



# North Dakota House of Representatives

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## Representative

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Minority Leader

February 11, 2020

## HB 1474 Testimony House Government and Veterans Affairs Committee

Good morning Chair Kasper and members of the GVA Committee.

HB 1474 is intended to provide greater guidance on residency expectations of us legislators, especially as we embark on the redistricting process over the next year.

As some of you will recall, in 2015, the legislature passed Senate Concurrent Resolution 4010 to be voted on by North Dakotans in the November 2016 election. SCR 4010, which is attached to my testimony with a 1 in the top right corner, adds language to Section 5 of article IV of the state Constitution, which reads "*An individual may not serve in the legislative assembly unless the individual lives in the district from which selected.*" As you'll see that the existing language in that section of the Constitution only applied to being elected to the legislative assembly. With us serving four-year terms, which currently includes two legislative sessions, SCR 4010 allowed the voters to decide if legislators must also continue to live in the district they were elected to.

On November 8, 2016, the voters approved Constitutional Measure 1, which was SCR 4010 by an overwhelming 86.11% to 13.89%. The voters certainly want legislators to live in their districts while they serve.

With this language added to the Constitution, some have now questioned what does "lives in" mean? Without a definition, it is challenging for us as legislators to hold each other accountable to the voter approved lives in requirement. Hence HB 1474 before you all. Before the passage of SCR 4010 and the subsequent Constitutional measure, there were two publicly known instances of legislators who moved out of the district they were elected to represent and continued to serve. However, the Constitutional measure still doesn't address that type of situation.

I have had the definition drafted in a way to alleviate concerns raised by the 2015 conference committee that negotiated SCR 4010. Specifically, recognizing the fact that legislators, like the people we represent, travel for work or have lake cabins or homes in the south for a winter get away that could last for a few days or several months or may find ourselves displaced by a disaster such as a fire or flooding. These are all reasonable reasons to temporarily live somewhere else while serving in the legislature. The problem trying to be resolved here is the instances where a legislator may move out of their district and try to continue to serve, which includes accessing a salary and other benefits associated with our positions.

I appreciate the committee's consideration of this legislation and hope that you can assist in developing a proactive solution that allows the Legislative Assembly or the voters of the districts we represent more specificity.

I will try my best to answer any questions committee members may have.



## CONSTITUTIONAL MEASURE NO. 1

### SENATE CONCURRENT RESOLUTION NO. 4010

**BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES  
CONCURRING THEREIN:**

That the following proposed amendment to section 5 of article IV of the Constitution of North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the general election to be held in 2016, in accordance with section 16 of article IV of the Constitution of North Dakota.

**SECTION 1. AMENDMENT.** Section 5 of article IV of the Constitution of North Dakota is amended and reenacted as follows:

**Section 5.** Each ~~person~~individual elected or appointed to the legislative assembly must be, on the day of the election or appointment, a qualified elector in the district from which the member was ~~chosen~~selected and must have been a resident of the state for one year immediately prior to that election. An individual may not serve in the legislative assembly unless the individual lives in the district from which selected.

②

**OFFICIAL BALLOT LANGUAGE  
FOR MEASURES APPEARING ON THE  
ELECTION BALLOT  
November 8, 2016**

Vote by darkening the oval either opposite the word "YES" or "NO" following the explanation of each measure.

**Constitutional Measure No. 1  
(Senate Concurrent Resolution No. 4010, 2015 Session Laws, Ch. 500)**

This constitutional measure would amend and reenact section 5 of Article IV of the North Dakota Constitution and prohibit an individual from serving in the legislative assembly, unless the individual lives in the district from which he or she was selected.

- YES** – means you approve the measure summarized above.
- NO** – means you reject the measure summarized above.

**Constitutional Measure No. 2  
(Senate Concurrent Resolution No. 4003, 2015 Session Laws, Ch. 499)**

This constitutional measure would amend and reenact section 24 of Article X of the North Dakota Constitution by depositing ten percent of the revenue from oil extraction taxes in the common schools trust fund and ten percent of the revenue in the foundation aid stabilization fund. Except as otherwise provided, the principal of the foundation aid stabilization fund may be expended upon order of the Governor, only to offset reductions in state aid to school districts due to a revenue shortage. The measure also would allow the legislative assembly to use any excess principal balance of the foundation aid stabilization fund for education-related purposes whenever the balance exceeds fifteen percent of the general fund appropriation for state aid to school districts for the most recently completed biennium.

- YES** – means you approve the measure summarized above.
- NO** – means you reject the measure summarized above.

**Initiated Constitutional Measure No. 3**

This initiated measure would add a new section to Article I of the North Dakota Constitution which would provide certain rights to victims of crime in this state, including the right to be treated with respect, to be free from harassment, and to be protected from the accused. The measure would provide for the right to prevent the disclosure of confidential information about the victim; to refuse or limit questioning of the victim; to notice of, and presence at, court proceedings; and to notice of release or escape of the accused. The measure would provide for the right to be heard in court proceedings, to provide information about the impact of the offender's conduct, and to receive reports relevant to these rights. The measure would provide for the right to restitution from an offender for losses suffered as a result of criminal conduct; to be informed of the outcome of the case and of the detention or other disposition of the offender; and to be informed of, and participate in, post-judgment processes.

- YES** – means you approve the measure summarized above.
- NO** – means you reject the measure summarized above.

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OFFICIAL 2016 GENERAL ELECTION RESULTS

November 8, 2016  
Results last updated: 11/18/2016 10:32:46 AM

STATEWIDE TURNOUT

Voter Turnout 349,945  
Eligible Voters 570,955



PRECINCTS REPORTED

Precincts Partially 0  
Precincts Fully 432  
Total Precincts 432



Statewide Measure Results

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Sort By Votes

Constitutional Measure No. 1 Relating to Legislator Residency Requirements

Precincts Fully: 432 / 432 | Partially: 0 / 432

Track this Contest

Vote For 1

EXPORT

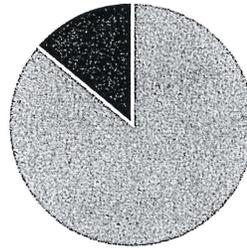


Yes ✓ 282,231 86.11%

No 45,542 13.89%

TOTAL VOTES 327,773

Bar Graph | Map



MEASURE INFORMATION

COUNTY

TOP

Constitutional Measure No. 2 Relating to Oil Extraction Tax Distribution

Precincts Fully: 432 / 432 | Partially: 0 / 432

Track this Contest

Vote For 1

EXPORT

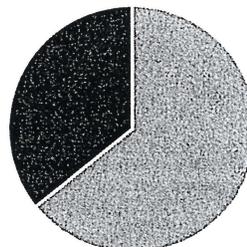


Yes ✓ 209,651 64.30%

No 116,418 35.70%

TOTAL VOTES 326,069

Bar Graph | Map



MEASURE INFORMATION

COUNTY

TOP