

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

LEGISLATIVE REDISTRICTING COMMITTEE

Tuesday, September 27, 2011
Chautauqua Gallery, 1801 College Drive North
Devils Lake, 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, Mike Nathe

Others present: Jim W. Smith, Legislative Council, Bismarck

Representative Al Carlson and Senator Joan Heckaman, members of the Legislative Management, were also in attendance.

See attached [appendix](#) for additional persons present.

It was moved by Representative Kasper, seconded by Representative Kelsh, and carried on a voice vote that the minutes of the September 16, 2011, meeting be approved as distributed.

Chairman Holmberg recognized Representative Joyce Kingsbury and Senator Dave Oehlke, members of the Legislative Assembly, who were in attendance. He also recognized former Senator John Traynor who was in attendance.

At the request of Chairman Holmberg, Representative Holman and Senator Warner presented a statewide plan ([PDF map](#) or [Google Earth image](#) (to view these files you need to download and install [Google Earth](#))). Representative Holman said the plan does not make any changes to the previous statewide template ([PDF map](#) or [Google Earth image](#)) for Districts 9 and 15. He said the plan would put the city of Page in District 22. He said the plan adds nine townships to District 24. He said District 26 would include 10 Cass County townships. The change in District 29, he said, is that LaMoure County would be whole. He said District 29 would include three current House members. He said Stutsman County, except for the city of Jamestown, would be whole. He said District 28 would include Kidder County and part of Burleigh County. He said the city of Steele was too large to include in District 28. He said the plan did not make any changes to the previous statewide template ([PDF map](#) or [Google Earth image](#)) for Districts 30, 32, and 35. He said the number for the new Bismarck area district was changed to 14.

Senator Warner said the 3.21 percent deviation in District 12 and the -4.09 percent deviation in District 29 could be adjusted somewhat to balance the

two districts. He said this plan may have put the current District 29 senator in District 12. He said the plan makes few changes in the west river districts. He said District 4 would cross the Missouri River, as it does now, and would include the cities of Dodge, Halliday, and Dunn Center. He said the plan would include all of Burke County in District 6--a change that may cause some concern. He said in creating the plan, he looked at districts with announced retirements as well as creating the least disruption with Legislative Assembly members. An effort was made, he said, to keep counties intact as much as possible.

In response to a question from Senator Christmann, Senator Warner said the plan would put Garrison in District 4 and Wilton in District 8. He said Steele and Dawson and the surrounding townships would be in District 8.

Chairman Holmberg called on Ms. Patti Patrie from District 14 for comments regarding the plan. She said to help constituents get to know their representatives, she would like to see an increase in the number of districts in the state. She said more districts would help reduce the geographical size of the districts.

Chairman Holmberg said the Constitution of North Dakota permits as few as 40 districts and as many as 54 districts. He said over the last 40 years, the number of districts has been 50, 53, 49, and 47. He said in the 2010 census, the state's population increased by about 30,000. He said, however, many rural areas of the state lost significant population. To save all the current rural districts, he said, the number of districts would have to increase to more than 50 districts. Under a 47-district plan, he said, North Dakota will have fewer constituents per district than any other state in the country.

Senator Warner said each new district would only add about 300 people per district.

Senator Klein said Ms. Patrie's district has always covered a large geographic area. He said he must drive great distances to see some of his constituents.

Representative Kelsh said the plans under consideration will result in the loss of rural districts. There is a concern across the state, he said, that rural areas will be losing representation.

Representative Monson said he lives in one of those areas with losing population. When he tried to make a 49-district plan, he said, the result was the need for the creation of a second new district in

Fargo. He said the state would have to go to a 53-district plan to save the rural districts.

Representative Devlin said there is no support to grow government to that extent.

Chairman Holmberg called on Ms. Laurel Jones from District 14. She said under the plan presented by Representative Holman and Senator Warner, she would be in District 8. She said this plan makes more sense than the current District 14 which runs from Highway 2 to south of I-94.

Chairman Holmberg called on Representative Kingsbury for comments regarding the plans under consideration. She said it is important to retain rural representation. She said because North Dakota is a rural state with a focus on agriculture, the committee should work to keep as much rural representation as possible.

Chairman Holmberg said the committee's concern is that not only has the population dropped dramatically in the northeast part of the state, but this area does not have a large population area from which to draw population. He said there was very little population change in the Grand Forks area and, therefore, the northeast part of the state is not able to draw from that more urban area. There were similar population decreases in the southeast and south central parts of the state; however, he said, the population increases in Burleigh and Cass Counties give those rural areas a large population base from which to draw.

In response to a question from Representative Holman, Representative Kingsbury said it feels fragmented to extend her district so far to the south. She said this plan makes her feel like she has lost her constituents.

Representative Carlson said part of the challenge in redistricting is that 360,000 of the state's 672,000 people live in four counties. He said that leaves only 312,000 people in the other 49 counties.

Senator Christmann said the Legislative Assembly is not causing the shift from rural to urban. He said the decision that the districts must be based on population rather than geography is the result of rulings of activist federal judges.

Representative Carlson said it is fairer to have the same number of people being represented by the same number of representatives.

In response to a question from Representative Kelsh, Chairman Holmberg said having 94 House subdistricts would be a greater challenge than the challenge of balancing 47 districts.

Mr. John Bjornson, Committee Counsel, said the Constitution of North Dakota allows for subdistricts within senatorial districts. In 1991, he said, there was a request in federal court from the Fort Berthold Reservation to have a subdistrict with the Standing Rock Reservation. He said the case was dismissed. He said only about a dozen states have multimember districts. He said the state would have to have good reasons to have some districts with subdistricts and some without subdistricts.

Senator Grindberg reviewed changes in the Fargo area which were made to template A ([PDF map](#) or [Google Earth image](#)). He said a number of small changes were made to the districts in the Fargo area, including adding to District 22 from District 13 and moving the boundary between District 41 and District 46. He said that boundary change was necessary to make the boundary a street rather than a bike path.

In response to a question from Representative Kelsh, Senator Grindberg said the changes did not affect any districts outside the Fargo area. He also said these changes do not affect any incumbents.

Chairman Holmberg said the Legislative Council staff will make changes in template A ([PDF map](#) or [Google Earth image](#)) to accommodate the Cass County changes. Senator Warner said the same changes also could be made to template B ([PDF map](#) or [Google Earth image](#)).

Chairman Holmberg called on Senator Christmann to present changes to the area west of the Missouri River which were made to template A ([PDF map](#) or [Google Earth image](#)). He said the Mandan city limits is the boundary between Districts 31 and 33. For election purposes, he said, it is important to include in District 33 an area that is now in city limits. He said city limits have changed since the maps were created. He said there are 10 people in this area.

Senator Cook said this is a buffer area for future expansion.

Senator Christmann said under a previously presented plan, Belfield was in District 39. These changes, he said, put Belfield back in District 36. He said District 39 will get people from Dunn County to make up for the number of people lost by placing Belfield in District 36. He said Killdeer and the areas north of Highway 200 would be in District 39. He said this is the "Belfield-Killdeer swap."

Senator Christmann said a slight change was made in west Dickinson which will help balance Districts 36 and 37 for future growth. He said only four people would be affected by this change. In the Regent area, he said, the townships of Chilton and Farina were shifted to include Regent in the same district as Mott. He said the townships of Campbell and Acme were moved into District 36.

In response to a question from Representative Kelsh, Senator Cook said the changes to the Regent area would not affect any incumbents.

Senator Warner said the changes to the Mandan area could be incorporated into template B ([PDF map](#) or [Google Earth image](#)), but that additional discussion was necessary before incorporating the Regent and Dunn County changes into template B ([PDF map](#) or [Google Earth image](#)).

At the request of Chairman Holmberg, Representative Devlin reviewed changes to template A ([PDF map](#) or [Google Earth image](#)). He said the changes include an east-west division of Walsh County. He said under the previous plan, Senators Gerald Uglem and Joe Miller would be in the

same district. With these changes, he said, Senators Curtis Olafson and Miller would be in the same district. He said an east-west split of Walsh County is better than a north-south split. He said other changes would add four townships in Ransom County to District 29. With regard to Districts 4 and 8, he said, the revisions would put Garrison and Max in District 8 instead of District 4. He said these revisions do not affect the Bismarck or Minot districts.

In response to a question from Representative Carlson, Representative Devlin said Representatives Robin Weisz, Jon Nelson, and Duane DeKrey would be in District 14 under this plan.

In response to a question from Senator Taylor, Representative Devlin said under the revisions, LaMoure, Dickey, and Ransom Counties would be split. He said the changes would make Foster County whole.

At the request of Senator Taylor, Mr. Bjornson provided a [report](#) on split counties in the plan presented by Representative Devlin.

At the request of Chairman Holmberg, Representative Nathe presented changes to the Bismarck area in template A ([PDF map](#) or [Google Earth image](#)). He said the changes would add the area around 57th Avenue to District 47. He said area from District 28 may be needed to square off District 7 south of Lincoln.

Senator Christmann said creating buffers may help one area for voting, but then it affects the other area. He said it may be difficult for election officials to keep track of who is not in that buffer area.

In response to a question from Senator Cook, Mr. Bjornson said the northern boundary of District 47 in this plan would be the Bismarck city limits.

At the request of Chairman Holmberg, Representative Bellew reviewed changes to District 5 in template A ([PDF map](#) or [Google Earth image](#)). He said the changes to the boundaries between Districts 5 and 38 were made to prevent the boundary from going through backyards.

The committee reviewed template A ([PDF map](#) or [Google Earth image](#)) and discussed issues that may arise with incumbents. The committee summarized the issues as follows:

- District 10 would include two incumbent senators;
- District 19 would include four incumbent House members;
- In the Fargo area, Representative Randy Boehning would reside in a new district;
- District 14 would include Representatives J. Nelson, Weisz, and DeKrey;
- District 6 would include Senators David O'Connell and Taylor;

- District 4 would include the current House members and Representative Glen Froseth;
- In Burleigh County, Representative Dwight Wrangham would reside in the new district with Senator Layton Freborg and Representative Jeff Delzer residing in District 8; and
- No incumbent issues exist in the Minot districts.

Senator Taylor said trade areas tend to run horizontally rather than vertically.

Chairman Holmberg said the districts in which there is agreement between template A ([PDF map](#) or [Google Earth image](#)) and template B ([PDF map](#) or [Google Earth image](#)) are 9, 10, 11, 13, 15, 17, 18, 19, 21, 23, 25, 27, 31, 33, 36, 37, 39, 41, 42, 43, 44, 45, and 46.

At the request of Chairman Holmberg, Mr. Bjornson provided a map that compared template A against template B ([PDF map](#) or [Google Earth image](#)).

At the request of Chairman Holmberg, Mr. Bjornson provided template A unassigned ([PDF map](#) or [Google Earth image](#)). He said this template includes all those districts for which there is agreement. Under this template, he said, those areas for which there is not agreement are designated as unassigned.

Chairman Holmberg distributed copy of 1981 North Dakota Century Code Section [54-03-01.8](#) as an example of how to write the language for the staggering of terms. He said the committee must decide on this language at the next meeting. He also distributed a copy of current North Dakota Century Code Section [54-03-01.8](#).

Chairman Holmberg said in previous legislative redistricting committees, the committee voted on the map but not on the legal descriptions. He said the Legislative Council staff will draft legal descriptions after the districts are agreed upon. He said language regarding incumbents will also be included in the bill draft. He said the bill draft recommended by the committee will be forwarded to the Legislative Management. He said the Legislative Management can accept or reject the bill draft or accept it in part.

No further business appearing, Chairman Holmberg adjourned the meeting at 12:45 p.m.

John Bjornson
Committee Counsel

Vonette J. Richter
Committee Counsel

ATTACH:1