

# NORTH DAKOTA LEGISLATIVE MANAGEMENT

## Minutes of the

### LEGISLATIVE REDISTRICTING COMMITTEE

Thursday, June 16, 2011  
Roughrider Room, State Capitol  
Bismarck, North Dakota

Senator Ray Holmberg, Chairman, called the meeting to order at 11:00 a.m.

**Members present:** Senators Ray Holmberg, Randel Christmann, Dwight Cook, Tony Grindberg, Jerry Klein, Stanley W. Lyson, Ryan M. Taylor, John Warner; Representatives Larry Bellew, Bill Devlin, Richard Holman, Nancy Johnson, Jim Kasper, Jerry Kelsh, David Monson, Mike Nathe

**Others present:** See attached [appendix](#)

At the request of Chairman Holmberg, John Bjornson, Committee Counsel, reviewed the [Supplementary Rules of Operation and Procedure of the North Dakota Legislative Management](#).

Chairman Holmberg said the similarity that war and redistricting have in common is that both give us greater knowledge of geography. He said one issue that the committee must be aware of is that size matters. Before 1981, he said, the legislative districts in the state ultimately were drawn by federal court. He said until 1991 the state had not successfully redrawn districts. The redistricting process must balance size with representation. He said North Dakota has the fewest members per senatorial district of any state in the country. In 2001 the Legislative Assembly settled on 47 districts. He said the argument is that if a district is too big, the legislators cannot adequately represent the people in that district. He said the Missouri River is always an issue when drawing districts. Based on the 2010 census, he said, the ideal size of a legislative district is 14,310. He said courts have ruled that plans must restrict deviation. He said the standard of a 10 percent deviation may be too high. He said the members of this committee were chosen because they respect reality. He said the plan must be sensitive to native populations, and that a plan would be suspect if the plan divided up reservations. He said a prior attempt to have a subdistrict within a reservation was not approved. He said the committee will discuss future meeting dates today with a final meeting to be held by mid-October.

Chairman Holmberg called on Mr. Bjornson to present the background memorandum entitled [Legislative Redistricting - Background Memorandum](#).

In response to a question from Representative Kelsh, Mr. Bjornson said there is no firm number or standard on the percentage of deviation which is allowed. He said when courts started requiring a deviation of less than 10 percent in some cases, it threw a wrinkle in some states' redistricting plans. He

said the lower the deviation, the more likely a plan is to survive a challenge. He said the record must justify the reasons for having higher deviations.

In response to a question from Representative Kasper, Mr. Bjornson said drawing precincts is the responsibility of counties and cities.

In response to a question from Senator Christmann, Mr. Bjornson said addressing remaining portions of terms of Legislative Assembly members affected by the redistricting plan is a big issue that must be resolved by the committee. He said members will not be able to serve six years. He said the result of the final plan may be that some terms will be cut short. In 2001, he said, those cases were decided on a case-by-case basis.

In response to a question from Representative Nathe, Mr. Bjornson said in 2001 the Legislative Management--formerly known as the Legislative Council--did not make any changes to the plan that was submitted by the interim redistricting committee. He said the plan usually is accepted or rejected in its entirety.

Chairman Holmberg said in light of the fact that the Legislative Management has the authority to accept or reject this committee's final plan, it is important that the committee work with the Legislative Management during this process. He said compactness in the plan is important. He said the most compact district that can be drawn is in the shape of a circle. He said District 1 has been recognized as the most compact district in the country. He said situational ethics also must be considered, including whether a member must run again to retain that seat. He said in 1991 and 2001 the plan did not meet the approval of majority leaders. He said the additional changes were made to the 1991 plan in the 1995 legislative session.

In response to a question from Representative Kasper, Mr. Bjornson said the 2001 redistricting plan is included in North Dakota Century Code Section 54-03-01.11. Mr. Bjornson reviewed the contents of the binder provided to each member of the committee.

Chairman Holmberg said the proposed plan for future meetings of the committee is:

- July 21 (starting at noon) and July 22;
- August 4;
- August 23, 24, or 25 (2 of those days);
- September 13-14;
- September 27-28; and
- October 11-12.

Chairman Holmberg said committee training on the Maptitude for Redistricting program will be held on July 6. He said the July 6 date will be training only and will not be an official meeting.

At the request of Chairman Holmberg, Mr. Bjornson demonstrated a free online redistricting product known as "Dave's Redistricting." He said he would provide the committee with a link to the online product. Mr. Bjornson also conducted a brief demonstration of the Maptitude for Redistricting product. He said Maptitude for Redistricting is much more detailed and sophisticated than the online product.

In response to a question from Representative Holman, Mr. Bjornson said the Maptitude product will show existing districts.

Chairman Holmberg said as plans are developed, the plans will not be referred to by the author's name but rather by "Plan A," "Plan B," etc.

In response to a question from Senator Warner, Chairman Holmberg said all plans to be proposed to the committee should be routed through the Legislative Council before being submitted to the committee. He said all plans submitted by outside sources should come to the committee through a committee member.

In response to a question from Representative Kasper, Chairman Holmberg said there will be opportunity for public comment and for outside plans that someone wants to propose.

Chairman Holmberg said committee members should contact the Legislative Council about scheduling their training session on July 6.

In response to a question from Senator Christmann, Mr. Bjornson said he would provide to the committee a list of each county's population.

No further business appearing, Chairman Holmberg adjourned the meeting at 2:00 p.m.

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John Bjornson  
Committee Counsel

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Vonette J. Richter  
Committee Counsel

ATTACH:1