

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

LEGISLATIVE COUNCIL

Tuesday, November 6, 2001
Roughrider Room, State Capitol
Bismarck, North Dakota

Representative Wesley R. Belter, Chairman, called the meeting to order at 1:00 p.m.

Members present: Representatives Wesley R. Belter, LeRoy G. Bernstein, Merle Boucher, Duane DeKrey, Lois Delmore, Jeff Delzer, Scot Kelsh, John Mahoney, Amy Warnke; Senators John M. Andrist, Dwight Cook, Aaron Krauter, Judy Lee, Tim Mathern, Dave Nething, Larry J. Robinson, Bob Stenehjem

Others present: David Monson, State Representative, Osnabrock

Mike Timm, State Representative, Minot

Randel Christmann, State Senator, Hazen

John Bjornson, Karen Mund; Legislative Council, Bismarck

Jay Johnson, Minot Daily News, Minot

Bev Nielson, Bismarck

J. Stvercer, Bismarck

Jennifer Ring, ACLU of the Dakotas, Fargo

It was moved by Representative Delmore, seconded by Representative Mahoney, and carried on a voice vote to approve the minutes of the June 14, 2001, meeting of the committee.

INTERIM COMMITTEE REPORTS

Legislative Redistricting Committee

Representative Mike Timm, Chairman, Legislative Redistricting Committee, presented the *Report of the Legislative Redistricting Committee*. He said the plan recommended by the committee provides for 47 legislative districts. He said four computers were acquired with legislative redistricting software and he recommended this method be followed in 10 years.

In response to a question from Representative Mahoney, Representative Timm said the 1991-92 interim Legislative Redistricting and Elections Committee recommended two 49-district plans to the Legislative Council, which accepted those plans and forwarded them to the Legislative Assembly.

Mr. John Bjornson, committee counsel for the Legislative Redistricting Committee, reviewed the bill draft that provides for the 47 legislative districts as recommended by the committee.

Senator Mathern noted District 26 was kept essentially intact but was redesignated as District 27, and thus the term of incumbents was shortened to two years and they must run for election in 2002. Mr. Bjornson said 10 years ago the redistricting plan

provided that for any district that had more than the allowed number of incumbent legislators, the incumbents had to run for election and every attempt was made to give that district an even-number to continue the staggering of even and odd districts. If District 26 were kept as an even number, he said, an election would still be required because the number of incumbents in the district exceeds the number of legislative positions allowed.

In response to a question from Senator Krauter, Mr. Bjornson said he was not aware of any specific criteria for designating the numbers for legislative districts.

Senator Mathern urged the Council to revisit two areas of the bill draft. He said Section 6 authorizes the Secretary of State to modify election deadlines if necessary. He said this gives too much discretionary power to an executive official. He said Section 8 provides for an effective date of December 7, 2001, but the committee originally approved December 1, 2001, as the effective date. He said an early effective date is important to maintain pressure on getting the work done as quickly as possible. Mr. Bjornson said the December 7 date was used to allow time for the bill to be enrolled, sent to the Governor, reviewed by the Governor, and filed with the Secretary of State. Representative Belter said it is the intent of the majority party to complete the special session as quickly as possible, with the assistance of the minority party.

It was moved by Representative Delzer and seconded by Representative DeKrey to accept the report of the Legislative Redistricting Committee.

Senator Mathern said he does not believe the plan is workable, there are problems with boundary lines of many legislative districts, the district boundaries in Cass County were not available until the morning of the vote on the plan, and he has a problem with the method of determining which incumbents have to stand for election in 2002. Senator Lee said there are district boundary lines in Cass County which are of concern to Cass County legislators, but the bill draft provides a vehicle for consideration during the special session. After this discussion, **the motion carried on a roll call vote.** Representatives Belter, Bernstein, Boucher, DeKrey, Delmore, Delzer, Kelsh, Mahoney, and Warnke and Senators Andrist, Cook, Lee,

Nething, and Stenehjerm voted "aye." Senators Krauter, Mathern, and Robinson voted "nay."

Legislative Management Committee

At the request of Senator Stenehjerm, Chairman of the Legislative Management Committee, the assistant director presented the *Report of the Legislative Management Committee*. He said the report describes the arrangements approved or recommended by the Legislative Management Committee with respect to the special session. He said recommended amendments to the legislative rules involve eliminating the one-day delay in voting on bills reported from committee and on engrossed bills, and limiting introduction of bills and resolutions to those introduced by the Legislative Council or approved by the Delayed Bills Committee. He said similar amendments were recommended and adopted during the 1991 special session relating to legislative redistricting. He said the committee recommends the Employment Committees employ 22 employees for the 2001 special session and set guidelines on the days each employee is to work, especially with respect to pre-session and post-session activities.

In response to a question from Senator Krauter, the assistant director said although a reference to session employees receiving expense reimbursement during the special session at the same rate allowed state employees is not included in the report, that issue is covered in the minutes of the Legislative Management Committee. Representative Boucher emphasized the decision of the Legislative Management Committee is that Legislative Assembly employees during the special session would be reimbursed for housing, mileage, and meals at the same rate allowed state employees.

It was moved by Senator Stenehjerm and seconded by Representative Bernstein to accept the report of the Legislative Management Committee.

Senator Mathern inquired about the process for requesting amendments to the legislative redistricting bill or proposing a new plan.

Representative Belter said any changes to the redistricting plan, whether a simple change between

two districts or an entirely new plan, should be drafted as amendments to the bill because the bill is the only legislative measure that will address legislative redistricting. He urged the legislative leaders to inform their caucuses that as legislators propose amendments to the plan, they should keep in mind the effect of any amendment on the entire plan and the amount of time necessary to prepare a complete set of amendments. He said no legislator will be denied the opportunity to propose amendments, but everyone should understand the work that is involved in ensuring the accuracy of legal descriptions as well as the population figures. He said the Legislative Council staff would prepare legal descriptions of proposed amendments as time permits. If time does not permit, he said, the staff will prepare maps of the proposed changes and will prepare legal descriptions of those changes for placement in the bill once the changes are approved by the Joint Legislative Redistricting Committee.

After this discussion, **the motion carried on a roll call vote.** Representatives Belter, Bernstein, Boucher, DeKrey, Delmore, Delzer, Kelsh, Mahoney, and Warnke and Senators Andrist, Cook, Krauter, Lee, Mathern, Nething, and Stenehjerm voted "aye." No negative votes were cast.

STATE CAPITOL ACCESS

Senator Lee inquired about the ability of legislators to enter the State Capitol through the west doors. Representative Belter said this issue had been discussed during the Legislative Management Committee meeting and security access cards will be issued to all legislators so they can enter the Capitol through the west doors at any time. He said the west parking lot will be reserved for legislators during the special session.

No further business appearing, Chairman Belter adjourned the meeting at 2:05 p.m.

Jay E. Buringrud
Assistant Director