Friday, March 25, 2021

Senate Political Subdivisions Committee
HB 1397

CHAIRMAN BURCKHARD AND COMMITTEE MEMBERS:

My name is Jack McDonald. I'm appearing on behalf of the North Dakota Newspaper and Broadcasters Associations. We object to this bill without our suggested amendment.

Redistricting only comes around once every 10 years. So it's kind of a big deal, right? Redistricting plans are incredibly complex and involve very detailed changes to the state's 47 legislative district, sometimes coming down to block to block changes in larger cities.

HB 1397 prevents North Dakota citizens, whose rights to legislative representation are seriously affected by these plans, the opportunity to review and respond, object, agree, offer amendments, etc., to these plans until they are presented to a meeting of Legislative Management or the Legislature.

Obviously there is not time in the maybe 15-20 minutes when the drafts are made available at a public meeting to prepare logical and meaningful objections and/or amendments to plans that took months of planning and computerized research to develop. And there would be no time to draft written testimony or prepare amendments or alternative plans.

This is similar to saying no one could see any bill during this session until the day of the hearing. That really wouldn't work very well.

The sponsor has said HB 1397 is exactly how it was handled in 2011. Well, yes and no. **Exhibit 1**- attached to my testimony - is engrossed HB 1267 from the 62nd Legislative Assembly that does not exempt the drafts.

Exhibit 2 shows the amendment from then Senate majority leader Sen. David Nething that added the exemption provisions, and **Exhibit 3** shows the final version of the bill.

It's just not fair to hide these plans from your constituents. We believe a good compromise would be to make these proposed drafts public at least two weeks prior to the meeting at which they are presented. That's what our proposed amendment does.

Thank you for your time and consideration. I'd be happy to answer any questions.

PROPOSED AMENDMENTS TO ENGROSSED HB 1397

On page 1, line 23, after the word "until" insert "two weeks prior to when it will be"

On page 1, line 24, after the word "assembly" insert "and shall be made available to the public on the assembly's web page"

And renumber accordingly.

11.0051.04000

Sixty-second
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1267

Introduced by

Representatives Carlson, Vigesaa

Senators Christmann, Stenehjem

A BILL for an Act to establish a legislative management redistricting committee, to provide for the implementation of a legislative redistricting plan, and to provide for a special legislative session; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT REDISTRICTING COMMITTEE - SPECIAL LEGISLATIVE SESSION. The chairman of the legislative management shall appoint a committee to develop a legislative redistricting plan to be implemented in time for use in the 2012 primary election. The committee must consist of an equal number of members from the senate and the house of representatives appointed by the chairman of the legislative management. The committee shall ensure that any legislative redistricting plan submitted to the legislative assembly for consideration must be of compact and contiguous territory and conform to all constitutional requirements with respect to population equality. The committee may adopt additional constitutionally recognized redistricting guidelines and principles to implement in preparing a legislative redistricting plan for submission to the legislative assembly. The committee shall submit a redistricting plan and legislation to implement the plan to the legislative management by October 31, 2011. The chairman of the legislative management shall request the governor to call a special session of the legislative assembly pursuant to section 7 of article V of the Constitution of North Dakota to allow the legislative assembly to adopt a redistricting plan to be implemented in time for use in the 2012 primary election and to address any other issue that may be necessary, including consideration of legislation in response to federal health care reform legislation.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

Ex. 1

11.0051.04007
Title.05000

Prepared by the Legislative Council staff for
Senator Nething
April 6, 2011

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1267

Page 1, line 2, after the comma insert "to exempt drafts of redistricting plans from open records requirements,"

Page 1, line 3, after "session" insert "; to provide an expiration date"

Page 1, line 5, after "**COMMITTEE**" insert "**- OPEN RECORDS EXEMPTION**"

Page 1, line 6, after the boldfaced period insert:

"1."

Page 1, line 10, after the period insert:

"2."

Page 1, line 14, after the period insert:

"3."

Page 1, line 16, after the period insert:

"4. A draft of a legislative redistricting plan created by the legislative council or a member of the legislative assembly is an exempt record as defined in section 44-04-17.1 until presented or distributed at a meeting of the legislative management or the legislative assembly. Any version of a redistricting plan created before the completion of the plan is an exempt record regardless of whether the completed plan is subsequently presented or distributed at a meeting.

5."

Page 1, after line 21, insert:

"**SECTION 2. EXPIRATION DATE.** This Act is effective through July 31, 2012, and after that date is ineffective."

Renumber accordingly

Ex. 2

11.0051.05000

Sixty-second
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED HOUSE BILL NO. 1267

Introduced by

Representatives Carlson, Vigesaa

Senators Christmann, Stenehjem

A BILL for an Act to establish a legislative management redistricting committee, to provide for the implementation of a legislative redistricting plan, to exempt drafts of redistricting plans from open records requirements, and to provide for a special legislative session; to provide an expiration date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT REDISTRICTING COMMITTEE - OPEN RECORDS EXEMPTION - SPECIAL LEGISLATIVE SESSION.

1. The chairman of the legislative management shall appoint a committee to develop a legislative redistricting plan to be implemented in time for use in the 2012 primary election. The committee must consist of an equal number of members from the senate and the house of representatives appointed by the chairman of the legislative management.
2. The committee shall ensure that any legislative redistricting plan submitted to the legislative assembly for consideration must be of compact and contiguous territory and conform to all constitutional requirements with respect to population equality. The committee may adopt additional constitutionally recognized redistricting guidelines and principles to implement in preparing a legislative redistricting plan for submission to the legislative assembly.
3. The committee shall submit a redistricting plan and legislation to implement the plan to the legislative management by October 31, 2011.
4. A draft of a legislative redistricting plan created by the legislative council or a member of the legislative assembly is an exempt record as defined in section 44-04-17.1 until presented or distributed at a meeting of the legislative management or the legislative assembly. Any version of a redistricting plan created before the completion of the plan

EX. 3

is an exempt record regardless of whether the completed plan is subsequently presented or distributed at a meeting.

5. The chairman of the legislative management shall request the governor to call a special session of the legislative assembly pursuant to section 7 of article V of the Constitution of North Dakota to allow the legislative assembly to adopt a redistricting plan to be implemented in time for use in the 2012 primary election and to address any other issue that may be necessary, including consideration of legislation in response to federal health care reform legislation.

SECTION 2. EXPIRATION DATE. This Act is effective through July 31, 2012, and after that date is ineffective.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.