

2009 SENATE POLITICAL SUBDIVISIONS

SB 2329

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2329

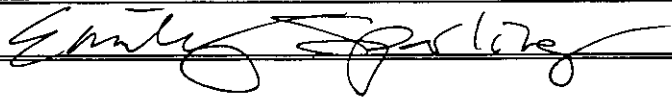
Senate Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: 01/29/2009

Recorder Job Number: 8126

Committee Clerk Signature



Minutes:

Senator Constance Triplett Introduced SB 2329. Spoke in support. See attachment #1.

Chairman Andrist Did this come up in or after the executive budget?

Senator Triplett No, this came up way too late.

Senator Anderson Is this bill dealing with established trails or are we including military trails?

Senator Triplett There is interest in military trails but they are not dealt with in this bill.

Representative Phillip Mueller District #24. Spoke in support of the bill. See letter attachment #2. Basically this bill provides funding to put trails on GIS maps. Tourism is our #2 industry in ND, this bill would only help enhance that industry.

Merlan E. Paaverud, Jr. Director: State Historical Society of ND. Spoke in support. See attachment #3.

Senator Olafson Is your projected budget on an annual basis?

Paaverud No, it is per biennium.

Ed Murphy State Geologist with the ND Geological Society. Spoke in support. See attachment #4.

Senator Olafson I grew up near the historical sites, is the trail getting less identifiable over the years?

Murphy Yes, although sometimes erosion actually brings out the trails.

Senator Olafson Would it be safe to say that in 20 years this would be much more difficult to do?

Murphy Yes.

Senator Bakke Are there two appropriations?

Murphy Yes.

There was no neutral or opposing testimony.

Vice Chairman Senator Olafson closed the hearing.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2329

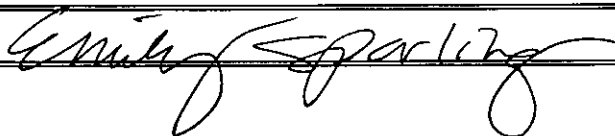
Senate Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: 01/30/2009

Recorder Job Number: 8231

Committee Clerk Signature



Minutes:

Chairman Andrist Reopened the discussion on SB 2329.

Brief discussion about how everyone likes history. Additional testimony was passed out. See attachment #5.

Senator Bakke This is a onetime project and expenditure that is important to the history of our state. I am going to move **Do Pass** and re-refer to appropriations.

Senator Anderson Second

Senator Dotzenrod I think this is one of those bills where time is an issue because we are losing our sites.

Senator Lee I think it is our responsibility to look at policy but I am comfortable passing this bill moving it onto appropriations without looking over figures.

Discussion about how bill will be introduced to appropriations.

The Clerk called the role on the motion to **Do Pass**. **Yes: 6, No: 0, Absent: 0.**

Senator Anderson will carry the bill.

Date: 4/30/09
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2329

Senate Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do pass Do not pass Amend other

Motion Made By S. Bakke Seconded By S. Anderson

Senators	Yes	No	Senators	Yes	No
Chairman John M. Andrist	/		Senator Arden C. Anderson	/	
Vice Chairman Curtis Olafson	/		Senator JoNell A. Bakke	/	
Senator Judy Lee	/		Senator Jim Dotzenrod	/	

Total (Yes) 6 No 0

Absent _____

Floor Assignment Senator Anderson

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

Re refer to approp.

REPORT OF STANDING COMMITTEE

SB 2329: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2329 was rereferred to the Appropriations Committee.

2009 SENATE APPROPRIATIONS

SB 2329

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2329

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: February 6, 2009

Recorder Job Number: **8901 (starting with recorder time 25:30)**

Committee Clerk Signature

Rose Lansing

Minutes:

Chairman Holmberg called the committee hearing to order at 9:28 am in regards to SB 2329 which is an appropriation to the Industrial Commission for creating geographic information system –based maps or overlays.

Senator Triplett: District 18, introduced SB 2329 and testified in favor of SB (See attachment #1)

V. Chair Bowman: Is there overlap with this mapping and the work counties do by soil conservation?

Senator Triplett: yes and this would help to pull it together. Gather all and digitize in one place.

Senator Warner: Polemicist (scrape off old ink and replacing with new) I think it's good.

Senator Triplett: Thank you for the new word of the day. (Hahaha—laughter)

V. Chair Grindberg: Curious on amounts. One FTE in Geological Survey and what was being asked for. It has to be decided between them. Once done with the appropriation it just to bring info together.

Senator Christmann: Sacred nuisance= rocks. We had road construction thru home. Rip mapping would come from field rock, because an environmental impact study had to be done

on rock formation. Is this creating another sacred nuisance? And then road is shut off and taking of private property.

Senator Triplett: The SHS has to do study already has to be done.

Senator Christmann: I don't have to do it with something on my own property.

Senator Triplett: I don't consider it a hindrance.

Senator Marcellais: District 9, testified in favor of SB 2329. (Written attached testimony # 2)

Bonnie Staiger: Executive Director, American Council of Engineering Companies, testified in favor of SB 2329. (Written attached testimony # 3)

Senator Andrist: District 2, testified in favor of SB 2329 (No written testimony)

Merle Paaverud: Director of the State Historical Society testified in favor of SB 2329. (Written attached testimony # 4)

Chairman Holmberg: Is your support for the work of getting this done, or is it for the process?

Merle Paaverud: We want to get it done. People are intrigued by trails. It is history, geology, geography, settlement, and social-economic. We want to get the project done.

Senator Warner: How can you direct what is needed from the private sector. What firms are available?

Merle Paaverud: We work with numerous firms that do this all the time. We sit down as group and figure what we want done. WE relay to contractors and who has ability.

Senator Warner: Private and huge central locations. Maybe theirs access to dollars for those projects.

Merle Paaverud: WE look for transportation thread that runs thru these things. It ties in with trails, the mode of transportation, because trails tie these historical sites together. How these people moved from one place to the other.

Ed Murphy: State Geologist, North Dakota Geological Survey, testified in favor of SB 2329.

(Written attached testimony # 5)

Chairman Holmberg: You heard all the testimony given today with regards to hiring an outside firm, does that discussion of hiring private sector to do the work affect you area and if not please tell us why.

Ed Murphy: That would work for us also, however that kind of delegation, we normally handle these projects. There is a sharp learning curve. There are often deep trails and they are branching off and so we have to decide what the original trail is.

Chairman Holmberg: The legis. always swallows hard when they add FTEs to budgets.

Ed Murphy: Our agencies would benefit. Other geo technical – like to see pictures before development.

Senator Wardner: The purchase of these pictures, do they already exist.

Merle Paaverud: We have complete set of 53,000 missing Barnes County. They disappeared over the years as they were moving on with other photographs. Some of the other money in there would get 3-D software and trace trail and transferring it to paper map. The money's in there is for clerk or secretary to scan photographs. This is fairly labor intense, (about 5 an hour) and they do everything on computer screen.

Senator Kilzer: Has SD developed this historical area too?

Ed Murphy: I have seen historic signs, but I'm not sure. To address a previous question about soil survey, ND was first surveyed in 1880-90s and where ever this road crossed it, they noted it.

Senator Tripplett: Sorry for using term FTE. My goal is to get project done. Some is contracted and leave to the professional people. Shared about people sharing information and not realizing the maps or info was out there.

V. Chair Grindberg: If the committee moves this forward with this project and elects to have the project done in the private sector, when we put a dollar amount on it, this is what it will cost. How do we set this up for a competitive bid and then recognize funding is there?

Senator Tripplett: To appropriate money and let agencies contract out and get lowest bid rather than putting the amount in bill.

Lynn Helms: Director for the Department of Mineral Resources, with regards to Senator Grindberg's question, last session the legislature created Geologic Data Preservation Fund. Our original vision for this project did not include FTE's, it included just a lump sum appropriation to that fund designated for this project from which we could do competitive bidding, hire contract people from the private sector to be trained by the likes of Mr. Murphy.

V. Chair Grindberg: What is the balance of that fund?

Lynn Helms: The existing balance is \$0. The federal government had set up a program through the National Energy Policy Act of 2005, and authorized but never appropriated \$50 million to go out to states geological surveys for this function. Unfortunately it was never appropriated a single dollar.

Chairman Holmberg closed the hearing on SB 2329

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2329

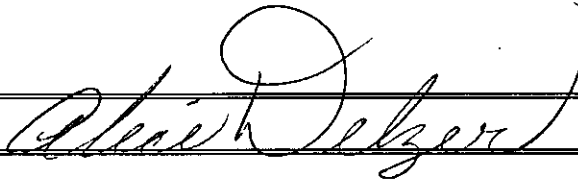
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 02-12-09

Recorder Job Number: 9425

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the hearing on SB 2329.

Senator Wardner talked about the bill. He passed out the amendments and explained them to the committee. He stated this is Senator Triplett's bill coordinating the mapping project with the different historical trails around the state of North Dakota.

Senator Wardner moved the amendment. Seconded by Senator Fischer .

Senator Robinson had questions regarding the Geological Data Preservation Fund.

Karline Fine, Executive Secretary, Industrial Commission: There is no money in the fund right now. We anticipated federal dollars and they did not come.

Senator Fischer asked if he knew how this was going to be mapped.

Senator Wardner I know a lot of photographs exist one of these things we will be doing is going out and finding these photographs. Soil Conservation has done extensive mapping in the state and they have old maps and that's they are looking for and through technology they can enhance them and it will go on the internet.(06.50)

Chairman Holmberg All in favor of the amendment say aye. It carried.

SENATOR WARDNER MOVED A DO PASS AS AMENDED ON 2329. SECONDED BY

SENATOR ROBINSON. A ROLL CALL VOTE WAS TAKEN RESULTING IN 13 YEAS, 0

**NAYS, 1 ABSENT. SENATOR ANDERSON FROM POLITICAL SUBDIVISIONS WILL
CARRY THE BILL.**

Chairman Holmberg stated we will send it back to Political Subdivisions and asked Senator
Wardner to carry the amendments. He then closed the hearing on SB 2329

PROPOSED AMENDMENTS TO SENATE BILL NO. 2329

Page 1, line 1, replace "to the industrial commission" with "and transfer"

Page 1, line 5, replace "**INDUSTRIAL COMMISSION**" with "**TRANSFER - GEOLOGIC DATA PRESERVATION FUND**"

Page 1, line 7, replace "or so much of the sum as may be necessary, to the industrial commission" with "which the office of management and budget shall transfer to the geologic data preservation fund"

Page 1, line 8, replace "purpose of" with "industrial commission to use for"

Page 1, remove lines 10 and 11

Page 1, line 15, after "coordinating" insert ", by contracting for consulting services if necessary,"

Page 1, line 16, remove "The state"

Page 1, remove lines 17 and 18

Page 1, line 19, replace "**APPROPRIATION**" with "**ADDITIONAL INCOME**"

Page 1, line 21, replace "are appropriated to the industrial commission for" with "must be deposited in the geologic data preservation fund for defraying the costs of"

Page 1, line 23, after the first boldfaced period, insert "**ADDITIONAL INCOME -**"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amendment removes the 2 FTE positions and the appropriation of \$290,000 from the general fund to the Industrial Commission for the mapping project and provides for a \$290,000 general fund transfer to the geologic data preservation fund for costs associated with the project. Any other income received by the Industrial Commission relating to the project must be deposited in the geologic data preservation fund for costs of the project. The Industrial Commission has a continuing appropriation to spend money in the geologic data preservation fund.

The amendment also removes the 2 FTE positions authorized for the State Historical Society for the mapping project and allows the State Historical Society, if necessary, to hire consultants to assist with the project.

Date: 2/12/09

Roll Call Vote # 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2329

Senate Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number 90703.0201

Action Taken Do Pass Do Not Pass Amended

Motion Made By Wardner Seconded By Fischer

Senators	Yes	No	Senators	Yes	No
Sen. Ray Holmberg, Ch			Sen. Tim Mathern		
Sen. Tony S. Grindberg, VCh			Sen. Aaron Krauter		
Sen. Bill Bowman, VCh			Sen. Larry J. Robinson		
Sen. Randel Christmann			Sen. John Warner		
Sen. Rich Wardner			Sen. Elroy N. Lindaas		
Sen. Ralph L. Kilzer			Sen. Tom Seymour		
Sen. Tom Fischer					
Sen. Karen K. Krebsbach					

Total Yes oral Yes No

Absent

Floor Assignment

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

Date: 2-12/09

Roll Call Vote # 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2329

Senate _____ **Senate Appropriations** _____ Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended

Motion Made By Wardner Seconded By Robinson

Senators	Yes	No	Senators	Yes	No
Sen. Ray Holmberg, Ch	✓		Sen. Tim Mathern	✓	
Sen. Tony S. Grindberg, VCh	✓		Sen. Aaron Krauter	✓	
Sen. Bill Bowman, VCh	✓		Sen. Larry J. Robinson	✓	
Sen. Randel Christmann A			Sen. John Warner	✓	
Sen. Rich Wardner	✓		Sen. Elroy N. Lindaas	✓	
Sen. Ralph L. Kilzer	✓		Sen. Tom Seymour	✓	
Sen. Tom Fischer	✓				
Sen. Karen K. Krebsbach	✓				

Total Yes 13 No 0

Absent 1

Floor Assignment Political Substitutions

If the vote is on an amendment, briefly indicate intent: Wardner explain amend on the floor

Robinson

REPORT OF STANDING COMMITTEE

SB 2329: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2329 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "to the industrial commission" with "and transfer"

Page 1, line 5, replace "**INDUSTRIAL COMMISSION**" with "**TRANSFER - GEOLOGIC DATA PRESERVATION FUND**"

Page 1, line 7, replace "or so much of the sum as may be necessary, to the industrial commission" with "which the office of management and budget shall transfer to the geologic data preservation fund"

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The amendment also removes the 2 FTE positions authorized for the State Historical Society for the mapping project and allows the State Historical Society, if necessary, to hire consultants to assist with the project.

2009 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2329

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. Senate Bill 2329

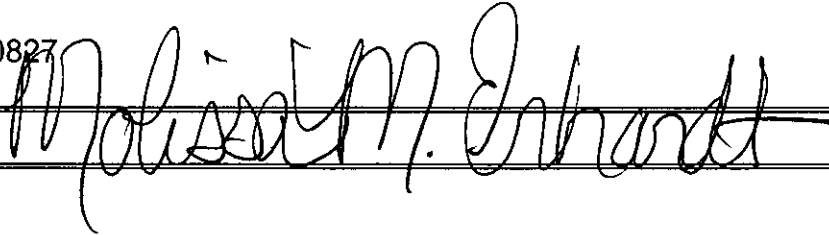
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 3/12/2009

Recorder Job Number: 10827

Committee Clerk Signature



Minutes:

Chairman Grande: Open the hearing on SB 2329. Clerk read the title.

Senator Triplett, Grand Forks, District 18: Testimony. See Attachment # 1.

Rep. Amerman: I don't know if there is supposed to be a fiscal note because we don't have one. But in Section 1 the \$290,000 that goes to geological data preservation fund and in Section 2 the \$290,000 that goes to the historical society is that the same \$290,000?

Sen. Triplett: Those are two separate funds and my understanding is we don't have to do a fiscal note if the appropriations are directly stated in the bill. That is the sum total of it. It is \$290,000 for each of the two agencies and I just split it out evenly on the bill to make it work. But originally I had not even cared about developing these bills I had just put it towards persons and was told in the appropriations committee that it would be more appropriate to put it into a fund so that we could do it as contract labor or outside contracting, so that specific language was amended in by the appropriations committee. There was also

some testimony in opposition to the bill. But the only opposition was that it appeared by the way I had drafted it originally that we were specifically anticipating hiring additional people and there were some suggestions that if it can be done by outside contractors and whatever it maybe should be and I have no objection to that. So that is the way it is stated now.

Chairman Grande: Any other questions? In favor of?

Merlan Paaverud Jr., Director, State Historical Society of North Dakota:

Testimony. See Attachment # 2.

Vice Chairman Randy Boehning: How many FTE's are you planning on putting on board to do this or is this going to be all consultants?

Merlan Paaverud: We would not hire any additional FTE's, what we would do is use our existing staff and then hire contractors for the survey work. We do that a lot anyway when we survey areas for historical purposes so we have a whole list of people that do that sort of thing.

Vice Chairman Randy Boehning: If you are going to use your existing employees why do you need \$75,000 for hard cover research?

Merlan Paaverud: Because it will take some time and effort and if we have to hire someone from a distance out of state to work in there archives it would take some time depending on what they have. We would go to our existing archives within the States Library or wherever and it could include some travel and time to

do that. We would do as much as we could in our archives to add to that. Again we think that would cover that amount.

Vice Chairman Randy Boehning: How much will it actually take to archive the State?

Merlan Paaverud: All the trails, that is a never-ending job, it could go on and on. There are trails that you would not believe across the State and these are historical trails that we find very interesting and would like to start with. Many States have brochures and booklets on trails that you can go there and people come from all over the world to follow them and find out what it is all about.

These three very important ones divert part of the history involved and we choose them as the starting point to get it started to really sustain the research work that we have already done. We have done a lot of work on these trails but never completed it so that it really can be used in its totality.

Rep. Nathe: Is two years enough to map out and survey those trails?

Merlan Paaverud: We are going to give it our best shot. I think that will be a big push but I think if we got enough money we can hire the people we need to do it and we would like to get the point where we could do the brochures and the signs. Plug them in so people can go out there and then this goes back to the like I said the local communities and they can plug into that to and provide

services and rest stops and food and gas and all that sort of thing. It is going to be challenging but we are going to give it our best shot.

Rep. Winrich: I believe in the movement of goods and so on there was a great deal of interaction between some of the trails that are mentioned here and the steamboat lines. I know that the Red River and the Missouri River were involved. Is that an aspect of this or is this primarily concentrated on the land trails?

Merlan Paaverud: It is concentrating on the land part and these are future issues that could be dealt with. Again the super highway on the Missouri River and the Red River those things were highways for many years and you have connections with them as far as Ft. Buford goes, and Ft. Abercrombie out East. They all had connections with the river traffic, so that certainly could be something to look into in the future. Again this one was the starting point that we think that the committee would move.

Vice Chairman Randy Boehning: Any other questions? Anyone else wishing to testify in favor of?

Edward C Murphy, State Geologist, ND Industrial Commission, Department of Mineral Resources: Testimony. See Attachment # 3.

Vice Chairman Randy Boehning: Do you ever use Google Earth? If you go on Google Earth, they have really good pictures on there and it is pretty well mapped out or do you work with them.

Ed Murphy: Our photographs are stereo pairs. Which means, that is where you begin if you look on the bottom of page three we can set those together and we can use the stereo filter that is shown to the right, that Mr. Magoo looking thing, and you can look through that and you can actually see these photos in three dimensions and that is what we map on. So the depressions show up as depressions, the high spots as high spots, and so when you go to Google Earth or some other sets of aerial photographs they are not always blown in stereo pairs. So they are still useful but not as useful to us as stereo pairs are.

Vice Chairman Randy Boehning: Any other questions? Anyone else wishing to testify in favor of 2329?

Bonnie Staiger, American Council of Engineering Companies of ND:

Testimony. See Attachment # 4.

Vice Chairman Randy Boehning: Any questions for Ms. Staiger?

Rep. Winrich: Kind of feel that it would be equally wrong for us, as in a position of the Legislature to make what is essentially a management decision, would it be acceptable or how would you feel about replacing the "if necessary" with "if appropriate" ?

Bonnie Staiger: I personally feel that that is equally as vague.

Rep. Winrich: Any suggestions, other than simply removing it?

Bonnie Staiger: I will go back to the first part of my testimony where I relay our position that we feel very strongly that the State of ND cannot be providing goods and services for itself and being in competition with the private sector whose business it is to do this work.

Vice Chairman Randy Boehning: Any other questions? Anyone else wishing to testify in favor of 2329? Opposition? Neutral? Close the hearing on 2329.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. Committee Work One 2329

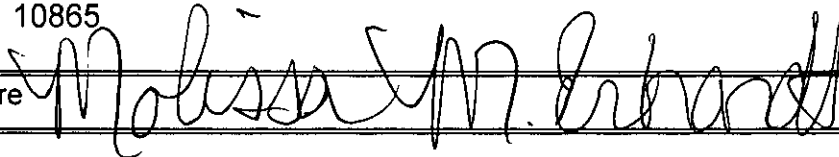
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 03/12/25009

Recorder Job Number: 10865

Committee Clerk Signature



Minutes:

COMMITTEE WORK ONE:

Chairman Grande: We will discuss SB 2329.

Rep. Kasper: We voted out how many millions for the Historical Center, 15 or 20 and that is just the first section because there is just another 15 or 20 million coming. I get sick and tired of those guys always wanting more. I move a Do Not Pass motion.

Rep. Nathe: 2nd.

Rep. Froseth: This always kind of bothers me with the appropriations built into the bill this way rather than going through the regular budget process. So much is maybe necessary or otherwise appropriated. How do they know they don't have to pay a dime, if all the money is appropriated and spent there is not even \$209,000 for it, for each one of these they are asking for. But chances are the money will be spent and that should go through the appropriations process. But this doesn't have to go through appropriations so I don't why this shouldn't have

to go to appropriations. Any bill we get like this has the money built into the bill, this apparently authorizes the spending of it, if the money is available. It still seems to me that appropriations should be aware of all these bills we get like this and include it in their final budget.

Rep. Dahl: We could possibly send this down to appropriations and they could take a look at where this other money is. I am not sure I would vote for the bill in the end but if it is an idea that doesn't have money somewhere else that would certainly be an option.

Rep. Wolf: The thing I like about what this bill does is a lot of times when my family and I travel to different states we look for hiking trails and we go to certain areas of those States because of the trails and things that they have had and I know this doesn't cover it. When we were in Medora a couple of years ago we tried and tried to do hiking down there but the trails are terrible and we were trying to find our way and we ended up almost getting lost and we quit. I know this does not pertain to that, but my hopes with this is it is start and if we can do something like this there are a lot of people who go to State to State to State and they hike on these trails and I look at this as another way to encourage people to come to our State and something for them to do here that is very historical and very unique in nature. When Connie was saying about eventually we are not going to be able to have these because fences are being built and we are losing

that. I have kind of a hard time trying to figure out how they know exactly where those trails are. I just think it is a good starting point where it can be something really neat for our State or unique for our State and encourage people to visit our State and I am going to resist a Do Not Pass.

Chairman Grande: Mr. Helms was in the room, did he testify because I do not have anything from him.

Rep. Kasper: His deputy did, but not him.

Chairman Grande: Then I came back when Ms. Staiger was speaking and the issue was she did not like which wording.

Vice Chairman Randy Boehning: The words on 14 and 15 "if necessary" she thought that would be adding FTE's was her concern and if we were going to do that she would prefer consultants.

Chairman Grande: Is this something that can be done by the private sector and the public sector is all of a sudden going to take money and do the job?

Rep. Kasper: It is already being done by the private sector. Kadramas, Lee and Jackson here in Bismarck does it and there are other engineering firms that are doing this. Why do we have to have the public sector continually compete with the private sector?

Rep. Winrich: I was just going to offer an anecdote in support of what Rep. Wolf said and I know that in my other life I serve as the Chair of the Greenway

Technical Committee in Grand Forks which deals with the Greenway. We publish a small brochure of the hiking a bike trails of the Greenway and it is one of the most popular things at the various tourist centers and rest areas on the interstates and so on. We are constantly getting requests from DOT to replenish the supplies. This kind of mapping and surveying that we are talking about here is extremely popular and I am not surprised that it is being mentioned in a lot of different budgets. Because it has a lot of different uses and in fact I know there is some research being done at UND and that is making use of these kinds of surveys and maps in a lot of agricultural production because it allows farmers to really zero in on what is going on in vast areas of their fields. It is not necessarily an application is only going to apply to tourism but we shouldn't be surprised if there is a lot of activity in this area.

Rep. Kasper: Actually in agriculture the technology is already there for what they are doing with global farming and they don't need to add any new technology because of Amity in Fargo manufactures Air Seeders, Potato Seeders, and even in the combines through the satellite system and the attachments on the input machines they know where to put the amount seed and how much fertilizer to put on top of it and it is all done with computers right now. So all that system is there and maybe all they have to do is call someone and say how much would it cost us to buy the picture of these maps in ND, it might be

\$5500, we don't know, but we are going to give them \$290,000 and we have no idea whether or not they need the money.

Rep. Wolf: When you mentioned Kadramas, Lee and Jackson are already doing some of this are they going to go out and mark these trails and provide the literature to the people of the State of ND and to provide to the Dept of Commerce so they can take it out when they promote ND is that what they will do?

Rep. Kasper: I have no idea how they are marketing, I just know that they are doing it. They are doing global positioning and they are doing maps right now all over the country. So whether or not they wish to market it that way or not is up to them. The point is, it is available in the private sector. So here we want to spend another \$290,000 to reinvent something that is already being done in the private sector. Pretty soon the government of our State or our nation is going to do everything and all we are going to do is sit around and watch the grass grow and the wind blow. Give me a break.

Chairman Grande: Actually it would be the job of tourism to do that kind of promotion and if it is available and tourism thinks it is a viable thing, tourism should do it.

Rep. Froseth: Madam Chairman, you said something about other budgets having money in them for the same purpose?

Chairman Grande: Yes.

Rep. Froseth: Maybe we should forward this to appropriations and let them correlate with what they have in other budgets?

Chairman Grande: It has to be re-referred if it comes out as Do Pass.

Vice Chairman Randy Boehning: I am looking at this another way, a lot of this land is going to be on private land and they are going to set all these trails up and put them on maps and people are going to be walking across this land and what is going to happen if someone falls and gets hurt or are they going to sue the landowners? Is the State going to come with eminent domain and take over the trails? That is another problem with this are the parks going to come and say all of a sudden we want these trails and they are going to condemn it and take it. It is a private rights issue on this as well in my opinion so I am going to do a Do Not Pass.

Rep. Froseth: I think we need to study this because you know that the whole Federal Wildlife Refugists in the State I think they totally know where there is a trail or a historic place in their properties and I don't know what to do with the Native American Grounds Tribal Properties under a program like this and they wouldn't be able to go in there and map them and mark them or not.

Vice Chairman Randy Boehning: Call for question?

Chairman Grande: The bill is in front of us as a Do Not Pass motion. Clerk will call the roll.

Clerk Erhardt: Roll Call: Yes: 7. No: 6. Absent: 0. Carrier: Rep Boehning.

Date: 3/12/9

Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2329

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended

Motion Made By KASPER Seconded By NATHE

Representatives	Yes	No	Representatives	Yes	No
Chairman Grande	✓		Rep. Amerman		✓
Vice Chairman Boehning	✓		Rep. Conklin	✓	
Rep. Dahl		✓	Rep. Schneider		✓
Rep. Froseth	✓		Rep. Winrich		✓
Rep. Karls		✓	Rep. Wolf		✓
Rep. Kasper	✓				
Rep. Meier	✓				
Rep. Nathe	✓				

Total (Yes) 7 No 6

Absent 0

Floor Assignment Rep. Boehning

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

[Handwritten signature]

REPORT OF STANDING COMMITTEE

SB 2329, as engrossed: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends DO NOT PASS (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2329 was placed on the Fourteenth order on the calendar.

2009 TESTIMONY

SB 2329

#1

Testimony of Sen. Constance Triplett

District 18 Senator, Grand Forks

SB 2329

Senate Political Subdivisions Committee

January 29, 2009

Chairman Andrist and members of the committee. I am pleased to introduce SB 2329. This bill directs the North Dakota Geological Survey and the State Historical Society to work together to gather up information on historical trails and to digitize it in a format that is compatible with the state's existing GIS (geographical information system) hub.

Background:

North Dakota is rich in transportation history. Many historical events have connections to trails, beginning with Native American tribes interacting with each other, followed by the travels of early European explorers, fur traders and trappers, military expeditions, and finally, the coming of freighting and stage coaching trails and the railroad. Maps of these trails exist in a vast multitude of sources, including:

Journals of early travelers

Early county plat books

Military records

Air photos

Tribal records, museums and oral history traditions

National, regional and state museums, including the ND Heritage Center, and county museums

Canadian government archives

Archives of the early fur trade companies, especially the Hudson Bay Company

Recent books by historians such as Ray Wood and Robert Utley

Journals of state historical societies throughout the northern plains.

While there is a wealth of information available, it would be considerably more useful to a variety of end users if it were available in a digital format. The trails bill would provide an

appropriation to gather, analyze and digitize maps of historically-significant trails. My initial thought is that the end product should be two separate and distinct sets of GIS data: one that would have a GIS layer, compatible with the ND ITD-hub GIS data system, for each type of trail and one that would have a GIS layer for each decade of North Dakota history from about 1730 through about 1910.

Potential uses for the data include:

Historical Society, tribal and county museums – to produce maps that would help to interpret history;

Department of Commerce Division of Tourism and local tourism groups, including non-profit organizations that maintain museums or otherwise promote local history and culture – to tailor information to specific geographic areas of the state to promote cultural heritage tourism;

Parks and Recreation – to use the historical information when developing biking and hiking trails (e.g., interpretive signs at a point where a new recreational trail crosses an historical trail or locating a new recreational trail in proximity to an historical trail with appropriate interpretation);

K-12 education – use of maps to update ND History course;

Department of Transportation – ability to use the information in consultation with other agencies to develop roadside signage to encourage cultural heritage tourism;

Division of Mineral Resources – regulatory use, e.g., to prevent the siting of oil well drilling rigs over historical trails. Cultural resource protection is already required by state and federal law. This project would provide a database that could be a starting point for particular studies.

ND University System – resource for geography and history students; this data may be a starting point for new historical research.

Landowner education – provide the data to landowners to encourage the preservation of any remaining segments of trails in evidence on the ground.

(This is not intended to be an exhaustive list. There may be other uses not yet identified.)

Process:

This is essentially an historic preservation project and should be coordinated for the long term by the ND Historical Society. I envision the Historical Society working to engage other agencies, non-profits, and individuals who could contribute ideas, source maps or other information. However, the production of the initial product (the GIS layers) would be accomplished by the

ND Geological Survey under the supervision and direction of State Geologist Ed Murphy, because of his expertise in geology, air photo interpretation, his intimate knowledge of the landscape of North Dakota and his personal interest in this topic. (Ed has, on his own time, already done a substantial amount of work on the Bismarck-to-Deadwood stage coach trail.)

I don't have a clear idea of how much work this project will be nor how long it will take. For this reason, I did not have the bill drafted with a continuing appropriation. My expectation is that an inter-agency planning process will take place during the 2009-11 biennium in which agencies other than the Historical Society and the NDGS will respond to inquiries about mapping assets already in place in the different agencies, potential future uses of the data, preferred format of the data, etc., such that each of the other agencies could include in their next biennial budget request an amount appropriate to their own agency needs for contributing to and making use of the data.


Because of the uncertainty about the scope of this project, the bill provides authorization for the Historical Society to receive additional special funds if any should become available, e.g., federal transportation enhancement funds, federal stimulus funds, in-kind contributions from non-profit agencies who may want to assist in the project as it relates to trails in a particular area. Any special funds received would be used to enhance the project with LIDAR if that is deemed useful, as well as speeding up completion of the project.

Action Plan for first biennium:

1. Research to identify projects that have already been completed.
2. Identify locations of materials that are housed in locations around the state and nation.
3. Complete a master list of trails and categorize them according to historical context.
4. Identify priorities for trail projects based on agency priorities and needs.
5. Scan the NDGS aerial photo collection.
6. Hire LIDAR to fly and photograph selected trails if LIDAR is determined to be an effective resource for this purpose.
7. Select a minimum of three trails across the state to digitize in the first biennium.

Biennial Budget:

\$ 240,000	Two employees for two years housed in the NDGS
\$ 240,000	Two employees for two years housed in the Heritage Center
\$ 60,000	Office expense, telephone, equipment, software



\$ 40,000 Travel

\$ 580,000 **TOTAL GENERAL FUND APPROPRIATION**

\$ 500,000 **SPECIAL FUNDS AUTHORIZATION**



A few examples of historical trails that criss-cross North Dakota

Tribal trails

Pembina to Turtle Mountains

Turtle Mountains to Knife River villages

Turtle Mountains to Spirit Lake

Knife River villages nearly to the Pacific coast

Missouri River corridor

Early European explorers

Verendryes



David Thompson

Lewis and Clark expedition

Prince Maximilian and Bodmer

F. V. Hayden

Isaac Stevens survey for the railroad


Cattle drive trails

Texas to Ft. Buford, to the Marmarth area, and to Dickinson

Military trails

Sibley, Sully

Custer's last trip





Immigrant trails

Ft. Snelling, MN to Ft. Abercrombie to the Montana gold fields (Ft. Dilts is on this path)

Oxcart, stagecoach and freightwagon trails

Ft. Abercrombie to Pembina

St. Paul to Ft. Garry (Winnipeg)

Grand Forks to Ft. Totten

Aberdeen to Ft. Totten

Bismarck to Ft. Stevenson to Ft. Berthold to Ft. Buford


Ft. Lincoln to Ft. Keogh (near Miles City, MT)

Medora to Deadwood



Bismarck to Deadwood

Minot to Ft. Berthold



THE NARRATIVES

est Irishman, he is of the greatest Service to me, as by his Information only I guide myself and conduct the March, a few of the Men have seen the Road, but like Mons. Jussemme cannot be relied on.

Decr. 24th Sunday. A fine mild Morn & Day. Wind Southerly at 2 PM a small Gale from WSW arose. The Drift pouring down the Hills resembled a Fall. All Night a Storm. At 8½ AM we set off for the Wd end of the Dog Tent Hill.¹⁸ Co to the top of the Heights ESE ½M then S48W 19M to a Gully of the Hill—the foremost reached it at 4½ PM we did not get to it till 5 PM walked tolerably Hard. At 1½ PM the very Elbow of the Mouse River or its SW extremity bore NW by W 1½M from us—hilly Ground deep Snow. The River Mouse then comes from WNWd.

[p. 7a] December 24th Sunday. A fine mild Morn & Day. Wind South. At 2 PM a strong Gale arose, and the Drift pouring down the Hills, over the sheet of Ice resembled the Water of a heavy high Fall. At night the Wind increased to a Storm. At 8½ AM we set off for the west End of the Dog Tent Hill. Co on the top of the Heights of the Mouse River ESE ½M—then left the River and went across the Plains S48W 19M to a Gully of the Hill, with a small spring of water and a little wood, the first of us got there at 4½ PM, but the others did not come up 'till 5 PM. The Country is full of Knowls and waving Ridges of meadow Land, wholly without woods, but in some chance hidden Ravine, that has a small Spring of Water. We are not in the usual Route, but to the westward of it—for fear of the Sieux, who are said to be in wait for us.

Decr. 25th Monday. A clear stormy Day from NWbW obliged to lay by. No success in Huntg—froze the tips of my Fingers with my Gun. Obsd for Latde [sun]. The Mouse River above the Elbow as viewed from the top of the Hill comes from the WNWd 10 yds X—fine large Oak abt it but no Aspins, Poplars &c. The usual Road bore S13°W from where we started yesterday. We leave it for fear of the Pawnees [Arikaras]. The Dog Tent Hill lies [p. 41]ENE & WSW 4M long it is not very high—perhaps abt the Height of the Banks of the Red River at Mr. Grants above the level of the Plain & is very unequal Ground in its north Front. There are several

¹⁸Now known as Dog Den Butte, this feature is shown on Thompson's maps (figs. 6 and 7) north of Long Lake. This lake still goes by the same name. Both features are in northern McLean County, North Dakota.

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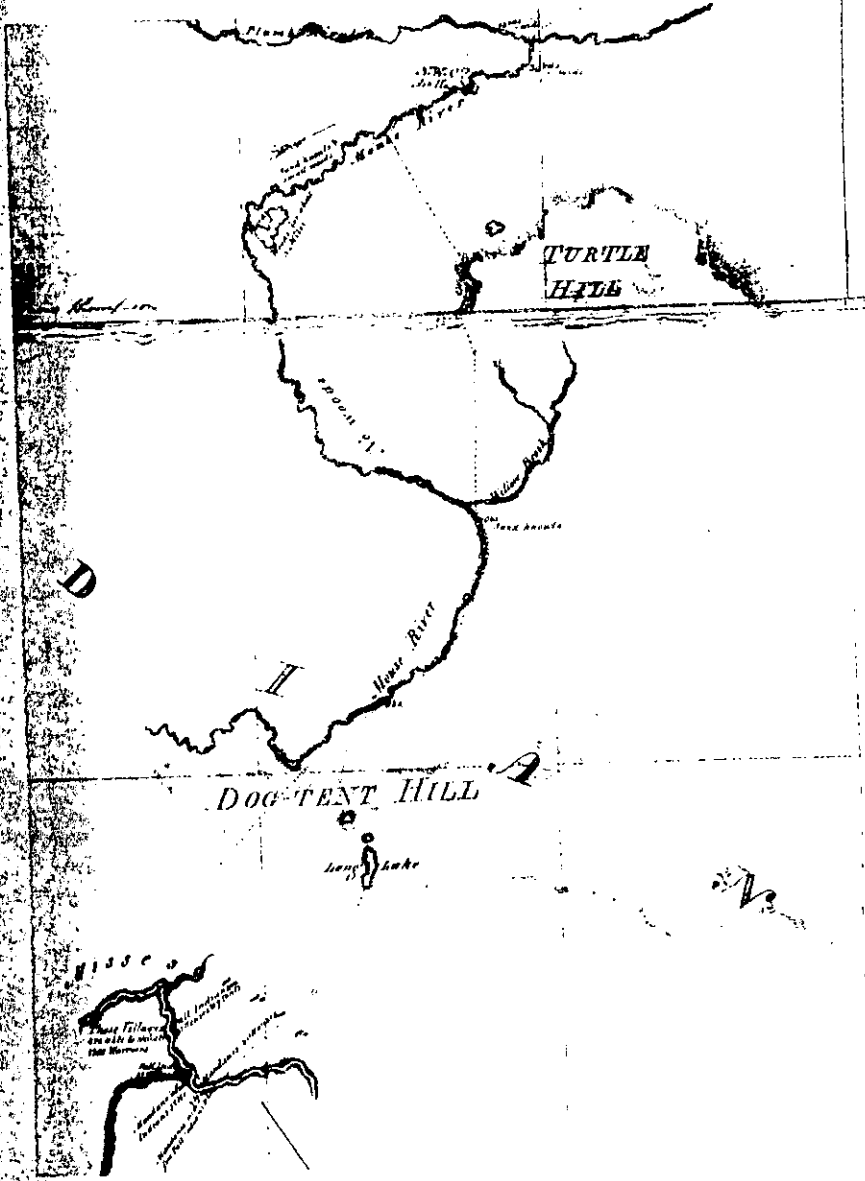
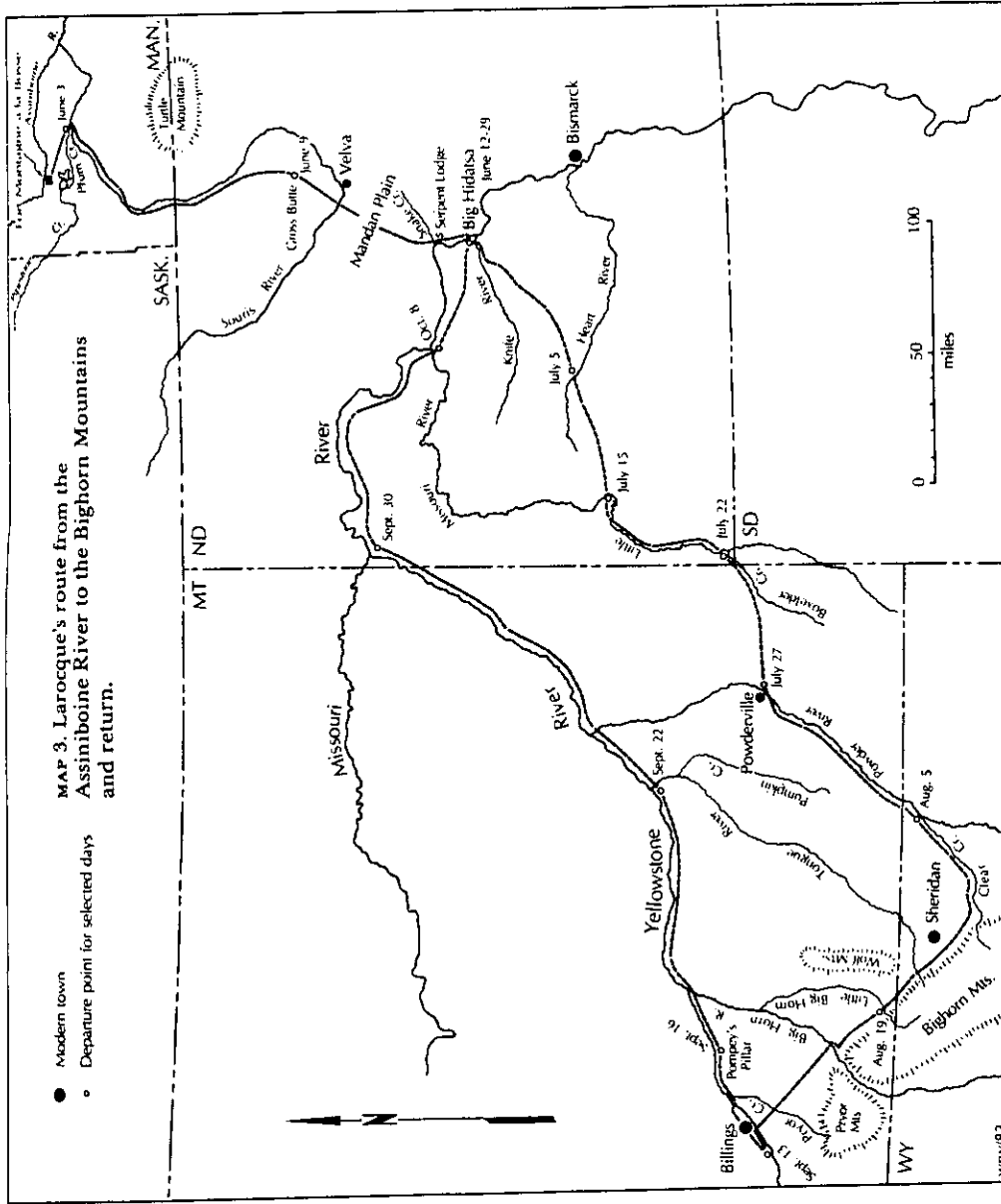


FIG. 6. Detail from David Thompson's map of 1843, illustrating his route to and from the Mandan and Hidatsa villages. Public Record Office, London.

MAP 3. Laroque's route from the Assiniboine River to the Bighorn Mountains and return.

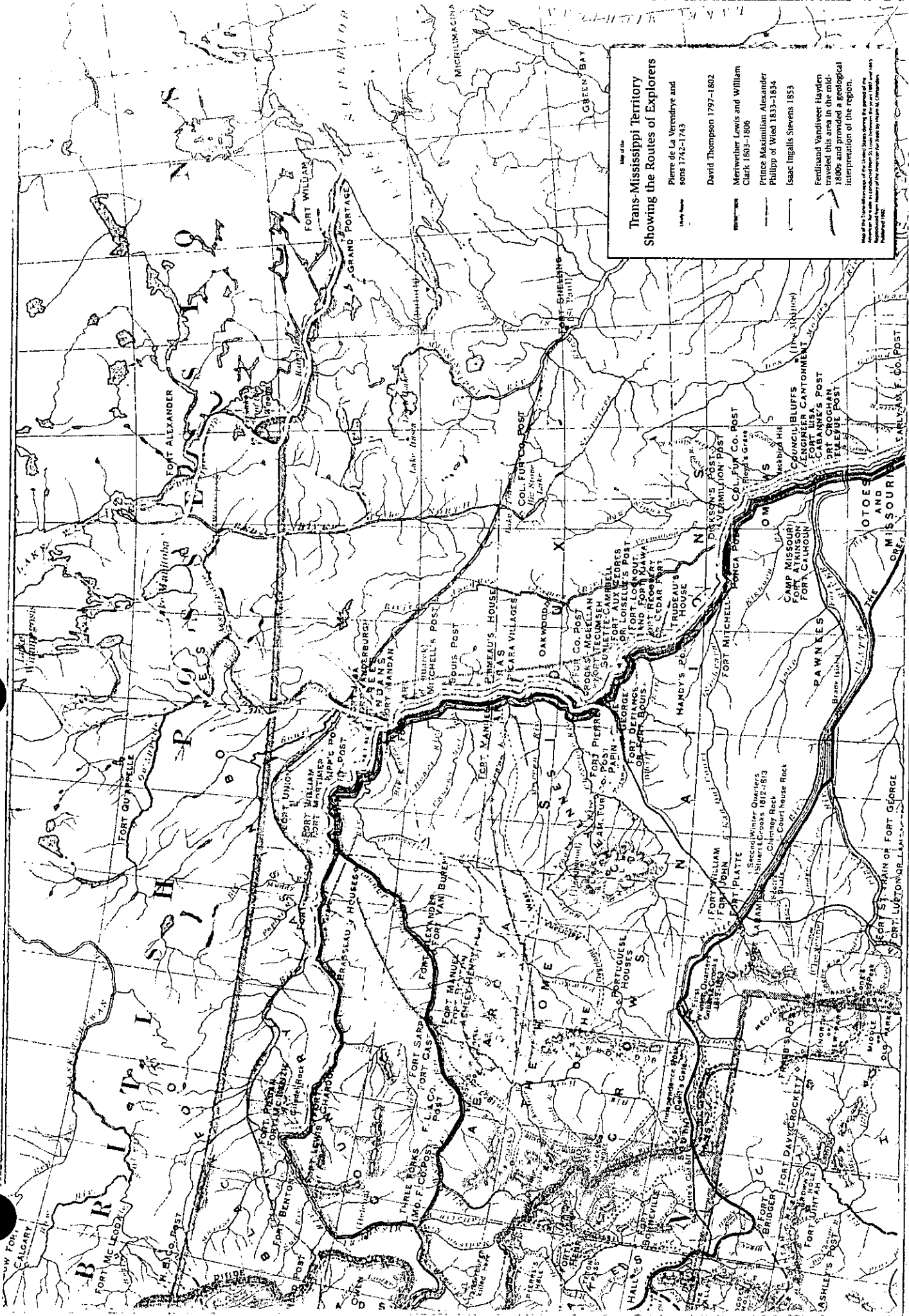


**Trans-Mississippi Territory
Showing the Routes of Explorers**

- Legend**
- Route of La Verendrye and sons 1742-1743
 - Route of David Thompson 1797-1802
 - Route of Meriwether Lewis and William Clark 1803-1806
 - Route of Prince Maximilian Alexander Philipp of Wied 1833-1834
 - Route of Isaac Ingalls Stevens 1853

Ferdinand Vandiver Hayden traveled this area in the mid-1800s and provided a geological interpretation of the region.

Map of the Trans-Mississippi Territory of the United States during the period of the American West, as it existed from 1800 to 1850, showing the routes of the explorers. Published 1907.





Sheyenne River Valley National Scenic Byway
Rosebud Visitor Center
250 Main Street West Suite 1
Valley City, ND 58072
www.hellovalley.com

January 26, 2009

Chairman Andrist and Committee Members,

We would ask for your support for the identification and creation of a database of historic trails. This is important to preserving the history of North Dakota. Besides the historical importance to the state, this information will be invaluable to culture and heritage tourism and developers of scenic byways.

On our own byway, the Sheyenne River Valley National Scenic Byway, we know of the military historic trails. Quartermaster teams linked forts from Minnesota through North Dakota to Montana. General Sibley marched through the area.

Our research data tells us that history buffs are a big part of our targeted audience. It would be great to develop a statewide map for this audience. Tourism entities could coordinate tours sending interested parties to all corners of the state. Mapping these trails give visitors a chance to experience the places that authentically represent the stories of North Dakota's past. We know from the North Dakota Tourism Division that every visitor to the state adds about \$81 to the Gross State Product.

We ask for your support of Senate Bill 2329 to establish geographic information system-based maps of North Dakota's historical trails.

Sincerely,

Mary Lee Nielson, Marketing Coordinator
Sheyenne River Valley National Scenic Byway

Senate Bill 2329
Senate Political Subdivisions
January 29, 2009

*Same to
given to
Senate beginning.*

Testimony by Merlan E. Paaverud, Jr.
Director-State Historical Society of North Dakota

Chairman Andrist and Committee Members, my name is Merl Paaverud and I am the director of the State Historical Society of North Dakota. I am here today to testify in favor or Senate Bill 2329 which relates to the development of a North Dakota Trails Project.

The Society has been involved with the identification of historic trails for many years. This has been done not only to add to the historical record, but because residents and visitors are intrigued by knowing their history and location. One completed project, The Custer Trail has attracted the attention of historians, geologists, archeologists, motorcyclists and the public. All feel the excitement and intrigue of following this final journey of the 7th Cavalry. A CD has even been developed that guides visitors along the trail from the comfort of their automobile. The sights that they experience along the way are the same ones that the soldiers saw as they rode to the West to meet their fates.

The Society has supported surveys of several trails projects. Numerous military trails have been identified and even campsites have been found along the way. We have supported the survey of land areas in Pembina and Walsh Counties to find portions of the Red River Oxcart Trails that meander along the Red River Valley from Pembina and south to Fort Abercrombie where they turn east and terminate in St. Paul, Minnesota which was a major center for the fur trade.

This project will focus on three important trails that run across North Dakota. The first would be

the Bismarck to Deadwood Stagecoach Trail. The second would be the Red River Oxcart Trails. The third would be the trails from the Canadian Assiniboine River Fur Trade Forts to the Missouri River Mandan-Hidatsa villages during the period from 1878 to 1818.

Our goal would be to document and map the trails locations and gather as much information as possible about their history. The project would be in concert with the North Dakota Geological Survey with their extensive aerial photography collection and expertise in photo interpretation. This information can then be used for development of podcasts or CD's, interpretive signs that provide visitors with historical information and thereby generating additional visitation and economic development opportunities for areas along the trails.

Projected Budget:

Salaries and Benefits for 2 FTE's	\$190,000
Travel	\$25,000
Office Supplies	\$50,000
Purchase of Historical Data/Maps	\$25,000

The trails in North Dakota were once the "super highways" that carried untold numbers of travelers to their destinations whether it be their homes and businesses or to quench their thirst for adventure. This could be the beginning of work to locate numerous trails that cross our great State and provide opportunities to experience the pathways from our past.

I would be happy to answer your questions. Thank you.



North Dakota Geological Survey #4

Edward C. Murphy - State Geologist
Department of Mineral Resources

Lynn D. Helms - Director

North Dakota Industrial Commission

<https://www.dmr.nd.gov/ndgs/>

Senate Bill No. 2329

TESTIMONY BEFORE THE SENATE POLITICAL SUBDIVISIONS COMMITTEE

Ed Murphy
January 29, 2009

*Same given
to Senate
Agony.*

Good Morning Chairman Andrist and members of the Senate Political Subdivisions Committee. My name is Ed Murphy and I am the State Geologist with the North Dakota Geological Survey, Department of Mineral Resources. I appear before you to testify in favor of Senate Bill 2329.

The North Dakota Geological Survey has a nearly complete set of aerial photographs of North Dakota that were taken between 1957 and 1962. These nine-inch-by-nine-inch photographs are stereo pairs, which means they can be viewed in three dimensions when using a stereoscope. Our surface geologists, including myself, have spent thousands of hours interpreting these photographs to map the surface geology of North Dakota, including landslides, as well as man-made features, such as abandoned surface and underground coal mines, abandoned gravel pits, abandoned garbage dumps, and engineered fill.

In answer to a request for information on the Bismarck to Deadwood Stagecoach trail, I mapped a segment of the trail in 2007 using our set of aerial photographs. The stagecoach trail could be traced across pastureland using these photos and I was able to differentiate the stagecoach trail from jeep trails and section trails.

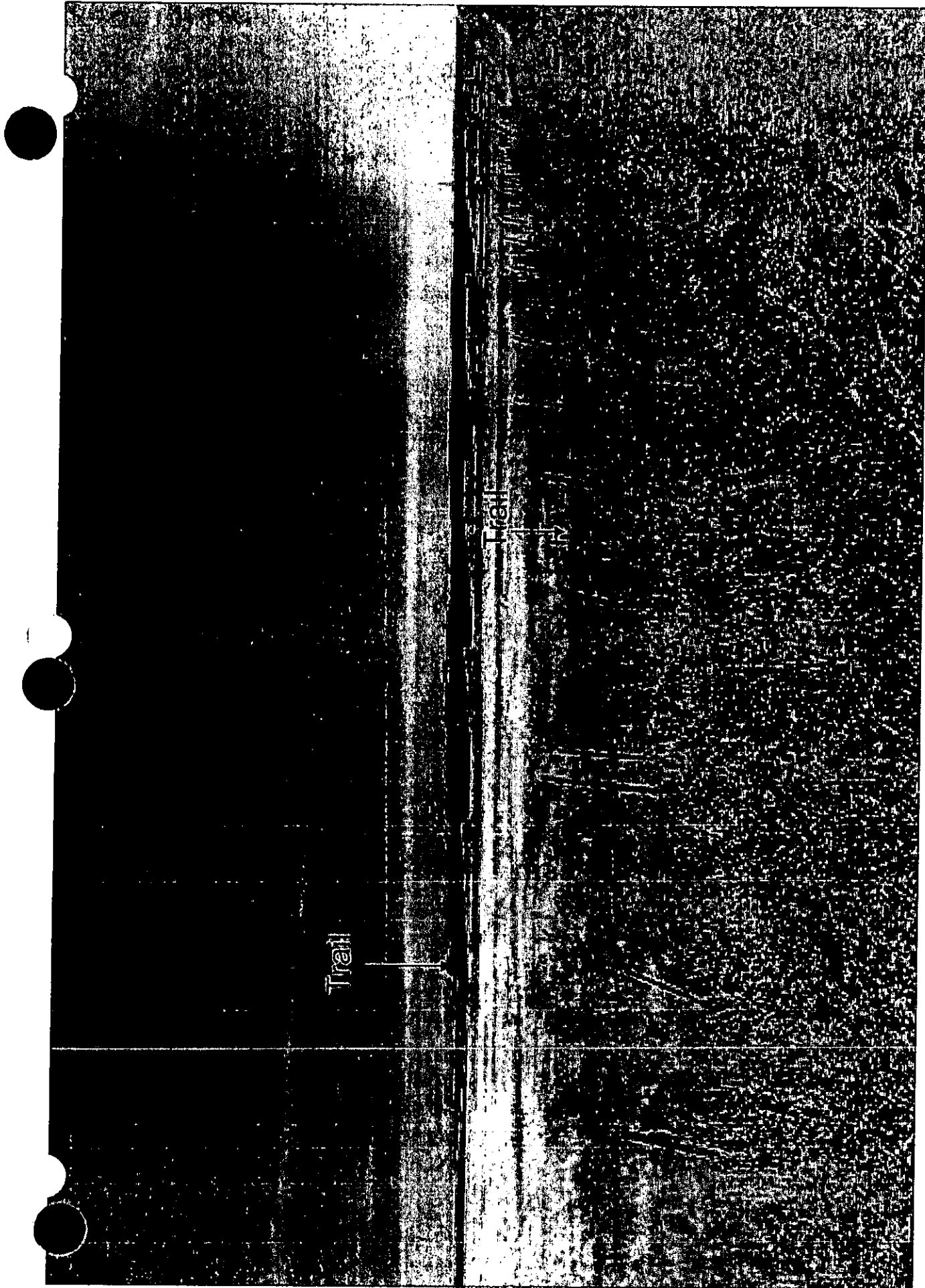
Under this bill we are tasked with completing the mapping of the North Dakota segment of the Bismarck to Deadwood Stagecoach trail and to assist the State Historical Society of North Dakota with the mapping of other historic trails in the state. One of the two full-time equivalent positions that is in the bill for the Industrial Commission would be a geologist with training in the field of air photo interpretation. That person would be hired to map the trails using aerial

photography under the guidance of our existing staff. The second full-time equivalent position would be a clerk or technician that would scan the Geological Survey's aerial photographs into a searchable electronic database so that the mapping of these trails could be done on a computer screen rather than manually. We have 50,000 aerial photographs in our collection. To complete that set, we would need to purchase an additional 5,300 photos.

The resulting digital database of aerial photographs will be very useful to our agency, state and federal agencies, counties and municipalities, industry, geotechnical firms, and consultants.

Projected 2009-2011 Budget:

Salaries and benefits for 2 FTEs	\$190,000
Travel	\$ 10,000
Office supplies (incl computers and a scanner)	\$ 17,000
3D software	\$ 20,000
Purchase 5,300 aerial photographs to complete our set	\$ 53,000



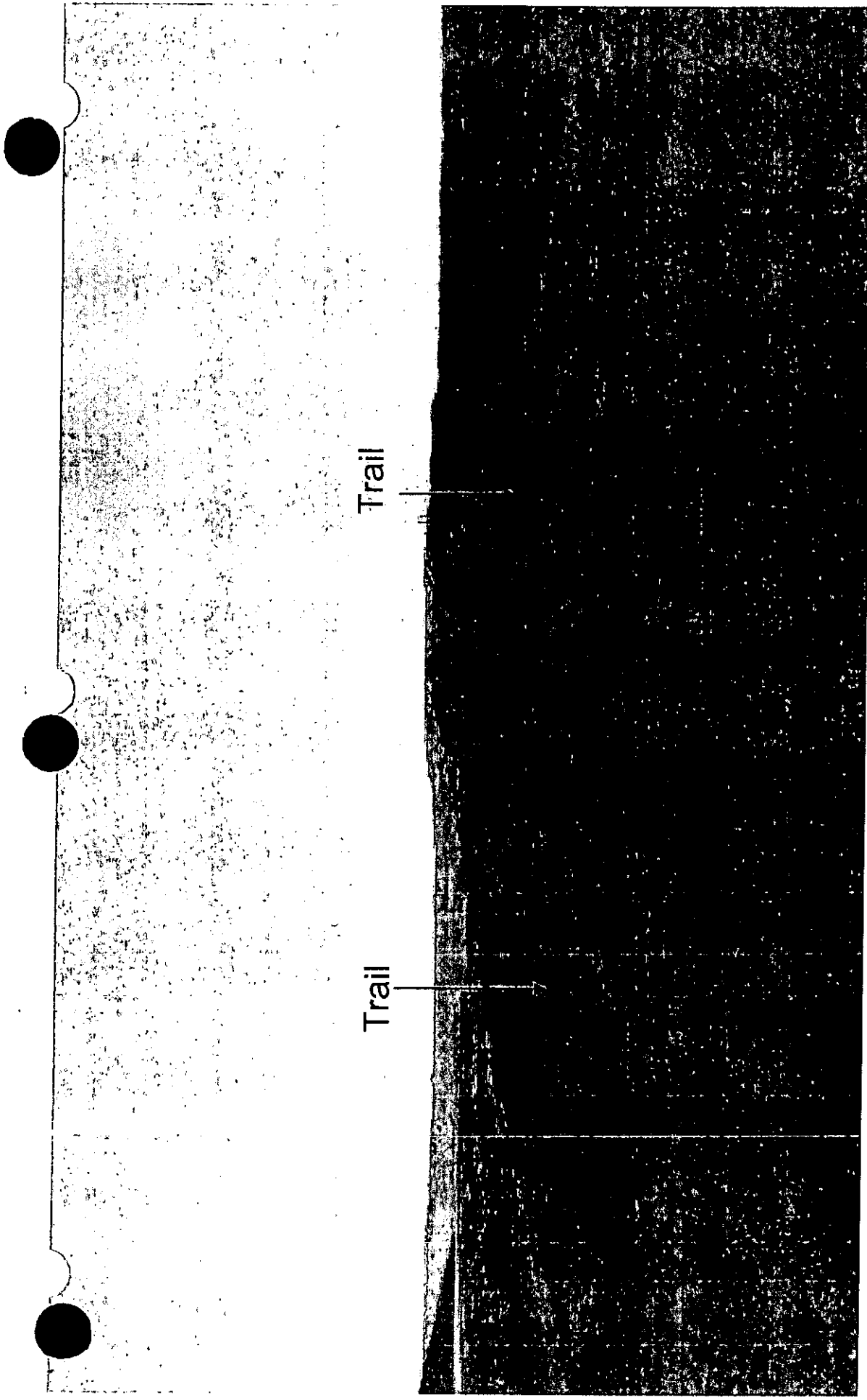
Looking northeast along the Bismarck to Deadwood Stagecoach Trail southwest of Raleigh in Grant County.

Abandoned road located on old stagecoach trail

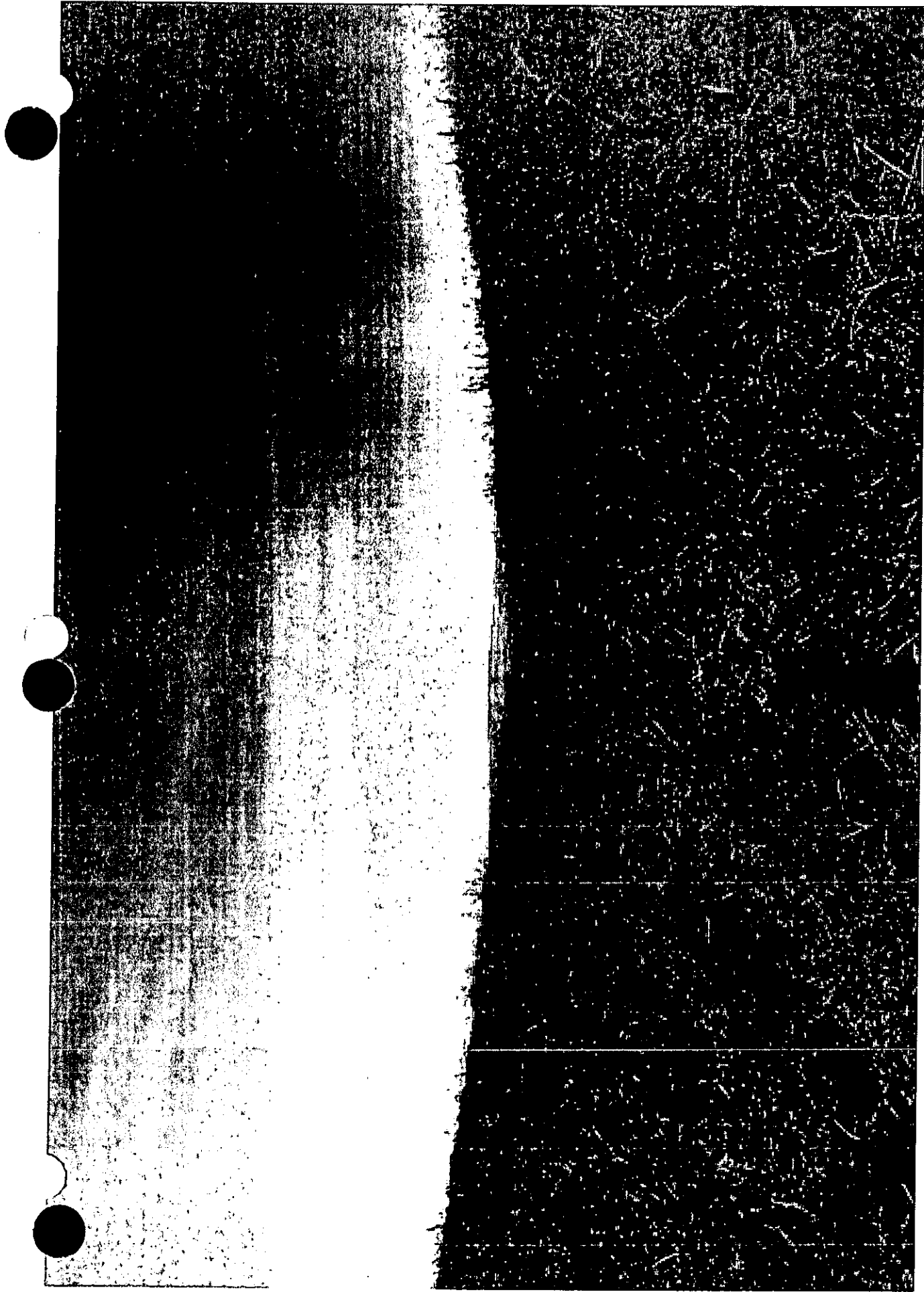
Trail

Trail

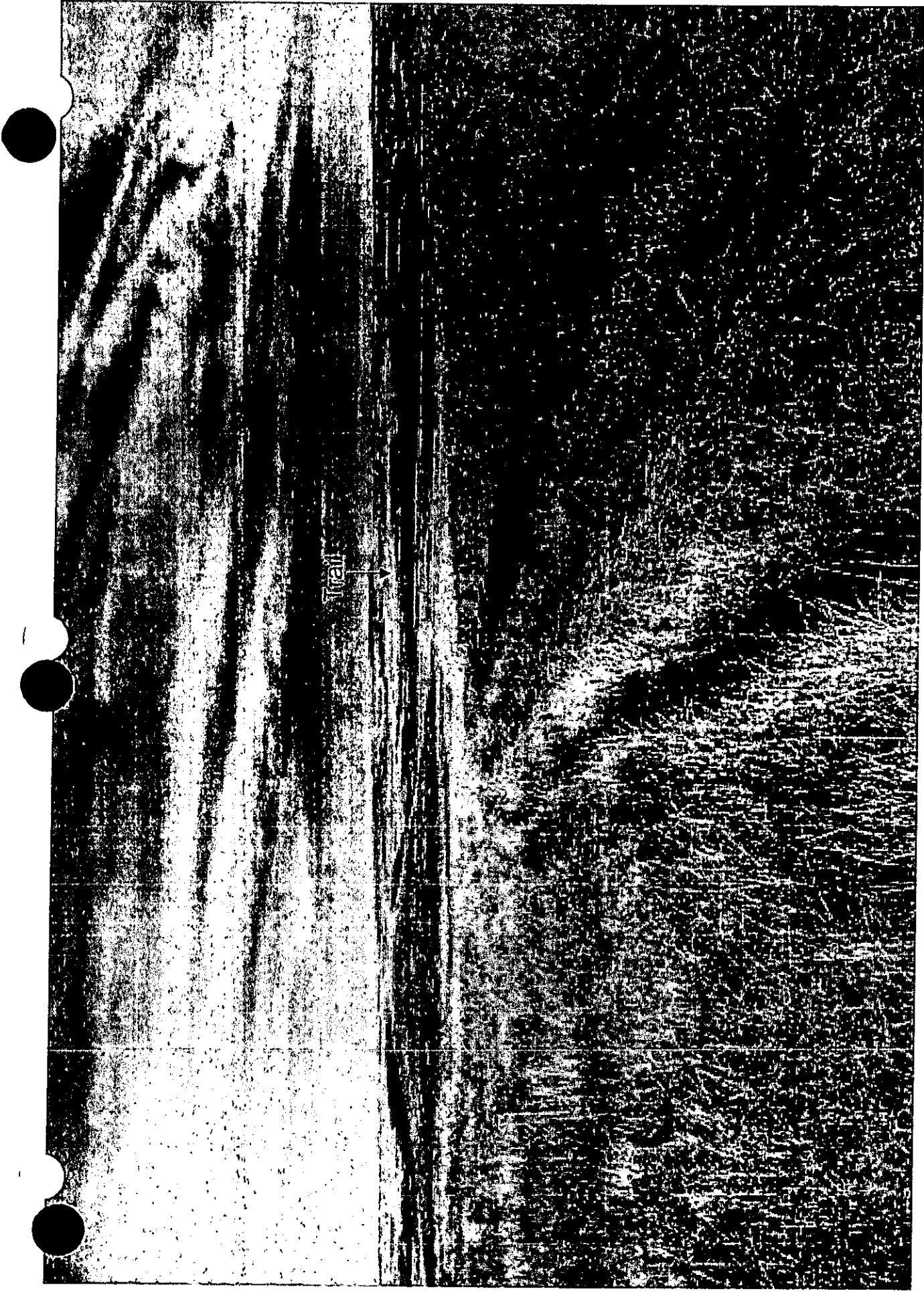
Area where an abandoned stretch of county road was placed over the old stagecoach trail north of Flasher in Morton County.



The Bismarck to Deadwood Stagecoach Trail crosses the State Highway 6 Right of Way north of Raleigh.



The Bismarck to Deadwood Stagecoach Trail near Dog Tooth Buttes in Grant County.



Looking northeast along the Bismarck to Deadwood Stagecoach Trail north of the Cannonball River in Grant County.

Testimony

**Senate Bill No. 2329 – to provide an appropriation to the Industrial Commission to create GIS based maps or overlays to the State Historical Society
Political Subdivision Committee
Senator Andrest, Chairman
January 29, 2009**

Same given to Senate Appropriations.

Chairman Andrest, members of the Political Subdivision Committee, for the record is my name is Richard Marcellais, Senator from District 9, Rolette County and Turtle Mountain Band of Chippewa Tribal Chairman.

Senate Bill 2329 would allow the Industrial Commission to develop geographic information system (GIS) based maps and overlays for identifying historical trails to the state historical society in the state of North Dakota.

With the geographic information system (GIS) based maps and overlays would make it easier for tourist to find the historical sites across the state of North Dakota. It would also be an educational process for the historic sites in the future. This would be a way to preserve North Dakota's history.

This testimony is in support of Senate Bill # 2329.

Testimony of Constance Triplett

Senator, District 18, Grand Forks

SB 2329

Senate Appropriations Committee

February 6, 2009

Chairman Holmberg and members of the committee. I am pleased to introduce SB 2329 to the Appropriations Committee. This bill comes to you from the Senate Political Subdivisions Committee with a 6 – 0 Do Pass recommendation. The bill directs the North Dakota Geological Survey and the State Historical Society to work together to gather up information on historical trails and to digitize it in a format that is compatible with the state’s existing GIS (geographical information system) hub.

Background:

North Dakota is rich in transportation history. Many historical events have connections to trails, beginning with Native American tribes interacting with each other, followed by the travels of early European explorers, fur traders and trappers, military expeditions, and finally, the coming of freighting and stage coaching trails and the railroad. Maps of these trails exist in a vast multitude of sources, including:

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K-12 education – use of maps to update ND History course;

Department of Transportation – ability to use the information in consultation with other agencies to develop roadside signage to encourage cultural heritage tourism;

Division of Mineral Resources – regulatory use, e.g., to prevent the siting of oil well drilling rigs over historical trails. Cultural resource protection is already required by state and federal law. This project would provide a database that could be a starting point for particular studies.

ND University System – resource for geography and history students; this data may be a starting point for new historical research.

Landowner education – provide the data to landowners to encourage the preservation of any remaining segments of trails in evidence on the ground.

(This is not intended to be an exhaustive list. There may be other uses not yet identified.)

Process:

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non-profits, and individuals who could contribute ideas, source maps or other information. However, the production of the initial product (the GIS layers) would be accomplished by the ND Geological Survey under the supervision and direction of State Geologist Ed Murphy, because of his expertise in geology, air photo interpretation, his intimate knowledge of the landscape of North Dakota and his personal interest in this topic. (Ed has, on his own time, already done a substantial amount of work on the Bismarck-to-Deadwood stage coach trail.)

I don't have a clear idea of how much work this project will be nor how long it will take. For this reason, I did not have the bill drafted with a continuing appropriation. My expectation is that an inter-agency planning process will take place during the 2009-11 biennium in which agencies other than the Historical Society and the NDGS will respond to inquiries about mapping assets already in place in the different agencies, potential future uses of the data, preferred format of the data, etc., such that each of the other agencies could include in their next biennial budget request an amount appropriate to their own agency needs for contributing to and making use of the data.

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Action Plan for first biennium:

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3. Complete a master list of trails and categorize them according to historical context.
4. Identify priorities for trail projects based on agency priorities and needs.
5. Scan the NDGS aerial photo collection.
6. Hire LIDAR to fly and photograph selected trails if that is determined to be an effective resource for this purpose.
7. Select a minimum of three trails across the state to digitize in the first biennium.

In closing, Mr. Chairman, I would remind you that the policy committee that considered this bill decided unanimously that it's a good idea. I leave to the good judgment of this committee to decide the appropriate level of funding. Questions?



A few examples of historical trails that criss-cross North Dakota

Tribal trails

Pembina to Turtle Mountains

Turtle Mountains to Knife River villages

Turtle Mountains to Spirit Lake

Knife River villages nearly to the Pacific coast

Missouri River corridor

Early European explorers

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David Thompson



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Custer's last trip





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Oxcart, stagecoach and freightwagon trails

Ft. Abercrombie to Pembina

St. Paul to Ft. Garry (Winnipeg)

Grand Forks to Ft. Totten

Aberdeen to Ft. Totten

Bismarck to Ft. Stevenson to Ft. Berthold to Ft. Buford


Ft. Lincoln to Ft. Keogh (near Miles City, MT)

Medora to Deadwood



Bismarck to Deadwood

Minot to Ft. Berthold



ACEC

AMERICAN COUNCIL OF ENGINEERING COMPANIES
of North Dakota

Senate Appropriations Testimony in Opposition to SB 2329

**Provided by Bonnie Staiger
ACEC | ND Executive Director**

Chairman Holmberg and Members of the Committee

My name is Bonnie Staiger, Executive Director of ACEC | ND and I appear briefly to let you know we support the project outlined in SB 2329. We feel strongly, however, that as a matter of overarching policy, the state of North Dakota should insure that it procures goods and services already available from the taxpaying private sector rather than growing government in ways that reduce the opportunities for businesses --whose business it is to do this work.

As introduced, this project has a beginning and end. If the FTE's required will be permanent positions, then an unnecessary long-term liability is created or if those FTE's are temporary positions, this project will create displaced workers when it is complete.

Both agencies --the Industrial Commission and the State Historical Society have existing processes in place to procure private consultants. The private sector consulting community has experienced staff who are both qualified and capable to fulfill the needs of this important project.

In summary, Mr. Chairman, we ask this committee to re-configure this appropriation eliminating the FTE's and related costs in favor of the existing (and proven successful) procurement process outlined in Chapter 54-44 of the ND Century Code.

Attachment
#1

Testimony of Constance Triplett
Senator, District 18, Grand Forks

SB 2329

House Government and Veteran's Affairs Committee

March 12, 2009

Chairman Grande and members of the committee, I am pleased to introduce SB 2329. This bill comes to you from the Senate Political Subdivisions Committee with a 6 – 0 Do Pass recommendation, 13 – 0 from Senate Appropriations, and 42 – 4 – 1 from the full Senate. The bill directs the North Dakota Geological Survey and the State Historical Society to work together to gather up information on historical trails and to digitize it in a format that is compatible with the state's existing GIS (geographical information system) hub.

Background:

North Dakota is rich in transportation history. Many historical events have connections to trails, beginning with Native American tribes interacting with each other, followed by the travels of early European explorers, fur traders and trappers, military expeditions, and finally, the coming of freighting and stage coaching trails and the railroad. Maps of these trails exist in a vast multitude of sources, including:

Journals of early travelers

Early county plat books

Military records

Air photos

Tribal records, museums and oral history traditions

National, regional and state museums, including the ND Heritage Center, and county museums

Canadian government archives

Archives of the early fur trade companies, especially the Hudson Bay Company

Recent books by historians such as Ray Wood and Robert Utley

Journals of state historical societies throughout the northern plains.

While there is a wealth of information available, it would be considerably more useful to a variety of end users if it were available in a digital format. The trails bill would provide an appropriation to gather, analyze and digitize maps of historically-significant trails. My initial thought is that the end product should be two separate and distinct sets of GIS data: one that would have a GIS layer, compatible with the ND ITD-hub GIS data system, for each type of trail and one that would have a GIS layer for each decade of North Dakota history from about 1730 through about 1910.

Potential uses for the data include:

Historical Society, tribal and county museums – to produce maps that would help to interpret history;

Department of Commerce Division of Tourism and local tourism groups, including non-profit organizations that maintain museums or otherwise promote local history and culture – to tailor information to specific geographic areas of the state to promote cultural heritage tourism;

Parks and Recreation – to use the historical information when developing biking and hiking trails (e.g., interpretive signs at a point where a new recreational trail crosses an historical trail or locating a new recreational trail in proximity to an historical trail with appropriate interpretation);

K-12 education – use of maps to update ND History course;

Department of Transportation – ability to use the information in consultation with other agencies to develop roadside signage to encourage cultural heritage tourism;

Division of Mineral Resources – regulatory use, e.g., to prevent the siting of oil well drilling rigs over historical trails. Cultural resource protection is already required by state and federal law. This project would provide a database that could be a starting point for particular studies.

ND University System – resource for geography and history students; this data may be a starting point for new historical research.

Landowner education – provide the data to landowners to encourage the preservation of any remaining segments of trails in evidence on the ground.

(This is not intended to be an exhaustive list. There may be other uses not yet identified.)

Process:

This is essentially an historic preservation project and should be coordinated for the long term by the ND Historical Society. I envision the Historical Society working to engage other agencies,

non-profits, and individuals who could contribute ideas, source maps or other information. However, the production of the initial product (the GIS layers) would be accomplished by the ND Geological Survey under the supervision and direction of State Geologist Ed Murphy, because of his expertise in geology, air photo interpretation, his intimate knowledge of the landscape of North Dakota and his personal interest in this topic. (Ed has, on his own time, already done a substantial amount of work on the Bismarck-to-Deadwood stage coach trail.)

I don't have a clear idea of how much work this project will be nor how long it will take. For this reason, I did not have the bill drafted with a continuing appropriation. My expectation is that an inter-agency planning process will take place during the 2009-11 biennium in which agencies other than the Historical Society and the NDGS will respond to inquiries about mapping assets already in place in the different agencies, potential future uses of the data, preferred format of the data, etc., such that each of the other agencies could include in their next biennial budget request an amount appropriate to their own agency needs for contributing to and making use of the data.

Because of the uncertainty about the scope of this project, the bill provides authorization for the Historical Society to receive additional special funds if any should become available, e.g., federal transportation enhancement funds, federal stimulus funds, in-kind contributions from non-profit agencies who may want to assist in the project as it relates to trails in a particular area. Any special funds received would be used to enhance the project with technology if that is deemed useful, as well as speeding up completion of the project.

Action Plan for first biennium:

1. Research to identify projects that have already been completed.
2. Identify locations of materials that are housed in locations around the state and nation.
3. Complete a master list of trails and categorize them according to historical context.
4. Identify priorities for trail projects based on agency priorities and needs.
5. Scan the NDGS aerial photo collection.
6. Hire LIDAR to fly and photograph selected trails if that is determined to be an effective resource for this purpose.
7. Select a minimum of three trails across the state to digitize in the first biennium.

Questions?



A few examples of historical trails that criss-cross North Dakota

Tribal trails

Pembina to Turtle Mountains

Turtle Mountains to Knife River villages


Turtle Mountains to Spirit Lake

Knife River villages nearly to the Pacific coast

Missouri River corridor

Early European explorers

Verendryes



David Thompson

Lewis and Clark expedition

Prince Maximilian and Bodmer

F. V. Hayden


Isaac Stevens survey for the railroad

Cattle drive trails

Texas to Ft. Buford, to the Marmarth area, and to Dickinson

Military trails

Sibley, Sully



Custer's last trip



Immigrant trails

Ft. Snelling, MN to Ft. Abercrombie to the Montana gold fields (Ft. Dilts is on this path)

Oxcart, stagecoach and freightwagon trails

Ft. Abercrombie to Pembina

St. Paul to Ft. Garry (Winnipeg)


Grand Forks to Ft. Totten

Aberdeen to Ft. Totten

Bismarck to Ft. Stevenson to Ft. Berthold to Ft. Buford



Ft. Lincoln to Ft. Keogh (near Miles City, MT)

Medora to Deadwood



Bismarck to Deadwood

Minot to Ft. Berthold



Attachment
#2

Senate Bill 2329
House Government and Veterans Affairs Committee

March 12, 2009

Testimony by Merlan E. Paaverud, Jr.
Director-State Historical Society of North Dakota

Chairwoman Grande and Committee Members, my name is Merl Paaverud and I am the director of the State Historical Society of North Dakota. I am here today to testify on Senate Bill 2329 which relates to the development of a North Dakota Historic Trails Project.

The Society has been involved with the identification of historic trails for many years. This work has added information to the historical record about the movement of people in our state. These trails were used by Native Americans, explorers, the military, railroads, settlers and even for road development that we use to this day. Relating this to tourism and recreation, residents and visitors are intrigued by knowing the history of trails and being able to follow them. One completed project, The Custer Trail has attracted the attention of everyone from historians, geologists, archeologists, motorcyclists or the people who like leisurely drives on a Sunday afternoon. They feel the excitement of following the path of final journey of the 7th Cavalry. A CD has even been developed that guides visitors along this trail from the comfort of their automobile. The sights that they experience are the same ones that the soldiers saw as they rode to their destiny in the West.

The Society has supported surveys of several trails projects in the past. We have completed some survey of areas in Pembina and Walsh Counties to find portions of the Red River Oxcart Trails that meander along the Red River Valley from Pembina and south to Fort

Abercrombie where they turn east and terminate in St. Paul, Minnesota which was a major center for the fur trade. We have also worked on numerous military trails that connected the early forts and communities in the state.

This project will focus on three important trails that run across North Dakota. The first would be the Red River Oxcart Trails. The second would be the trails linking the Canadian Assiniboine River Fur trade forts in the Turtle Mountains to the Mandan Hidatsa Village near what is now Knife River Indian Villages. The third would be the Bismarck to Deadwood Stagecoach Trail. This is an intriguing historic transportation route which links the two Dakotas.

Our goal will be to document and map the trail locations, gather as much information as possible about their history and then develop the trail systems that can be followed by residents and tourists. We will work in concert with the North Dakota Geological Survey whose aerial photographic collection will show where much the trails are located.. The Geological Survey's staff has expertise in reading these images will be a very important resource for this project. This information can then be used to survey and establish the locations of the trails. This project will allow us to develop historical information that will be used for brochures and historical markers to guide visitors as they follow the trails. This could increase the number of visitors in these areas generate additional services and economic development opportunities for communities along the trails.

Project Budget

State Historical Society and Consultants:

Archival research	\$75,000
Survey Trails	\$100,000
Establish GPS coordinates	\$15,000

State Historical Society

Develop information to be used for brochures and signage \$5,000.

Consultants:

Produce brochures and signage for use on the trails \$95,000

Total \$290,000

The trails in North Dakota were once the “super highways” that carried untold numbers of travelers to their destinations be it their homes and businesses or to quench their thirst for adventure. This could be the beginning of work to locate hundreds of trails that cross our great State and provide opportunities to experience the pathways from our history.

I would be happy to answer your questions.

Thank you.



North Dakota Geological Survey

Edward C. Murphy - State Geologist

Department of Mineral Resources

Lynn D. Helms - Director

North Dakota Industrial Commission

<https://www.dmr.nd.gov/ndgs/>

Attachment
#3

Senate Bill No. 2329

TESTIMONY BEFORE THE HOUSE GOVERNMENT AND VETERAN AFFAIRS COMMITTEE

Ed Murphy
March 12, 2009

Good Morning Chairman Grande and members of the House Government and Veteran Affairs Committee. My name is Ed Murphy and I am the State Geologist with the North Dakota Geological Survey, Department of Mineral Resources. I appear before you to testify in favor of Senate Bill 2329.

The North Dakota Geological Survey has a nearly complete set of aerial photographs of North Dakota that were taken between 1957 and 1962. These nine-inch-by-nine-inch photographs are stereo pairs, which means they can be viewed in three dimensions when using a stereoscope. Our surface geologists, including myself, have spent thousands of hours interpreting these photographs. These photos assist us in mapping the surface geology of North Dakota, including landslides, as well as man-made features, such as abandoned surface and underground coal mines, abandoned gravel pits, abandoned garbage dumps, and engineered fill.

In answer to a request for information on the Bismarck to Deadwood Stagecoach trail, I mapped a segment of the trail in 2007 using our set of aerial photographs. The stagecoach trail could be traced across pastureland using these photos and I was able to differentiate the stagecoach trail from jeep trails and section trails. The trail could also be traced across some areas of plowed land where the trail ran perpendicular to the furrows.

Under this bill we are tasked with completing the mapping of the North Dakota segment of the Bismarck to Deadwood Stagecoach trail and to assist the State Historical Society of North Dakota with the mapping of other historic trails in the state. As part of that project, we want to scan the Geological Survey's aerial photographs into a searchable electronic database so that the mapping

of these trails could be done on a computer screen rather than manually. We have 50,000 aerial photographs in our collection. To complete that set, we would need to purchase an additional 5,300 photos.

The resulting digital database of aerial photographs will be very useful to our agency, state and federal agencies, counties and municipalities, industry, geotechnical firms, and consultants.

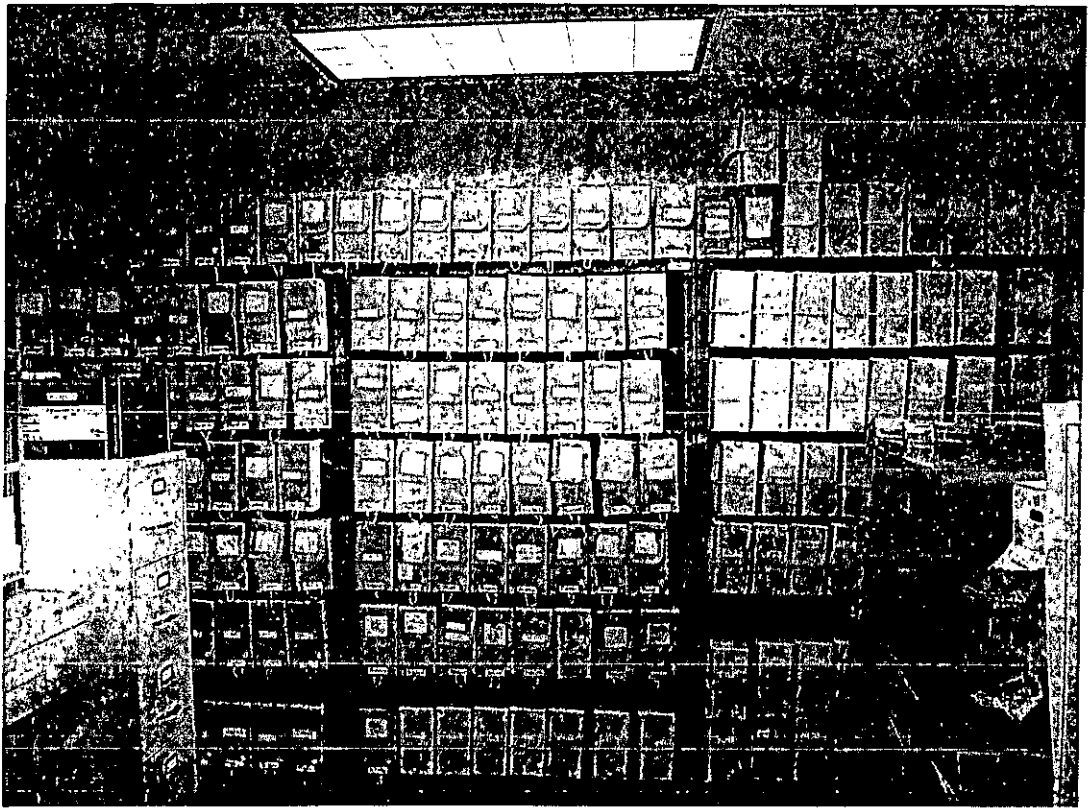
Projected 2009-2011 Budget

Geological Survey or Consultant

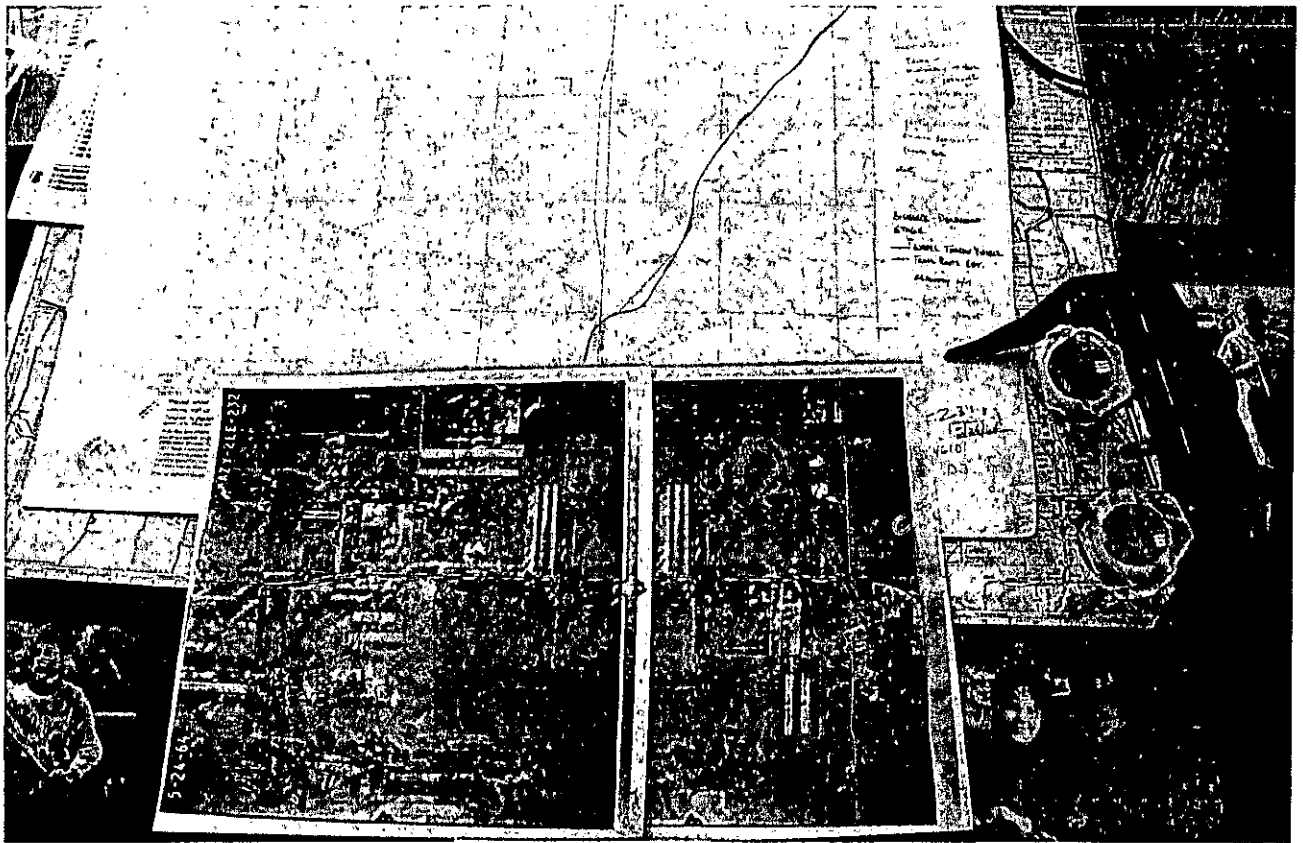
1) Scan aerial photographs, rectify photos, place into a searchable database	\$ 80,000
2) Map trails from aerial photographs and verify on the ground	\$132,000

Geological Survey

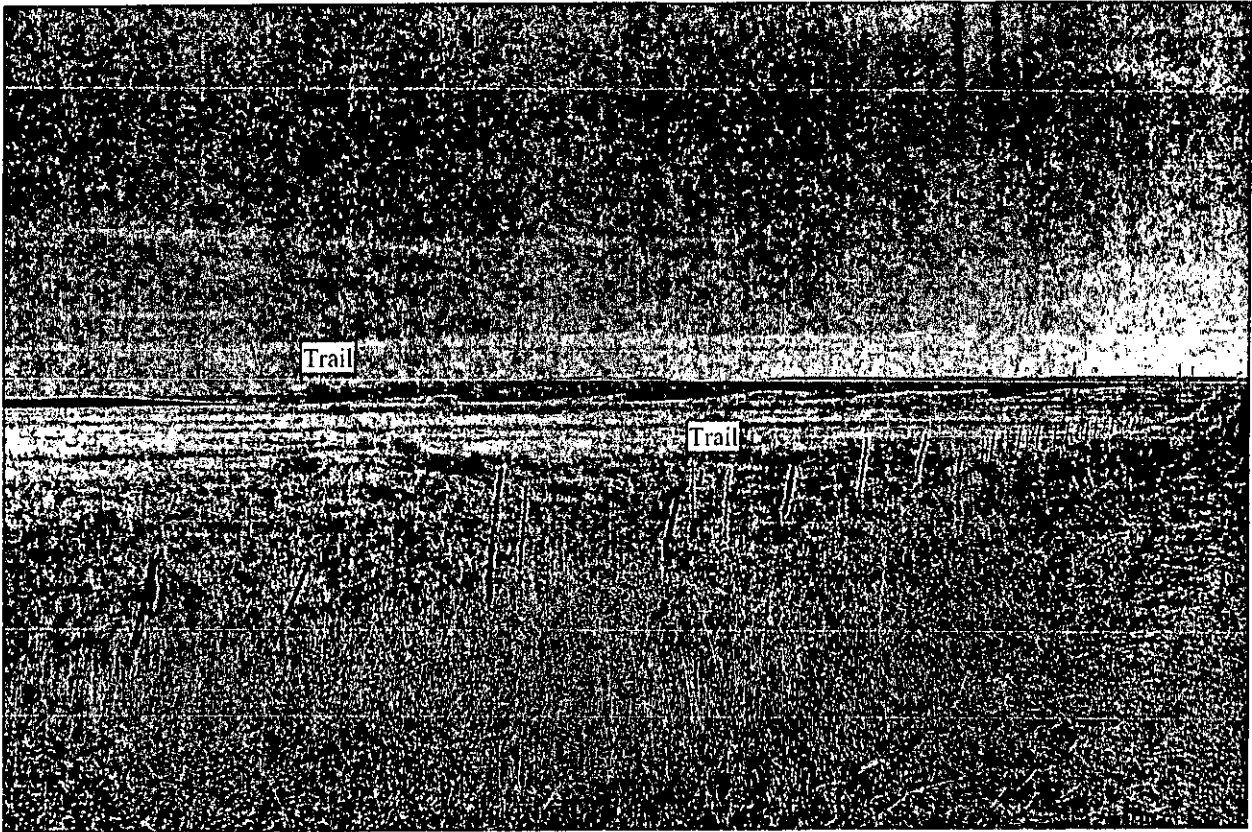
3) NDGS travel to verify trails correctly identified	\$ 5,000
4) Purchase Aerial Photography Interpretation 3D software	\$ 20,000
5) Purchase 5,300 aerial photographs to complete NDGS inventory	<u>\$ 53,000</u>
TOTAL	\$290,000



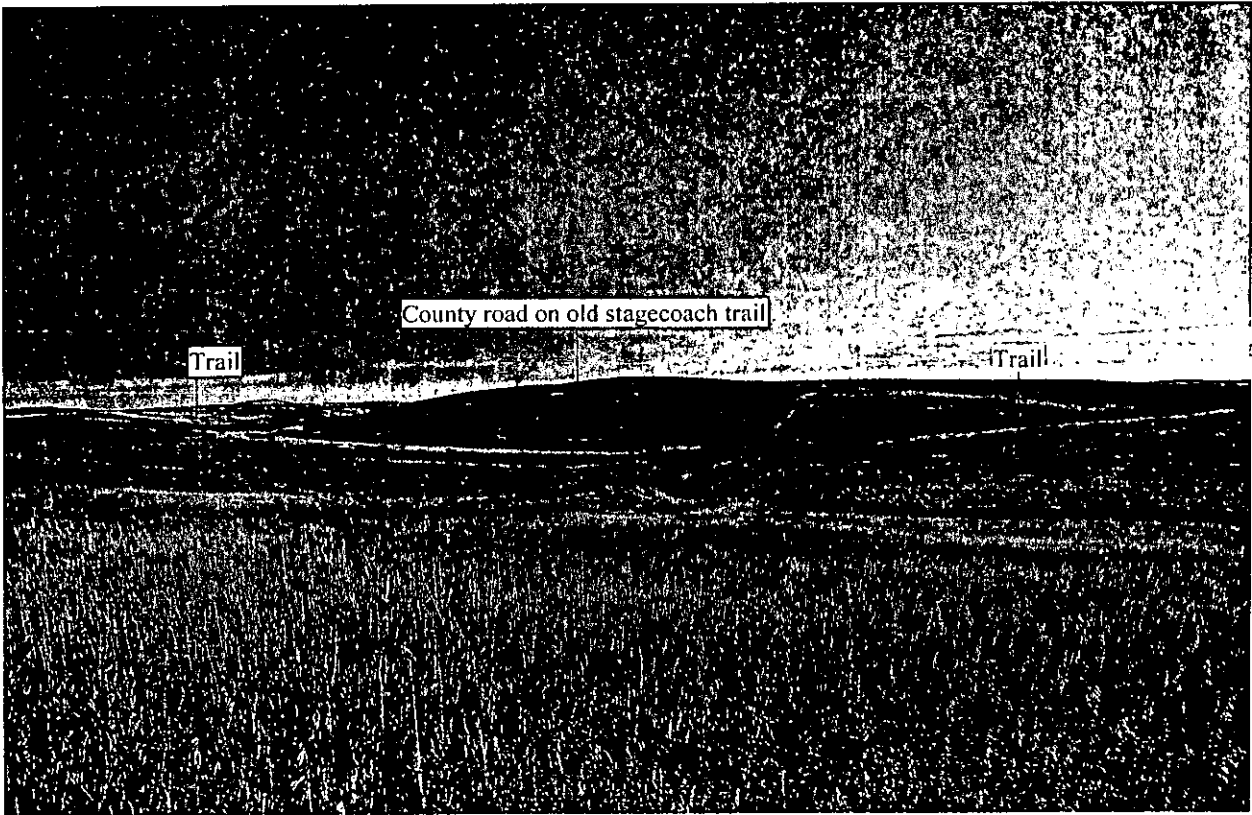
The DMR set of 50,000 aerial photographs flown in North Dakota between 1957 and 1962.



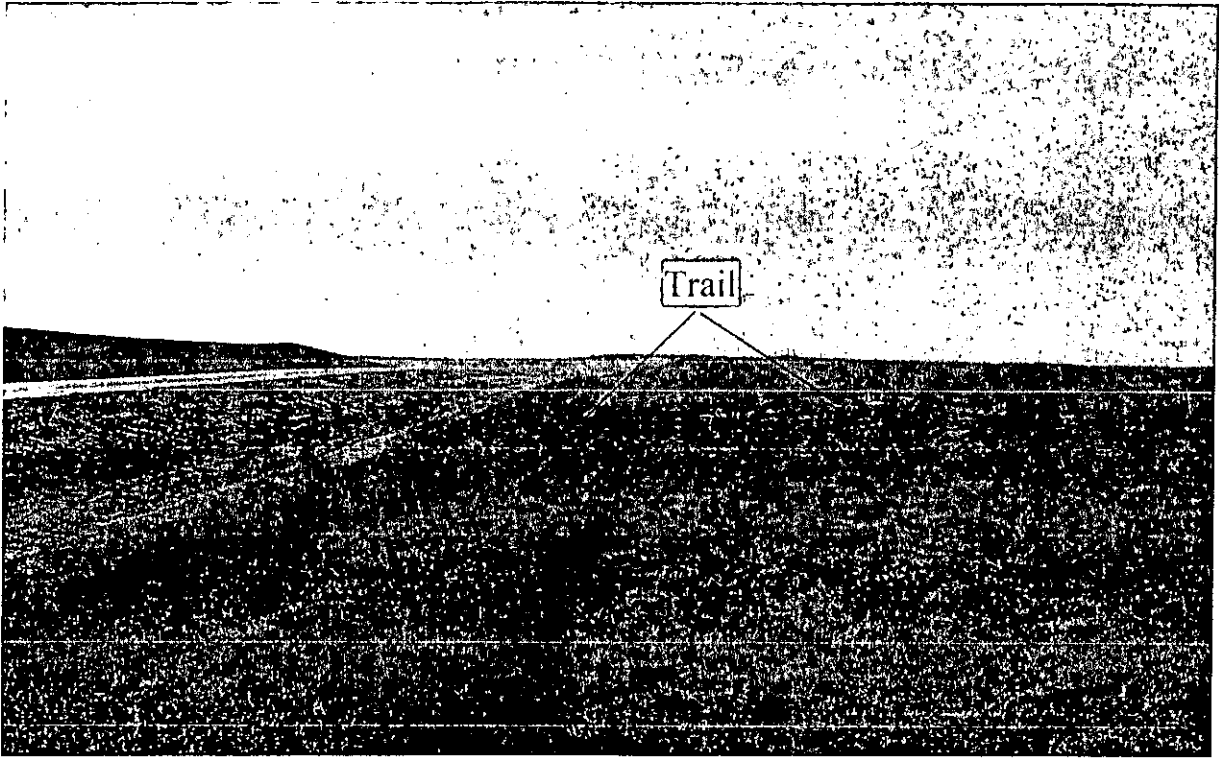
The Bismarck-Deadwood Stagecoach trail was traced on aerial photographs (yellow line) and transferred to 24,000 scale quadrangle maps.



Looking northeast along Bismarck to Deadwood Stagecoach Trail southwest of Raleigh in Grant County.



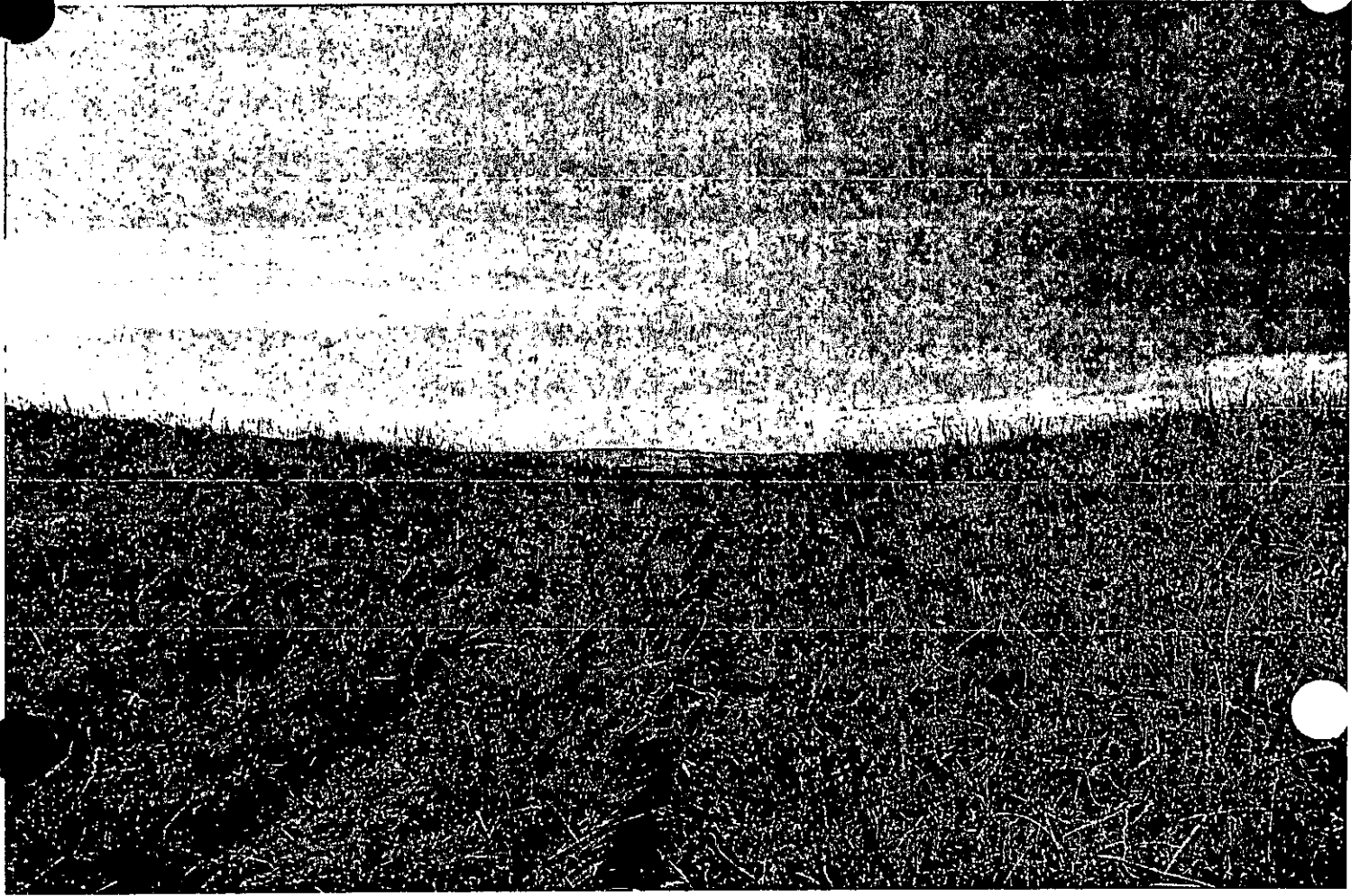
An abandoned segment of county road had been built over the old stagecoach trail north of Flasher in Morton County.



The Bismarck to Deadwood Trail crosses the State Highway 6 Right of Way north of Raleigh in Grant County.



The Bismarck to Deadwood Trail crosses a fence line at Dog Tooth Buttes in Grant County.



The Bismarck to Deadwood Stagecoach Trail crests a hill east of Dog Tooth Buttes in Morton County.

Attachment
#4



AMERICAN COUNCIL OF ENGINEERING COMPANIES
of North Dakota

**House Natural Resources
Testimony Questioning
Engrossed SB 2329**

Provided by Bonnie Staiger

Chairman Porter and Members of the Committee

My name is Bonnie Staiger and I appear today on behalf of ACEC to briefly let you know we support the project outlined in SB 2329. However, we feel strongly that as a matter of overarching policy, the state of North Dakota should insure that it procures goods and services already available from the taxpaying private sector rather than growing government in ways that reduce the opportunities for businesses --whose business it is to do this work.

As introduced, this project has a beginning and end and the original bill asked for 4 FTE's. We asked the Senate to insure that the work be done by qualified private sector contractors. While the purpose of the Senate amendments is clear that was their intent, the language on lines 14 and 15 of the engrossed bill leave doubt that will happen. I call your attention to the words "**if necessary**" and respectfully ask you to question, with us, whether the scope of the project has changed enough that no additional human resources (FTE or private sector) are needed?

If the scope of the project remains unchanged, does the need for the equivalent of 4 FTE's also remain to complete this work? We are left to question if the agency will expand the duties of existing? Will permanent positions be created and the unnecessary long-term liability or if those FTE's are temporary positions, will this project create displaced workers when it is complete?

The State Historical Society—as with all state agencies has existing processes in place to procure private consultants using a defined

method outlined in chapter 54 of the NDCC. The private sector consulting community has experienced staff who are both qualified and capable to fulfill the needs of this important project.