

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

LEGISLATIVE REDISTRICTING COMMITTEE

Thursday, August 4, 2011
Roughrider Room, State Capitol
Bismarck, North Dakota

Senator Ray Holmberg, Chairman, called the meeting to order at 9:00 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

Member absent: Representative Mike Nathe

Others present: See attached [appendix](#)

It was moved by Senator Grindberg, seconded by Senator Klein, and carried on a voice vote that the minutes of the July 21-22, 2011, meeting be approved.

Chairman Holmberg said members of the committee have been working with other legislators and interested parties in developing plans for different areas of the state. He said Representative Nathe has been working on a plan for Bismarck and Burleigh County which he likely will present at the next meeting. He said Representative Nathe recently had surgery and is unable to attend this meeting. He said Representative Nathe had developed a base for a plan that was met with some resistance after the plan was reviewed by other Bismarck area legislators who believed that the city of Bismarck should have five districts. He said Burleigh County has approximately 81,000 residents, which are sufficient for five full districts plus an additional 10,000 people leftover for other districts. He said creating an additional city district will have an impact on the rural areas around Bismarck, including Districts 8, 14, and 28. He said the configuration of Cass County and the Fargo area will also affect neighboring portions of the state.

Senator Grindberg said he presented background information to Fargo legislators at a meeting on August 2. He said the meeting resulted in productive discussions, but more work needs to be done, particularly with respect to District 22. He said the population of Cass County is approximately 149,000, which allows for 10 districts with about 6,000 people leftover. He said Districts 13, 22, and 27 have experienced large increases in population, which means those districts will have to lose significant portions of the existing districts. He said a proposed plan should be ready for presentation at the August 23 meeting of the committee.

In response to a question from Senator Holmberg, Senator Grindberg said theoretically it would make sense to place the high-growth areas in Cass County

in multiple districts. However, he said, the likelihood of a new flood control diversion could affect the future growth patterns in the Fargo area significantly.

Representative Kasper said the goal in developing a plan for the Cass County area has been to preserve the current districts as much as possible.

Representative Bellew said he has met with legislators from the Minot area legislative districts, and the plan that he presented at the last meeting will require some minor changes. He said those changes should be made so that the revised plan can be presented at the next meeting of the committee. He said the Minot area legislators also have worked to develop the plan in a manner that will maintain the existing district boundaries as much as possible.

Senator Christmann said the six districts west of the Missouri River are about the right size to remain six districts. He said the areas that have lost population generally are contiguous to areas of increased population so that the districts likely can be balanced with minimal changes. He said there should be a much less dramatic change than there was 10 years ago when that area of the state lost a legislative district.

Representative Johnson said she has visited with legislators from Districts 36 and 37 and will soon be developing a proposal for the Dickinson area. She said some population needs to be shifted from Dickinson to District 36, and District 36 needs to supplement District 39.

Senator Cook said the Mandan area and District 34 will have to shed some area. Although some decisions will need to be made with respect to minor adjustments to Districts 31 and 33, he said, the changes should be minimal. He said a proposal should be ready for review at the meeting in Fargo.

Senator Christmann said districts have generally not crossed the Missouri River in the past with the exception of crossing the river to maintain the integrity of the Fort Berthold Reservation. However, he said, there are three communities outside the reservation in Dunn County which are in District 4 and that area could continue to stay in District 4 or be moved to District 36, depending upon where the population is needed.

Senator Warner said those three communities could be placed in District 36, and District 4 could be supplemented by a modest move into McLean County.

Representative Kelsh questioned whether both political parties have been involved in the discussions that have been mentioned, particularly in the areas where there are no minority party legislators. He said party activists should be invited to participate in the meetings.

Senator Holmberg said meetings in which he has participated have included all of the incumbent members from the minority party representing the districts that he has addressed, with the exception of one member who has been briefed on the proposal. He said it was his understanding that the members of the committee working on a plan for Fargo intend to have all of the incumbent legislators involved before the plan is presented at the next meeting.

Representative Bellew said although he has not yet met with representatives of the minority party, he intends to seek input from the party chairmen at the next meeting at which he will review the proposed plan for Minot.

Senator Holmberg said sharing the proposed plans is the right thing to do, and it is best to avoid surprising people with significant changes.

Senator Lyson said the work on District 1 is relatively easy. He said District 1 has to move some population to District 2, which in turn will have to give up either Stanley or Burke County. He said the area of growth in Williston is to the north and west, which is in District 2. He said that area will likely see substantial growth in the next 10 years. He said he has invited representatives of the Democratic-NPL party in Williams County to meet with him next week.

Chairman Holmberg said the meeting in Fargo on August 23-24, 2011, will begin with presentations regarding the proposed plan for the Cass County area. After reviewing the proposal, he said, the committee will seek public input on the proposal. He said the committee also should expect to review proposals for Burleigh County, Minot, and the southwestern portion of the state. He said he intends to use the afternoon of August 23 as a work session to begin putting the proposed plans for the various areas into a larger plan and determining the effect on the other areas of the state. He said the second day of the meeting will consist of a review of the work done during the first day and further determination of the impacts of the proposals. He encouraged members of the committee to continue to work on proposals for the rural areas so that the committee can develop a template with which to work beyond the next meeting. He said the members of the committee would have liked to have met in other areas of the state--such as Williston, Minot, and Dickinson, but it is virtually impossible to find lodging in those cities for a large group.

Senator Klein said the proposal that is developed for Bismarck and Burleigh County will have a significant impact on the central portion of the state and District 14. He said it is difficult to work on proposals for the rural areas until it becomes clearer what happens with the urban areas.

At the request of Chairman Holmberg, committee counsel opened a map of Burleigh County and demonstrated that almost the entire rural portion of the county outside of Bismarck and Lincoln has a population of just under 10,000.

Representative Kelsh said the committee should not work on the premise that Bismarck will have five districts, and the other districts will have to work with whatever other population is left over.

Chairman Holmberg said nothing is set in stone until the final plan is put together. However, he said, the population of Bismarck amounts to five full districts.

Senator Christmann said there was discussion at the last meeting of the committee regarding splitting some of the mid-sized cities and apportioning the population between two districts to try to reduce the size of the rural districts. He said the geographic size of District 39 could be reduced by placing some of the residents of Dickinson in District 39. He said exploring the possibility of splitting some of the mid-sized cities should be considered.

Representative Monson said he has done some preliminary work on plans for the northeastern portion of the state but has not been able to do additional work since the last meeting.

Senator Taylor said the central portion of the state is going to be affected by what is done in the northeastern part of the state, and the central part will also have to look at options that are based upon what has been developed in urban areas. He said the process thus far has been good, but continual cooperation with input from both parties is important.

Representative Holman said he has worked on most areas of the state, but it appears the difficult work with rural areas will need to be done after work on the major cities is complete. He said public discussion and education is necessary to help people accept that change is necessary, and it is likely inevitable that some rural districts will end up with some odd configurations.

Chairman Holmberg said if some of the pieces are fit together at the Fargo meeting, the committee will have a couple more meetings to seek additional input from the public and from other legislators.

In response to a question from Senator Taylor, committee counsel said the committee will have to make a determination at some point regarding which incumbents will be required to stand for election before their terms are scheduled to end. In 2001, he said, the committee developed a process through which districts with multiple incumbents would likely be required to hold elections, but which did not include a population threshold at which elections would be required. He said prior redistricting plans used numerical thresholds, such as districts that had new territory with a population of 20 percent or more or the total district population would be required to hold elections regardless of whether an incumbent was in the middle of the incumbent's term. He said the committee likely will want to settle on a plan and

determine the impact of the plan before setting the standards with respect to the determination of which districts will be required to hold elections in 2012. He said the committee should keep in mind that there is no magic threshold at which an election may be required in a district, but the more change in population in a district, the more likely a court would determine that an election should be required.

Senator Holmberg said he agrees the committee probably will need to see the final population changes in a plan before making a decision regarding which districts will be required to hold elections. He said setting a standard now could result in that standard being used in the determination of where district boundaries would be.

Representative Kasper said the proposed plans presented to this point have come from members of the majority party. He said he believes it is important to see plans from members of the minority party so that fair consideration may be given to those plans.

Representative Kelsh said he does not expect the minority party will present plans that include any surprises. He said he wants the process to be fair to the people of the state and realizes that changes that may hurt some people are unavoidable in some areas.

Senator Cook said he recently learned that Alaska has only 20 Senate districts, and 1 Senate district is approximately the size of the state of Texas.

No further business appearing, Chairman Holmberg adjourned the meeting at 10:10 a.m.

John Bjornson
Committee Counsel

ATTACH:1