

2017 SENATE GOVERNMENT AND VETERANS AFFAIRS

SCR 4009

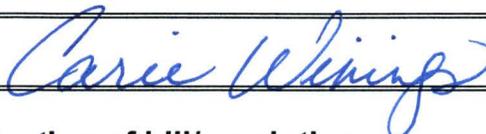
2017 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Sheyenne River Room, State Capitol

SCR 4009
2/9/2017
Job Number 28086

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A concurrent resolution requesting the Legislative Management to consider studying the formation of an independent, nonpartisan redistricting commission for the decennial redrawing of legislative district boundaries in North Dakota.

Minutes:

Attachments: 1-2

Chairman Poolman: Opened the hearing on SCR 4009.

Senator Heckaman, District 23: See Attachment #1 for testimony to explain and in support of the bill. See Attachment #2 for additional information to the bill.

(4:40) Senator Meyer: Legislative management would do the study but who would help decide the commission? Would that also be legislative management?

Senator Heckaman: This is just forming a study and in that study, that is how the commission would be formed. Whether Legislative Management decides it needs to be some legislators, some independents, some from judiciary, some from executive branch, or all independent community members. It is hard to say what they will end up with. I think it is an opportunity for us to go from pretty much legislatively driven process into more of a non-partisan process and I think that is important. I am reassured that someday my party may be in the majority and then it would look completely different. That would make the process fair too. Whatever party is in the majority right now would have their own ideas on how to redistrict and the minority would also, but this would be an independent commission. I hope you would see that the study brings forth some ideas that are creative. As you can see when we looked at the three different ways that we could redistrict that population, maybe you even have some other ideas. My examples show a variety of ways that changed how the majority that sits in a legislature ends up.

Senator Bekkedahl: I look at the squabbles and partisanship that we have at the national level and it is attorneys and scholars in Washington DC that tell me it is totally a result of gerrymandering over the last two decades on both sides of the spectrum. The districts are so gerrymandered now that you can be safe in every vote that you do because your district is full of one side or another. I see the issue as paralyzing national government and I would not want that to happen here. Do you see the issue in North Dakota? I have never been involved the redistricting process. Do you see it active in North Dakota where that is occurring

or it could be occurring? Do you see the independent commission as totally taking care of that issue if it is there?

Senator Heckaman: It has been an issue in North Dakota. (Gave an example of New Rockford being in 3 legislative districts since 1984 despite the population not changing.) It loses connectivity with the legislator and the district people. I am under the understanding that when district 23 came about a certain legislator was in the House and wanted to keep his position and not move in and run against those in another district to the east, so six townships out of one county were moved into 23. That kept that contentious legislative race at bay because there was no race then. That individual did not have to run against the House person in District 20. Since the last redistricting, we have absorbed all of that county now so that has changed some of the dynamics for all of the counties involved. I know even in Bismarck, when you look at the redistricting map, there is a specific carve out for one of the legislators in a district. That is what we want to keep away from. Boundary lines are important because you have to divide someplace. As our rural grow the urban get smaller, because you have more people condensed into a smaller area in the urban areas. District 14 is a good example of a wide ranging district that is close to the Canadian border almost to Lincoln. In the process, we have offered opportunities to change some of the line and because the redistricting committee is basically in the same proportion as the legislature is, that has been hard for the minority party to do. This is not designated for either party. This is designated so people are not divided in their communities. County lines are still important to try and keep our rural areas together.

Chairman Poolman: Redistricting happened right before I got here, so can you run through the process of how people are chosen, who serves, how many people serve, and can you give that little bit of history?

Senator Heckaman: I have not been on that committee. My connection with it is after it is all done to come in on a special session and approve everything. I understand that it is basically appointed by legislative management. There is a redistricting committee that will be appointed after the next census is done and that has been in proportion of the parties in the chambers.

Chairman Poolman: How many people serve on that?

Senator Heckaman: I do not know. I cannot tell you how many have and I cannot tell you the make-up of it. I know that they have access to a number of programs that are available nationally to plug in your number from the Census to do different drawings of districts and sometimes they have used some of the recommendations and sometimes they have gone outside of those recommendations to do the final drawings for the districts. In the past there have been more legislative districts too, because we are allowed to have more than 47. That has been an issue in the past as well. There have also been issues in the past where we have changed the way representative are chosen. (Gave example of some situations in the past.)

(14:15) Senator Bekkedahl: The former Senator in my district was on the last redistricting and he told me it was a terrible thing to do and that he hated the process. No one looks forward to this process. They deplored having to go through it. I had 14,000 residents in my district at the last census, which is in the city of Williston, and now I am told there are over 20,000 people in my district and my boundaries have not grown. It is just the compactness

with the apartments. I would guess that my district will shrink to some degree. Is there any merit to people like me that are in a position like I am that don't have anything to gain or lose being on these commissions, versus someone that is in a contested district?

Senator Heckaman: I don't know that I can say for you to sit on that commission or committee would be any advantage to you, but input would be important. You know where lines can be drawn easily more geographically and thoroughly more than anyone else would. But, on the other hand, would your bias come into that process. That is what we want to get out of – the whole process of legislative redistricting. We want to have some kind of a program that gives fair opportunity to everyone and not end up like the 3rd diagram we had here where certain advantages and disadvantages can be drawn by moving lines around. There are a lot of programs out there. I have looked at some. In North Dakota we are small enough that we should consider at least not dividing communities up. It sends the wrong message to our voters. An unbiased, non-partisan, non-legislative commission would be the way to go. This is a study resolutions and legislative management would have the final say.

Senator Bekkedahl: It struck me that we are talking about legislative redistricting, is that correct? Then why would we have parties outside of legislators deciding about legislative districts? Is that solely for the fairness issue that you have with this?

Senator Heckaman: I think it is an issue of being nonpolitical. I think there is a perception out there that as these redistricting projects go forward and the process goes forward, and it is mostly legislators on there, I don't exactly know the roll that legislative council plays in this. In the process, we are looking at unfair opportunities that could come forward and I think they would come forward more from legislators then they would from a non-partisan, non-legislative redistricting committee. There are 23 states have used some form of this process already. I don't know that any of them are dropping that process and I think they see it as a fair way. There are a lot of knowledgeable people out here, not only in any of the branches of government, but the average citizen that could look at what is fair for the people of the state of North Dakota.

(19:45) Kayla Pulvermacher, North Dakota Farmers Union: Testified in favor of the bill. Our organization has a long standing policy on the idea of having a non-partisan redistricting commission. We have members on all sides of the political spectrum in our organization and we are non-partisan. We see a lot of benefits in the idea of having a non-partisan redistricting commission for some of the same reasons that Senator Heckaman talked about in terms of keeping the communities together and looking at geography. In terms of how these committees can look, there are a number of ways that states do it. I believe South Dakota had a measure this last time around looking at having it non-partisan. This is something that our organization has long been in support of.

(21:00) Casey Bookman, District 8 Resident: Testified in support of the bill. It is a non-partisan study. We have had issues in our district. I am saying that it is important to realize that this is a non-partisan study for getting the majority party out of the room and get other minds and opinions on what does need to be done and how it looks. It is vitally needed we have this study to make sure that it is a non-partisan thing and that the people have a voice in it.

Chairman Poolman: Closed the hearing.

2017 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Sheyenne River Room, State Capitol

SCR 4009
2/9/2017
Job Number 28111

- Subcommittee
 Conference Committee

Committee Clerk Signature

Carie Weingart

Explanation or reason for introduction of bill/resolution:

A concurrent resolution requesting the Legislative Management to consider studying the formation of an independent, nonpartisan redistricting commission for the decennial redrawing of legislative district boundaries in North Dakota.

Minutes:

No Attachments

Chairman Poolman: Opened SCR for committee discussion. It would be an interesting time to study what is happening in other states. It is pretty clearly a partisan bill, but it is just a study.

Senator Bekkedahl: I don't think it hurts to provide for the study to exist. My personal feeling is that when you are dealing with legislative districts, it seems to me that it should be the power of the legislature to determine those because it is within our branch of the government to determine that. Philosophically, I would continue to support the legislature to continue doing it based on that. I am not afraid of the study if it wants to move forward.

Chairman Poolman: I also don't like the language on lines 9-11. I do not like that sort of assumption in the bill.

Senator Vedaa: I am from a very large district where gerrymandering is impossible so I guess that I am not a real fan of this. I can say that I don't support it.

Senator Bekkedahl: Is it possible to just leave it here for now? I would like to have some conversation with some that are outside of the committee if I could.

Chairman Poolman: Closed the committee discussion on SCR 4009.

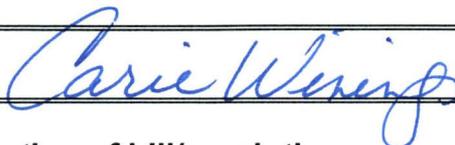
2017 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Sheyenne River Room, State Capitol

SCR 4009
2/10/2017
Job Number 28181

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A concurrent resolution requesting the Legislative Management to consider studying the formation of an independent, nonpartisan redistricting commission for the decennial redrawing of legislative district boundaries in North Dakota.

Minutes:

No Attachments

Chairman Poolman: Opened SCR 4009 for committee discussion.

Senator Vedaa: Is this coming up to be done in the 2020 election, or is it after the 2020 election? Do they get together and look at this anyway? Is this something that is necessary?

Chairman Poolman: The process is already in place. It is a legislative committee that does this. They have all sorts of information that comes to them. They use all sorts of different resources in order to draw those lines. This would be studying doing it all differently.

Senator Meyer: Is the minority party currently involved with that too?

Chairman Poolman: They are. It is proportional in the same way that all of our other committees and commissions are.

Senator Bekkedahl: I was not involved in the process when it happened last time, but I know a little bit about it from the city side because we monitored it. The 2020 Census data will not even be available until mid-summer of 2021, and then there would be a commission formed probably in that 2021 session that would take that data when it comes after the session is over and work it until the 2023 session for implementation, is that correct? 2011 is when they formed the commission and 2013 was when the redistricting was finally completed.

Chairman Poolman: It would have been in 2012 election. It does take them a while to do that.

Senator Bekkedahl: So, this does not all happen before 2020 is the point I was trying to make.

Chairman Poolman: Right, it happens after those counts come in. As we have talked about, the districts have had some population increases so there will be shifting of those boundaries to accommodate that. I have really respected Senator Bekkedahl's perspective in saying that these are legislative boundaries and having legislators involved in doing this is important. It does have bi-partisan involvement in the committee. When you look at our districts, with the exception of a couple, they are pretty straight lines.

Senator Bekkedahl: (Asked Senator Marcellais how it would or has affected his district in the past.)

Senator Marcellais: My district has never changed throughout redistricting. If anything the population has increases and I have been in since 2007. I have never heard of it changing before my time. It goes by population, but it is always Rolette County.

Senator Bekkedahl: Moved a Do Not Pass.

Senator Meyer: Seconded.

A Roll Call Vote Was Taken: 4 yeas, 1 nay, 1 absent.

Motion Carried.

Senator Poolman will carry the bill.

Date: 2/10
 Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 4009

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Bekkedahl Seconded By Meyer

| Senators | Yes | No | Senators | Yes | No |
|-----------------------|-----|----|--------------------|-----|----|
| Chairman Poolman | ✓ | | Senator Marcellais | | ✓ |
| Vice Chairman Davison | Ab | | | | |
| Senator Bekkedahl | ✓ | | | | |
| Senator Meyer | ✓ | | | | |
| Senator Vedaa | ✓ | | | | |
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Total (Yes) 4 No 1

Absent 1

Floor Assignment Poolman

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SCR 4009: Government and Veterans Affairs Committee (Sen. Poolman, Chairman)
recommends **DO NOT PASS** (4 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING).
SCR 4009 was placed on the Eleventh order on the calendar.

2017 TESTIMONY

SCR 4009

SCR 4009

SENATOR JOAN HECKAMAN

Chairman Poolman and Members of the Government and Veteran's Affairs Committee:

I am Senator Joan Heckaman from New Rockford and I represent District 23.

SCR 4009 is a resolution requesting Legislative Management to consider studying the formation of an independent, nonpartisan redistricting commission for the decennial redrawing of legislative district boundaries in North Dakota.

The timing is right for this resolution because after the next session, we will be near the time of the next census and then the next redistricting effort.

This resolution is an effort to offer commonsense reforms that make government more transparent, representative, and accountable. This is a piece of the puzzle that will ensure everyone has equal representation in our government.

Legislative district lines should be drawn fairly and in a manner that respects the various communities and political subdivisions in our state. That's how we ensure everyone has equal representation in our government, and it's how we ensure our elected officials are truly serving the best interests of the communities they represent.

Gerrymandering is the drawing of legislative district lines for specific benefit of legislators/or districts at the expense of proportionality and fair representation. Gerrymandering is an unfortunate process that restricts the voices of voters by dividing up communities, town, and

cities into different legislative districts simply because it serves partisan goals.

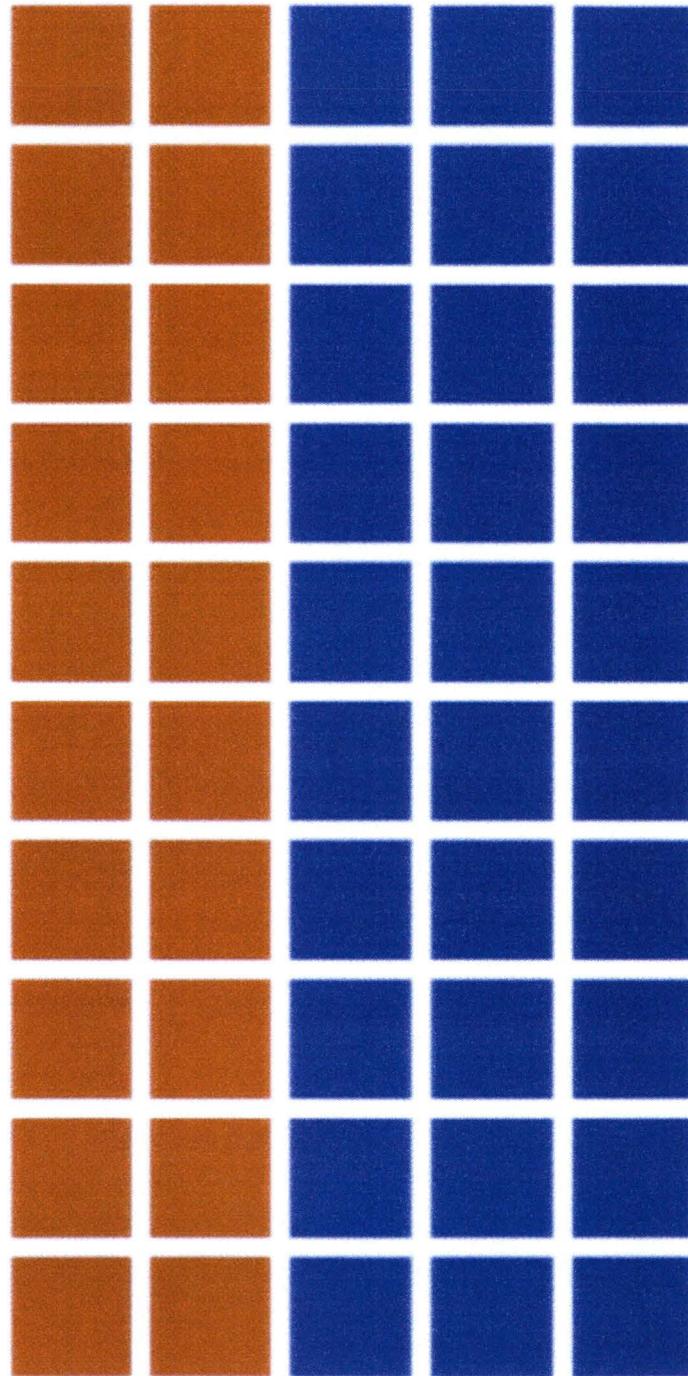
The handout I have to offer today provides 3 different options for redistricting and how different results can be effected by drawing the lines differently.

Currently a total of 23 states rely on some form of non-legislative redistricting commission, which either has primary responsibility for redrawing district lines or which serves in advisory capacities for the redistricting process.

This morning I ask that you give this your careful consideration with the understanding that Legislative Management will have the final say in whether this study is selected.

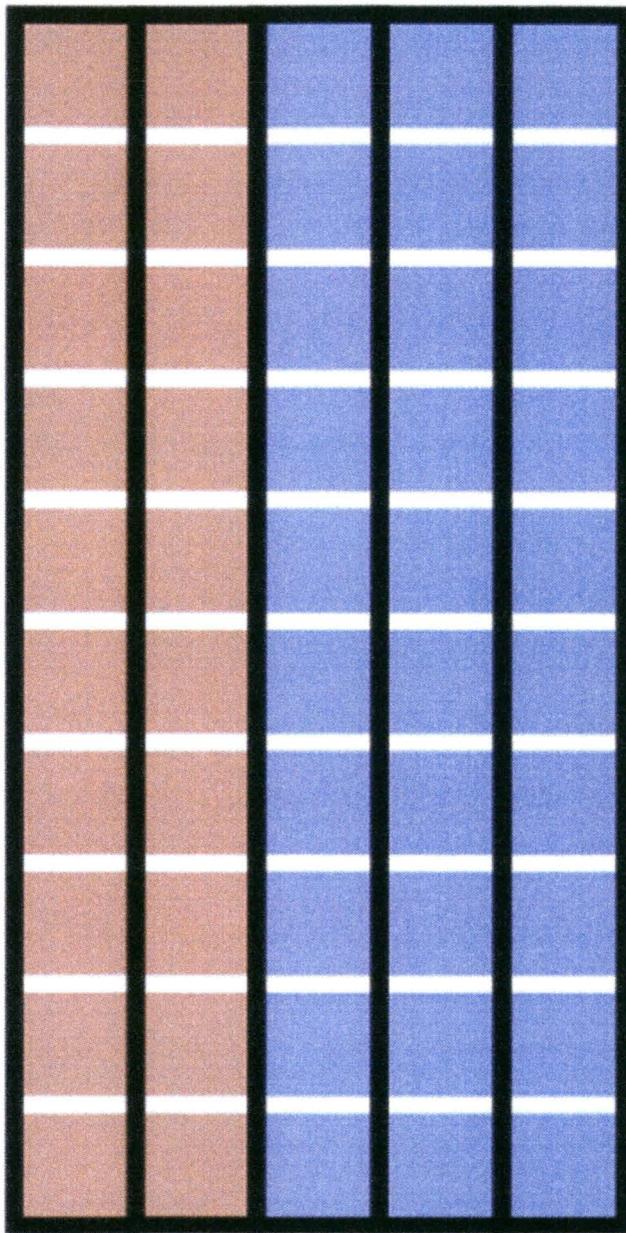
Thank you. I would stand for any questions you have.

50
people



**60% blue,
40% red**

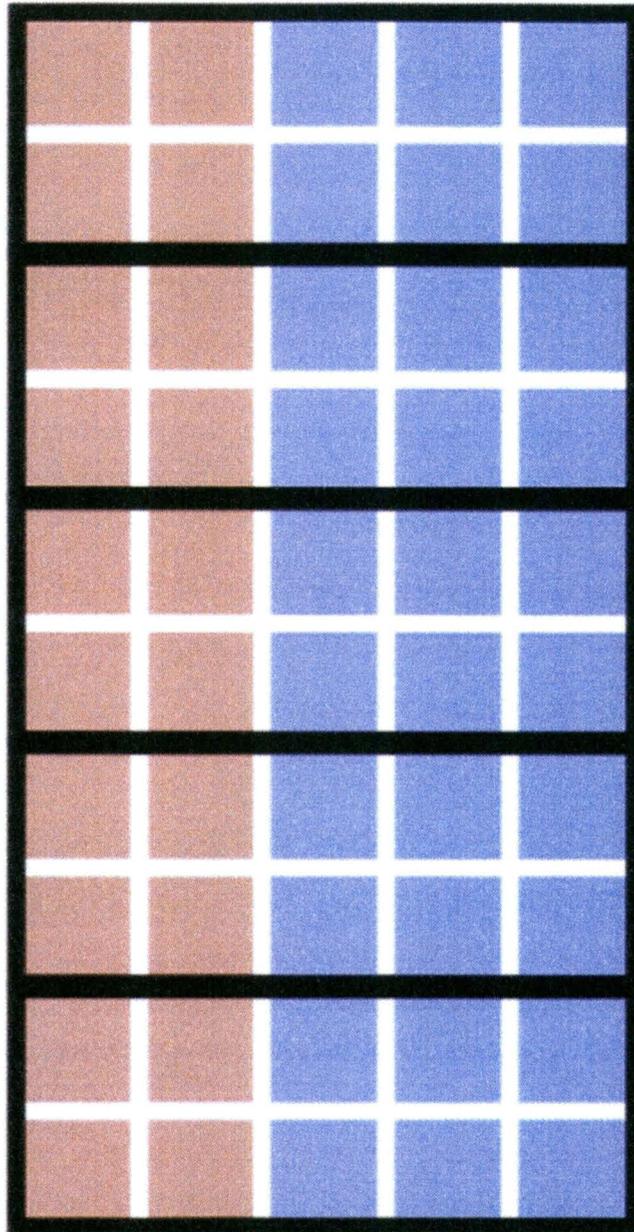
1. Perfect representation



**3 blue districts,
2 red districts**

BLUE WINS

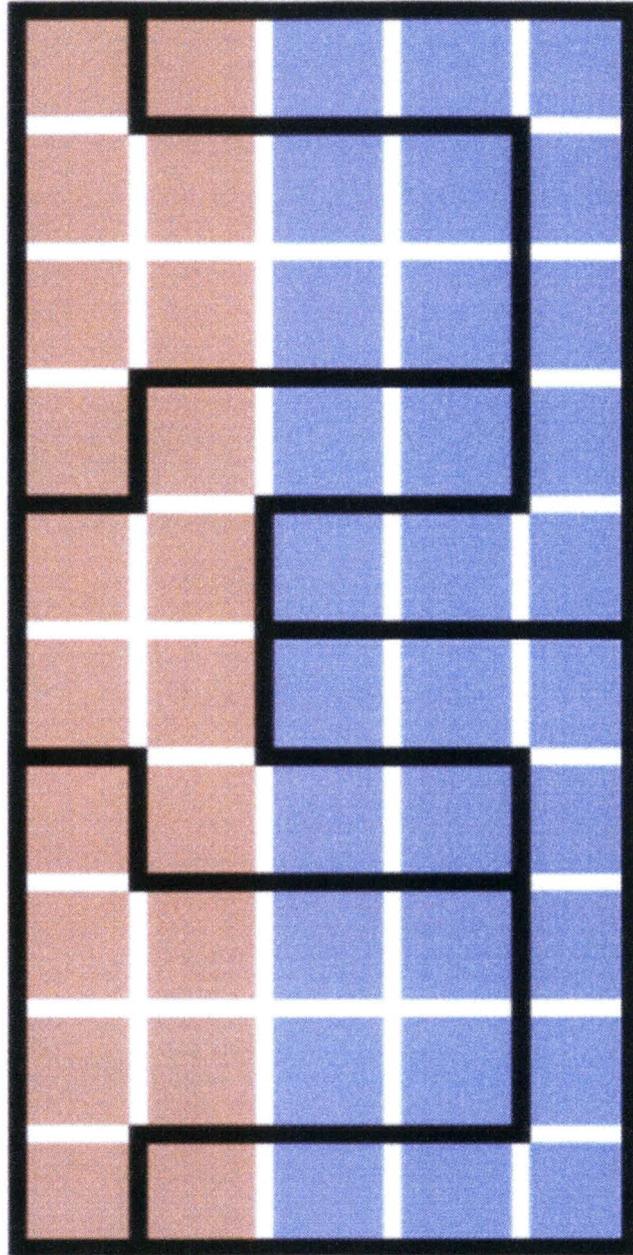
2. Compact, but unfair



**5 blue districts,
0 red districts**

BLUE WINS

3. Neither compact
nor fair



**2 blue districts,
3 red districts**

RED WINS