SHSND	July, 1967	
Camp Kimball	32FOX9	Foster	SHSND	July, 1967	
Camp Sheardown		Barnes	SHSND	July, 1967	
Camp Weiser	32BAX11	Barnes	SHSND	July, 1967	
Camp Whitney	32KDX22	Kidder	SHSND	July, 1967	
Cannonball Stage Station	32GT189	Grant	SHSND	July, 1967	
Cass County Courthouse	32CS1335	Fargo	Cass County	May 2, 1986	
Chaboillez Trading Post		Pembina	City of Pembina*	July, 1967	
Chaska (Camp Banks)	32BL92	Burleigh	SHSND	July, 1967	
Chateau de Mores	32BI60	Billings	SHSND	July, 1967	
Cross Ranch Archeological District	Multiple	Oliver	Nature Conservancy, State, and County	May 2, 1986	

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna Wall*  
Operator's Signature

10/21/03  
Date

Crowley Flint Quarry	32ME201	Mercer	SHSND	July, 1967	
David Thompson	32MHX245	McHenry	SHSND	July, 1967	
de Mores Packing Plant	32BI63	Billings	SHSND	July, 1967	
Divide County Courthouse	32DV5	Crosby	County	May 2, 1986	
Double Ditch	32BL8	Burleigh	SHSND	July, 1967	
First Discovery of Oil		Williams		July, 1967	
Fort Abercrombie	32RI777	Richland	SHSND	July, 1967	
Fort Abraham Lincoln	32MO141	Morton	NDP&R	July, 1967	
Fort Buford	32WI26	Williams	SHSND	July, 1967	
Fort Clark	32ME2	Mercer	SHSND	July, 1967	
Fort Dilts	32BO6	Bowman	SHSND	July, 1967	
Fort Mandan Overlook	32ML400	McLean	SHSND	July, 1967	
Fort McKeen	32MOX63	Morton	NDP&R	July, 1967	
Fort Ransom	32RM35	Ransom	SHSND	July, 1967	
Fort Rice	32MO102	Morton	SHSND	July, 1967	
Fort Seward	32SN144	Stutsman	City of Jamestown*	July, 1967	

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna D. Smith 10/21/03  
 Operator's Signature Date

Fort Totten	32BE11	Benson	SHSND	July, 1967	
Fort Union	32WI17	Williams	NPS	July, 1967	
GAR Solider Statue, Island Park	32CS2108	Fargo	City of Fargo	October 11, 1996	
Gingras	32PB101	Pembina	SHSND	July, 1967	
Grandstand, Island Park		Fargo	City of Fargo	October 11, 1996	
Henrik Wergeland Statue, Island Park	32CS2102	Fargo	City of Fargo	October 11, 1996	
H-T Ranch	32SLX50	Slope	Private ?	May 2, 1986	
Hudson	32DIX20	Dickey	SHSND	July, 1967	
Huff	32MO11	Morton	SHSND	July, 1967	
Killdeer Mountain Battlefield		Dunn	SHSND	July, 1967	
Kittson (Walhalla)		Pembina	SHSND	July, 1967	
Lake Jessie	32GGX40	Griggs	SHSND	July, 1967	
Lake Johnson	32GGX20	Griggs	SHSND	July, 1967	
Maple Creek Crossing	32CSX51	Cass	SHSND	July, 1967	

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna D. Wall*  
Operator's Signature

10/21/03  
Date

McPhails Butte	32KDX19	Kidder	SHSND	July, 1967	
Medicine Butte (Medicine Rock)	32GT129	Grant	SHSND	July, 1967	
Menoken	32BL2	Burleigh	SHSND	July, 1967	
Molander	32OL7	Oliver	SHSND	July, 1967	
Oak Lawn Church	32PBX44	Pembina	SHSND	July, 1967	
Palmer's Spring	32BEX20	Benson	SHSND	July, 1967	
R. S. Blome Granitoid Pavement	32GF165	Grand Forks	Grand Forks	February 19, 1992	
St. Stanislaus Catholic Church	32WA2	Warsaw	Parish	May 2, 1986	
Saint Claude	32ROX44	Rolette	SHSND	July, 1967	
Science Hall, UND	32GF17 (all UND)	Grand Forks	UND	July 10, 1998	June 25, 1999
Sheyenne Indian Village (Biesterfeldt)	32RM1	Ransom	Private	July, 1967	
Sitting Bull	32SIX27	Sioux	SHSND	July, 1967	
Slant	32MO26	Morton	NDP&R	July, 1967	
Standing Rock	32RM32	Ransom	SHSND	July, 1967	
Steamboat Warehouse	32BLX66	Burleigh	SHSND	July, 1967	

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna Ballantyne*  
Operator's Signature

10/21/03  
Date

Stutsman County Courthouse	32SN45	Stutsman	SHSND	November 4, 1983	
Sully Corral (Sully Heart River Corral)	32SKX3	Stark	SHSND	July, 1967	
Sweden	32WAX132	Walsh	SHSND	July, 1967	
Theodore Roosevelt Maltese Cross Cabin	32BI8	Billings	NPS	July, 1967	
Theodore Roosevelt Elkhorn Ranch	32BI8	Billings	NPS	July, 1967	
Wadeson	32BA32	Barnes	SHSND	July, 1967	
Whitestone Hill Battlefield	32DIX43	Dickey	SHSND	July, 1967	
Willows Hotel	32EM446	Linton	Private	July 10, 1998	
Writing Rock	32DV4	Divide	SHSND	July, 1967	

\*Originally managed by SHSND and then transferred to the city, as requested.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Walsh  
Operator's signature

10/21/03  
Date



National Register of Historic Places

North Dakota Properties

COURTESY	PROPERTY	DATE LISTED	CRITERIA	REASON FOR REMOVAL	REVISIONS TO ORIGINAL	CR ACTION	DATE LISTED	RECORDS
----------	----------	-------------	----------	--------------------	-----------------------	-----------	-------------	---------

REVISED OCTOBER 2002

Adams	Adams County Courthouse, (1) Hettinger							
Barnes	All Saints Episcopal Church, Valley City	7/24/92	A	10/16/92	A	3/12/92	32BA812	
	Episcopal Church Architecture in ND							
	Thematic Nomination of ND Courthouses		A		A	11/14/89	32AD40	
Adams	Cedar Creek Bridge, Haynes, vic.	10/25/96	A	1/13/97	A	2/27/97	32AD50	
	Historic Roadway Bridges of ND MPS							
Adams	Hettinger Post Office, U.S. Post Offices							
	in ND 1900-1940 Multiple Property		A	9/13/89	A	11/1/89	32AD38	
Barnes	Barnes County Courthouse, (1) Valley City							
	Thematic Nomination of ND Courthouses				A	11/14/85	32BA746	
Barnes	Midland Continental Railroad Depot, Wimbledon	10/25/02	A					
Barnes	Rudolf Hotel, (1) Valley City		A		A	2/10/83	32BA825	
Barnes	Rainbow Arch Bridge, Valley City	10/25/96	A	1/13/97	A	2/27/97	32BA42	
	Historic Roadway Bridges of ND MPS							
Barnes	State Normal School at Valley City Historic Dist.	1/28/94	A	1/6/95	A	2/10/95	32BA911	
Barnes	Valley City Carnegie Library, (1) Valley City				A	10/18/79	32BA12	
Barnes	Valley City Post Office, U.S. Post Offices							
	in ND 1900-1940 Multiple Property		A	9/13/89	A	11/1/89	32BA9	
Barnes	West Park Bridge, Valley City	10/25/96	A	1/13/97	A	2/27/97	32BA39	
	Historic Roadway Bridges of ND MPS							
Benson	Benson County Courthouse, (1) Minnewaukan		A			11/2/78	32BE12	
Benson	Fort Totten Historic Site, (17) Ft. Totten		A			12/9/71	32BE11	
Benson	Grace Episcopal Church, Minnewaukan	2/28/94	A	7/28/94	A	9/9/94	32BE32	
	Episcopal Church Architecture in ND							
Benson	Pierson Farm, (??) York, vic.				A	8/29/85	32BE23	
Benson	St. Boniface Church - Wrought-Iron Cross Site	8/2/89	A	6/9/89	A	10/23/89	32BE24	
Benson	Viking Lutheran Church, Maddock, (1) vic.		A		A	11/14/79	32BE10	
Benson	West Antelope Bridge, Medora, vic.	10/25/96	A	1/13/97	A	2/27/97	32BE41	
	Historic Roadway Bridges of ND MPS							
Billings	Billings County Courthouse, (1) Medora		A			12/16/77	32B166	
Billings	Chateau de Mores, (4) Medora		A			4/16/75	32B160	
Billings	De Mores Packing Plant, (4???) Medora		A			2/18/75	32B163	
Billings	Initial Rock, (1) Medora vic.		A			11/7/76	32B161	
Billings	Myers School Timbered Lodge, Medora vic.		A			8/6/80	32B1401	
Billings	Peaceful Valley Ranch, N. of Medora				A	7/13/94	32B167	
Billings	St. Mary's Catholic Church, (1) Medora		A			12/2/77	32B162	
Billings & McKenzie	Theodore Roosevelt						32B18, 64	
	National Memorial Park		A			10/15/66	32MZ154	
Billings	Von Hoffman House, (1) Medora		A			11/21/77	32B165	
Bottineau	Antler, State Bank of, (1) Antler	4/29/88	A	5/27/88	A	6/30/88	32BU4	

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this notice, it is due to the quality of the document being filmed.

Operator's signature  
 10/21/03  
 Date

# National Register of Historic Places

## North Dakota Properties

COUNTY	PROPERTY	DATE LISTED	REVISION DATE	REVISION NUMBER	REVISION ACTION	DATE LISTED	RECORDS
Bottineau	Crogen, Ole Farm District (8)				A	10/16/87	32BU3
Bowman	Fort Dilts (8 headstones, 1 monument, 1 flagpole), Rhame vic.			A	A	11/10/80	32BO6
Burke	Burke County Courthouse, (1) Bowbells			A	A	11/14/85	32BK13
Burke	Thematic Nomination of ND Courthouses			A	A	11/14/85	32BK13
Burke	Portal State Bank, Portal (1)	7/26/96		A	A	10/3/96	32BK31
Burleigh	Burleigh County Courthouse, (2) Bismarck			A	A	11/14/85	32BL94
Burleigh	Thematic Nomination of ND Courthouses			A	A	11/14/85	32BL94
Burleigh	Bismarck Civic Auditorium, (1) Bismarck			A	A	6/7/76	32BL18
Burleigh	Bismarck Tribune Building, (1) Bismarck			A	A	10/22/82	32BL57
Burleigh	Brandt House, Dr. Albert M. & Evelyn M., Bismarck			A	A	8/16/00	32BL263
Burleigh	Camp Hancock (3), Bismarck			A	A	2/23/72	32BL26
Burleigh	Cathedral Area His. District (47), Bismarck			A	A	5/8/80	32BL27
Burleigh	Cathedral Area His. Dis. Expanded Boundaries, Bismarck (82 homes & tree line blvds.)	4/25/97		A	A	10/24/97	
Burleigh	Double Ditch Earth Lodge Village, Bismarck vic.			A	A	1/29/79	32BL8
Burleigh	Downtown Bismarck Historic District, Bismarck	7/27/01		A	A	10/28/01	
Burleigh	Former Governor's Mansion (2), Bismarck			A	A	4/16/75	32BL17
Burleigh	Liberty Memorial Bridge, (1) Bismarck	10/25/96		A	A	3/11/97	32BL114
Burleigh	Historic Roadway Bridges of ND MPS			A	A		
Burleigh	Menoken Indian Village Site, Menoken, vic.			A	A	10/15/66	32BL2
Burleigh	Northern Pacific Railway Depot, (1) Bismarck			A	A	9/19/77	32BL16
Burleigh	Patterson Building (E.G.) (Capitol Theatre Bldg.), (1) Bismarck			A	A	10/22/82	32BL105
Burleigh	Patterson Hotel, (1) Bismarck			A	A	12/8/76	32BL20
Burleigh	Prince Hotel, (1) Bismarck			A	A	5/10/84	32BL59
Burleigh	Ralph S. & Marjorie Thompson House, (1), Bismarck	7/30/99		A	A		
Burleigh	Soo Hotel, (1) Bismarck			A	A	5/09/83	32BL58
Burleigh	Towne-Williams House, (1) Bismarck			A	A	4/14/75	32BL22
Burleigh	U.S. Post Office & Courthouse, (1) Bismarck			A	A	6/23/76	32BL24
Burleigh	Ward Earth Lodge Village, Bismarck, vic.			A	A	11/21/78	32BL3
Burleigh	Ward Earth Lodge Village Site name amendment	10/25/02		A	A		
Burleigh	Webb Brothers Block (Old Sears Bldg.), (1), Bismarck			A	A	10/13/83	32BL56
Burleigh	Yegen House (1), Bismarck			A	A	10/5/77	32BL21
Cass	Agricultural Research Site Plot 2 NDSU	1/25/91		A	A	8/22/91	32CS4456
Cass	Agricultural Research Site Plot 30 NDSU	1/25/91		A	A	8/22/91	32CS4455
Cass	A.O.U.W. Building, (1) Fargo			A	A	8/24/79	32CS2
Cass	Barrington Apartments, (1) Fargo	4/29/88		A	A	7/27/89	32CS1730
Cass	Buffalo School, Buffalo (1)	1/26/01		A	A	3/29/01	32CS2154
Cass	Burlington Northern Depot, (1) Amenia			A	A	8/29/77	32CS7
Cass	Cass County Court House, Jail, and Sheriff's House, (3) Fargo			A	A	12/22/83	32CS1335
Cass	Casselton Commercial Historic District (16), Casselton			A	A	10/28/82	
Cass	Cole Hotel, (1) Fargo			A	A	5/9/83	32CS1867

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this notice, it is due to the quality of the document being filmed.

Operator's Signature: *[Handwritten Signature]*  
 Date: 12/21/03

National Register of Historic Places

North Dakota Properties

COUNTY	PROPERTY	DATE LISTED	REVIEW	STATUS	REASON FOR REFUSAL	NO. ACTION	DATE LISTED	ACCESSION
Cass	DeLendrecie's Department Store, (1) Fargo			A		A	10/22/79	32CS8
Cass	Dibley House, (2) Fargo			A		A	11/25/80	32CS9
Cass	Downtown Fargo District (101), Fargo			A		A	10/13/83	
Cass	Elliot Powers House & Garage, (2) Fargo					OO/DE		32CS4074
Cass	Fargo City Detention Hospital, (1) Fargo			A		A	4/7/87	32CS2902
Cass	Historic Resources of North Side Fargo			A		A	9/19/83	
Cass	Fargo South Residential Dis., (229) Fargo			A		A	10/21/82	32CS1981
Cass	Fargo Theatre Building, (1) Fargo			tabled				
Cass	Fraase Privy, 206 Wilcox Ave. N., Buffalo	01/25/02						
Cass	Great Northern Freight Warehouse, Fargo	9/14/90		A	4/10/90	A	11/21/90	32CS4559
Cass	Holes, James House, (3) Fargo							
Cass	Historic Resources of North Side Fargo			A		A	4/7/87	32CS3632
Cass	Kennedy House, (2) Fargo					R		32CS4097
Cass	Historic Resources of North Side Fargo			A				
Cass	Knerr Block, Floyd Block, McHench Bldg. and Webster and Coe Building, (4) Fargo			A		A	5/12/83	32CS10
Cass	Lewis Residence, (1) Fargo			A		A	10/18/79	32CS01
Cass	Lindemann House, Robert, Enderlin vic.			A	7/28/94	A	9/2/94	32CS4507
Cass	Masonic Block, (1) Fargo			A		A	8/3/79	32CS5
Cass	Monticello/Mount Vernon/Arlington Ap's., (2) Fargo					OO/DE		32CS4076
Cass	Historic Resources of North Side Fargo			A		A	10/6/86	32CS52-73
Cass	N D State University (12 bldgs, 2 objects), Fargo			A		A	4/7/87	
Cass	North Side Fargo Builder's Residential District, (90) Fargo			A		A	4/7/87	
Cass	North Side Fargo High Style Residential District (14), Fargo			A		A	2/13/75	32CS4
Cass	Northern Pacific Railway Depot, Fargo			A		A	3/29/96	32CS197
Cass	Old Stone Church, (1) Buffalo	10/27/95						
Cass	Episcopal Church Architecture in ND			A		A	11/30/93	32CS1857
Cass	Pence Automobile Company Warehouse, Fargo	10/29/93				A	1/7/94	32CS1986
Cass	Powers Hotel, (1) Fargo			A			05/12/83	
Cass	Sacred Heart Academy, (1) Fargo					R		32CS4146
Cass	Historic Resources of North Side Fargo			A		OO/DE		32CS4071
Cass	St. Mary's Cathedral Historic District (4)			A		A	12/3/92	32CS2440
Cass	Historic Resources of North Side Fargo			A				
Cass	St. Stephen's Episcopal Church, Casselton	07/24/92			10/16/92	A		
Cass	Episcopal Church Architecture in ND			A		A	7/25/96	32CS101
Cass	Shea Site, Embden vic.	6/6/96			6/14/96			
Cass	Smith, Chesebro House, Fargo			A		A	4/7/87	32CS4149
Cass	Historic Resources of North Side Fargo			A		A	5/31/90	32CS2613
Cass	Watts Free Library, Leonard	10/27/89			12/7/89			
Cavalier	Langdon Post Office, U.S. Post Offices in ND 1900-1940 Multiple Property			A		A	11/01/89	32CV425
Cavalier	Roxy Theatre, Langdon (1)	1/30/98				A	11/16/98	32CV527

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photograph process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this notice, it is due to the quality of the document being filmed.

Operator's Signature *[Signature]* Date 12/21/03

FAHPURS/enclose

## National Register of Historic Places

North Dakota Properties

COUNTY	PROPERTY	DATE LISTED	CLASSIFICATION	REVISIONS	REMARKS	DATE LISTED	RECORDS
--------	----------	-------------	----------------	-----------	---------	-------------	---------

Dickey	Carroll House Hotel, Fullerton	10/29/93	A	2/8/94	A	3/17/94	32DI42
Dickey	Dickey County Courthouse		A		A	11/25/80	32DI1
Dickey	Buechner & Orth Courthouse, Ellendale		A		A		
Dickey	Ellendale Opera House Block, Ellendale	01/31/91	A	03/06/92	A	4/22/92	32DI41
Dickey	Klein Sumner Building, (1) Oakes		A		A	10/16/87	32DI26
Dickey	Noonan, Walter T. House, (2) Oakes		A		A	10/16/87	32DI411
Dickey	Oakes Post Office, U.S. Post Offices in ND 1900-1940 Multiple Property		A	09/13/89	A	11/01/89	32DI22
Dickey	Oakes National Bank Block, (4) Oakes		A		A	10/16/89	32DI499
Dickey	Patterson Barn, Oakes, vic.		A		OO/DE		
Dickey	North Dakota Round Barn Thematic Nomination		A		A	10/07/86	32DI32
Divide	Divide County Courthouse		A		A	11/25/80	32DV5
Divide	Buechner & Orth Courthouse, (1) Crosby		A		A		
Divide	Niels Nielsen Fourteen-Side Barn, (1), Noonan, vic.		A		A	10/07/86	32DV23
Divide	North Dakota Round Barn Thematic Nomination		A		A		
Dunn	Dunn County Courthouse, (1) Manning		A		A	3/26/86	32DU988
Dunn	Thematic Nomination of ND Courthouses		A		A		
Dunn	Hutmacher Complex (9), Manning vic.		A		A	12/17/79	32DU33
Dunn	Saints Peter and Paul Church, (1) New Hradec		A		A	2/3/86	32DU900
Eddy	Eddy County Courthouse, New Rockford (1)		A		A		
Eddy	Thematic Nomination of ND Courthouses		A		A	11/14/85	32ED97
Eddy	Jens Myhre Round Barn, New Rockford, (1) vic.		A		A		
Eddy	North Dakota Round Barn Thematic Nomination		A		A	10/1/86	32ED33
Eddy	Marriage, Sylvannus Octagonal Barn, (1) New Rockford vic.		A		A		
Eddy	North Dakota Round Barn Thematic Nomination		A		A	10/7/86	32ED32
Eddy	New Rockford Bridge, New Rockford, vic.	10/25/96	A	1/13/97	A	3/13/97	32ED223
Eddy	New Rockford Post Office, U.S. Post Offices in ND 1900-1940 Multiple Property		A	09/13/89	A	11/1/89	32ED95
Emmons	Emmons County Courthouse, (1) Linton		A		A		
Emmons	Thematic Nomination of ND Courthouses		A		A	11/14/85	32EM403
Emmons	Goldade House, (2) Rural Linton		A		A	1/27/83	32EM236
Emmons	Holy Trinity Cemetery - Wrought-Iron Cross Site A	8/2/89	A	09/06/89	A	10/23/89	32EM265
Emmons	Holy Trinity Cemetery - Wrought-Iron Cross Site B	08/02/89	A	09/06/89	A	10/23/89	32EM265
Emmons	Holy Trinity Cemetery - Wrought-Iron Cross Site C	08/02/89	A	09/06/89	A	10/23/89	32EM265
Emmons	Holy Trinity Cemetery - Wrought-Iron Cross Site D	08/02/89	A	09/06/89	A	10/23/89	32EM265
Emmons	Old St. Mary's Cemetery - Wrought-Iron Cross Site	08/02/89	A	09/06/89	A	10/23/89	32EM365
Emmons	Sacred Heart Cemetery - Wrought-Iron Cross Site	08/02/89	A	09/06/89	A	10/23/89	32EM300
Emmons	St. Aloysius Cemetery - Wrought-Iron Cross Site A	08/02/89	A	09/06/89	A	10/23/89	32EM237
Emmons	St. Aloysius Cemetery - Wrought-Iron Cross Site B	08/02/89	A	09/06/89	A	10/23/89	32EM237
Emmons	Ss. Peter & Paul Catholic Church Complex (2), Strasburg		A		A	09/25/86	32EM352
Emmons	St. Mary's Church Non-Contiguous His Dis (2), Hague		A		A	10/15/83	32EM365

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this notice, it is due to the quality of the document being filmed.

Operator's Signature: *[Handwritten Signature]*  
 Date: 12/21/03

**National Register of Historic Places**  
 North Dakota Properties

COUNTY	PROPERTY	REGISTERED	STATUS	REGISTERED NO.	NR ACTION	DATE LISTED	NRCS SITE#
Emmons	St. Mary's Cemetery - Wrought-Iron Cross Site A	08/02/89	A	09/06/89	A	10/23/89	32EM130
Emmons	St. Mary's Cemetery - Wrought-Iron Cross Site B	08/02/89	A	09/06/89	A	10/23/89	32EM130
Emmons	St. Mary's Cemetery - Wrought-Iron Cross Site C	08/02/89	A	09/06/89	A	10/23/89	32EM130
Emmons	Tirsohl Cemetery - Wrought-Iron Cross Site	08/02/89	A	09/06/89	A	10/23/89	32EM230
Emmons	Welk Homestead, Strasburg, vic.	8/9/93	A	09/08/93	A	10/28/93	32EM346
Emmons	Willows Hotel, (1) Linton	10/27/95	A	03/27/96			32EM446
Foster	Carrington Post Office, U.S. Post Offices in ND 1900-1940 Multiple Property						
Foster	Grace City Bridge, Grace City, vic.	10/25/96	A	1/13/97	A	2/27/97	32FC13
Foster	Historic Roadway Bridges of ND MPS						
Foster	Foster County Courthouse		A		A	11/25/80	32FO3
Foster	Buechner & Orth Courthouse, (1) Carrington		A	09/13/89	A	11/01/89	32FO5
Foster	Lincoln Building, (1) Carrington		A		A	04/30/80	32FO2
Foster	McHenry Railroad Loop, (1) McHenry		A		A	10/02/86	32FO6
Foster	Putnam House, Carrington	07/24/92	A	10/16/92	A	11/24/92	32FO16
Foster	Ralph Hall (Harmon) Farm District (3),		A		A	10/01/87	32FO7
Golden Valley	Golden Valley County Courthouse, (1) Beach						
Golden Valley	Thematic Nomination of ND Courthouses		A		A	11/14/85	32GV149
Golden Valley	Sentinel Butte Public School, (1) Sentinel Butte		A		A	10/21/82	32GV145
Grand Forks	Avalon Theater, Larimore	11/9/90	A	12/18/90	A	02/04/91	32GF158
Grand Forks	Beare House, Harriet and Thomas, Grand Forks	01/27/95	A	3/18/95	A	4/20/95	32GF1543
Grand Forks	Campbell House, (1) Grand Forks		A		A	09/29/87	32GF118
Grand Forks	Clifford House, (2) Grand Forks		A		A	09/30/86	32GF1540
Grand Forks	DeRemer House (Joseph Bell), (1) Grand Forks		A		A	06/09/83	32GF1684
Grand Forks	Dinnie Apartments, Grand Forks	2/26/93	A	4/29/94	A	6/03/94	32GF634
Grand Forks	Funseth, Carlott Round Barn, (1) Kempton vic.						
Grand Forks	North Dakota Round Barn Thematic Nomination		A		A	10/07/86	32GF119
Grand Forks	Graber House (1648 Riverside Drive), (1) Grand Forks	10/29/93	A	7/28/94	A	9/2/94	32GF253
Grand Forks	Grand Forks County Courthouse (1)		A		A	11/25/80	32GF20
Grand Forks	Buechner & Orth Courthouse, Grand Forks						
Grand Forks	Granitoid Pavement, R. S. Blome, Grand Forks	07/27/91	A	09/10/91	A	11/5/91	32GF165
Grand Forks	Great Northern Freight Warehouse and Depot (2)	4/28/89	A	12/19/89	A	01/29/90	32GF434
Grand Forks	Kelly House, J. Nelson, (1) Grand Forks	2/26/93	A	1/11/94	A	02/18/94	32GF1387
Grand Forks	Finks and Gokey Block, 414-420 DeMers (1)						
Grand Forks	Downtown Grand Forks MRA		A		A	04/20/83	32GF1489
Grand Forks	Grand Forks Herald, 120-124 N. 4th St. (1)						
Grand Forks	Downtown Grand Forks MRA		A		A	11/30/82	32GF789
Grand Forks	BPOE Lodge: Golden Block, 12 N. 4th St. (1)						
Grand Forks	Downtown Grand Forks MRA		A		A	10/26/82	32GF783
Grand Forks	Building at 201 South 3rd (1)						
Grand Forks	Downtown Grand Forks MRA		A		A	10/26/82	32GF1276
Grand Forks	Building at 205 DeMers Avenue (1)						
Grand Forks	Downtown Grand Forks MRA		A		A	10/26/82	32GF1478

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this notice, it is due to the quality of the document being filmed.

Operator's Signature

*[Handwritten Signature]*

12/21/93  
Date

National Register of Historic Places

North Dakota Properties

COUNTY	PROPERTY	DATE LISTED	STATUS	REVISIONS	REVISION DATE	REVISION ACTION	DATE LISTED	RECORDS FILE #
Grand Forks	Building at 312 Kittson Avenue (1) Downtown Grand Forks MRA		A			A	10/26/82	32GF1519
Grand Forks	Building at 317 South 3rd Street (1) Downtown Grand Forks MRA		A			A	10/26/82	32GF1287
Grand Forks	Clifford Annex, 407-409-411 DeMers (1) Downtown Grand Forks MRA		A			A	10/26/82	32GF1487
Grand Forks	Dakota Block, 21 S. 4th St. (1) Downtown Grand Forks MRA		A			A	10/26/82	32GF1314
Grand Forks	Dimmie Block, 109 N. 3rd St. (1) Downtown Grand Forks MRA		A			A	10/26/82	32GF728
Grand Forks	Edgar Building, 314 Kittson (1) Downtown Grand Forks MRA		A			A	04/15/83	32GF1520
Grand Forks	Electric Construction Company Building, 16 S. 4th St. (1) Downtown Grand Forks MRA		A			A	10/26/82	32GF1311
Grand Forks	First National Bank, 322 DeMers (1) Downtown Grand Forks MRA		A			A	10/26/82	32GF1484
Grand Forks	Flatiron Building, 323 Kittson (1) Downtown Grand Forks MRA		A			A	10/26/82	32GF1524
Grand Forks	Grand Forks City Hall, 404 2nd Ave. N (1) Downtown Grand Forks MRA		A			A	10/26/82	32GF430
Grand Forks	Grand Forks Mercantile Co., 124 N 3rd St. (1) Downtown Grand Forks MRA		A			A	10/26/82	32GF731
Grand Forks	Grand Forks Woolen Mill, 301 N. 3rd St. (1) Downtown Grand Forks MRA		A			A	10/26/82	32GF736
Grand Forks	Hook & Ladder No 1 & Hose Co. No. 2, 215 S. 4th St. (1) Downtown Grand Forks MRA		A			A	10/26/82	32GF1320
Grand Forks	Iddings Block, 9 N. 3rd St. (1) Downtown Grand Forks MRA		A			A	10/26/82	32GF722
Grand Forks	Lyons Garage, 210 N. 4th St. (1) Downtown Grand Forks MRA		A			A	10/26/82	32GF791
Grand Forks	Masonic Temple, 413-421 Bruce Ave. (1) Downtown Grand Forks MRA		A			A	10/26/82	32GF1474
Grand Forks	Metropolitan Opera House, Grand Forks (1)	1/30/98	A			A	8/27/99	32GF1268
Grand Forks	New Hampshire Apartments, 105 N. 3rd St. (1) Downtown Grand Forks MRA		A			A	10/26/82	32GF726
Grand Forks	Northern Pacific Depot & Freight House, (1) 202 N. 3rd St. Downtown Grand Forks MRA		A			A	10/26/82	32GF733
Grand Forks	Odd Fellows Block, 23-25 S. 4th St. (1) Downtown Grand Forks MRA		A			A	10/26/82	32GF1315
Grand Forks	Red River Valley Brick Co., 215 S. 3rd St. (1) Downtown Grand Forks MRA		A			A	10/26/82	32GF1280
Grand Forks	Roller Office Supply, 7 N. 3rd St. (1) Downtown Grand Forks MRA		A			A	10/26/82	32GF721

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOYD:BI If the filmed image above is less legible than this notice, it is due to the quality of the document being filmed.

Operator's Signature: *[Handwritten Signature]*  
 Date: 12/21/03

National Register of Historic Places

North Dakota Properties

COUNTY	PROPERTY	REGISTERED	RECORD NUMBER	RECORD NUMBER	RECORD NUMBER	RECORD NUMBER	RECORD NUMBER	RECORD NUMBER
Grand Forks	Security Trust Company Bldg., 101 N. 3rd St. (1) Downtown Grand Forks MRA			A		A	10/26/82	32GF725
Grand Forks	Speed Printing, 220 S. 3rd St. (1) Downtown Grand Forks MRA			A		A	10/26/82	32GF1281
Grand Forks	St. John's Block Commercial Exchange, 2 N. 3rd St. (1) Downtown Grand Forks MRA			A		A	10/26/82	32GF720
Grand Forks	Stratford Building, 311 DeMers (1) Downtown Grand Forks MRA			A		A	10/26/82	32GF1481
Grand Forks	Telephone Company Building, 24 N. 4th St. (1) Downtown Grand Forks MRA			A		A	10/26/82	32GF786
Grand Forks	Viets Hotel (Richardson House), 309-311 S. 3rd St. (1) Downtown Grand Forks MRA			A		A	10/26/82	32GF1286
Grand Forks	Wright Block (Neil's Block), 408-412 DeMers Downtown Grand Forks MRA			A		A	10/26/82	32GF1488
Grand Forks	Larimore City Hall, (1) Larimore	1/26/90		A	02/26/90	A	05/31/90	32GF153
Grand Forks	Linwell House (Martin V.), (1) Northwood			A		A	02/28/80	32GF15
Grand Forks	Midway Bridge, (1) Johnstown, vic. Historic Roadway Bridges of ND MPS	10/25/96		A	1/13/97	A	02/27/97	32GF283
Grand Forks	ND Mill & Elevator, (7) Grand Forks	2/27/91		A	03/23/91	A	11/05/92	32GF159
Grand Forks	Northwood Bridge, Northwood, vic. Historic Roadway Bridges of ND MPS	10/25/96		A	1/13/97	A	02/27/97	32GF282
Grand Forks	Oxford House, (1) UND Campus, Grand Forks			A		A	05/02/73	32GF17
Grand Forks	Ost Valle Bridge, (1) Thompson, vic. Historic Roadway Bridges of ND MPS	10/25/96		A	1/13/97	A	02/27/97	32GF292
Grand Forks	Sorlie Memorial Bridge	10/25/96		A	5/3/99	A	7/19/99	32GF279
Grand Forks	South Junior High School (1), Grand Forks			A	1/28/99	A	03/05/99	32GF2757
Grand Forks	St. Michael's Church, (1) Grand Forks	4/29/88		A	05/27/88	A	06/30/88	32GF515
Grand Forks	St. Michael's Hospital & Nurses Residence, (2) Grand Forks	1/26/90		A	3/18/95	A	04/20/95	32GF14
Grand Forks	Stanley R. Mickelsen Safeguard Complex				9/8/98	DOE	10/23/98	
Grand Forks	U.S. Post Office & Courthouse, (1) Grand Forks			A		A	06/03/76	32GF18
Grand Forks	United Lutheran Church, Grand Forks	7/27/91		A		A	12/30/91	32GF1783
Grand Forks	Washington School, (1) Grand Forks			A	1/2/92	A	02/24/92	32GF275
Grand Forks	Wheeler House, Dr. Henry, (1) Grand Forks			A		A	01/16/86	32GF1377
Grant	Carson Roller Mill, (1) Carson			A		A	04/30/80	32GT26
Grant	Hope Lutheran Church & Cemetery, Elgin (1 Bldg. 1 site) (old Stone Church)	10/25/91		A	12/2/91	A	01/16/92	32GT178
Grant	Medicine Rock State Historic Site, Heil, vic.			A		A	09/25/86	32GT129
Griggs	Griggs County Courthouse, (1) Cooperstown			A		A	07/21/77	32GG21
Griggs	Northern Lights Masonic Temple, (1) Cooperstown			A		A	10/16/87	32GG82
Griggs	Romness Bridge, (1) Cooperstown, vic. Historic Roadway Bridges of ND MPS	10/25/96		A	1/13/97	A	2/27/97	32GG93
Hettinger	Hettinger County Courthouse, (1) Mott							

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this notice, it is due to the quality of the document being filmed.

Operator's signature: *[Handwritten Signature]*  
Date: 10/21/03

National Register of Historic Places

North Dakota Properties

COUNTY	PROPERTY	DATE LISTED	NR ACTION	NR ACTION	DATE LISTED	NRCS REF
	Thematic Nomination of ND Courthouses		A		11/14/85	32HT63
Hettinger	Hill Drugstore (Dr. S. W.), (1) Regent		A		11/10/80	32HT04
Hettinger	Riverside Hotel, (4) New England		A		05/12/83	32HT48
Kidder	Kidder County Courthouse, (1) Steele					
	Thematic Nomination of ND Courthouses		A		11/14/85	32KD3
LaMoure	LaMoure County Courthouse (1)		A		11/25/80	32LM2
	Buechner & Orth Courthouse, LaMoure					
LaMoure	Rodman Octagonal Barn, (1) Edgeley, vic.					
	North Dakota Round Barn Thematic Nomination		A		10/07/86	32LM75
Logan	Abell Round Barn, (1) Burnstad vic.		A			
	North Dakota Round Barn Thematic Nomination		A		10/07/86	32LO2
Logan	Logan County Courthouse, (1) Napoleon					
	Thematic Nomination of ND Courthouses		A		11/14/85	32LO6
McHenry	Elliott Bridge, (1) Towner, vic.	10/25/96	A	1/12/97	2/27/97	32MH131
	Historic Roadway Bridges of ND MPS					
McHenry	McHenry County Courthouse (1)		A		11/25/80	32MH2
	Buechner & Orth Courthouse, Towner					
McHenry	Granville State Bank, (1) Granville		A		09/13/77	32MH1
McHenry	Hotel Berry, (2) Velva		A		10/20/82	32MH30
McHenry	Liberty Baptist Church, (1) Kief		A		10/16/87	32MH28
McHenry	Norway Lutheran Church & Cemetery, (3 bldgs. 1 site) Denbigh vic.	7/29/94	A	9/9/94	10/14/94	32MH142
McHenry	Old St. John Nepo Cemetery Wrought-Iron Cross Site	08/02/89	A	09/06/89	10/23/89	32MH117
McHenry	Old Sts. Peter and Paul Cemetery					
	- Wrought-Iron Cross Site	08/02/89	A	09/06/89	10/23/89	32MH118
McHenry	Sevareid House, Alfred & Clara, Velva (2)	7/26/96	A	8/29/96	10/3/96	32MH292
McHenry	Westgaard Bridge, (1) Voltaire, vic.	10/25/96	A	1/13/97	2/27/97	32MH124
	Historic Roadway Bridges of ND MPS					
McIntosh	McIntosh County Courthouse (1)		A		10/23/89	32MT61
	Buechner & Orth Courthouse, Ashley					
McIntosh	Lehr Tabernacle, (1) Lehr	2/26/93	A			
McIntosh	St. Andrews Lutheran Parish District, (5) Zeeland vic.	04/27/90	A	05/29/90	07/12/90	32MT6
McIntosh	St. John's Cemetery - Wrought-Iron Cross Site A	08/02/89	A	09/06/89	10/23/89	32MT13
McIntosh	St. John's Cemetery - Wrought-Iron Cross Site B	08/02/89	A	09/06/89	10/23/89	32MT13
McIntosh	St. John's Cemetery - Wrought-Iron Cross Site C	08/02/89	A	09/06/89	10/23/89	32MT13
McIntosh	St. John's Cemetery - Wrought-Iron Cross Site D	08/02/89	A	09/06/89	10/23/89	32MT13
McKenzie	Fairview Lift Bridge, (1) Cartwright, vic.	1/31/97	A	2/5/97	3/14/97	32MZ820
	Historic Roadway Bridges of ND MPS					
McKenzie	Grassy Butte Post Office, (1) Grassy Butte				11/26/80	32MZ381
McKenzie	Birdhead Ranch House,	07/28/95	A			32MZ826
McLean	Holy Trinity Ukrainian Greek Orthodox Church, (1) Wilton		A		10/22/82	32ML73
McLean	McLean County Courthouse (former) (1) Washburn					
	Thematic Nomination of ND Courthouses		A		11/14/85	32ML442

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this notice, it is due to the quality of the document being filmed.

Operator's Signature: *[Signature]*

Date: 12/21/03



# National Register of Historic Places

North Dakota Properties

COUNTY	PROPERTY	DATE LISTED	NR ACTION	REVISION	DATE LISTED	NCRSIS#
McLean	McLean County Courthouse, with Sheriffs Res. And Jail (2) Washburn					
	Thematic Nomination of ND Courthouses		A		11/14/85	32ML441
McLean	Senevolos Farmstead, (former) (?)		A		10/16/87	32ML238
McLean	Soo Line Depot, (1) Wilton		A		03/29/78	32ML65
McLean	Zion Lutheran Cemetery Wrought-Iron Cross Site	08/02/89	A	09/06/89	10/23/89	32ML293
Mercer	Benlah Public School, (1 bldg., 1 site) 205 N 2nd St.	1/31/97	A	8/25/97	9/30/97	32ME1663
Mercer	Ft. Clark Archeological District (5),		A		10/19/86	32ME2
Mercer	Knife River Bridge, near Stanton	1/26/01	A	03/14/01	04/25/01	32ME1332
Mercer	High Butte Effigy & Village, Riverdale, vic.		A		05/22/78	32ME13
Mercer	Knife River Indian Villages National Historic Site (44 sites) Stanton, vic.		A		10/26/74	32ME12
Mercer	Krause House, (1) Hazen	01/31/90	A	02/28/92	01/14/92	32ME1334
Mercer	Big Hidatsa Village Site, Stanton, vic.		A		10/15/66	32ME12
Morton	Commercial Historic District of Mandan (37), Mandan		A		02/21/85	
Morton	Dunlap House, Stuart, (2) Mandan	01/31/91	A	04/20/92	08/06/92	32MO283
Morton	Fort Abraham Lincoln Historic District	2/26/92	A	03/23/92		32MO141
Morton	St. Johns Church, (German Evangelical), (1) Hebron	10/27/00	A	11/30/00	01/11/01	32MO68
Morton	Huff State Historic Site, Huff		A		07/23/80	32MO1
Morton	Lewis & Clark Hotel, (1) Mandan		A		05/09/83	32MO71
Morton	Rehm Barn, Louis, (1) Hebron vicinity	2/25/93	A	12/10/93	01/31/94	32MO323
Morton	State Training School Historic District, (6) Mandan vic.	10/27/95	A	12/1/95	1/19/96	32MO146
Morton	Sunnyside Farm Barn, (1) Mandan vic.	10/27/95	A	12/1/95	1/19/96	32MO147
Morton	Welsh House, (1) Mandan				04/22/80	32MO57
Mountrail	Four Bears Bridge, (1) New Town	4/25/97	R			32MN397
	Historic Roadway Bridges of ND MPS					
Mountrail	Great Northern Railway Underpass, (1) Stanley	10/25/96	A	1/3/7	2/27/97	32MN499
	Historic Roadway Bridges of ND MPS					
Mountrail	Mountrail County Courthouse, (1) Stanley					
	also Buechner & Orth Courthouse nomination (11/25/80)		A		12/22/78	32MN88
Mountrail	Evans Site, New Town, vic.		A		02/08/80	32MN301
Multiple	Bonanza Farming in North Dakota	09/14/90	A	10/25/90	11/20/90	
Multiple	Episcopal Churches of North Dakota	7/24/92	A	10/16/92	12/03/93	
Multiple	German-Russian Wrought Iron Cross Sites in Central North Dakota	08/02/89	A	06/09/89	8/22/89	
Multiple	Historic Park Landscapes in National and State Parks			08/08/95	10/4/95	
	Multiple Property Form					
Multiple	Historic Roadway Bridges of North Dakota	10/25/96	A	1/13/97	2/27/97	
	Multiple Property Form					
Multiple	Jamestown Multiple Property Nomination	04/29/88	A	05/27/88	09/08/89	
Multiple	Philanthropically Established Libraries in ND	11/21/89	A	11/21/89	1/26/90	
Multiple	Post Offices in North Dakota		A	09/15/89	11/1/89	
Multiple	Theodore Roosevelt National Park Multiple Property	04/27/01				

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this notice, it is due to the quality of the document being filmed.

Operator's Signature: *[Handwritten Signature]*  
 Date: 12/21/03

# National Register of Historic Places

## North Dakota Properties

COUNTY	PROPERTY	DATE LISTED	CLASSIFICATION	REVISIONS TO NUMBER	NR ACTION	DATE LISTED	RECORDS
Multiple	Ukrainian Immigrant Dwellings & Churches In North Dakota from Early Settlement to Present	7/15/87	A			10/16/87	
Nelson	Nesheim Bridge, (1) McVile, vic.	10/25/96	A			2/27/97	32NE49
Nelson	Historic Roadway Bridges of ND MPS						
Nelson	Tofthagen Library Museum, (1) Lakota	01/25/91	A			09/26/91	32NE46
Oliver	Cross Ranch Archeological District, Oliver County		A			11/04/85	
Pembina	Crystal Bridge, (1) Crystal vic.	10/25/96	A			5/30/97	32PB78
Pembina	Pembina County Courthouse (1)		A			11/25/85	32PB7
	Buechner & Orth Courthouse, Cavalier						
Pembina	Drayton United Methodist Church, (1) Drayton		A			12/10/79	32PE5
Pembina	Gingras House & Trading Post (2), Walhalla vic.		A			05/21/75	32PB101
Pembina	Grace Episcopal Church, (1) Pembina	2/28/94	A			9/2/94	32PB108
	Episcopal Church Architecture in ND						
Pembina	O'Connor House, (1) St. Thomas		A			07/03/80	32PB6
Pembina	Pembina Post Office, U.S. Post Offices (1) in ND 1900-1940 Multiple Property		A			11/01/89	32PB61
Pierce	Pierce County Courthouse (1)		A			11/25/80	32PI1
	Buechner & Orth Courthouse, Rugby						
Pierce	Great Northern Depot (Former), (1) Rugby	01/25/91	A			09/26/91	32PI769
Pierce	Old Mt. Carmel Cemetery - Wrought-Iron Cross Site	08/02/89	A			10/23/89	32PI5
Pierce	Rugby Post Office, (1) U.S. Post Offices in ND 1900-1940 Multiple Property		A			11/01/89	32PI8
Pierce	St. Anselm's Cemetery - Wrought-Iron Cross Site	08/02/89	A			10/23/89	32PI6
Pierce	St. Mathias Cemetery - Wrought-Iron Cross Site	08/02/89	A			10/23/89	32PI4
Pierce	St. Paul's Episcopal Church, (1) Rugby	07/24/92	A			12/03/92	32PI531
	Episcopal Church Architecture in ND						
Ramsey	Bangs-Wineman Block, (1) Devils Lake		A			11/14/85	32RY302
Ramsey	Carnegie Library, Devils Lake	10/27/00	A			03/06/02	32RY319
Ramsey	Central High School, Devils Lake	10/25/02	A				
Ramsey	Devils Lake Commercial District (57)	08/02/89	A			10/24/89	
Ramsey	Devils Lake Masonic Lodge No. 21, Devils Lake	07/31/98	A			09/01/01	32RY350
Ramsey	Episcopal Church of the Advent & Guild Hall, Devils Lake	10/27/00	A			06/20/02	32RY244
Ramsey	Locke Block, (1) Devils Lake	01/31/86	A			7/24/86	32RY334
Ramsey	Newport Apartments, (1) Devils Lake		A			07/11/88	32RY682
Ramsey	Ramsey County Sheriff's Residence, (1) Devils Lake		A			01/31/78	32RY4
Ramsey	St. Mary's Academy, (1) Devils Lake	06/30/82	A			02/24/83	32RY708
Ramsey	U.S. Post Office & Courthouse, (1) Devils Lake		A			06/22/78	32RY8
Ransom	Biesterfeldt Site, Lisbon, vic.		A			02/08/80	32RM1
Ransom	Bradford Hotel, (Riverside), (1) Lisbon		A			10/01/87	32RM416
Ransom	Colton's Crossing Bridge, (1) Lisbon, vic. Historic Roadway Bridges of ND MPS	10/25/96	A			2/27/97	32RM84
Ransom	Lisbon Bridge, (1) Lisbon Historic Roadway Bridges of ND MPS	10/25/96	A			2/27/97	32RM78

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this notice, it is due to the quality of the document being filmed.

Operator's signature: *[Handwritten Signature]*  
 Date: 12/21/03

National Register of Historic Places

North Dakota Properties

COUNTY	PROPERTY	REGISTERED	DATE LISTED	NO. LISTINGS	NO. RECORDS	DATE LISTED	RECORDS
Ransom	Lisbon Opera House, (1) Lisbon			A	A	10/18/79	32RM2
Ransom	Lisbon Post Office, (1) U.S. Post Offices in ND 1900-1940 Multiple Property			A	A	11/01/89	32RM415
Ransom	Ransom County Courthouse, (1) Lisbon			A	A	11/25/85	32RM431
Ransom	Thematic Nomination of ND Courthouses			A	A	12/05/79	32RM3
Ransom	T. J. Walker Historic District (5 bldg., 1 dam), Ft. Ransom			A	A	12/28/78	32RV101
Renville	McKinney Cemetery, Tolley vic.			A	A		
Renville	Renville County Courthouse, (1) Mohall			A	A	11/25/85	32RV256
Renville	Thematic Nomination of ND Courthouses			A	A	11/20/90	32RI719
Richland	Adams-Fairview Bonanza Farm (5)	09/14/90		A	A	11/14/85	32RI05
Richland	Bagg Bonanza Farm District (22), Mooreton			A	A	11/25/80	32RI6
Richland	Richland County Courthouse (1)			A	A		
Richland	Buechner & Orth Courthouse, Wahpeton			A	A	12/07/89	32RI8
Richland	Leach Memorial Library, (1) Wahpeton	10/27/89		A	A	01/26/90	32RI8
Richland	Nelson's Grocery, (1) Christine			A	A	10/05/77	32RI03
Richland	Post Office, (1) Christine			A	A	10/05/77	32RI04
Richland	Red River Valley Univ. (Old Main) (1) Wahpeton			A	A	04/26/84	32RI09
Richland	St. Alban's Episcopal Church, (1) Lidgerwood	07/24/92		A	A	12/03/92	32RI713
Richland	Episcopal Church Architecture in ND						
Richland	St. John's Lutheran Church (South Wild Rice Church), 3? (cemetery, outhouse) Galchutt vic.			A	A	10/22/82	32RI07
Richland	Wahpeton Hospital, (1) Wahpeton			A	A	09/29/83	32RI642
Richland	Wahpeton Post Office, (1) U.S. Post Offices in ND 1900-1940 Multiple Property			A	A	11/01/89	32RI634
Rolette	Cote, Urbain Round Barn, (1) Dunseith, vic.			A	A	08/27/86	32R09
Rolette	North Dakota Round Barn Thematic Nomination			A	A	11/25/80	32SA4
Sargent	Sargent County Courthouse (1)			A	A		
Sargent	Buechner & Orth Courthouse, Forman						
Sheridan	Sheridan County Courthouse, (1) McClusky			A	A	11/25/85	32SH668
Sheridan	Thematic Nomination of ND Courthouses			A	A	11/29/79	32SH10
Sheridan	Winter House, (1) Goodrich, vic.						
Sioux	Sioux County Courthouse (former) (1) Fort Yates			A	A	11/14/85	32SI62
Sioux	Thematic Nomination of ND Courthouses			A	A	07/05/85	32SL66
Slope	H-T Ranch (2), Amidon, vic.			A	A	09/13/77	32SL10
Slope	Mystic Theatre, (1) Marmarth			A	A		
Slope	Slope County Courthouse (original), (1) Amidon			A	A	11/14/85	32SL80
Slope	Thematic Nomination of ND Courthouses						
Stark	Dickinson Post Office, (1) U.S. Post Offices in ND 1900-1940 Multiple Property			A	A	11/01/89	32SK546
Stark	Dickinson State Normal School Campus Dis. (3 bldgs. & mall)	1/31/97		A	A	3/28/97	32SK838
Stark	Gerhardt Octagonal Pig House, (1) Gladstone vic.			A	A	10/07/86	32SK92
Stark	North Dakota Round Barn Thematic Nomination						
Stark	Stark County Courthouse, (1) Dickinson			A	A	11/25/85	32SK551
Stark	Thematic Nomination of ND Courthouses						

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this notice, it is due to the quality of the document being filmed.

Operator's Signature: *D. ...*  
 Date: 12/21/03

National Register of Historic Places

COUNTRY	PROPERTY	REGISTERED DATE	STATUS	REVISIONS TO REGISTER	RE-ACTION	DATE LISTED	NRCS SITE #
Steele	Baldwin's Arcade, (1) Hope		A		A	02/18/75	32ST3
Steele	Beaver Creek Bridge, (1) Finley, vic. Historic Roadway Bridges of ND MPS	10/25/96	A	1/13/97	A	2/27/97	32ST146
Steele	Steele County Courthouse, (1) Finley Thematic Nomination of ND Courthouses		A		A	11/14/85	32ST843
Stutsman	Alfred E. Dickey Free Library, (1) Jamestown		A		A	07/03/80	32SN48
Stutsman	Cecil Baker Round Barn, (1) Kensal vic. North Dakota Round Barn Thematic Nomination		A		A	10/07/86	32SN140
Stutsman	Grace Episcopal Church, (1) Jamestown Episcopal Church Architecture in ND	07/24/92	A	10/16/92	A	12/03/92	32SN665
Stutsman	Elizabeth Apartments, (1) Jamestown		A		A	04/21/86	32SN499
Stutsman	Franklin School, 312 2 <sup>nd</sup> Ave. Jamestown	01/25/02	A	03/21/02	A	05/09/02	32SN655
Stutsman	Jamestown Historic District (108)	04/29/88	A	05/27/88	A	09/08/89	
Stutsman	Midland Continental Overpass, (1) Jamestown, vic. Historic Roadway Bridges of ND MPS	10/25/96	A	1/13/97	A	2/27/97	32SN171
Stutsman	Seiler Building, (1) Jamestown		A		A	01/16/86	32SN615
Stutsman	St. James Catholic Church, (1) Jamestown		A		A	10/22/82	32SN469
Stutsman	Stutsman County Courthouse and Sheriff's Residence/Jail, (2) Jamestown		A		A	09/08/76	32SN45
Stutsman	Voorhees Chapel, (1) Jamestown		A		A	07/22/77	32SN44
Towner	Towner County Courthouse, (1) Cando Thematic Nomination of ND Courthouses		A		A	11/14/85	32TO2
Traill	Blanchard Bridge, (1) Blanchard, vic. Historic Roadway Bridges of ND MPS	10/25/96	A	1/13/97	A	2/27/97	32TR698
Traill	Caledonia Bridge, (1) Caledonia, vic. Historic Roadway Bridges of ND MPS	10/25/96	A	1/13/97	A	2/27/97	32TR695
Traill	Delchar Theater, (1) Mayville		A		A	11/14/85	32TR612
Traill	Eielson House, (Carl Ben), (2) Hatton		A		A	04/11/77	32TR5
Traill	Ellingson Farm District (10), Hillsboro, vic.		A		A	09/12/85	32TR676
Traill	First National Bank, (1) Mayville		A		A	11/20/85	32TR614
Traill	First State Bank of Buxton, (1) Buxton		A		A	02/14/78	32TR9
Traill	Goose River Bank, (1) Mayville		A		A	11/14/85	32TR597
Traill	Goose River Bridge, (1) Hillsboro, vic. Historic Roadway Bridges of ND MPS	10/25/96	A	1/13/97	A	2/27/97	32TR693
Traill	Grandins' Mayville Farm District (9), Mayville		A		A	11/19/85	32TR636
Traill	Great Northern Railway Depot (Goose River Heritage Center), (1) Mayville		A		A	10/05/77	32TR7
Traill	Grinager Mercantile Building, (1) Mayville		A		A	11/20/85	32TR596
Traill	Lucken Farm, (7) Portland vic.		A		A	05/14/86	32TR701
Traill	Lura Building, (1) Mayville		A		A	11/14/85	32TR617
Traill	Mayville Historic District (27), Mayville		A		A	11/19/85	
Traill	Mayville Public Library, (1) Mayville		A		A	04/11/77	32TR4
Traill	Ness House, Andres O., (3) Hatton		A		A	07/15/77	32TR6
Traill	Norway Bridge, (1) Mayville, vic. Historic Roadway Bridges of ND MPS	10/25/96	A	1/13/97	A	2/29/97	32TR684

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature: *[Signature]*  
 Date: 12/21/03

# National Register of Historic Places

## North Dakota Properties

COUNTY	PROPERTY	DATE LISTED	STATUS	SUBMITTAL NO. NUMBER	NR ACTION	DATE LISTED	PROCESSING
Trail	Plummer, Amos and Lillie, House, (1) Hillsboro	1/27/95	A	11/9/95	A	1/96	32TR431
Trail	Porter Elliott Bridge, (1) Hillsboro, vic. Historic Roadway Bridges of ND MPS	10/25/96	A	1/13/97	A	2/27/97	32TR690
Trail	Portland Park Bridge, (1) Portland, vic. Historic Roadway Bridges of ND MPS	10/25/96	A	1/13/97	A	2/27/97	32TR681
Trail	Robinson House, (Col. William H.), (1) Mayville		A		A	04/11/77	32TR3
Trail	Saries, O. C. House, Hillsboro	4/25/80	A	1/25/85	A	3/12/85	32TR190
Trail	Stommer House, (1) Mayville		A		A	10/11/79	32TR8
Trail	Trail County Courthouse Buechner & Orth Courthouse, (1) Hillsboro		A		A	11/25/80	32TR424
Trail	Union Block, (1) Mayville		A		A	11/20/85	32TR613
Trail	Viking Bridge, (1) Portland Historic Roadway Bridges of ND MPS	10/25/96	A	1/13/97	A	2/27/97	32TR700
Walsh	Elmwood (Williamson House), (2) Grafton		A		A	02/21/85	32WA3
Walsh	Grafton Post Office, (1) U.S. Post Offices in ND 1900-1940 Multiple Property		A	9/13/89	A	11/1/89	32WA526
Walsh	Grafton State School, Grafton (7)	7/26/96	A	9/19/96	A	11/6/96	32WA464
Walsh	Minto School, (1) Minto	10/25/91	A	12/11/91	A	1/30/92	32WA57
Walsh	North Trinity Church,	1/29/99	tabled				
Walsh	Odalen Lutheran Church	1/29/99	tabled				
Walsh	Pisek School, (1) Pisek	2/26/93	A	2/8/94	A	3/17/94	32WA63
Walsh	St. Catherine Catholic Church, Lomice	1/29/99	A				
Walsh	St. Joseph's Chapel, (1) Oslo vicinity	2/26/93	A	4/29/94	A	6/02/94	32WA155
Walsh	St. Stanislaus Church His. Dis. (3 bldg 1 cemetery), Warsaw		A		A	8/3/79	32WA2
Walsh	State Bank of Edinburg	1/26/01	A	04/18/01	A	5/30/01	32WA99
Walsh	Strand Theater,	1/29/99	A				
Walsh	Walsh County Courthouse, Grafton (1 bldg, 1 monument) Thematic Nomination of ND Courthouses		A		A	11/25/85	32WA502
Ward	Carr House (Andrew), (2) Minot		A		A	04/26/84	32WD517
Ward	Eastwood Park Bridge, (1) Minot		A		A	04/21/75	32WD12
Ward	Levi Glick Round Barn, (1) Surrey vic. North Dakota Round Barn Thematic Nomination		A		A	03/25/87	32WD50
Ward	Minot Carnegie Library, (1) Minot		A		A	11/10/80	32WD14
Ward	Minot Commercial District (45), Minot		A		A	10/16/86	
Ward	Minot Eastwood Park District (120), Minot		A		A	10/16/86	
Ward	Minot Industrial District (33), Minot		A		A	10/16/86	
Ward	Our Savior's Lutheran Church, Rural Coulee	10/25/02	A				
Ward	Soo Line Depot, (1) Minot		A		A	01/20/78	32WD11
Ward	Tufveson House, (2) Minot		A		A	04/12/84	32WD515
Ward	U.S. Post Office, (1) Minot		A		A	20/14/80	32WD15
Ward	Union National Bank and Annex, (2) Minot		A		A	01/27/83	32WD112
Ward	Ward County Courthouse, (3) ('83 jail and skywalk?) Minot Thematic Nomination of ND Courthouses		A		A	11/14/85	32WD66
Ward	Westland Oil Filling Station, (1) Minot		A		A	02/27/87	32WD824

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this notice, it is due to the quality of the document being filmed.

Operator's Signature

D. J. ...

12/21/03  
Date

National Register of Historic Places

North Dakota Properties

COUNTY	PROPERTY	DATE LISTED	RECORD NUMBER	DATE LISTED	RECORD NUMBER
Wells	Beiseker Mansion (T. L.), (2) Fessenden		A	04/13/77	32WE6
Wells	Hurd Round House, (2) Hurdfield vic.		A	04/11/77	32WE8
Wells	John and Melena Johnson House, rural Manfred	10/26/01	A		
Wells	Vang Evangelical Lutheran Church, Manfred		A	06/21/01	32WE98
Wells	Wells County Courthouse, (1) Fessenden		A	09/25/77	32WE7
Wells	Wells County Fairground, (18 bldgs, 2 structures, 1 object, Fessenden)		A	04/27/90	32WE68
Williams	Fort Buford State Historic Site (3), Williston vic.		A	04/01/75	32WI25
Williams	Fort Union Trading Post National Historic Site, Buford, vic.		A	10/15/66	32WI17
Williams	James Memorial Library, (1) Williston		A	11/14/79	32WI24
Williams	Ray Opera House, (1) Ray		A	11/02/78	32WI23
Williams	Williston Armory (old), (1)	1/25/85	A	4/11/85	32WI43
Williams	U.S. Post Office, (1) Williston		A	10/22/79	32WI22

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature: *Barbara Robinson*  
Date: 12/21/03

Our history is extremely important to county officials, but our property taxpayers cannot afford to preserve, in original condition, every single school, city hall, community center, and courthouse in the State for history's sake. We have seen in the case of the old Stutsman County Courthouse where preservation was required, and now we have an old building, sitting empty and gradually falling apart.

This bill does not remove the role of the State Historical Society in advising and recommending, and in situations other than those three identified, in directing what should happen to local government buildings. But in those three situations, it places the authority, and the responsibility, on the local leaders elected to deliver the services, levy the taxes, and make the tough decisions. A provision has also been included in this bill to allow for a citizen vote should the local governing board feel that removal or demolition is warranted.

Chairman Froseth and committee members; please give SB2249 a Do Pass recommendation, to restore a balance between State and local control in those situations where it is necessary.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Wallstedt  
Operator's Signature

10/21/03  
Date

#2

3-21-03

# 2249

Terry Traynor

### Comments Regarding State Authority over Local Government Buildings

So. Carolina	State Board has authority over State Buildings only - not local government buildings
Nebraska	State Board has authority over State Buildings only - not local government buildings
Georgia	State Board has authority over State Buildings only - not local government buildings
Alaska	State Board has authority over State Buildings only - not local government buildings
Utah	No state entity with authority over local buildings
New York	Local government controls all buildings except those listed on State/National Registry - State dictates on these
Virginia	Local Historic District Boards govern remodeling/demolition of public buildings in districts
Penn.	Local Historic District Boards govern remodeling/demolition of public buildings in districts
West Virginia	State Board has successfully blocked demolition of local government buildings
Texas	State Board reviews and approves all changes to local government buildings

Based on Survey Responses from State Association of Counties

3/20/2003

SB2249 Historical Other states.xls

Sheet1

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Waller  
Operator's Signature

10/21/03  
Date



#1 3-13-03  
SB 2249

**Testimony to the  
HOUSE POLITICAL SUBDIVISIONS COMMITTEE  
Prepared March 13, 2003 by  
Terry Traynor, Assistant Director  
North Dakota Association of Counties**

**CONCERNING ENGROSSED SENATE BILL NO. 2249**

Chairman Froseth and members of the Committee, I appear before you today on behalf of counties and county officials to support Engrossed Senate Bill 2249. This, we believe, is a reasonable proposal to restore some balance to the recurring disputes over the maintenance and preservation of the numerous public buildings constructed and maintained by local government.

The structures we are concerned with were built with local public funds to provide places to deliver services, and locations for the public to assemble. Service delivery however, has changed dramatically since most of these buildings were constructed. Automation is increasing constantly, most counties have fewer and fewer employees, and more and more services are delivered electronically. Some of these buildings can no longer serve their intended purpose without major renovation and repair, and many cannot meet federal access standards without enormous reinvestment. Some of them lack the structural integrity to provide a safe environment for the public to assemble, and others are simply unhealthy in which to work.

This bill allows local government and its citizens to have the final say on what becomes of their capital investment in three situations. These three are identified on page 2 of the bill, beginning on line 8, where it states "*is necessary to protect public health or safety, to provide access for disabled persons, or to ensure structural integrity.*" In these situations, we believe a State agency should not be able to demand that property taxes be raised to implement renovations that are not in the taxpayers' best interest.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna D. Ball  
Operator's Signature

12/21/03  
Date

#2 3-13-03  
SB 2249

By Terry  
Trayner  
H.S.S. of Counties

To: House Political Subdivisions Committee  
Glen Froseth, Chair  
March 10, 2003

The Central Dakota Five-County Organization made up of Foster, Kidder, Logan, McIntosh, and Wells Counties, on March 10, 2003, moved to adopt the following resolution:

---

WHEREAS; Senate Bill 2249 authorizes the recal of the State Historical Society's authority to control renovations to our courthouses;

THEREFORE; We unanimously favor a Do Pass vote on SB2249.

Dwayne Erickson  
Jim Carr  
Ken Gross  
Foster County Commissioners

Don Rudolph  
Ted Jenner  
David Schultz  
Kidder County Commissioners

Neil Meidinger  
Roger Klipfel  
McIntosh County Commissioners

Jimmy Kunz  
Dick Leintz  
Randi Suckut  
Ray Schmitz  
Wells County Commissioners

Respectively Submitted,  
Roger R. Schlotman, Secretary  
Central Dakota Five-County Organization  
Foster County Auditor

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Waller  
Operator's Signature

10/21/03  
Date

#3

3-13-03

Testimony in support of SB 2249  
House Political Subdivisions Committee  
March 13, 2003  
Bill Wocken, Bismarck City Administrator

Good morning Mr. Chairman and members of the House Political Subdivisions Committee. My Name is Bill Wocken. I am City Administrator for the City of Bismarck. I am appearing in support of this Senate Bill 2249 this morning on behalf of the City of Bismarck.

Before discussing what this bill is and what it does I think it wise to very briefly discuss what it is not. This is not a referendum on Merl Paaverud and the job he is doing as State Historical Society Director. Merl and I have been friends for many years and he has been very easy to visit with even on this potentially contentious issue. This is also not an attempt to dismantle the State Historical Society. A bill to do that would be much shorter and more direct. This is also not an attempt by local government to destroy all North Dakota historical and cultural resources as the bill language clearly shows.

What this bill does is add an early consultation process to the discussions regarding historically significant buildings as Mr. Paaverud has requested. This bill gives the Historical Society a guaranteed voice in pre-decision discussions and lessens opportunity for the too-often present last minute objection that makes the Society into a guaranteed villain. The bill also restores balance to the discussion on the future of local government properties having a present purpose. It lets the folks who are paying the bill make an informed decision. And it adds a public vote into the process.

Page 2, Lines 4-5 of the bill state that if a government entity has a property interest and existing public function in a historically significant property and modifications are proposed, the consultative process begins. We assume that "property" includes buildings or facilities such as streets. If this is not the

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Waller  
Operator's Signature

10/21/03  
Date

committee's understanding we would be happy to propose an amendment to make this clear. Page 2, Lines 10-19 outline an early and inclusive consultative process for the property under discussion culminating with the charge on Page 2, Lines 17-19 that the government entity making the decision for this property "shall make all reasonable effort to preserve the historical characteristics of a site taking into consideration economic and technical feasibility".

The end of Section 2 of the bill, Page 2, Lines 19-28, adds a requirement for a public vote that is presently not in evidence if a building is to be completely removed or demolished. The vote is triggered by a petition signed by only ten percent of the voters from the jurisdiction's last general election. This involves the public, the lost ingredient in the present process, directly.

I am asking the committee to give this bill a Do Pass recommendation because I think it is the right thing to do to re-establish the balance in our democratic system. There is something wrong with a process that allows a non-elected person to make a decision that can overrule a vote or votes of community residents regarding a local property that has an existing public function. It is even more wrong when the bill for the final action regarding the property has to be paid by those with no voice in the decision. Please restore balance to the system by which historic properties are considered for modification or elimination and give SB 2249 a Do Pass recommendation.

Thank you for your consideration. I would be happy to answer any questions you may have.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Hall  
Operator's Signature

10/21/03  
Date

3-13-03

#H SB 2249

Office of  
McLean County State's  
Attorney

# McLean County

STATE OF NORTH DAKOTA

712 5<sup>th</sup> Avenue  
P.O. Box 1108  
Washburn, ND 58577-1108  
(701) 462-8541  
Fax (701) 462-8212

Mr. Chairman and members of the committee:

My name is Ladd Erickson and I am the McLean County State's Attorney. I speak in support of SB2249 because it represents a correction in the current law's complete lack of our democratic process.

The essence of my concerns with the current law revolves less around preservation as that pertains to the many old buildings and other structures in our state, and more about tax policy. If the director of the historical society forms an opinion that your structure is historic then all changes to that structure must be approved by that person. How that impacts tax policy is through imposition of unfunded mandates that must be absorbed by the local tax payer when a political subdivision faces needs and requirements of building and health codes, access for disabled people, and structural problems. As you are aware, the State Constitution specifically establishes that it is the legislature, and no other branch, that sets tax policy. In addition, the Constitution reserves property taxes as the revenue source for local government.

The current powers of the historical society translate to the executive branch setting tax policy. I am not saying that this is unconstitutional; the courts have not ruled on it. Whether the Court would void the current historical society statutes is not the issue. The reality is that the

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Waller  
Operator's Signature

12/21/03  
Date

Mr. Chairman and members of the committee  
March 11, 2003  
Page 2

current law allows for a state executive branch agency to use property taxes to fund their programs without any direction from the legislature, and without the cities, school districts, and counties having any control over that.

SB2249 reinstalls proper democratic procedures. It is modeled after the National Preservation Act. Like the federal law, SB2249 establishes that the owners of structures will not lose control over them as the structure grows older. Second, SB2249 creates a presumption for preservation as long as it is economically and technically feasible to do so. This language is taken directly from federal law.

Public health and safety, access for handicapped people, and structural integrity are issues that need to be brought within the jurisdiction of the boards that own these structures. Things like repairing or widening streets used for traffic control are by their nature public safety issues. Leaving buildings vacant or in disrepair is facially unsafe; they can become dangerous for children that might happen inside and create health concerns if they are not kept clean or maintained. Remodeling or renovating buildings impacts their structural integrity. All of these things are brought under the control of political subdivisions under SB2249.

A final measure to ensure proper democratic process obtained in the law is the ability for a public vote if a building is going to be removed or destroyed. Under current law, if there is no public interest in keeping a building, it must still be maintained if the Historical Society mandates it. The people that own or must pay for that are given no voice.

I urge you to support SB2249.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna D. Waller  
Operator's Signature

10/21/03  
Date

#5 3-13-03  
SB 2249

Peg O'Leary, Coordinator  
Grand Forks Historic Preservation Commission

To be presented in Committee hearing, March 13, 2003

"Who's gonna miss this old building? We've got plenty more." I've heard it many times and so have you. But I don't hear it much in Grand Forks. Not now. Not since the flood. Because we don't have "plenty more." Not anymore.


In 1990, Grand Forks had 36 downtown buildings on the National Register of Historic Places. By 2000, we had 26. In the intervening years we lost 11 buildings on the Register and gained one. We also lost numerous other buildings which contributed to the historic atmosphere of downtown, though they were not listed on the Register. Of all these buildings, only two came down "on purpose." And even those demolitions were flood related. The rest burned down, flooded out or fell down. Acts of God.

Of the remaining 26, 23 are in private hands – good hands, generally – but with no restrictions on their future appearance or, even, existence. Only three are publicly held: the Grand Forks County Courthouse, Grand Forks City Hall, and the U.S. Post Office and Courthouse (Federal Building). Publicly held – owned by the people, for the people. And of the people – people who built Grand Forks a hundred years ago and people who fight its floods and pay its taxes today. Public buildings give evidence of the continuity of life in our state. Proof that the people who came more than a hundred years ago, meant to stay. And proof that the people who are here now, care about the perseverance and hardships of their parents.

Public buildings, and the people who own them, deserve to benefit from the system of checks and balances which exists in state law today. If we are to keep a sense of our history, these buildings should not be subject only to the arbitrary and transient desires of temporary caretakers, temporary occupants. We need to continue to support the State Historical Society as they bring their expertise to the table and say, "This requires more thought, more investigation, more dialogue," before demolition takes away another piece of North Dakota history.

Dialogue doesn't have to be contentious or adversarial. The Grand Forks County Courthouse is being renovated. Review and compromise, beginning early in the planning cycle, have resulted in plans which will update the workspace without destroying the historic atmosphere of the building. The University, too, has developed a good working relationship with the local Preservation Commission and with the State. Again, early discussions among the interested parties are key to the process. Senate Bill 2249 does not foster discussion as it was initially intended to do. It removes the only secure avenue to discussion about historic buildings that belong to all of us.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

  
Operator's Signature

12/21/03  
Date

I'm here to tell you, you can't plan on a building existing fifty years from now - Grand Forks losses are proof of that -- but you can keep it from coming down tomorrow. And you need to. Please defeat SB 2249.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna D. Waller  
Operator's Signature

12/21/03  
Date



#6 3-13-03  
SB 2249



TripletLaw@aol.com

To: LWinrich@state.nd.us

03/12/2003 04:13 PM

cc: Subject: SB 2249

Dear Representative Winrich,

I have received your inquiry regarding the relationship between the Grand Forks County Commission and the State Historical Society. I am pleased to report that during the 10 years that I have been on the County Commission, we have had a productive and cordial relationship with both state and local historic preservation personnel.

We are currently completing the planning phase of a remodeling project for our historic County Courthouse. As you know, all of the non-Court County functions are now housed in the new County Office Building. We are going to re-model the Courthouse for use exclusively by the Courts and the States Attorneys office. During the planning phase, we have presented our proposals for alterations to the local HPC, which has consulted with the State HPC. Both have made recommendations which we have incorporated into the project, and which will make it a better project.

I am sorry that the relationship between County government and the historic preservation community is strained in other parts of the state, but I do not think the proposed legislation is a helpful way to solve the problem. Historic preservation takes a long view; sometimes elected officials take a shorter view. Requiring a formal and balanced consultation between the two perspectives is a clear benefit to the citizens of the state, particularly when the plan is the destruction of an historic building.

Connie Triplet

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna Waller*  
Operator's Signature

10/21/03  
Date

3-13-03

Senate Bill 2249  
Testimony by Merl Paaverud, Director  
State Historical Society of North Dakota  
March 13, 2003

Mr. Chairman and Members of the Political Subdivisions Committee, my name is Merl Paaverud and I am the director of the State Historical Society of North Dakota. Thank you for this opportunity to present my testimony on Senate Bill 2249.

The State Historical Society of North Dakota was given an important role as advocate and supporter for historic preservation throughout our state. Sections 55-02-07 and 55-10-08 of the North Dakota Century Code outline those responsibilities. The statutes have been part of the Code since the 1960's and guide efforts to manage historical and cultural resources. The State Historical Society of North Dakota manages the State and Federal Preservation Programs. Our staff provides technical assistance, consultation, technical information, and resources to support projects that are important to North Dakota's history. I have provided a packet of information including examples of preservation projects, listings on the state and national register, and a list of projects that have received federal funds through our Historic Preservation Fund program.

North Dakota has an important inventory of historic buildings and sites and many of the most important examples are owned by state agencies and political subdivisions. This inventory has been a focus and is a source of pride in many communities and counties. Many structures are listed on the National Register of Historic Places and on the State Registry (lists are included in your packets). Both listings demonstrate the belief by citizens and government that historic buildings and sites are important, and should be preserved and kept

Page 1 of 3

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Wall  
Operator's Signature

10/21/03  
Date

for future generations. We must also remember that they are non-renewable resources.

My staff has found through experience that early contact between the State Historical Society, other state agencies, and political subdivisions regarding plans to alter or remove historic structures and sites is crucial. This improves the communication process by ensuring time for consideration of preservation options, opportunities for reuse, and if demolition occurs, mitigation support.

Enactment of the changes suggested for Chapter 55-02-07 will seriously limit efforts for consideration of preservation, reuse, and opportunities to mitigate historic buildings and sites that are demolished. Passage of the present version of Senate Bill 2249 will remove the incentive to give serious consideration to these resources that are a fragile part North Dakota's historic inventory. The future of many of our state's most prominent and important sites may not receive any consideration at all. For these reasons, I request a do not pass vote for Senate Bill 2249 that creates and enacts a new section to Chapter 55-02 and amends and reenacts subsection 2 of 55-10-08 of the North Dakota Century Code.

I support and ask for a do pass for the amended version of the bill that supports early involvement and communication in historic sites projects by the state historical society. It also would provide for arbitration process based on Section 55-10-08.6 to fulfill the need and provide a way to find solutions. The arbitration process could be used during the actual deliberation process by an objecting party when it is determined that the other has failed to cooperate in identifying or implementing reasonable alternatives to demolition or alteration. A state agency or political subdivision may also pursue arbitration after a decision is made by

Page 2 of 3

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Dahlquist  
Operator's Signature

10/21/03  
Date

the state historical board to disapprove alteration or demolition of a site. This would give both players an opportunity to resolve problems and the responsibility to find solutions for them. I ask for your consideration of the amended version of 55-02-07 that improves communication opportunities and provides for the option for arbitration. I also recommend consideration of funding for the Historical Impact Emergency Fund that is authorized under 55-02-09. This would provide funds for mitigation of adverse affects on cultural resources and historic buildings.

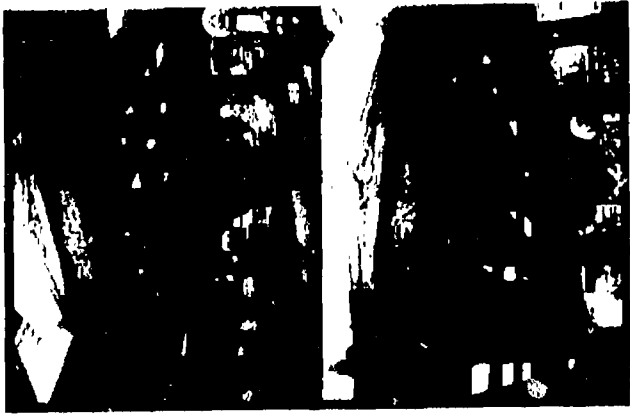
This concludes my testimony. May I answer any questions from the committee?

Page 3 of 3

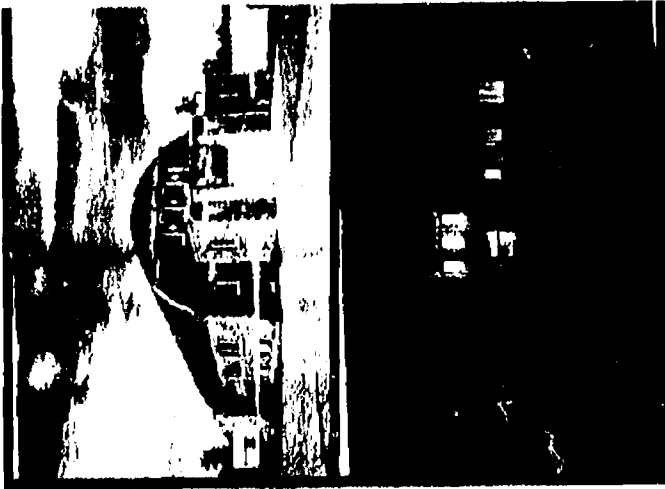
The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Ballantyne  
Operator's Signature

10/21/03  
Date



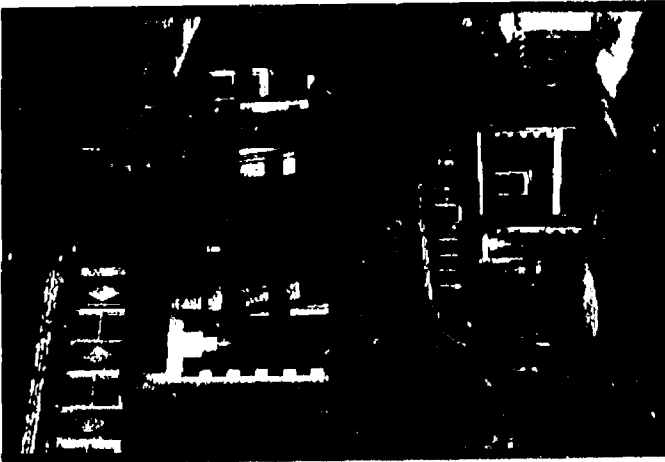
MITIGATION



COMPLETED WORK



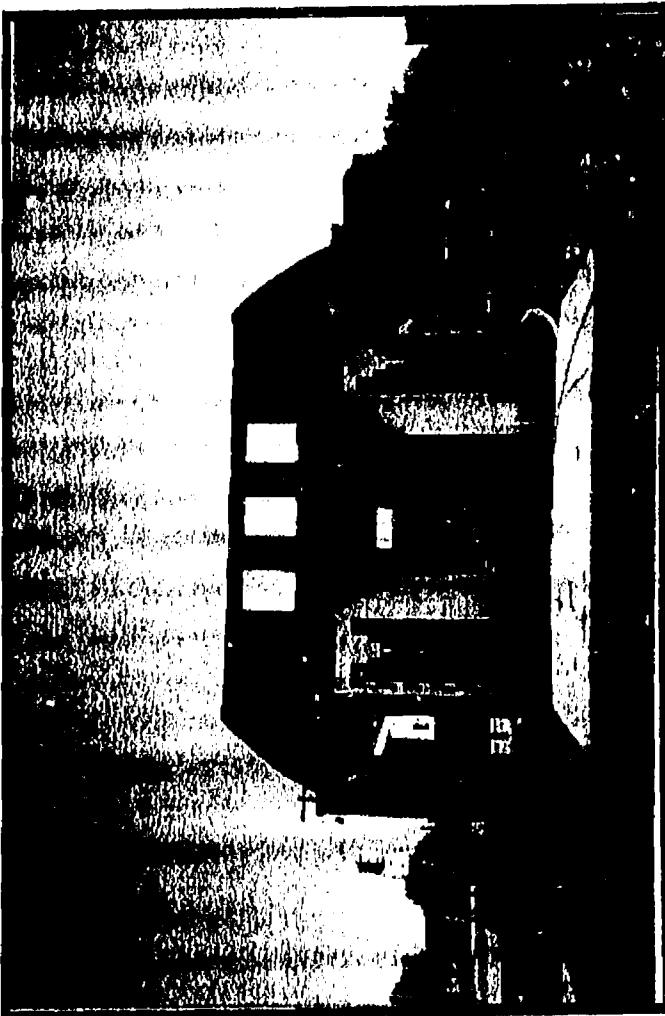
SCIENCE HALL 2003



WORK IN PROGRESS



SCIENCE HALL 1902-1999



FESTIVAL HALL 2001

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Dennis Delia*  
Operator's Signature

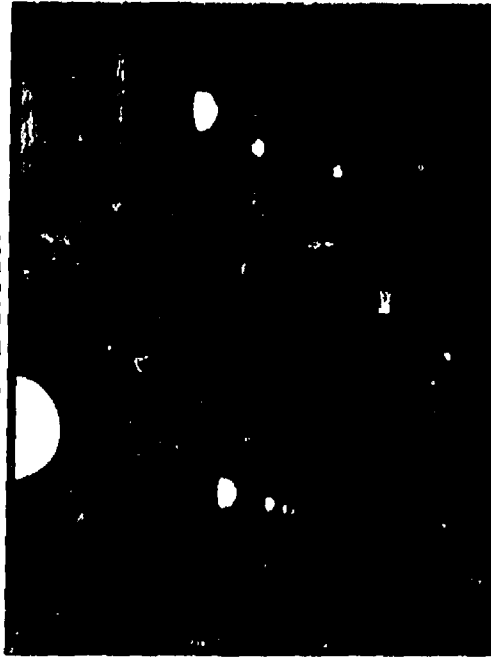
10/21/03  
Date



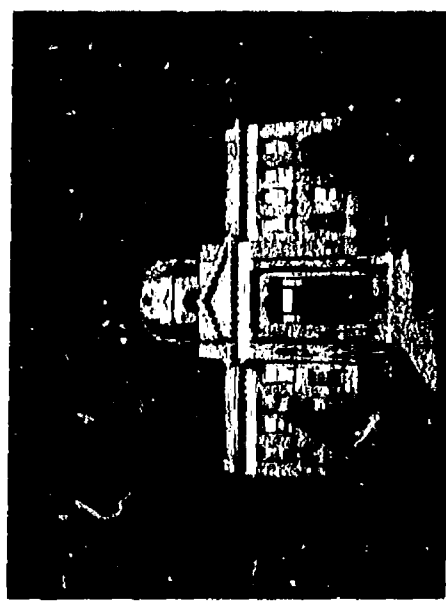
BENSON COUNTY COURTHOUSE



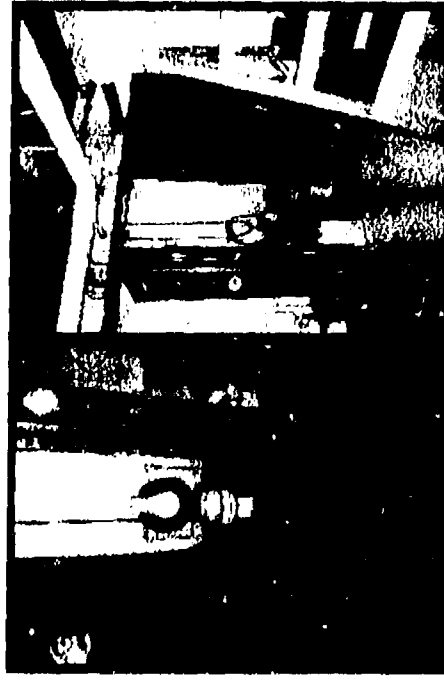
BEFORE GRANT



AFTER GRANT  
HPF GRANT AMOUNT \$4,889.00



FOSTER COUNTY COURTHOUSE



BEFORE GRANT



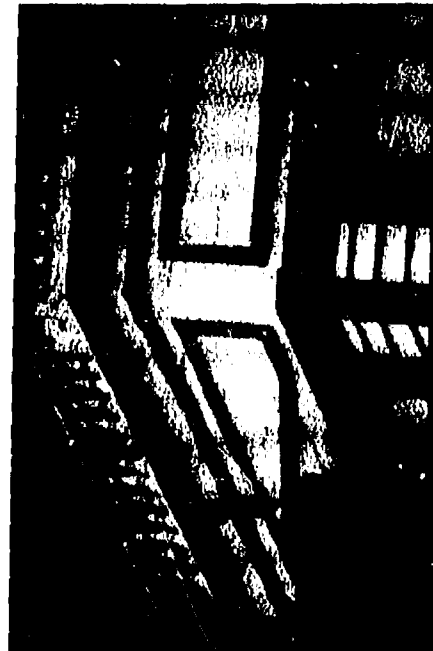
AFTER GRANT  
HPF GRANT AMOUNT \$30,000.00



PRESIDENT'S HOUSE - VALLEY CITY



BEFORE AND AFTER GRANT



AFTER GRANT  
HPF GRANT AMOUNT \$7,517.00

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Donna S. [Signature] Date 10/21/03  
Operator's Signature

#7 3-13-03

NDCC 55-02-07 Case Files. Listed in alphabetical order by property name.

Property	Project	Date	Results
Cass County Jail and Sheriff's Residence	Demolition	2002-2003	Ongoing
Commandant's Home, ND Soldiers Home, Lisbon	Renovations	1993	
Dickinson State University, Klinefelter Hall	Renovations	1996	Approved Renovations
Engineering Annex Building, NDSU Campus	Demolition	1992	Demolished
Festival Hall, Fessenden	Fire & Proposed Demolition	2001-2003	Restored
James Memorial Library, Williston (32W124)	Divesting of property	1991	Currently an Art Center
Leach Public Library, Wahpeton	Renovations	1994	Approved Renovations
Lions Court, Valley City	Demolition	1989	Demolished & Mitigation
McHenry County Sheriff's Residence and Jail, Towner	Demolition	1989	Demolished
McLean County Courthouse	Demolition proposed in 2001/2002 Discussing renovations at present.	2002-2003	County Voted to Maintain Courthouse - Renovations Ongoing
ND Youth Correctional Center, Mandan	Renovations & Addition	1993-1997	Demolition, Renovation, Mitigation
Science Hall, UND	Demolition	1996-1998	Demolished & Mitigation
Stutsman County Courthouse	Demolition	1983-1984	SHSND State Historic Site

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Walsh 10/21/03  
Operator's Signature Date

**PROJECTS USING HISTORIC PRESERVATION FUNDS DURING 2003 (CALENDAR YR)**

2002 Development Applications						
Organization/ Person	Building	Project	Total Project Cost	Amount of Match	Amount Requested	Amount Granted
Sheridan County * Shirley Murray, auditor McClusky 58453	Sheridan County Courthouse*	update electrical boxes	\$ 25,210	\$ 12,740	\$ 12,470	\$10,000
John or Thuula Kube Wahpeton ND	Adams Fairview Bonanza Farm	structural repair & roof	\$ 90,000	\$ 45,000	\$ 45,000	\$32,000
Hettinger County Historical Soc. Regent 58560	Dr. S.W. Hill Drugstore Hettinger County Hist Soc	update wiring	\$ 3,100	\$ 1,550	\$ 1,550	\$1,550
Theodore Roosevelt Medora FD Medora	Von Hoffman House (Doll House Museum)	update heating and cooling system	\$ 3,798	\$ 1,899	\$ 1,899	\$1,899
Joan M. Connell Michael Jankoviak co owners Bismarck 58501	House at 402 West Ave B	gutters, roof, siding, new addition	\$ 100,000	\$ 50,000	\$ 50,000	denied: changes too massive to allow property to remain on Nat. Reg.
County of Wells* Fessenden 58438	Festival Hall* Wells County Fairgrounds	interior work repair fire damage	\$ 10,000	\$ 5,000	\$ 5,000	\$5,000
Peter & Teresa Tlock Fargo ND 58102	Sammy's Pizza 301 Broadway	restoring store fronts	\$ 80,208	\$ 40,104	\$ 40,104	transferred to tax credit program
Nat Strutz (Rebekah-co-owner) Bismarck 58501	William Larson House 219 W Ave. B	replace roof using cedar shakes	\$ 15,204	\$ 7,602	\$ 7,602	\$7,600
Karen Kreil (Randy co-owner) Bismarck 58501	831 N Mandan St Freise House	roof and shutters	\$ 19,222	\$ 10,573	\$ 8,649	\$8,650
Blessed Gianna's Maternity Hm Minto, ND 58261	St. Anthony's Convent (Warsaw Convent)	windows and tuckpointing	\$ 116,006	\$ 66,006	\$ 50,000	ineligible-ruled religious property by NPS
Putnam House Coordinator Carrington, ND 58421	Putnam House Carrington, ND	repair stained glass, columns & add disabled access	\$ 11,942	\$ 5,971	\$ 5,971	\$5,900
Ramsey County Auditor* County of Ramsey Devils Lake ND 58301	Sheriff's House Museum 420 6th Street Devils Lake ND58301	repair porch	\$ 5,030	\$ 2,515	\$ 2,515	\$2,515

3-13-03

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and here filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's signature

*[Handwritten Signature]*

12/21/03  
Date



2002 Development Applications						
Organization/ Person	Building	Project	Total Project Cost	Amount of Match	Amount Requested	Amount Granted
Judith Maxwell Bismarck 58501	215 W Ave. C	replace windows and door	\$ 6,726	\$ 3,363	\$ 3,363	\$2,500
County of Steele* Jane Amundson, Commissioner Finley ND 58230	Steele County Courthouse Finley	install elevator	\$ 120,250	\$ 70,250	\$ 50,000	\$25,000
Board of Higher Education* Doug Anderson	Northwest Hall Mayville St. Univ. Campus	gutters, roof, windows, tuckpointing	\$ 20,000	\$ 10,000	\$ 10,000	\$10,000
State of North Dakota* Bismarck	Former Governor's Mansion*	general restoration	\$ 30,000		\$ 30,000	\$30,000
City of Buffalo**** Buffalo	Stone Church/Old schoolhouse	Administer Certified Local Government Restore Stone Church/Produce National Reg Nom for a Hist. District	\$ 26,323	\$ 15,793		\$10,530
City of Devils Lake**** Devils Lake		Administer Certified Local Government Produce 5 year Plan	\$ 4,167	\$ 1,667		\$2,500
City of Grand Forks Grand Forks		Administer Certified Local Government Nominate a residential historic district to National Register of Historic Places	\$ 54,561	\$ 26,300		\$26,261
County of Walsh Grafton		Administer Certified Local Government Nominate oxcart trails to National Register of Historic Places	\$ 23,637	\$ 9,474		\$14,163
		Grand Total	\$ 394,588	\$ 216,384	\$ 178,204	\$ 112,614
*Public Property		Total funds awarded/spent public buildings subtotal	\$ 210,490	\$ 100,505	\$ 109,985	\$ 82,515
****Certified Local Governments		Total funds awarded/spent government entities subtotal	\$ 319,178	\$ 153,739	\$ 109,985	\$ 137,969

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this notice, it is due to the quality of the document being filmed.

Operator's Signature

*[Handwritten Signature]*

12/21/03  
Date

PROJECTS USING HISTORIC PRESERVATION FUNDS DURING 2002 (CALENDAR YR)

2001 Development Grants					
Building/S...	Project	Total Project Amount	Match Amount	Grant Amount	Grant Amount Actually Expended
Lisbon Opera House Lisbon	Plans, specs, drawings for restoration Lisbon Opera House foundation	\$36,288	\$18,144.00	\$23,000.00	\$18,144.00
37-Plummer House Hillsboro	Repair to prevent structural damage Traill County Historical Society	\$30,451	\$16,747.94	\$15,000.00	\$13,703.00
38-Lahr House Bismarck	Restore porch on house Monica Hannon/Cliff Naylor	\$8,951	\$4,476.00	\$4,475.00	\$4,475.00
39-Niegun Residence Bismarck	Restore original cedar shingles Connie & Peter Niegun	\$23,125	\$12,455.00	\$10,670.00	\$10,670.00
40-Resell Residence Fargo	Restore damaged basement Georgja & John Resell	\$15,054	\$7,527.00	\$7,527.00	\$7,527.00
41-Ellendale Opera House Ellendale	Cover leaking roof O.P.E.R.A.	\$115,425	\$37,689.90	\$32,735.00	\$77,735.00
42-Bismarck City Tree Project Bismarck	Restore historic landscape by planting trees City Forestry Department	\$0	\$0.00	\$3,522.00	City withdrew application
43-Mayville Public Library* Mayville	Install grading to prevent further water damage Replace missing external plaster details City of Mayville	\$10,238	\$5,238.00	\$5,000.00	\$5,000.00
44-Benson County Crthse* Minnewaukan	Restore historic walls, ceilings, lights in hallways. Prevent further rodent damage	\$9,778	\$4,889.00	\$5,000.00	\$4,889.00
45-Cray Bldg Bismarck	Restore exterior of building to 1920 Aid, Inc.	\$0	\$0.00	\$25,000.00	Didn't sign contract
46-President's House* Valley City	Restore porch; paint building in org. color Board of Higher Education/VCSU	\$15,119	\$7,602.00	\$7,517.00	\$7,517.00
47-Carroll House Fullerton	Restore shake siding/tapped siding on N wall Fullerton Community Betterment Assoc.	\$4,790	\$2,395.00	\$2,415.00	\$2,395.00
48-Towne Williams House Bismarck	Restore original cedar shingles & copper gutters Gail & Roy Towne	\$31,157	\$23,157.00	\$8,000.00	\$8,000.00
49-Walker Dist Store Ft. Ransom	Repair water damage/grade to prevent further damage Ft. Ransom County Historical Society	\$0	\$0.00	\$10,000.00	Unable to do project
50-Sargent County Crthse* Forman	Repair and restore dentil work in cornice County of Sargent	\$0	\$0.00	\$4,742.00	County requested contract be terminated
51-Foster County Crthse* Carrington	Rehab bathrooms to make handicap accessible County of Foster	\$83,300	\$53,300.00	\$30,000.00	\$30,000.00

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this notice, it is due to the quality of the document being filmed.

Operator's Signature D. M. S. S. S.  
Date 10/21/03

PROJECTS USING HISTORIC PRESERVATION FUNDS DURING 2002 (CALENDAR YR)

2001 Development Grants					
Building/s	Project	Total Project Amount	Match Amount	Grant Amount	Grant Amount Actually Expended
52-Festival Hall* Fessenden	Restore fired damaged building County of Wells/Wells County Historical Society	\$207,051	\$157,051.00	\$50,000.00	\$50,000.00
McLean County Courthouse* Washburn	Architectural survey to determine costs & plans for rehab Royce Yeater (National Trust for Hist. Preserv. paid match)	\$4,000	\$2,000.00	\$2,000.00	\$2,000.00
Woolen Mill** Grand Forks	Reseal building to prevent damage caused by sandblasting Ward K. Johnson	\$13,340	\$6,670	\$6,670	\$6,670
Former Governor's Mansion* Bismarck	Design and reproduce historic ironwork on building State of North Dakota	\$10,000		\$10,000	\$5,825
Fort Totten* Devils Lake	General Restoration State of North Dakota	\$31,259		\$31,259	\$39,982
Grand Forks City Hall* ** Grand Forks	Historical restoration of front entrance City of Grand Forks	\$21,182	\$10,591	\$10,591	\$10,591
Grand Forks CLG**** Grand Forks	Administration of Certified Local Government City of Grand Forks	\$48,218	\$31,907	\$16,311	\$16,311
Devils Lake CLG****	Administration of Certified Local Government Two National Register Nominations City of Devils Lake	\$5,974	\$3,674	\$2,300	\$2,300
Walsh County CLG***** Grafton	Administration of Certified Local Government Plot eligible sites on topographic map County of Walsh	\$6,189	\$2,389	\$6,800	\$3,800
Buffalo CLG**** Buffalo	Administration of Certified Local Government Repair Old Schoolhouse/Do survey of some historic buildings City of Buffalo	\$46,711	\$29,589	\$17,122	\$17,122
Fargo CLG**** Fargo	Administration of Certified Local Government/Complete Context/Resurvey and adjust Downtown Hist. Dist. boundaries City of Fargo	\$22,653	\$10,473	\$12,180	\$12,180
*Public Buildings/Sites	Grand Total	\$800,253	\$447,965	\$359,836	\$356,836
** Restoration done through a Certified Local Government	Total funds awarded/spent on public buildings subtotal	\$370,745	\$230,080	\$152,562	\$145,213
****Certified Local Government	Total funds awarded/spent government entities subtotal	\$500,490	\$308,112	\$207,275	\$196,926

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this notice, it is due to the quality of the document being filmed.

Operator's Signature

*[Handwritten Signature]*

10/21/03  
Date

3-13-03

#8

Testimony presented to House Political Subdivisions Committee,  
March 2003, regarding SB2249:

Mr. Chairman and members of the committee, my name is Amy Guthrie Sakariassen. I am here today to ask you to give a DO NOT PASS to SB2249.

I am a professional archaeologist and the current president of the State Historic Preservation Review Board. I am familiar with the Century Code section known as 55-02-07. In fact I have long admired the balance of this state's historic preservation laws. Those laws were written in the mid-1960s, shortly after the federal preservation legislation was passed into law. North Dakota's law did not rise from controversy, but was carefully designed to work smoothly in conjunction with these federal laws. And this they have done efficiently for nearly forty years.

55-02-07 was a necessary section of the overall preservation codes. It was intended to prevent too-hasty destruction of public property by government entities. In the present climate of "return to local control", it becomes an even more important legal tool. Constituents who honestly feel that their concerns about a specific public preservation issue have not been addressed adequately at the local level, by their elected officials, may request review by the State Historical Society. The director may use 55-02-07 to halt or stay an imminent destruction until the issue has been fully examined and local interests been allowed a chance to sort themselves out. Some of the heat of controversy can be directed out of a community by the involvement of the more distant authority of the director and his board, allowing strained feelings at the local level to resolve themselves more readily.

The purpose really of the preservation law is to encourage, even require government entities to use the State Historical Society as a public resource for responsible planning. The best decisions are made when all parties involved have taken the time to explore options based on educated and informed research and discussion. Local officials are often unaware of either the historic value of properties they oversee or of the enormous depth and range of assistance the State Historical Society can offer.

The State Historical Society staff members are state employees. We, as tax-payers, pay their wages. They are there to work for us, and to further the interests of our state, its history, prehistory, and its historic resources. They have the professional knowledge specific to old buildings that can be instrumental in arriving at practical, functional and economically feasible alternatives to demolition. They have examples, expertise, and connections with funding sources that can make all the difference.

The public buildings throughout the state matter to all of us, as citizens of the state, so it is perfectly appropriate for citizens of any community to reach out to the State Historical Society for guidance.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Amy Guthrie Sakariassen  
Operator's Signature

10/21/03  
Date

Keep in mind that the Historical Society does not go around in posse formation, fomenting trouble and spoiling for a fight. Rather, their presence is sought—usually requested by genuinely concerned constituents from some part of the state who feel that they have an issue with their local officials. Saving their concerns for a vote or the next election is not normally an option. Once a building is destroyed, the story is over. There is no second look or review.

As you see from material the SHPO has provided you, the few times when 55-02-07 intervention has been considered necessary resulted in a cooling-off period, allowing time for education and evaluation. The results appear fair, and varied. Some demolition resulted, and some preservation, as well. Though no two situations are really the same, the goal is a constant—functional, practical, and on-going use of public buildings throughout the state.

SB2249 is presented to you as an expedient way for local government entities to take care of their problem spots.

SB2249 would represent an enormous shift in our ability as a state to care for our historic resources.

When the complete destruction of a historic public property is contemplated, we should not be thinking 'quick'. To act in haste is to repent at leisure.

I hope that this committee will give SB2249 a do not pass recommendation. The current laws adequately and wisely protect our finite historic resources.

Thank you.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna O'Neil  
Operator's Signature

10/21/03  
Date

#9 3-13-03  
SB 2249

Rosemarie Myrdal  
Remarks on Senate Bill #2249  
House Political Subdivisions Committee - Prairie Room

Mr. Chairman, members of the committee, My name is Rosemarie Myrdal, and though I have spent many years here in Bismarck, my hometown is in Edinburg.

I'd like to take this opportunity to urge you to recommend a do not pass on Senate Bill 2249, and to vote "NO" on the proposed bill in the House of Representatives. I am a strong advocate of Heritage Tourism, Economic Development, and Preserving our Cultural Resources. These resources include our state's historic architecture, especially that which was built in the interest of the "Public Trust".

Senate Bill 2249 severely weakens the series of checks and balances that are currently in place to insure that demolition of North Dakota's historic public structures requires agreement by all of the constituencies impacted, from local citizens to the interests of the state as a whole.

Tourism is the number two source of revenue for the state of North Dakota. Studies show that 63% of all tourists seek heritage and cultural events when they travel. This makes preserving our historic structures and conserving our cultural resources a strategic goal towards further development of heritage tourism in the state.

Studies have proven that communities with historic buildings as well as cultural and heritage attractions, will keep the tourist longer and as a result the tourist will spend more money in the local economy.

I want to share with you some remarks made recently by our Nation's First Lady, Laura Bush, while addressing a nationwide group of County Commissioners.

*"Preserve America is a new White House initiative that will provide you with greater support to protect and restore our nation's cultural and natural resources - from monuments and buildings to landscapes and main streets... As you traveled here, you may have flown over America's patchwork landscape of farms and small towns. You may have driven through Main Street with its welcoming charm or walked past the Jefferson monument with its curving dome and thoughtful presence.*

*America is blessed with historic architecture, landscapes and communities. Every one tells a story about the past and provides insight for the future. But to prepare for the future, we must remember our history.*

The speech goes on to mention numerous examples of how promoting cultural resources, like historic preservation, is helping communities by increasing heritage tourism and creating economic development opportunities as well.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

*Rosemarie Myrdal*

10/21/03

Date

*"A recent National Association of Counties study explained that heritage tourism is a strong economic development tool. It creates jobs and increases property values and tax revenue. As we preserve and enhance our cultural and natural heritage, we increase the appeal of our communities for residents and visitors. Preserving and celebrating our past is critical to heritage tourism and thriving communities."*

In a state that is trying to create new and better paying jobs, as North Dakota is, we need to examine the benefits of historic preservation vs. new construction. Recent studies show that dollar for dollar, historic preservation is one of the highest job-generating economic development options available. The US department of Commerce measures the impact of production within a given industry in three ways: the number of jobs created, the increase in local household incomes, and the impact on all other industries. In state after state, building rehabilitation outperforms new construction on each of those measurements. Rehabilitation and Restoration creates more jobs than new construction, and the money stays in the local community longer. In the Midwest, it has been proven that a million dollars worth of rehabilitation and preservation projects creates seventeen more jobs than growing a million dollars worth of agricultural products.

These are the reasons that I believe so ardently in supporting the State Historical Society at its current level of involvement in public historic structures. It is their expertise, detailed knowledge, and resources that the citizens of North Dakota rely on in interpreting and protecting our state's heritage.

Thank You.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

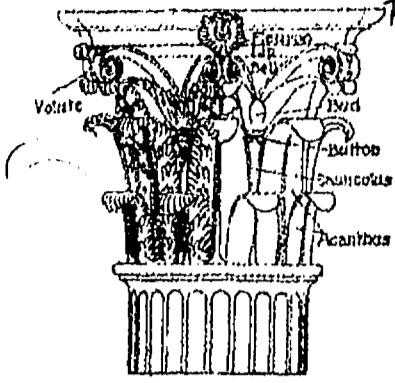
Deanna Walsh  
Operator's Signature

10/21/03  
Date

3-13-03

# Preservation North Dakota

An incorporated, non-profit, 501 C (3) organization, EIN # 45-0459947, ND charitable solicitation license #3979.  
PO Box 28 305 4th St N Buffalo, North Dakota 58011-0028  
E-mail: PresND@LISTSERV.NODAK.EDU Voice: 701-633-2763 Fax: 701-633-2763



## BOARD OF DIRECTORS

- Barbara S. Lang, Pres.
- Marsha Gunderson, V. Pres.
- Susan Sigurdson, Sec.
- Rebecca Heise, Treas.
- Rurik Ekstrom
- Gail Gabrielson
- Dr. Tom Isern
- Steve Martens
- Veronica Miller
- Lt. Gov. Rosemarie Myrdal
- Shirley Olgeirson
- Dorothy Pearson
- Ronald Ramsay
- Jeanette Robb-Ruenz
- Daryl Van Hale

## Ex-Officio Members

- Mary Humstone
- James Lindberg
- Merlan E. Paaverud

## EXECUTIVE DIRECTOR

Dale R. Bentley

## ADVISORY COUNCIL

- Mary Ekstrom
- Rev. Dwight Meier
- Joanne Olson
- Rev. Jack Seville
- Janice Stowman
- Patsy Thompson
- Deanna Vickers
- Gary R. Wolberg

3-13-03

## Testimony Proposed Senate Bill #2249

**Mr. Chairman and members of the Political Subdivisions Committee,**

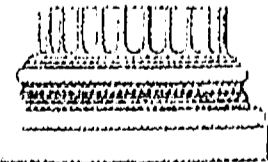
For the Record, my name is Dale Bentley and I am from Buffalo, North Dakota. I am the Executive Director for Preservation North Dakota.

Preservation North Dakota is the statewide, preservation advocacy organization that works to offer resources to the people of North Dakota. I urge you to vote against the proposed Senate Bill #2249. The Bill would limit the State Historical Society of North Dakota's ability to review and comment on plans, that affect the integrity of buildings and sites on the National Register of Historic Places.

In a democratic society, it is necessary to have a system of checks and balances. It is especially important to have this "review and comment" authority in place, in situations where our state's irreplaceable heritage is in jeopardy.

Most of the historic properties affected by this legislation are held in the "Public Trust". This means that we must be extremely careful in the process of making irreversible decisions concerning them. The people of North Dakota, as tax payers, have already made a substantial investment in constructing these properties. Often these historic buildings were built with an infinite useable life expectancy. Modern buildings have "built in" obsolescence; sometimes providing as little as 40 years of service. In today's world of shaky economies and the need to conserve, recycle, and reuse; Preservation is often the most viable alternative.

The existing law provides those interested in fully exploring all options, the necessary time to gather all the information necessary to make the most informed decision. County Commissioners are good stewards of local services, but can benefit from the expertise available at the State Historical Society - and their



"Preserving Prairie Places"™

Prairie Churches of North Dakota Project [www.prairiechurches.org](http://www.prairiechurches.org)

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Vickers 10/21/03  
Operator's Signature Date

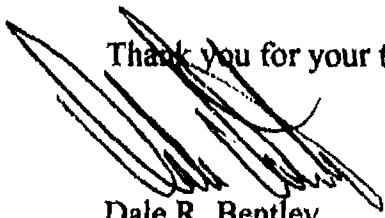


knowledge and understanding of how valuable heritage, history and sense of place, is for the economic future of a community. This is where input from preservationists and the State Historical Society, can be invaluable.

The State Historical Society is charged with the responsibility of being a steward, of the heritage of North Dakota. They do wonderful things with a small staff and budget. To take this authority away, or to limit it in any way, does not allow them to accomplish their mission. A mission your predecessors have deemed as important, essential and worthy of supporting, over and over again. Those legislative efforts were motivated by a need to ensure the best interest of the people of North Dakota and their proud heritage, was kept close at heart. I urge you to continue protecting this legacy with the important "safety net" provided through the wisdom of former legislators.

I work with North Dakotans every day, on the grass roots level of historic preservation, I have too often heard people express their community's regret about destroying an important structure or site. I have never heard from a single person who regrets preserving one.

Thank you for your time,



Dale R. Bentley  
Executive Director

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

  
Operator's Signature

10/21/03  
Date

#12 3-16-03  
SB 2249

## SENATE BILL NO. 2249

I am here on behalf of the Committee to Save the McLean County Courthouse, North Dakota Historical Society, and North Dakota Preservation. Without their help, I am sure our beautiful historic building would be merely rubble by now or would be left to deteriorate. North Dakota Century Code 55-02-07 empowered the North Dakota Historical Society with the authority to help our preservationists save our historic courthouse.

Our county was split as to whether we wanted a new courthouse or whether to preserve the old one. Without this law to protect our buildings, many commissioners throughout our state will not feel obligated to protect our heritage. Many of them may not like being told what to do with what they consider "their" own property. Indeed, many of them need to know the importance of holding on to our roots. Historical structures are for us and even more for our children and posterity in general.

Our committee feels, as do many people interested in saving our North Dakota heritage, that SB2249 is a vindictive, personal agenda of the public officials of both McLean and Cass Counties. This bill is impervious to the good intentions of the people of North Dakota and their love for their state's history.

**SECTION 2** states "the governing body may improve, alter, modify, or destroy that property if the agency or governing body determines that action is necessary to protect public health or safety, to provide access for disabled persons, or to ensure structural integrity."

There is no doubt in my mind that the McLean County commissioners would use that statement as an excuse to demolish

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Dalworth  
Operator's Signature

10/21/03  
Date

Page 2

our courthouse by saying the bats (which are easily gotten rid of) are a health hazard or that children will fall over the beautiful staircases, as an excuse to demolish our courthouse.

If SB2249 passes and commissioners throughout North Dakota do not demolish the buildings, without the guidance and direction of the North Dakota Historical Society; they may, in many instances, remodel rather than renovate. Such actions could serve to ruin the beauty of our North Dakota historical buildings.

It is supposed to make us feel better that the bill states, "If the action of a governing body of a political subdivision involves completely removing or demolishing a building, a petition for a public vote on the governing body's action containing the names of at least ten percent of the qualified electors who voted in the last preceding general election may be filed within sixty days and the matter must be submitted for a vote." I, for one, do not feel better about that because I know it would be people like me that would need to collect those signatures. I, for example, work eight hours a day and have a two-hour commute. As a result, I am left with little or no time to collect signatures and then attempt to accomplish this in only 60 days. It is next to impossible as there is nothing left of the day by the time I return home.

I did exactly that in the battle to save our courthouse at which time I collected 350 signatures. It is very time-consuming, as people tend to want long explanations.

**SECTION 2** strips anything else within the bill, giving commissioners throughout North Dakota total power. This bill

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Ballantyne  
Operator's Signature

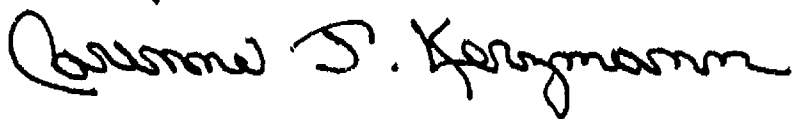
10/21/03  
Date

Page 3

would be nothing less than tragically fatal to the North Dakota Historical Society and Preservation North Dakota.

I would also like to add that our states attorney, Mr. Ladd Erickson has done an editorial in which he indicates the Historical Society imposed unfunded mandates for McLean County Commissioners to spend a large sum of money to install an elevator. The Historical Society cannot mandate that, but they will work with commissioners to preserve as much of our historical buildings as possible. It is up to the commissioners to get bids for these projects and to opt for the most feasible financial solution.

Thank you.



Corinne J. Kerzmann  
Committee to Save the McLean County Courthouse  
(701) 462-3394 (home)

  
Operator's Signature

10/21/03  
Date



The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna O'Neil  
Operator's Signature

10/21/03  
Date

#1 - 3-21-03

Bonnie Larson Staiger



**THE AMERICAN  
INSTITUTE  
OF ARCHITECTS**

*Same  
testimony m  
3-13-03*

Chairman Froseth and Members of the Committee

My name is Bonnie Larson Staiger and I am Executive Director of AIA North Dakota

We would like to offer a brief statement in opposition to SB 2249

- AIA North Dakota opposes changes to the state statute and policies that place historic preservation at a disadvantage when construction, rehabilitation, maintenance, and resource management decisions are made.
- Further, AIA North Dakota supports legislation to encourage partnerships through improved communication. While we know you can't legislate cooperation, surely more effective, focused collaboration among local governments and broader preservation programs could be achieved with legislation that finds a balance between the need to govern and the goal to preserve.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna D. Smith*  
Operator's Signature

*10/21/03*  
Date

#2

3-21-03

# 2249

Terry Traylor

**Comments Regarding State Authority over Local Government Buildings**

So. Carolina	State Board has authority over State Buildings only - not local government buildings
Nebraska	State Board has authority over State Buildings only - not local government buildings
Georgia	State Board has authority over State Buildings only - not local government buildings
Alaska	State Board has authority over State Buildings only - not local government buildings
Utah	No state entity with authority over local buildings
New York	Local government controls all buildings except those listed on State/National Registry - State dictates on these
Virginia	Local Historic District Boards govern remodeling/demolition of public buildings in districts
Penn.	Local Historic District Boards govern remodeling/demolition of public buildings in districts
West Virginia	State Board has successfully blocked demolition of local government buildings
Texas	State Board reviews and approves all changes to local government buildings

Based on Survey Responses from State Association of Counties

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Dalrymple  
Operator's Signature

10/21/03  
Date

**Mayer, Tom A.**

**From:** Mayer, Tom A.  
**Sent:** Wednesday, March 26, 2003 10:02 AM  
**To:** Paaverud, Merl E.  
**Subject:** FW: SB 2249

-----Original Message-----

**From:** Mayer, Tom A.  
**Sent:** Wednesday, March 26, 2003 9:55 AM  
**To:** Paaverud, Merl E.  
**Subject:** SB 2249

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2249

On page 1, line 3, remove "and subsection 2 of section 55-10-08"

On page 1, line 4, after the semicolon insert "to provide for a legislative council study of the protection of historical or archeological artifacts or sites; and to provide for application;"

On page 1, line 14, remove ". unless section 2 of this Act applies to the site"

On page 2, line 4, remove "Notwithstanding any other provision of law" and replace with "If section 55-02-07 is invoked and"

On page 2, line 7, insert ". subject to the following provisions." after "may"

On page 2, line 17, remove "Although the agency or governing body may take the action it deems necessary, the"

On page 2, line 18, remove "agency or governing body" and replace with "and"

On page 2, line 19, after the underscored period insert "If the state or governing body and the board do not agree on the action to be taken the differences must be submitted to a mediator selected by the governor. The decision of the mediator must be published."

On page 2, line 20, after "subdivision" insert "as a result of mediation"

On page 2, line 21, replace ". a petition for a public vote on the governing body's action containing the" with "or a substantial alteration to a building or historic site, a resident of the political subdivision where the building or site is located may submit a written notice to the county auditor within fourteen days of the publication of the decision of the mediator. A petition for a public vote must contain the names of at least ten percent of the qualified electors from that governing body's jurisdiction who voted in the last general election for governor, and must be filed with the county auditor within one hundred twenty days of the governing body's final action as a result of mediation. If a petition is filed, the matter must be submitted for a vote of the qualified electors at the next special, primary, or general election held in that jurisdiction. All action to remove or demolish a building or to make a substantial alteration to a building or site is stayed for fourteen days after the governing body's final action, and if notice of intention to seek a public vote is filed, action is stayed until a valid petition is filed with the time allowed or a public vote is held, whichever is later."

On page 2, remove lines 22 through 25

On page 2, line 26, remove "jurisdiction."

1

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Dalrymple  
Operator's Signature

10/21/03  
Date



On page 3, remove lines 1 through 8

On page 3, after line 8 insert:

SECTION 4. LEGISLATIVE COUNCIL STUDY OF THE PROTECTION OF HISTORICAL OR ARCHEOLOGICAL ARTIFACTS OR SITES. The legislative council shall consider studying, during the 2003-04 Interim, issues relating to the protection of historical or archeological artifacts or sites that are found or located upon land owned by the state or its political subdivisions or otherwise come into the custody or possession of the state or its political subdivisions and the role of the director in the protection of archeological artifacts or sites. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations to the fifty-ninth legislative assembly.

"SECTION 5. APPLICATION OF ACT. This Act applies to any proceeding or determination not finalized before the effective date of this Act."

Renumber accordingly

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna D. Ballantyne  
Operator's Signature

10/21/03  
Date

15+

**Mayer, Tom A.**

---

**From:** Mayer, Tom A.  
**Sent:** Wednesday, March 26, 2003 9:55 AM  
**To:** Paaverud, Merl E.  
**Subject:** SB 2249

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2249

On page 1, line 14, remove "unless section 2 of this Act applies to the site"

On page 2, line 4, remove "Notwithstanding any other provision of law" and replace with "If section 55-02-07 is invoked and"

On page 2, line 7, insert "subject to the following provisions." after "may"

On page 2, line 17, remove the underscored period and "Although the agency or governing body may take the action it deems necessary, the"

On page 2, line 18, remove "agency or governing body" and replace with "and"

On page 2, line 19, after the underscored period insert "If the state or governing body and the board do not agree on the action to be taken the differences must be submitted to a mediator selected by the governor. The decision of the mediator must be published."

On page 2, line 20, after "subdivision" insert "as a result of mediation"

On page 2, line 21, replace "a petition for a public vote on the governing body's action containing" with "or a substantial alteration costing fifty thousand dollars or more to a building or historic site, a resident of the political subdivision where the building or site is located may submit a written notice to the county auditor within fourteen days of the publication of the decision of the mediator. A petition for a public vote must contain the names of at least ten percent of the qualified electors from that governing body's jurisdiction who voted in the last general election for governor, and must be filed with the county auditor within one hundred twenty days of the governing body's final action as a result of mediation. If a petition is filed, the matter must be submitted for a vote of the qualified electors at the next special, primary, or general election held in that jurisdiction. All action to remove or demolish a building or to make a substantial alteration to a building or site is stayed for fourteen days after the governing body's final action, and if notice of intention to seek a public vote is filed, action is stayed until a valid petition is filed with the time allowed or a public vote is held, whichever is later."

On page 2, remove lines 22 through 25

On page 2, line 26, remove "jurisdiction."

On page 3, remove lines 1 through 9

"SECTION 3. APPLICATION OF ACT. This Act applies to any proceeding or determination not finalized before the effective date of this Act."

Renumber accordingly

1

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna D. Walcott  
Operator's Signature

10/21/03  
Date

**Mayer, Tom A.**

---

**From:** Mayer, Tom A.  
**Sent:** Wednesday, March 26, 2003 1:25 PM  
**To:** Paaverud, Merl E.  
**Subject:** Correction to amendments

Merl,

Another correction to my amendments of today. In the fourth paragraph I also removed the period after "project" on page 2, line 17, so that the next paragraph makes sense. It thus reads from "project" in line 17 to "and shall make all reasonable effort . . . ." in line 18.

Please substitute this most recent draft of changes for the prior two.

I also think today's amendments are a better approach than yesterday's. Let me know what you think.

Tom Mayer

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Waller  
Operator's Signature

10/21/03  
Date

#1  
Nancy Johnson  
3-27-03

30583.9999

Fifty-eighth  
Legislative Assembly  
of North Dakota

**SPECIAL DRAFT VERSION  
DO NOT AMEND THIS VERSION**

**ENGROSSED SENATE BILL NO. 2249**

Introduced by

Senators J. Lee, Cook, Polovitz

Representatives DeKrey, Porter, Warner

1 A BILL for an Act to create and enact a new section to chapter 55-02 of the North Dakota  
2 Century Code, relating to protection of historical sites; to amend and reenact section 55-02-07  
3 and subsection 2 of section 55-10-08 of the North Dakota Century Code, relating to the powers  
4 of the state historical board; to provide for a legislative council study of the protection of  
5 historical or archaeological artifacts or sites; to provide for application; and to declare an  
6 emergency.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 **SECTION 1. AMENDMENT.** Section 55-02-07 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **55-02-07. Protection of historical or archaeological artifacts or sites.** Any  
11 historical or archaeological artifact or site that is found or located upon any land owned by the  
12 state or its political subdivisions or otherwise comes into its custody or possession and which  
13 is, in the opinion of the director of the state historical society, significant in understanding and  
14 interpreting the history and prehistory of the state, may not be destroyed, defaced, altered,  
15 removed, or otherwise disposed of in any manner without the approval of the state historical  
16 board, unless section 2 of this Act applies to the site. Notification of the director's opinion of  
17 significance must be communicated to the appropriate governing official. The state historical  
18 board through the director ~~shall~~, within sixty days of written notification to it by the appropriate  
19 governing official of the state or political subdivision's desire, need, or intent to destroy, alter,  
20 remove, or otherwise dispose of a significant artifact or site, shall provide the governing official  
21 written direction for the care, protection, excavation, storage, destruction, or other disposition of  
22 the significant artifact or site. The state and its political subdivisions shall cooperate with the  
23 director in identifying and implementing any reasonable alternative to destruction or alteration  
24 of any historical or archaeological artifact or site significant in understanding and interpreting

**SPECIAL DRAFT VERSION**

Do not draft amendments to this version without checking latest status of bill and determining proper version to be amended.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna Polovitz*  
Operator's Signature

10/21/03  
Date

Fifty-eighth  
Legislative Assembly

1 the history and prohistory of the state before the state historical board may approve the  
2 demolition or alteration.

3 SECTION 2. A new section to chapter 55-02 of the North Dakota Century Code is  
4 created and enacted as follows:

5 Protection of public health and safety on sites having a public function.

6 Notwithstanding any other provision of law, if the state or a political subdivision has a property  
7 interest in real property and that property has an existing public function in addition to any  
8 historical site registration or historical significance determination, the governing body of the  
9 agency or political subdivision owning the property interest may improve, alter, modify, or  
10 destroy that property if the agency or governing body determines that action is necessary to  
11 protect public health or safety, to provide access for disabled persons, or to ensure structural  
12 integrity. If an action is to be taken by an agency or governing body under this section, notice  
13 of intent to take the action must be given to the director at the onset of the planning process. At  
14 the director's request, the agency or governing body shall inform the director of each meeting at  
15 which planning or decisions on a project are on the agenda. At each meeting, the agency or  
16 governing body shall provide the director with an opportunity to comment or provide  
17 preservation funding for the proposed project and the agency or governing body shall consider  
18 the director's comments or offers of funding in the development and implementation of the  
19 project. If the governing body and the director do not agree on the action to be taken, the  
20 differences must be submitted to a mediator selected by the governor. The mediator shall  
21 issue a decision within thirty days of appointment by the governor. The decision of the  
22 mediator must be published once in the official newspaper of the state or political subdivision.  
23 Although the agency or governing body may take the action it deems necessary, the agency or  
24 governing body shall make all reasonable effort to preserve the historical characteristics of a  
25 site taking into consideration economic and technical feasibility. The decision of the governing  
26 body must be published once in the official newspaper of the state or political subdivision. After  
27 mediation, if any, if the governing body of a political subdivision determines that its actions will  
28 result in completely demolishing, removing, or significantly degrading the historical  
29 characteristics of a building or real property, a resident of the political subdivision where the  
30 building or real property is located may submit a written notice to the county auditor of intention  
31 to petition for a public vote. The notice must be filed with the county auditor within fourteen

SPECIAL DRAFT VERSION  
Do not draft amendments to this version  
without checking latest status of bill and  
determining proper version to be amended.

Fifty-eighth  
Legislative Assembly

1 days of the publication of the decision of the governing body. A petition for a public vote must  
2 contain the names of at least ten percent of the qualified electors from that governing body's  
3 jurisdiction who voted in the last general election and must be filed with the county auditor  
4 within one hundred twenty days of the governing body's publication of notice of its final action.  
5 If a petition is filed, the matter must be submitted for a vote of the qualified electors at the next  
6 special, primary, or general election held in that jurisdiction. All actions to remove or demolish  
7 a building are stayed for fourteen days after the governing body's publication of notice of its  
8 final action, and if notice of intention to seek a public vote is filed, actions are stayed until either  
9 the petition fails or the public vote is held. If the political subdivision is a home rule jurisdiction  
10 with its own referendum procedures, however, the home rule referendum procedures apply to  
11 the action of the governing body.

12 **SECTION 3. AMENDMENT.** Subsection 2 of section 55-10-08 of the North Dakota  
13 Century Code is amended and reenacted as follows:

14 2. The state or a political subdivision may not demolish or cause to alter the physical  
15 features or historic character of any site listed in the state historic sites registry as  
16 a state historic site without first obtaining the prior approval from the director of the  
17 state historical society upon authorization of the state historical board, unless  
18 section 2 of this Act applies to the site. The state and political subdivisions shall  
19 cooperate with the director of the state historical society in identifying and  
20 implementing any reasonable alternative to demolition or alteration of any state  
21 historic site before the board approves the demolition or alteration.

22 **SECTION 4. LEGISLATIVE COUNCIL STUDY OF THE PROTECTION OF**  
23 **HISTORICAL OR ARCHAEOLOGICAL ARTIFACTS OR SITES.** The legislative council shall  
24 consider studying, during the 2003-04 interim, issues relating to the protection of historical or  
25 archaeological artifacts or sites that are found or located upon land owned by the state or its  
26 political subdivisions or otherwise comes into the custody or possession of the state or its  
27 political subdivisions and the role of the director of the state historical society of North Dakota in  
28 the protection of historical or archaeological artifacts or sites. The legislative council shall  
29 report its findings and recommendations, together with any legislation required to implement  
30 the recommendations, to the fifty-ninth legislative assembly.

**SPECIAL DRAFT VERSION**  
Do not draft amendments to this version  
without checking latest status of bill and  
determining proper version to be amended.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

*Dennis D. Hall*

10/21/03

Date

Fifty-eighth  
Legislative Assembly

- 1 SECTION 5. APPLICATION OF ACT. This Act applies to any proceeding or
- 2 determination not finalized before the effective date of this Act.
- 3 SECTION 6. EMERGENCY. This Act is declared to be an emergency measure.

**SPECIAL DRAFT VERSION**

Do not draft amendments to this version  
without checking latest status of bill and  
determining proper version to be amended.

Page No. 4

30583.9999

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Walsh  
Operator's Signature

10/21/03  
Date