

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

LEGISLATIVE REDISTRICTING COMMITTEE

Thursday and Friday, July 21-22, 2011

Roughrider Room, State Capitol

Bismarck, North Dakota

Senator Ray Holmberg, Chairman, called the meeting to order at 1:00 p.m.

Members present: Senators Holmberg, Christmann, Cook, Grindberg, Klein, Lyson, Taylor, Warner; Representatives Bellew, Devlin, Holman, Johnson, Kasper, Kelsh, Monson, Nathe

Others present: See attached [appendix](#)

It was moved by Senator Klein, seconded by Representative Monson, and carried that the minutes of the June 16, 2011, meeting be approved.

Chairman Holmberg said several committee members have developed plans for various cities in the state which will be presented later in the meeting. He said these proposals are not final plans and are being presented to stimulate discussion. He said the next meeting of the committee is scheduled for August 4, 2011, in Bismarck. He said in anticipation of that meeting, the Legislative Council has offered to review plans on August 3. He said the Legislative Council will review majority caucus plans in the morning and minority caucus plans in the afternoon. He said the remaining meeting dates for the committee are:

- August 23-24 in Fargo;
- September 13-14 in Bismarck;
- September 27 in Devils Lake; and
- October 11-12 in Bismarck.

In response to a question from Representative Kelsh, Chairman Holmberg said there will be time set aside at each meeting for public comment. He said all plans proposed by the public must be presented through a committee member and must be reviewed by the Legislative Council. He said any committee member can present a plan to the Legislative Council.

Chairman Holmberg said letters seeking input were sent to the North Dakota Association of Counties, the North Dakota League of Cities, the tribal leaders, and all political parties that had a column on the 2010 ballot seeking input. He said the North Dakota Association of Counties and the North Dakota League of Cities will be interested in redistricting plans because of the effect the plan may have on precinct lines.

In response to a question from Senator Cook, Mr. John Bjornson, Committee Counsel, said while it may be possible to get information regarding current city limits, the lowest level in creating a district is the

census block. Mr. Bjornson said it is not possible to know where the people live within that block.

Chairman Holmberg said as city limits change throughout the decade, the districts do not change. He said city limits are continuously changing, but the redistricting plan is based upon the geography and numbers that existed at the time of the census. He said city limits were used as district boundaries in the current redistricting plan, including in Bismarck, Jamestown, Minot, and Mandan.

At the request of Chairman Holmberg, Mr. Bjornson and Ms. Vonette J. Richter, Committee Counsel, demonstrated a program that allows a person to view and have access to another person's desktop. Mr. Bjornson said this program will allow the Legislative Council to assist committee members as they work on their plans.

At the request of Chairman Holmberg, Mr. Bjornson presented a memorandum entitled [Estimated Cost of a Legislative District](#).

In response to a question from Senator Grindberg, Mr. Bjornson said the amounts for the 2011-13 biennium are less because the increased costs would be limited to the last seven months of the biennium.

Chairman Holmberg called on Mr. Mark Johnson, North Dakota Association of Counties, regarding the redistricting process. Mr. Johnson said he was speaking on behalf of many of the county auditors. He said he would urge the committee to prepare a plan that is as confined to county and township boundaries as possible. He said he realizes that in urban areas there are multiple districts in a county. He said the association does not want to take a political position on the redistricting issue. He said the committee may hear more from some of the county auditors as the process continues.

In response to a question from Senator Holmberg, Mr. Johnson said district boundaries that cross city limits can make ballot preparation difficult.

In response to a question from Senator Cook, Mr. Bjornson said when drawing maps using the software purchased by the Legislative Council, the census block is the lowest level that can be selected. He said it is also possible to select at the city, county, or township level.

In response to a question from Senator Klein, Mr. Bjornson said how a census block is designed is based on different circumstances. He said it is possible to split a block geographically, but it is not possible to know where the people live within that

block. He said for that reason it is best to avoid splitting blocks.

In response to a question from Senator Holmberg, Mr. Bjornson said a greater percentage of population deviation is acceptable if it is done to preserve county boundaries. He said, however, it is more defensible to split the county in order to preserve a reservation boundary even if that means having a population deviation that is under by almost 5 percent. He said it likely would be more important to preserve the percentage of minority population in an area--such as a reservation--than it is to preserve county boundaries.

In response to a request from Representative Kasper, Mr. Bjornson provided to the committee copies of a [map](#) with the 2001 districts with the population deviation of each district.

The committee discussed issues facing the northeastern part of the state which has several districts next to each other which have lost population in the last decade. Representative Monson said he has reviewed the populations in that area which should stay together to make a viable district. He said the committee needs to decide on the number of districts that will be in the 2011 plan.

Chairman Holmberg said the committee will develop 47 district plans and if it becomes clear that a 47-district plan will not work, the committee will then consider developing a plan with a higher or lower number of districts. Representatives Holman and Devlin said they have experienced similar problems in the eastern part of the state with respect to the multiple districts that have lost population. Representative Devlin said there is not an easy way to create districts in the northeastern part of the state without affecting Cass County.

Senator Christmann said historically, the population in the four largest counties in the state has been divided to help "prop up" the rural areas. He said, however, mid-sized towns like Jamestown and Williston have not been divided recently. He said the committee may want to look at dividing those mid-sized towns into two districts so the rural districts do not have to include such a large geographic area.

Senator Holmberg said the last time that was done the people in the rural area complained that Jamestown controlled two districts.

Senator Holmberg reviewed a proposed [plan](#) for the city of Grand Forks. He said under this proposed plan, none of the current legislators would be affected by the change in lines. He said all the legislators who live in Grand Forks have reviewed this plan. He said without making a lot of changes to current districts, four districts can be created with no more than a 3 percent deviation in any one district.

Representative Bellew said he was able to slightly modify the current Minot districts to keep essentially four districts within the same area. He reviewed a proposed [plan](#) for the Minot area. He said external boundaries of current districts would stay the same. He said his ultimate goals were to keep districts the

same and to square up the districts. He said although he did not do it intentionally, his proposal does not affect any current legislators.

Senator Grindberg said the Fargo area will begin working on plans around August 1.

Representative Nathe said he plans to meet with representatives of all four districts in the Bismarck area. He said there are no plans to draw districts that would cross the Missouri River.

Senator Lyson said he has not yet met with the people from District 2. He said District 1 is the city of Williston. He said they are considering moving the northwest part of Williston to District 2. He said District 2 may have to give up some of the current district to District 4. He said he will report to the committee at the next meeting.

Senator Warner said he is working on a plan that could potentially expand District 4 down the Missouri River valley to include all of McLean County.

Senator Christmann said one idea for a starting point in preparing a plan would be to start with Districts 9, 7, 14, and 28, which run north and south through the middle of the state and then work to the east and west from that starting point. He said a rule of thumb may be to avoid creating a district with a negative population deviation.

Representative Holman said solving the districts in the major cities does not solve the problem in redrawing the rest of the state, most of which have lost population. He said Senator Christmann's idea requires one to look at the bigger picture.

Representative Monson said he is not sure how to avoid splitting counties. In 2001, he said, Morton County probably had the most splits.

Senator Cook said the population in Morton County is just about perfect for two districts. He said the boundaries of Districts 33 and 39 could remain as they are now. He said Dickinson and Mandan have considerably more people than in 2001. He said external boundaries of the six southwest districts could stay the same with some changes internally. He said that would require some shifting in other districts. He said he plans to present a plan or two at the next meeting.

Representative Johnson said she has not worked with the redistricting program yet. She said there will be a need for some shifting in the Dickinson area.

Senator Klein said District 14, as a rural district, will be looking hard for increases in its numbers. He said he would like to look at a plan for 49 districts.

Representative Holman said if the committee wants to keep the urban-rural concept, Cass, Burleigh, and Ward Counties will need to add more districts. He said this means rural districts will have to be eliminated.

Representative Monson said when a new district is added, a rural district will have to be eliminated. He said if the committee stays with a 47-district plan, some rural districts may disappear.

In response to a question from Senator Holmberg, Representative Bellew said in preparing the Minot plan, he used geographical lines, not city limits.

Senator Lyson said there may be a need for a census challenge in District 1 due to the large number of people in that district who may not have been counted.

In response to a question from Senator Lyson, Mr. Bjornson said he does not envision any issues in North Dakota that would lead to a 2010 census challenge. He said redoing a census count is very expensive. He said the state is bound by the Constitution of North Dakota to use the decennial census numbers. He said he will receive additional information from the Census Bureau at the annual meeting of the National Conference of State Legislatures in San Antonio, Texas, in August. He said the census is like a snapshot of the country which is taken on one day every 10 years. He said if there was a recount in Williams County, it could be argued that it would be unfair for the remainder of the state to use 2010 census data.

Chairman Holmberg adjourned the meeting at 10:00 a.m.

John Bjornson
Committee Counsel

Vonette J. Richter
Committee Counsel

ATTACH:1