

2009 SENATE INDUSTRY, BUSINESS AND LABOR

SCR 4029

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 4029

Senate Industry, Business and Labor Committee

Check here for Conference Committee

Hearing Date: March 2, 2009

Recorder Job Number: 9965

Committee Clerk Signature

Eric Lubelt

Minutes:

Senator Robinson: The resolution before you had its genesis over the last number of years since the last redistricting effort. Most of us were involved in that effort. Either as legislators or as members of the electorate across the state of North Dakota. Since the time of the last redistricting effort and I recall the one prior to that. There has not only been discussion but frustration and concerns voiced by citizens across the state. There is no way a redistricting effort can be perfect. The issue we are proposing perhaps has the potential of becoming far more independent and separating the process from the political environment across the state. Anytime it is driven by those it affects most by terms of the legislators that are incumbent at that time. It addresses questions, concerns; doubts of how fair are we? And this goes through both political parties. What we have here is an attempt to move this out of the political process and move it into a different branch of government. It calls upon accessing expertise from the judiciary and we would access a total of seven judges from each of the districts to serve on the commission to lead this effort with one additional judge appointed by the chief justice. Obvious areas that cause concerns in regard to lines drawn. The pressures to try to identify lines that favor one party or another, it leave one with a whole lot of questions. I ask the committee to think outside the box. It impacts the people across the state of North Dakota.

Representative Metcalf: In the bill you will notice it is built on certain specifications but yet none of it is absolutely die on you sword. A lot of the recommendations are simply recommendations, except for the organization of the committee. I have been approached by so many people in my district asking what is going on. They have been taken away. The voters want the ability to contact their representative and get a response.

Chairman Klein: We also need to know that we have reduced the number of districts because that is what creates expansion. And where I live is population is going down so it needs to provide for a larger area. When we sat through that a number of years that was the big discussion of whether we needed forty nine or forty seven districts, I certainly would have appreciated fifty three. Because of our geographical area we are one hundred miles from corner to corner but we don't have a major metropolis like you do in your district. We have to reach out and gather as much as the rural area as we do.

Representative Metcalf: We know it has to change and I think we can do better.

Chairman Klein: We will no longer be here, we are going to appoint a group who may or may not move the lines as we. They may decide at looking at this that it is just fine and in order to get 14,250 residents in there they will have to make some of these difficult decisions that create. But we will no longer be there.

Representative Metcalf: You have defined we as being this legislative body. I am talking about the citizens of North Dakota.

Senator Horne: I am not experienced at redistricting but what do other states do?

Representative Metcalf: I don't know that information but I can get that for you.

Linda Wurtz, Associate State Director for advocacy for AARP North: Written testimony in favor of the bill.

Chairman Klein: Closed the hearing.

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Eva Leibel

Minutes:

Chairman Klein: We heard this. I followed the redistricting very closely last time and I would beg to differ with the young fellow. As I watched that process evolve, it is very difficult issue and what it hinged on was the amount of districts and that became political. I believe most of us wanted to stay with the forty nine. And it was compromised at forty seven.

Senator Horne: Did the legislature as a body decide on changing the number of districts from forty nine to forty seven.

Chairman Klein: That's correct.

Senator Andrist: I didn't participate in it but I believe they formed a committee of legislators and they drafted a plan and also the proposal to go to forty seven districts. It was all part of a parcel of a bill that came before the North Dakota legislature.

Chairman Klein: There was a variety of maps drawn and they held meetings throughout the state. In attempt to get feedback. We met for three days, the legislature made a decision and then it was a matter of finalizing the map.

Continued discussion on involvement of the last redistricting and what went on.

Senator Wanzek: No matter which way we do it there is going to be politics involved. I always thought of the legislature as the people's body and we speak for the people.

Senator Andrist: I guess it's a matter of who you trust for fairness if you want to use that word fair. I always told my kids there is no such thing as fair. How do you make a fair system that I have to travel through four counties to campaign and some people have to knock on doors in their neighborhood. There is no fair system, we have to work with the hand were dealt and when we set up this commission how do you have a group that are more representative of the people than the people that have been most recently elected. I am going to oppose both bills.

Senator Pottter: If it proceeds with the republican majority having a majority in 2011, more power to you and you get to draw the lines. But there are a couple of issues here when you take a look at the map you can see that there was a variation from what use to be the adherence of counties being the significant factor. For people who live in rural counties that is an important factor. I really do believe that nationwide it is important to turn this over to people who are not involved in it.

Continued discussion of the fairness.

Senator Wanzek: Motioned for a do not pass.

Senator Andrist: Seconded

Roll Call Vote: Yes: 5 No: 2 Absent: 0

Floor Assignment: Senator Wanzek

FISCAL NOTE
Requested by Legislative Council
02/26/2009

Bill/Resolution No.: SCR4029

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures					(\$156,000)	
Appropriations					(\$156,000)	

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Senate Concurrent Resolution No. 4029 is a proposed amendment to Article IV of the Constitution of North Dakota to establish an independent legislative redistricting commission.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The proposed constitutional amendment provides that the Legislative Assembly is to appropriate funds necessary for the operation of the commission and the efficient performance of the commission's duties and is to provide compensation and expense reimbursement to commission members during the period of service of the commission as provided for other state officers and employees. The Legislative Assembly would no longer meet in special session to approve the redistricting plan.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

N/A

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The following is a brief description of the estimated fiscal impact of the measure.

The estimated costs of the commission assuming 7 meetings of the commission during the 2011-13 biennium (the same number of meetings as the 2001-02 interim legislative committee) include:

Funding for per diem - \$12,208

Funding for travel expenses - \$13,252

Funding for equipment, software, consulting, and other expenses - \$250,000

Total - \$275,460

Actual costs will depend on the decisions and actions of the commission.

The estimated reduction in costs for the Legislative Assembly include:

Equipment and software - (\$116,000)

Five day special legislative session (same number of days as 2001 special session) - (\$290,000)

Legislative interim committee on redistricting - (\$25,460)

Total - (\$431,460)

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The 2011-13 appropriations would potentially be decreased by a net amount of \$156,000.

Name:	Allen H. Knudson	Agency:	Legislative Council
Phone Number:	328-2916	Date Prepared:	02/27/2009

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Date: 3/2/09
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 4029

Senate

Committee

Industry, Business and Labor

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Pass Do Not Pass Amended

Motion Made By Senator Wanzek Seconded By Senator Andrist

Senator	Yes	No	Senator	Yes	No
Senator Jerry Klein - Chairman	✓		Senator Arthur H. Behm	✓	
Senator Terry Wanzek - V.Chair	✓		Senator Robert M. Horne		✓
Senator John M. Andrist	✓		Senator Tracy Potter		✓
Senator George Nodland	✓				

Total (Yes) 5 No 2

Absent 0

Floor Assignment Senator Wanzek

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

REPORT OF STANDING COMMITTEE (410)
March 4, 2009 8:31 a.m.

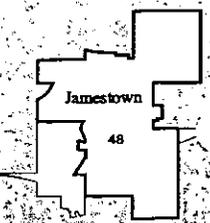
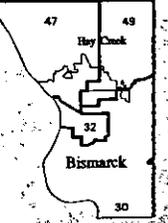
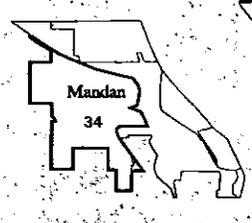
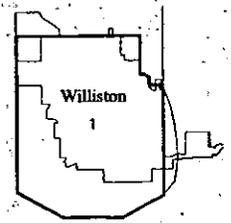
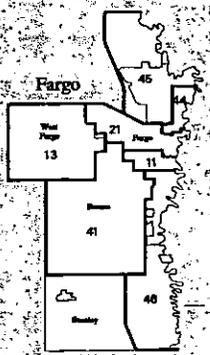
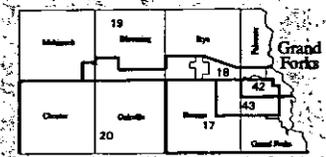
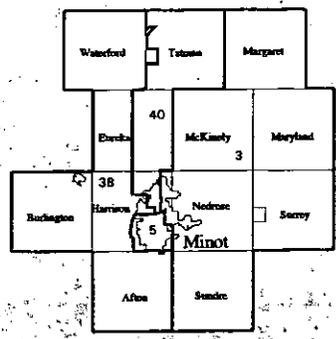
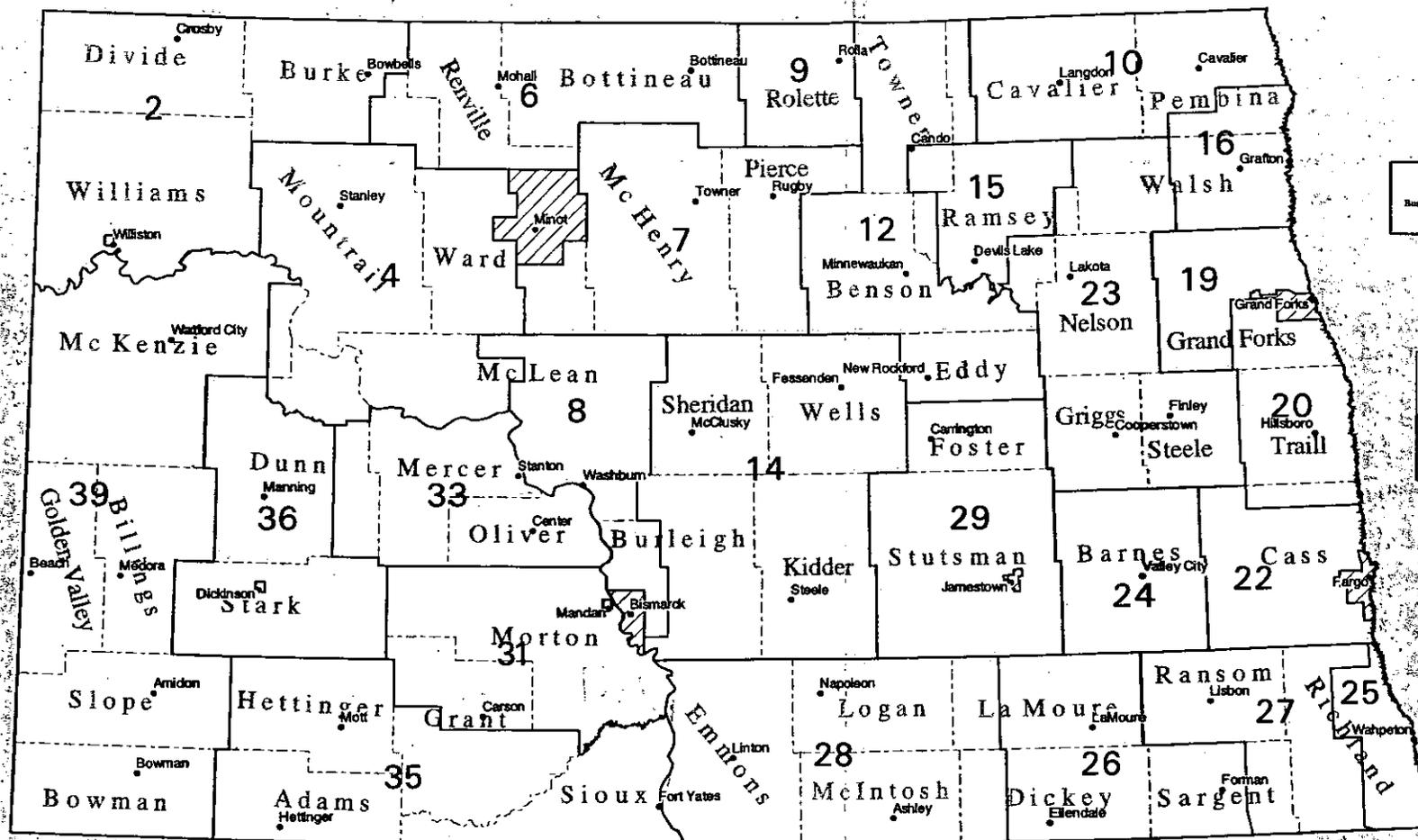
Module No: SR-38-3995
Carrier: Wanzek
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SCR 4029: Industry, Business and Labor Committee (Sen. Klein, Chairman)
recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING).
SCR 4029 was placed on the Eleventh order on the calendar.

2009 TESTIMONY

SCR 4029



North Dakota Legislative Districts

January 1998

PHONE (701) 328-2900
 ELECTIONS (701) 328-4146
 FAX (701) 328-2992
 E-MAIL secrets@pioneer.state.nd.us
 HOME PAGE <http://www.state.nd.us/sec>

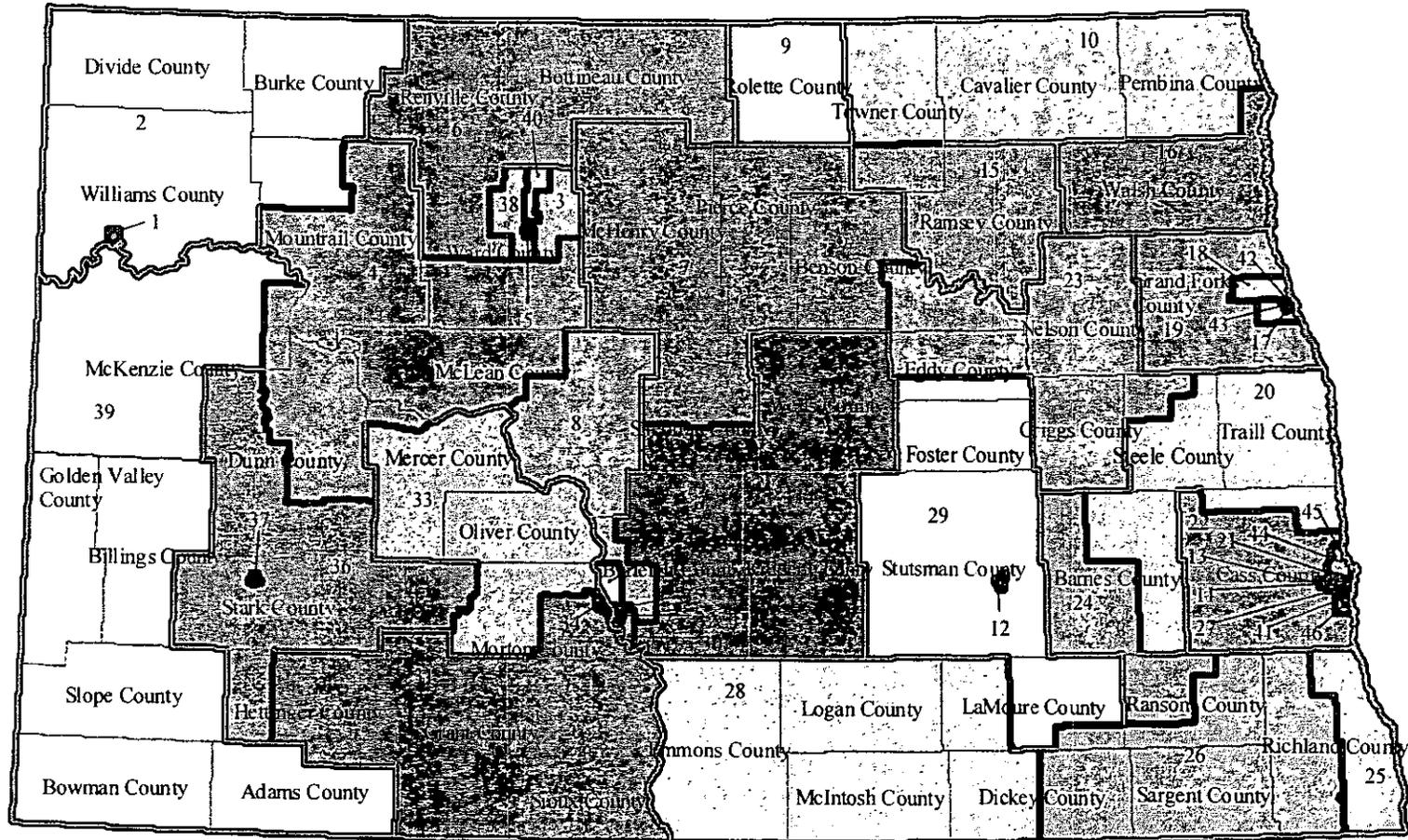


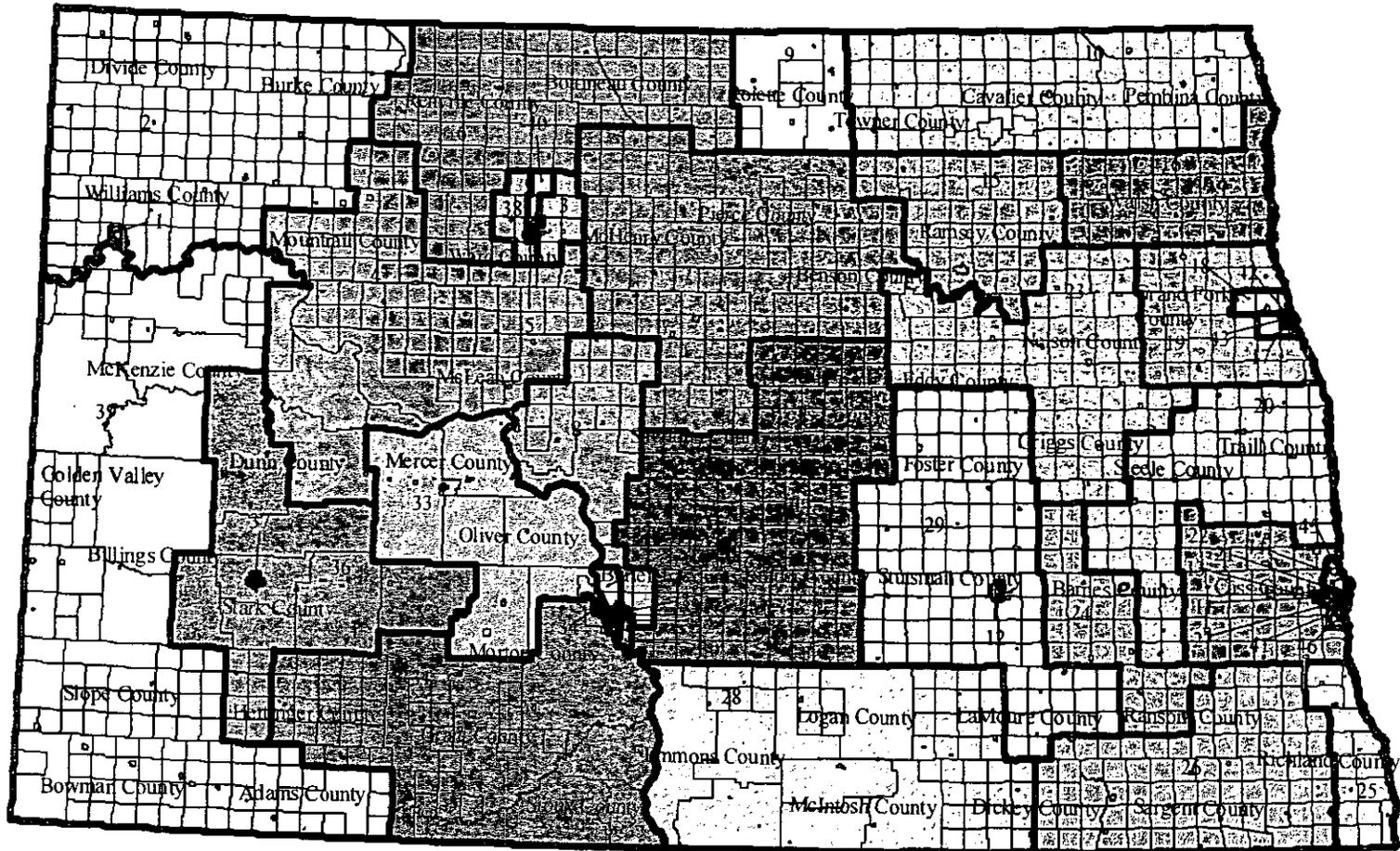
Secretary of State
 Alvin A. Jaeger
 600 East Boulevard Avenue
 Bismarck, ND 58505-0500

- County Boundary
- Legislative District Boundary
- Station - County Seat
- District Inset Map

47 District Plan Adopted 11-30-01

DISTRICT	23	Targ	Dev	TABLACK	TNHISPANIC	TAAMERIN	TAASIAN	
01		13096	13664	-4%	21	162	475	30
02		13175	13664	-4%	6	53	415	26
03		13972	13664	2%	130	191	455	54
04		13000	13664	-5%	10	201	4092	29
05		13099	13664	-4%	158	165	244	87
06		13028	13664	-5%	26	73	132	29
07		14109	13664	3%	15	67	82	15
08		13682	13664	0%	8	53	184	14
09		13674	13664	0%	10	110	9983	10
10		13635	13664	0%	21	278	171	23
11		13768	13664	1%	181	222	175	213
12		13458	13664	-2%	51	159	179	68
13		13372	13664	-2%	59	186	142	32
14		13555	13664	-1%	19	53	69	24
15		13730	13664	0%	26	65	682	33
16		13382	13664	-2%	41	720	131	24
17		13083	13664	-4%	60	160	156	74
18		13154	13664	-4%	272	359	353	64
19		13469	13664	-1%	295	333	135	142
20		13255	13664	-3%	10	214	105	15
21		13944	13664	2%	257	261	347	230
22		13131	13664	-4%	10	106	49	20
23		14209	13664	4%	8	79	3419	19
24		14293	13664	5%	60	103	84	35
25		14208	13664	4%	59	109	275	40
26		14327	13664	5%	12	114	60	30
27		13897	13664	2%	100	193	158	154
28		14243	13664	4%	8	127	30	28
29		13941	13664	2%	15	57	44	17
30		14339	13664	5%	54	126	798	32
31		14155	13664	4%	10	128	3618	18
32		14249	13664	4%	37	110	724	47
33		14192	13664	4%	9	46	184	29
34		14123	13664	3%	32	110	411	54
35		14285	13664	5%	38	85	318	70
36		14203	13664	4%	16	134	109	34
37		13771	13664	1%	37	129	166	33
38		13125	13664	-4%	467	338	136	125
39		13944	13664	2%	19	87	108	10
40		13053	13664	-4%	542	391	357	202
41		13409	13664	-2%	87	106	99	199
42		13199	13664	-3%	161	318	633	215
43		13204	13664	-3%	116	189	248	151
44		13157	13664	-4%	53	130	127	128
45		13025	13664	-5%	80	145	115	429
46		13988	13664	2%	169	150	111	146
47		13890	13664	2%	41	91	241	105
Unassigne		0			0	0	0	0







March 2, 2009

SCR 4029

Senate Industry, Business, and Labor

Chairman Klein and members of the Senate IB&L Committee. My name is Linda Johnson Wurtz, I am associate state director for advocacy for AARP North Dakota and today I represent our more than 88,000 North Dakota members.

Our compliments to the sponsors of SCR 4029. One of this nation's fundamental principles is that citizens are able to select leaders who will represent their interests in the state legislature, and so the composition and configuration of legislative districts matter a great deal and is of great importance to our citizens.

AARP policy recommends a nonpartisan redistricting commission that has diverse membership, is independent, and represents the state geographically and demographically. The process should be transparent and provide a meaningful opportunity for interested parties and the public to participate effectively.

Having a commission made up of people appointed by judges could meet the geographic, independent, and demographic criteria. We would suggest, during your deliberations, to also look at California's model, where citizen members are appointed through an applicant review panel and process established by the State Auditor.

We appreciate the provision to exclude individuals who have sought or held a legislative or statewide elective office, as well as lobbyists, during a designated time preceding or following service on the commission. I'd appreciate it if you would consider the addition of the word "paid" to lobbyists. Although I register all of the people who advocate for AARP North Dakota, most of them are volunteers and I believe it makes a significant difference. The Committee may want to also consider the same 5/year prior and 2/year after prohibitions for party officers and campaign officials.

Regarding the criteria for legislative districts, there is no specific mention of the U.S. Voting Rights Act in the bill. Section 4 approaches this area, and the U.S. Voting Rights Act could easily be worked into this section, should you choose to do so.

The 30 day comment period and public hearings meet the transparency test. In addition, the commission should be meeting the requirements of North Dakota's open meeting laws. It may help to require internet access to the plan and commission documents during this period, although that may be accomplished during implementation.

In summary, SCR 4029 has merit and I appreciate this opportunity to contribute to the discussion.