

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

LEGISLATIVE REDISTRICTING COMMITTEE

Thursday, August 23, 2001
Roughrider Room, State Capitol
Bismarck, North Dakota

Representative Mike Timm, Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives Mike Timm, Ole Aarsvold, Al Carlson, William R. Devlin, Glen Froseth, Pam Gulleon, Lyle Hanson; Senators Bill Bowman, Randel Christmann, Layton Freborg, Ed Kringstad, Steven W. Tomac

Members present by conference call: Senators Ray Holmberg, Tim Mathern

Member absent: Representative David Monson

Others present: Jay Johnson, *Minot Daily News*, Minot

Herb Wilson, Retired Physicians, Bismarck

Clarice Kesler, North Dakota Association of Rural Electric Cooperatives, Mandan

Brian Kramer, North Dakota Farm Bureau, Bismarck

Phyllis Howard, North Dakota Association of Telephone Cooperatives and District 4, New Town

Dennis Boyd, Montana-Dakota Utilities Resources Group, Bismarck

Bob Martinson, State Representative, Bismarck

Bob Stenehjerm, State Senator, Bismarck

Wesley R. Belter, State Representative, Leonard

It was moved by Representative Carlson, seconded by Representative Froseth, and carried on a voice vote that the minutes of the July 25, 2001, meeting be approved as distributed.

Chairman Timm said because Senator Holmberg is hospitalized, Senator Holmberg requested to participate in the meeting by telephone conference call. Therefore, he said, pursuant to Legislative Council rules, every member of the committee was provided the opportunity to participate through telephone conference call. He said the Legislative Council office contacted the members of the committee to inform them of the possibility of participating by telephone conference call.

Chairman Timm said members of the committee were asked to develop proposals for legislative redistricting plans to present at this meeting. However, he said, few plans were submitted to the Legislative Council for review prior to the meeting.

Chairman Timm called on Senator Holmberg to review a proposal for legislative districts within Grand Forks County. Senator Holmberg reviewed a proposed plan that creates four districts primarily

within the city of Grand Forks and one primarily rural district. He said the proposed plan continues to place the Grand Forks Air Force Base within two legislative districts. A copy of the proposed plan is on file in the Legislative Council office. He said in developing the proposal, he attempted to move as few people as possible between districts.

Representative Carlson said creating rural districts that are below the average district size will likely cause more problems in 10 years. He said most rural areas will likely continue to lose population, which could result in a more significant change in the configuration of districts in 10 years.

Senator Tomac said because the outmigration appears to be continuing, it may be a good approach to leave some of the districts in anticipated growth areas somewhat below the average district size.

Senator Holmberg said he has attempted to prepare several plans and started drawing the plans in different areas. He said in almost every case, notwithstanding where he began drafting the plan, problems arose as he neared the center of the state.

Representative Gulleon said she has found that developing plans is more difficult when not starting with growth areas. She said the committee members should focus on developing a plan for Fargo for discussion at the next meeting.

At the request of Chairman Timm, Representative Devlin reviewed a proposed plan he had developed which provides for 49 districts. Representative Devlin said the plan includes districts that cross the Missouri River in McKenzie County and in the Bismarck and Mandan area. He said because the Bismarck and Mandan area has several bridges, there is no reason why districts cannot cross the Missouri River in that area. He said after reviewing several proposed plans, he is convinced the best option for the state is to expand to 51 districts. At 51 districts, he said, more current districts would be left intact and the rural areas will be affected less than at a lower number. He said he is not willing to give up on rural areas, and many positive things are happening in some rural areas. He said without the flood in 1997 and the loss of the missile wing, the state would have shown a larger gain in population.

Senator Tomac said it appears that no matter where a person begins drawing districts, District 7, 8,

or 14 is likely to be impacted significantly because of their location in the center of the state and their size. He said it is inevitable that a rural district will be eliminated, and there will be significant changes in rural areas.

Representative Aarsvold said Traill County suffers under both Senator Holmberg's proposal and Representative Devlin's proposal. He said District 20 has maintained its population and therefore should not be significantly changed.

Senator Holmberg said because of the impact of changes in one area on the rest of the state, no district exists in a vacuum.

Senator Tomac said because McKenzie County is within the Williston trade area, it makes sense to put that county in the area that is now within District 2. He said doing so would consolidate the lower portion of what is now District 39 and make that a smaller district geographically. He said the Legislative Assembly eliminated four districts in 1991 and it makes sense to look at reducing to 45 districts now. He said North Dakota legislators currently represent the fewest people of any state in the country, and reducing the number of districts to 45 would not change that standing. He said the committee should make a good-faith effort to create a 49-district plan but should also look at reducing the number of districts.

Senator Bowman said he disagrees with the statement that McKenzie County is within the Williston trade area. He said the residents of the county do not want the county to be divided between two districts.

In response to a question from Representative Hanson, Senator Tomac said looking only at the current population of the existing districts, 31 of the 49 districts would have to change. He said under a 51-district plan, there would still have to be 28 districts changed if you do not consider the domino effect of changing districts.

Representative Devlin said he does not consider that increasing to 51 districts is increasing the size of government. He said it is making government closer to the people.

Representative Carlson said he favors reducing the number of districts to 45 or 47. He said rural districts are likely to continue to decrease in population and the large size of rural districts can be addressed through additional compensation for mileage and telephone allowances for legislators in the large rural districts.

Senator Kringstad said the Bismarck legislators would prefer that districts not cross the river in the Bismarck and Mandan area.

In response to a question from Representative Froseth, Representative Timm said legislative redistricting always results in the creation of new voting precincts. He said the main objective of this committee is to create balanced districts in an objective manner.

Representative Aarsvold said he would like to develop a plan that retains all current districts that have 4 percent or less variance from the average district size. He said dividing districts that are within the allowable population variance into two or three new districts is unconscionable.

Representative Wesley R. Belter, Legislative Council Chairman, said the Legislative Council purchased computers for each caucus so that members of the caucuses can develop proposed plans for submission to the committee. He said committee members can also work with the Legislative Council staff to develop proposals if the individuals provide direct personal input in the development of the plan. To expect the Legislative Council staff to develop a plan without specific input and direction, he said, is not fair to the staff.

Representative Carlson said it is important for individual legislators to provide input with respect to natural trade areas.

Senator Tomac said developing a plan around incumbent legislators is not a good way to create a plan. He said the guidelines discussed at the first meeting of the committee, such as following county lines and retaining existing districts, should take precedence over protecting incumbents.

In response to a question from Representative Aarsvold, committee counsel said including the Traill County population with rural residents of Cass County would create a district with a majority of Traill County residents.

At the request of Chairman Timm, Representative Devlin reviewed a proposal for a 51-district plan. Representative Devlin said he created this plan to look at the state from a more rural perspective.

It was moved by Representative Carlson and seconded by Representative Froseth that Representative Devlin's 49-district proposal be used as a working draft for future plans considered by the committee.

Representative Guleson said the committee will have several more plans for consideration at its next meeting. She said there should be no rush to limit its consideration to working with one plan.

Senator Tomac said he is hesitant to accept the plan as a basis because it violates the criteria set by the committee at its first meeting. He said he realizes the plan was submitted for discussion purposes only and that the plan demonstrated the point that the process will not be easy. He said all the committee members must work to develop additional plans.

After this discussion, **Representative Carlson, with the consent of the second, withdrew his motion.**

It was moved by Representative Devlin and seconded by Representative Carlson that the committee request members to submit 45-district, 47-district, and 49-district plans for consideration at the next meeting of the committee.

Representative Devlin said the committee is running out of time to consider new plans. He said plans submitted after the next meeting should only be accepted if the full committee approves of the plans.

Senator Tomac said the next meeting is too soon to limit the committee's consideration of plans. He said he agrees a deadline is needed but that deadline should be later.

After this discussion, **the motion failed on a voice vote.**

Senator Stenehjem said the committee's deadline for completing its work is drawing near, and the committee should establish a deadline for the review of new plans.

Senator Mathern said Legislative Council rules generally require bills to be heard at two meetings before a committee can adopt the bill for recommendation to the Legislative Council. He said a similar

guideline could be used with respect to the submission of plans to this committee.

It was moved by Representative Carlson, seconded by Senator Freborg, and carried on a voice vote that proposed redistricting plans must be submitted to the Legislative Council for review and revision by September 20, 2001, to be eligible for consideration by the committee after that date.

Chairman Timm said the September 5 meeting will consist of a working session during the day and an evening forum to accept public comments.

There being no further business, Chairman Timm adjourned the meeting at 3:10 p.m.

John Bjornson
Committee Counsel