

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

LEGISLATIVE REDISTRICTING COMMITTEE

Wednesday, July 25, 2001
Roughrider Room, State Capitol
Bismarck, North Dakota

Representative Mike Timm, Chairman, called the meeting to order at 8:00 a.m.

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

Others present: See attached appendix

It was moved by Representative Aarsvold, seconded by Senator Mathern, and carried on a voice vote that the minutes of the July 9, 2001, meeting be approved as distributed.

Senator Mathern said eliminating most of the minor racial categories from the census redistricting data would greatly improve the speed and efficiency of the redistricting software. He said about 90 percent of the racial categories contain no people in North Dakota. Because the software searches for persons in each category for each block when the user is establishing districts, he said, eliminating the unnecessary categories will increase the processing speed of the software.

It was moved by Senator Mathern and seconded by Representative Aarsvold that the Legislative Council staff be requested to work with the software vendor to reduce the census racial data to eliminate racial categories that contain no more than 50 persons statewide.

In response to a question from Representative Devlin, Senator Mathern said by establishing a threshold of 50, the committee is not specifically excluding a particular race.

In response to a question from Representative Monson, Senator Mathern said it may be important to have racial data for more significant minority groups. For example, he said, he was interested to discover that Walsh County has approximately 800 Hispanics.

Senator Holmberg said the committee must be cognizant of the American Indian population. He said reducing the racial data would likely improve the efficiency of the software. He said he made an improper assignment during the software training session that resulted in approximately a 15-minute delay to undo that assignment.

In response to a question from Representative Timm, Senator Mathern said reducing the racial data

to include only racial categories containing more than 50 persons would eliminate about 90 percent of the racial categories. He said the representative of the software vendor indicated that every state she has worked with has trimmed the racial data. He said the representative of the vendor suggested 50 as the threshold for trimming the racial categories. Because there are more than 250 racial categories, he said, eliminating 90 percent of the categories would result in a significant improvement in the processing speed of the software.

In response to a question from Representative Aarsvold, committee counsel said race can be a consideration in the establishment of legislative districts. However, he said, race may not be the primary consideration in creating a district.

In response to a question from Representative Devlin, Senator Mathern said he chose 50 as the threshold because of the recommendation from the representative from the software vendor. He said a review of the census data indicates that there were likely many people who listed their race as an unusual race simply as a joke. He said reducing the racial data to include only those races with over 50 persons statewide would likely eliminate many of those racial categories that people chose as a joke.

Representative Devlin said 50 persons statewide is a relatively small number. He said using 1,000 as the cutoff point may be a more appropriate number. He said then there may be less of a likelihood of someone challenging the decision of the committee using the rationale that the committee is eliminating most racial minorities.

In response to a question from Senator Bowman, Senator Mathern said eliminating all the racial categories except white and American Indian would eliminate some valuable information regarding other small but significant minorities.

Senator Tomac said reducing the racial data will only increase the efficiency in the software and will not affect the redistricting process in any other way. He said establishing a threshold of 50 will still provide valuable information regarding minority populations.

In response to a question from Representative Aarsvold, committee counsel said a minority population of 1,000 in a legislative district would not be

considered to be a significant minority for redistricting purposes.

Representative Devlin moved and Representative Carlson seconded a substitute motion that the Legislative Council staff be requested to work with the redistricting software vendor to reduce the census racial data to eliminate any racial category in which there are fewer than 500 persons statewide.

In response to a question from Senator Mathern, Representative Devlin said he chose 500 because Senator Mathern was unable to provide him a good reason for using 50 as a threshold. He said 50 is too low for a statewide number.

In response to a question from Representative Timm, Mr. John D. Olsrud, Director, Legislative Council, said certain significant racial categories should be recognized in the redistricting process. Although race cannot be a primary consideration in redistricting, he said, it must be a consideration at some point. He said dividing a cohesive racial group would raise concerns.

After this discussion, **the substitute motion carried on a roll call vote.** Representatives Timm, Carlson, Devlin, Froseth, and Monson and Senators Bowman, Christmann, Freborg, Holmberg, and Kringstad voted "aye." Representatives Aarsvold, Gulleson, and Hanson and Senators Mathern and Tomac voted "nay."

At the request of Chairman Timm, committee counsel reviewed two sample redistricting plans for several counties in the northwest portion of the state. He said one plan crosses the Missouri River to include areas in McKenzie County with the existing District 2. The other plan, he said, adds population to District 2 by adding territory to the east of the existing district. Copies of the plans are on file in the Legislative Council office.

Senator Bowman said the chairman should consider dividing the committee into small groups to work on developing plans for different areas of the state. He said it would likely save a significant amount of time if the individuals closest to the various areas of the state develop plans for those areas.

Senator Mathern said the committee should examine the possibility of creating house subdistricts in large districts. He said creating subdistricts would bring representation closer to the people in the geographically large districts.

Senator Holmberg said the committee has a significant amount of work to complete by the end of the year and considering creating subdistricts would likely be more than this committee could handle at this time.

Senator Tomac said he likes the idea of breaking the state into regions and developing plans for each of the regions. However, he said, he would like the whole committee to become familiar with the development of plans for the entire state as well. He said in

redesigning certain areas of the state the committee should look at trade areas. He said there will be problems in developing a plan for the western portion of the state. If the Missouri River must be crossed to accommodate districts, he said, it may make sense to move McKenzie County into a district with Williams County because of the economic ties of McKenzie County to the Williston area.

Representative Timm said it would likely work best to start creating districts in the cities because it is clear how many districts each of the major cities will have.

Representative Gulleson said the committee should consider more urban and rural blended districts. She said the state cannot afford to continue to have a significant distinction between urban and rural interests. She said representatives must consider both urban and rural interests.

In response to a question from Representative Timm, Representative Gulleson said districts could be formed by beginning in the cities and taking a section of the city and combining that section with a rural area.

Representative Timm said he is concerned with how voters would feel being represented by a person from an area that significantly differs from that person's area.

Representative Gulleson said cities always benefit when rural areas are healthy. She said it makes the representatives of those areas more aware of the entire economy of the region when they have to represent both interests.

Representative Hanson said he has represented a blended district in the past and disagrees with Representative Gulleson's assessment. He said it would be difficult to get an even number of rural residents with urban residents because of the great disparity in population density in the more urban areas.

Senator Holmberg said the issues relating to blended districts have been addressed in the past. He said rural residents made it clear they wanted their own districts.

Senator Mathern said he would like to see the committee meet in small groups that would bring proposals to the full committee for further discussion. He said it is a more efficient use of committee and staff time.

Senator Christmann said the committee should attempt to work in the regions of the state that contain the four largest cities. He said the committee should attempt to avoid shifting problems due to the changes in population to other areas of the state.

Representative Carlson said the committee needs to face some realities and address those realities as a group. He said it is clear that the same district boundaries cannot be maintained. He said the committee must establish goals and parameters for its work, such as deciding on the number of districts it will consider.

Senator Kringstad said he would like to see the state divided into four equal areas of population and work on those areas as parts of small groups before the next meeting.

Senator Tomac said the redistricting process will take much hard work and compromise. He said the work will take more time than two-hour or three-hour meetings. He said it appears clear that some rural districts will be significantly altered. Although he has a very diverse district with urban and rural constituents, he said, it probably is not a good idea to deliberately develop blended districts such as that.

Chairman Timm said each caucus will have a computer with the redistricting software. He said members of the committee can work on developing proposals to be reviewed at the next meeting.

Representative Froseth said rural districts will face significant changes if the state remains with 49 districts. He said enlarging to 51 districts may lessen the impact on rural areas but may also create the perception of enlarging state government.

Senator Mathern said the number of districts should not increase and maybe should even be decreased. He said the contact between legislators and their constituents can be increased by creating house subdistricts. He said it is important that all work done by small groups consisting of committee members be done at official meetings of the committee.

Senator Bowman said it is important that the committee look at different alternatives with respect to

the number of districts. He said the committee can get feedback from the people before making its final decision.

Representative Aarsvold said he is sensitive to the concerns of rural residents with respect to the large size of rural districts. He said the problems of rural legislators can be addressed in some part through means such as providing special considerations for travel expenses and telephone costs.

Chairman Timm scheduled the next meeting of the committee for August 23, 2001, in Bismarck. He said the committee will meet again on September 5, 2001, in Fargo and September 6, 2001, in Grand Forks.

There being no further business, Chairman Timm adjourned the meeting at 11:05 a.m.

John Bjornson
Counsel

John D. Olsrud
Director

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