

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

LEGISLATIVE REDISTRICTING COMMITTEE

Wednesday and Thursday, September 5-6, 2001
Skills and Technology Training Center Auditorium, Fargo, North Dakota
Grand Forks Educational Center, Grand Forks, North Dakota

Representative Mike Timm, Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives Mike Timm, Ole Aarsvold, Al Carlson, William R. Devlin, Glen Froseth, Pam Gullerson, Lyle Hanson, David Monson; Senators Bill Bowman, Randel Christmann, Layton Freborg, Ray Holmberg, Ed Kringstad, Tim Mathern, Steven W. Tomac

Others present: See attached appendix

It was moved by Representative Aarsvold, seconded by Representative Carlson, and carried on a voice vote that the minutes of the August 23, 2001, meeting be approved as distributed.

Chairman Timm said at the last meeting of the committee, committee members were requested to submit proposed plans to the Legislative Council office for review prior to this meeting. He said the committee will review each of the plans submitted and seek input regarding the plans.

Chairman Timm called on Senator Mathern to review a 49-district plan he had developed. Senator Mathern submitted a written summary of his plan, which is on file in the Legislative Council office. He said rural and urban citizens and legislators must work together to successfully address concerns regarding the state's population and economic issues. He said the plan creates no new districts wholly within a city and increases the number of districts that have both rural and urban constituencies. He said in the plan, District 19, which is the rural district with the greatest percentage of loss of population during the last decade, would be the number used by the district that gained the most population. The plan, he said, maintains the maximum number of present boundaries and uses natural and civic boundaries as often as possible. Although the western portion of the state has suffered the greatest population decline in the past decade, he said, the western districts increase in size but the number of districts does not decrease. He said the plan is incomplete in that Districts 4, 7, 8, 14, 30, 31, 32, 33, 34, 35, 36, 37, 39, 47, and 49 need additional boundary changes. However, he said, sufficient population is left to complete those districts within the allowable population variance.

Senator Mathern said house subdistricts are necessary for proper representation and for ongoing support of the two-house system. He said he would

consider 49 districts as an option to reducing the number of districts as part of a plan that includes subdistricts in at least the 10 largest districts in the state. He said a subdistrict plan could be implemented to allow incumbent representatives who are not up for election to hold office until the next general election following the completion of the term. He said senators from the 10 largest districts should receive additional compensation.

In response to a question from Representative Timm, Senator Mathern said he did not receive input regarding the western portion of the state, so he left sufficient population in that area to complete the remaining districts.

Representative Froseth said it appears the districts within Grand Forks County are on the upper edge of the population variance and those districts are likely to be growth areas in the next 10 years. He said this will cause additional problems in 10 years.

Senator Freborg said District 8 has approximately 1,000 too many people, and he is concerned many of the proposed plans significantly changed District 8 rather than remove 1,000 people from the district.

Senator Tomac said he has found that when he is creating a plan, the domino effect of making changes to each district results in the squeezing of Districts 8 and 14 due to the geographic position of those districts. He said that is true notwithstanding where he begins drawing the districts.

Senator Mathern said his plan reduces the problems with Districts 8 and 14 by eliminating District 19 in Grand Forks County.

Senator Freborg said the overpopulation of District 8 could be addressed by removing Lincoln from that district.

In response to a question from Representative Devlin, Senator Mathern said it was not his intent to split the Fort Totten Indian Reservation between two districts. He said he could revise the plan to place the reservation within one district.

Representative Devlin said it appears the plan will have to cross the Missouri River at either Bismarck or McKenzie County to provide sufficient population for the southwestern districts.

Representative Carlson said it appears the plan violates some of the principles the committee set forth at the beginning of its study. He said the growth

areas in Fargo and Bismarck are being put in rural districts, which probably is not a good policy.

At the request of Chairman Timm, Senator Tomac presented a 45-district plan. Senator Tomac said he attempted to retain the current districts and follow county lines to the extent possible. He said the most positive aspect of this plan is that it reduces government. He said it is difficult to tell school districts to reorganize when the Legislative Assembly is considering increasing its size. He said reducing the Legislative Assembly to 45 districts would likely save \$2 million over the next decade. Although District 39 increases in geographic size, he said, the increase is mostly in its width and not in the length of the district. He said the plan was developed without looking at where incumbents live.

In response to a question from Representative Devlin, Senator Tomac said although the plan splits the Fort Berthold Reservation, he would be willing to adjust that so the reservation is within one district. He said the splitting of the Fort Totten Reservation could also be addressed.

In response to a question from Senator Mathern, committee counsel said the committee could recommend a plan that entirely renumbers all of the districts and disregards the current district numbers.

In response to a question from Representative Carlson, committee counsel said the Attorney General has recently released an opinion indicating cutting short legislators' terms to effectuate an otherwise valid redistricting plan is constitutionally permitted.

Senator Tomac said North Dakota legislators currently represent the fewest number of people in the country by a rather significant amount. He said legislators in Wyoming represent approximately 16,500 people, and reducing to 45 districts would still keep North Dakota legislative districts at about 2,000 below that number. He said house subdistricts should be considered, particularly in the larger geographic districts.

Senator Christmann said North Dakota has more statewide officials than most states, and there is always opposition by the voters to reduce the number of elected statewide officials. He said it would be difficult to adopt Senator Tomac's plan because it would displace so many incumbents. He said the committee must recognize it needs the votes of a majority of the Legislative Assembly to pass a plan.

Senator Tomac said a 45-district plan is the only plan other than a 53-district plan in which the Missouri River would not have to be crossed substantially. He said the committee and the full Legislative Assembly will need to compromise to pass a plan. He said four districts were cut in 1991 without much problem as a result of compromise. He said a 45-district plan would preserve the long tradition of not crossing the Missouri River.

Representative Devlin said Senator Tomac's plan does not preserve counties and existing districts and

splits the Indian reservations. He said he expects many complaints regarding this plan because it has disrupted most current districts.

Chairman Timm called on Mr. Richard Dobson, Fargo, who presented a 52-district plan. Mr. Dobson submitted a map and other supporting documents, copies of which are on file in the Legislative Council office. He said the average population per district in his plan is 12,350, and each district is within 2.5 percent of that number. He said he did not complete the urban districts, but left sufficient population to complete those districts within the allowable population variance. He said the plan avoids splitting counties and is a painless solution for the committee.

In response to a question from Representative Froseth, Mr. Dobson said there was no reaction by the public in 1981 to the adding of three legislative districts. He said the Legislative Assembly could reduce its costs by having shorter sessions.

Senator Holmberg said because the Legislative Assembly recently reduced the number of judges in the state to 42, there would be a perception of hypocrisy if legislators increase the size of the Legislative Assembly.

Mr. Dobson said the plan should be formulated for the convenience of the voters, not incumbents.

At the request of Chairman Timm, Representative Devlin presented a 47-district plan. Representative Devlin said although he favors 51 districts, he prepared this plan for the sake of discussion. He said the plan does not contain a breakdown of the urban districts but has a sufficient number of persons assigned to those areas so that the required number of districts could be created within the allowable population variance.

Representative Aarsvold said he is concerned that Traill County is split among three districts. He said District 20 should stay in its present form because it has retained its population.

Senator Tomac said Representative Devlin's proposed plan affects 19 counties with multiple districts. He said there were only 18 counties split into multiple districts under his 45-district plan.

Senator Mathern said he would like to know the opinions of the members of the committee regarding a preference to using roads and highways or political subdivisions such as townships as boundaries in rural areas. Although it may be more of a challenge for county auditors to use roads as boundaries, he said, it may be easier for the citizens to recognize the boundaries based on roads or highways.

Representative Devlin said he prefers using townships whenever possible. He said most people in rural townships know their township boundaries well, and splitting townships may require the establishment of new voting places in rural areas.

Senator Holmberg said he strongly prefers using political subdivisions as boundaries. However, he

said, sometimes other features may be the only option when dividing some rural areas.

Senator Mathern distributed copies of a bill draft that would require the creation of House subdistricts in every senatorial district having a geographical area of 3,000 square miles or more. He said the bill draft also provides that a member of the Legislative Assembly who is a senator from a senatorial district having a geographical area of 3,000 square miles or more is entitled to an additional \$100 per month as compensation for the execution of public duties during the biennium. He said the problems of large districts can be addressed without adding additional districts by creating subdistricts. He said the establishment of subdistricts also provides a discernible difference between the House and Senate. Because there appears to be a reluctance to go to subdistricts for the entire state, he said, this bill draft would be a good first step.

Senator Bowman said he would be interested in looking to other states to see if any studies have been done regarding the establishment of subdistricts.

In response to a question from Senator Christmann, Senator Mathern said he prefers to have the committee include within the plan it recommends to the Legislative Council subdistricts for the larger geographical districts rather than to attempt to address this issue at a later time.

Senator Bob Stenehjerm, Bismarck, said he was concerned with the fact that voters in House subdistricts would have only one House member representing them while voters in the other districts would have two representatives.

Senator Mathern said the goal of creating subdistricts is to bring the representatives closer to the voters.

Senator Holmberg said the bill draft should be looked at as two distinct initiatives. He said one initiative to address is the high cost of senators and representatives serving a large geographic district, and the other initiative is the creation of subdistricts.

In response to a question from Senator Tomac, Chairman Timm said his goal is to have the committee complete its work by November 1, so the Legislative Council staff can prepare a final committee report and a bill draft before a special session that may be held during the last week in November.

In response to a question from Senator Tomac, Mr. John D. Olsrud, Director, Legislative Council, said the committee should complete a report and a bill draft for submission to the Legislative Council. He said the Legislative Council must meet before a special session to accept, modify, or reject the report of the committee.

In response to a question from Representative Timm, Mr. Olsrud said if the Legislative Council were to reject the report of the committee, no legislation would be submitted by the committee to the full Legislative Assembly. He said there is no requirement that

the Legislative Assembly complete redistricting at a certain time. However, he said, if the Legislative Assembly does not redistrict soon, there would likely be a lawsuit instituted because of the significant differences of population among the existing districts.

Representative Wesley R. Belter, Legislative Council Chairman, said he believes Monday, November 26, 2001, is a realistic date for the convening of a special session.

Chairman Timm recessed the meeting from 2:50 p.m. until 7:00 p.m.

At the request of Chairman Timm, committee counsel reviewed each of the plans that have been submitted to the committee for consideration. Chairman Timm opened the meeting for public comment.

Mr. Rick Forsgren, Director, Traill County Economic Development, Mayville, said the people of Traill County strongly object to proposals that split the county among multiple districts. He said splitting a county with a population of nearly 9,000 is wrong. He said combining rural areas with urban areas, especially in growing rural areas, is a bad approach. He said the people of Traill County have worked hard through the last few years to unify the county.

In response to a question from Representative Timm, Mr. Forsgren said when rural areas are combined with urban areas into a district, the growing urban areas will likely control the district.

Representative Carlson said the committee must begin to focus on a plan and move forward to meet its November 1 deadline.

It was moved by Representative Carlson and seconded by Senator Bowman that the committee meet on September 18, 2001, and that September 18 be the final date on which the committee will accept plans.

Senator Mathern said all plans should be submitted to the Legislative Council office by September 18, 2001, so that the Legislative Council office can review the proposed plans and send paper copies to the members of the committee before the October 4, 2001, meeting.

Senator Bowman said he agrees a deadline must be set because of concerns with the lack of completeness of the plans that have been submitted.

In response to concerns from various committee members regarding the scheduling of a meeting before the scheduled October 4, 2001, meeting, Chairman Timm said if the committee needs to schedule additional meetings to complete its work, he will schedule the meetings.

It was moved by Representative Carlson, seconded by Senator Bowman, and carried on a voice vote that the previous motion be amended to provide that in order for a plan to be considered by the committee, committee members must submit complete plans to the Legislative Council office by September 18, 2001, so that the

Legislative Council staff can review the plans and provide the committee members copies of the plans before the October 4, 2001, meeting.

Chairman Timm recessed the meeting at 8:05 p.m. and reconvened the meeting at 10:00 a.m. on September 6, 2001, in Grand Forks.

At the request of Chairman Timm, committee counsel reviewed each of the plans that have been submitted to the committee for consideration.

Senator Holmberg said his proposed plan for Grand Forks County, which was presented at the August 23, 2001, meeting, provides for five districts, one of which is primarily rural. He said the plan moved a minimum number of people among districts and did not affect any of the incumbent legislators.

In response to a question from Representative Aarsvold, Senator Holmberg said Grand Forks County is the perfect size for five districts under a 49-district plan. Although he has not completed a 49-district plan for review by the committee, he said, he has looked at two or three options for addressing Traill County.

In response to a question from Senator Tomac, Senator Holmberg said he will attempt to present a complete 49-district plan that will integrate his proposal for Grand Forks County. He said his proposal for Grand Forks County can be integrated into other 49-district plans.

Senator Holmberg said the population loss in District 19 is almost exclusively limited to loss on the Grand Forks Air Force Base.

Chairman Timm opened the meeting for public comments.

Mr. Sven Mickels, Mayor, Portland, said he is opposed to the proposals that divide Traill County among multiple districts. He requested the committee to attempt to maintain the integrity of the county.

Mr. John Knudsvig, Traill County commissioner, said the Traill County Commission has adopted a resolution which requests the Legislative Assembly to attempt to leave District 20 as it is because the district is well within the population requirements.

In response to a question from Representative Gil Herbel, Grafton, Senator Tomac said the cost of adding districts appears to be approximately \$100,000 per biennium per district.

Mr. Neil Dornacker, Mayville City Council, said adding districts would reduce disruption and address rural concerns. He said increasing to 51 or 52 districts would alleviate some of the rural concerns.

Representative Timm said the Legislative Assembly continues to receive pressure to decrease government. He said it would be difficult to increase the size of the Legislative Assembly while telling other entities of government to decrease their size.

Ms. Judy L. DeMers, Grand Forks, said the interim Legislative Redistricting Committee in 1991 looked at the possibility of establishing rural subdistricts. She

encouraged the committee to look at that possibility again.

Representative Darrell D. Nottestad, Grand Forks, said he appreciates the attempts to keep Grand Forks County within five districts. He said he has not heard much support for increasing the size of the Legislative Assembly. Because of the number of incumbents affected by a 45-district plan, he said, he favors remaining at 49 districts.

In response to a question from Senator Holmberg, Representative Nottestad said the perception of the public would not be very positive if the Legislative Assembly were to increase its size while telling schools to consolidate.

Representative Aarsvold said the factors affecting school enrollments and the state's population are not necessarily the same and should be treated differently.

Representative Joyce Kingsbury, Grafton, said the committee's work is important and thanked the committee for providing the opportunity for input in the eastern portion of the state.

Representative Thomas T. Brusegaard, Gilby, said he prefers keeping District 19 as a rural Grand Forks County district. He said the rural cities in the county have similar concerns.

Mr. Larry Lovas, Blanchard, said it would be devastating to split Traill County among multiple districts. He said of the plans he has seen, he prefers the 51-district option.

Senator Bowman said it will be inevitable that some counties will be split into multiple districts.

Representative Devlin said the people of the state do not equate the size of the Legislative Assembly with the high cost of government. He said a larger Legislative Assembly provides more access for the people. He said cutting the number of districts could lead to full-time legislators. Therefore, he said, he supports increasing to 51 districts to provide additional access to legislators.

Senator Tomac said he interpreted the motion from Representative Carlson at the meeting last night to require that any plans submitted to the committee be complete and not have areas around cities blocked off as one large block.

Representative Timm said it should be up to the legislators in each of the major cities to work to prepare plans for those cities. He said those plans could then be incorporated into full statewide plans. He said all plans must be submitted by September 18, 2001.

Mr. Bill Phelan said he is concerned with the minority having any voice in the development of a redistricting plan because of the overwhelming majorities on this committee and in the Legislative Assembly.

Chairman Timm said the committee is attempting to act in a nonpartisan manner and to remain on friendly terms. He said the committee is looking at a

number of factors in creating redistricting plans, such as observing political subdivision boundaries, protecting existing districts, and combining trade areas.

Senator Christmann said many members of the committee are from districts in which both parties are represented. He said any overly partisan actions would not likely be well received by their constituents.

There being no further business, Chairman Timm adjourned the meeting at 12:00 noon.

John Bjornson
Committee Counsel

John D. Olsrud
Director

ATTACH:1