

STATE GOVERNMENT

CHAPTER 804

SENATE BILL NO. 2440
(Legislative Council)

(Approved by the Committee on Delayed Bills)

LEGISLATIVE APPORTIONMENT

AN ACT to create and enact two new sections to chapter 54-03 of the North Dakota Century Code, relating to state legislative apportionment and the staggering of terms of senators; to amend and reenact sections 11-07-04, 16.1-03-17, and 54-03-01.5 of the North Dakota Century Code, relating to the election of county commissioners, party reorganization after redistricting, and legislative apportionment requirements; to repeal section 54-03-01.6, relating to state legislative apportionment; to provide for temporary nonapplication of section 16.1-03-17; to declare legislative intent; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-07-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-07-04. COMMISSIONERS' TERMS OF OFFICE - STAGGERED TERMS.

1. When redistricting is completed or if failure to redistrict requires at-large election of commissioners as provided in section 11-07-03, all commissioners then holding office ~~shall continue in such office until the next general election~~ who will be elected in the same manner, either from districts or at large, as they were elected at the last election shall complete the remainder of that term of office. However, an election must be held at the next general election in any district where redistricting places two or more holdover commissioners in that district or leaves a district without a commissioner residing in the district. In those counties retaining the same method of electing county commissioners as that utilized prior to a decennial, or other, redistricting, elections shall continue on a staggered basis in accordance with the same classes in force prior to the effective date of a redistricting under this chapter. At the first general election following redistricting of the

county or election of commissioners at large, if required, as provided in this chapter, all the county commissioner offices held by commissioners whose terms would end in the month of January following that general election shall be open for election. The newly-elected commissioners shall be divided into two classes--if the county has been redistricted, those elected in commissioners' districts designated by even numbers shall constitute one class, and those elected in commissioners' districts designated by odd numbers shall constitute the other class--if election of commissioners at large is required, classes of such commissioners shall be determined by assigning a number to their respective offices according to the numerical total of the votes cast for them at the general election at which they were elected--The commissioners of one class elected in the first election held under the provisions of this chapter shall hold office for two years and those of the other class shall hold office four years--The determination of the two classes shall be by lot so that one-half of the commissioners, as nearly as practicable, may be elected biennially--The county judge shall perform the lot in the presence of all of the newly-elected commissioners within thirty days after the date of the first general election following redistricting or election of commissioners at large, if required, and shall certify in writing the results of such lot to the county auditor within five days after its performance.

2. If the county previously elected county commissioners at large and the county has been divided into districts, those elected in districts designated by even numbers shall constitute one class and those elected in districts designated by odd numbers shall constitute the other class. If election of commissioners at large is necessary and the county previously was districted, classes of such commissioners shall be determined by assigning a number to their respective offices according to the numerical total of the votes cast for them at the general election at which they were elected. The commissioners of one class elected in the first election held following a redistricting pursuant to this chapter shall hold office for two years and those of the other class shall hold office for four years. The determination of the two classes shall be by lot so that one-half of the commissioners, as nearly as practicable, may be elected biennially. The county judge shall perform the lot in the presence of all of the newly elected commissioners affected by this subsection within thirty days after the date of the first general election following redistricting or election of commissioners at large, if required, and shall certify in writing the results of such lot to the county auditor within five days after its completion.

SECTION 2. AMENDMENT. Section 16.1-03-17 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-03-17. POLITICAL PARTY REORGANIZATION AFTER APPORTIONMENT BY ~~NONLEGISLATIVE DIRECTION~~. If apportionment of the legislative assembly ~~is accomplished by means other than action by the legislative assembly and the apportionment~~ becomes effective after the organization of political parties as provided in this chapter and before the primary or the general election, the secretary of state shall establish a timetable for the reorganization of the parties as rapidly as possible before the ensuing election. When the timetable is established, the secretary of state shall notify all the county auditors of the timetable and of the details of the legislative apportionment as it affects each county. The secretary of state or county auditor may not require reorganization of precincts in which boundaries are unchanged after apportionment by the board of county commissioners or the governing body of the city pursuant to chapter 16.1-04. Each county auditor shall publish ~~notice~~ in the official county newspaper, which a notice shall contain containing:

1. A statement that legislative apportionment has occurred.
2. A description and a map of the new legislative districts and the precincts as established by the governing bodies of the counties and cities in the county, pursuant to section 16.1-04-01.
3. The date, time, and places of the precinct caucuses and district committee meetings determined by the secretary of state and the county auditor to be necessary according to the new districts and precincts established.

The political parties, in the newly established precincts and districts, shall then proceed to reorganize as closely as possible in conformance with this chapter and in conformance with the timetable established by the secretary of state.

SECTION 3. ESTABLISHING TIMETABLE FOR 1982 ELECTIONS. The secretary of state shall, in carrying out the provisions of section 16.1-03-17 for the 1982 elections, establish the timetable for reorganization of the political parties so that the reorganization is completed by February 1, 1982.

SECTION 4. TEMPORARY NONAPPLICATION OF SECTION 16.1-03-17. Section 16.1-03-17 is not to be construed to require the state committee of a party to reorganize for the 1982 elections.

SECTION 5. AMENDMENT. Section 54-03-01.5 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-03-01.5. LEGISLATIVE APPORTIONMENT REQUIREMENTS. A legislative apportionment plan based on any census taken after 1979 shall meet the following requirements:

1. The senate shall consist of ~~forty-eight~~ forty-seven to fifty-two ~~fifty-three~~ members and the house shall consist of ~~ninety-six~~ ninety-four to one hundred ~~four~~ six members.
2. Except as provided in subsection 3, one senator and two representatives shall be apportioned to each senatorial district. Representatives may be elected at large or from subdistricts. Subdistricts are authorized only upon two-thirds vote by the elected members of the senate and house when adopting an apportionment plan.
3. Multimember senate districts providing for two senators and four representatives are authorized only when a proposed single member senatorial district includes a federal facility or federal installation, containing over ~~three-fourths~~ two-thirds of the population of the proposed single member senatorial district. No subdistricts may be included in any multimember senate district.
4. Legislative districts and subdistricts shall be compact and of contiguous territory except where impracticable in multimember senatorial districts.
5. Legislative districts shall be as nearly equal in population as is practicable. Population deviation from district to district shall be kept at a minimum. The total population variance of all districts, and subdistricts if created, from the average district population may not exceed recognized constitutional limitations.

SECTION 6. A new section to chapter 54-03 of the North Dakota Century Code is hereby created and enacted to read as follows:

STATE LEGISLATIVE APPORTIONMENT. Each legislative district is entitled to one senator and two representatives. The fortieth and fiftieth legislative districts and the seventeenth and eighteenth legislative districts are combined and each of the two combined districts is entitled to two senators and four representatives elected at large. The legislative districts of the state shall be formed as follows:

1. The first legislative district shall consist of that part of the city of Williston and that part of Williston township in Williams County bound by a line commencing at the intersection of sixteenth avenue and the centerline of twenty-sixth street, thence east on an extended line which follows section lines east to Lake Sakakawea, thence south on the western shore of Lake Sakakawea until its intersection with the centerline of the Burlington

northern railway right of way, thence west on the burlington northern railway right of way to the city limits, thence south following the city limits until its intersection with the centerline of the dakota parkway, thence north on dakota parkway until its intersection with an extended centerline of sixteenth avenue, thence north on sixteenth avenue to the point of beginning.

2. The second legislative district shall consist of all of Williams County except that portion contained in the first legislative district; and all of Divide County except that portion contained in the fourth district.
3. The third legislative district shall consist of all of Ward County except that portion contained in the fifth, fortieth, fiftieth, and forty-first legislative districts; and all of Renville County.
4. The fourth legislative district shall consist of Mountrail and Burke Counties; and Border, Coalfield, Mentor, and Stoneview townships in Divide County.
5. The fifth legislative district shall consist of that part of the city of Minot bound by a line commencing at a point where an extended centerline of central avenue intersects the west city limits, thence east on central avenue until its intersection with the centerline of sixteenth street, thence north on sixteenth street until its intersection with fourth avenue northwest, thence east on fourth avenue northwest until its intersection with the centerline of tenth street, thence north on tenth street until its intersection with the centerline of fourth avenue northwest, thence east on fourth avenue northwest until its intersection with the centerline of north Broadway, thence south on north Broadway until its intersection with the centerline of the burlington northern railway right of way, thence east on the burlington northern railway right of way until its intersection with the centerline of third street, thence south on third street until its intersection with the centerline of eleventh avenue southeast, thence east on eleventh avenue southeast until its intersection with the city limits, thence southerly on a line following the city limits to the point of beginning.
6. The sixth legislative district shall consist of all of Bottineau County; and Bantry, Deep River, Deering, Denbigh, Egg Creek, Gilmore, Granville, Grilley, Kottke Valley, Layton, Little Deep, Meadow, Mouse River, Normal, Norwich, Pratt, Riga, Rose Hill, Saline, Wagar, and Willow Creek townships and unorganized townships 158-76, 157-76, and 157-75 in McHenry County.

7. The seventh legislative district shall consist of Pierce County; and all of McHenry County except that portion contained in the sixth district.
8. The eighth legislative district shall consist of McLean County.
9. The ninth legislative district shall consist of Rolette County.
10. The tenth legislative district shall consist of Cavalier and Towner Counties; and Adams, Dewey, Kinloss, Silvesta, and Tiber townships in Walsh County.
11. The eleventh legislative district shall consist of Pembina County; and Dundee, Farmington, Glenwood, Lampton, Martin, and Saint Andrews townships in Walsh County.
12. The twelfth legislative district shall consist of Benson and Eddy Counties; and Chain Lakes, Coulee, and Pelican townships in Ramsey County.
13. The thirteenth legislative district shall consist of the cities of West Fargo, Riverside, and Reile's Acres, part of the city of Fargo, and parts of Barnes and Reed townships in Cass County bound by a line commencing at the intersection of the centerline of county road twenty with the centerline of interstate highway twenty-nine, thence west on county road twenty until its intersection with the west line of Reed township, thence south on the west line of Reed township to the southwest corner of said township, thence continuing south on the west line of Barnes township to the southwest corner of said township, thence east on the south line of Barnes township until its intersection with the section line parallel to and three miles east of the west line of Barnes township, thence north on said section line until its intersection with the centerline of interstate highway ninety-four, thence east on interstate highway ninety-four until its intersection with the centerline of interstate highway twenty-nine, thence north on interstate highway twenty-nine to the point of beginning.
14. The fourteenth legislative district shall consist of all of Foster and Wells Counties.
15. The fifteenth legislative district shall consist of all of Ramsey County except for those portions contained in the twelfth district.
16. The sixteenth legislative district shall consist of all of Walsh County except for those portions contained in the tenth and eleventh districts.

17. and 18. The seventeenth and eighteenth legislative districts are combined. This combined district shall consist of that area of land lying within the boundaries of the Grand Forks air force base (such area being attached to the city of Grand Forks by that land lying in the right of way of United States highway two); and that part of Grand Forks township and that part of the city of Grand Forks bound by a line commencing at the point where the centerline of United States highway two intersects the centerline of forty-second street, thence west on United States highway two until its intersection with the Grand Forks city limits (Grand Forks international airport boundary), thence north and west following the city limit boundary until its intersection with the centerline of the burlington northern railway right of way, thence southeast on the burlington northern railway right of way until its intersection with the centerline of twenty-seventh avenue north, thence east on twenty-seventh avenue north until its intersection with the Grand Forks city limits, thence north following the city limit boundary until its intersection with the centerline of the Red River, then south on the Red River until its intersection with the south boundary of Grand Forks township, thence west following the township boundary until its intersection with the centerline of washington street, thence north on washington street until its intersection with the centerline of forty-seventh avenue south, thence east on forty-seventh avenue south until its intersection with the centerline of cherry street, thence north on cherry street until its intersection with the centerline of twenty-fourth avenue south, thence west on twenty-fourth avenue south until its intersection with the centerline of tenth street, thence north on tenth street until its intersection with the centerline of fifteenth avenue south, thence east on fifteenth avenue south until its intersection with the centerline of ninth street, thence north on ninth street until its intersection with the centerline of fourth avenue south, thence west on fourth avenue south until its extended centerline intersects the intersection of washington street and the burlington northern railway right of way, thence north on washington street until its intersection with the centerline of gateway drive, thence west on gateway drive to the point of beginning.
19. The nineteenth legislative district shall consist of all of Grand Forks County except those portions contained in the seventeenth, eighteenth, twentieth, forty-second, and forty-third legislative districts.
20. The twentieth legislative district shall consist of Traill County; and Allendale, Americus, Bentru, Fairfield, Michigan, Union, and Walle townships in Grand Forks County.

21. The twenty-first legislative district shall consist of that part of the city of Fargo bound on the north by the forty-fourth legislative district and the forty-fifth legislative district, on the east by the centerline of the Red River, on the west by the centerline of interstate highway twenty-nine, and on the south by a line commencing at the intersection of the centerline of interstate highway twenty-nine with the extended centerline of fifth avenue south, thence east on fifth avenue south until its intersection with the centerline of south university drive, thence south on south university drive until its intersection with the centerline of tenth avenue south, thence east on tenth avenue south extended until its intersection with the centerline of the Red River.
22. The twenty-second legislative district shall consist of all of Cass County except those portions contained in the thirteenth, twenty-first, forty-fourth, forty-fifth, forty-sixth, and fifty-first legislative districts.
23. The twenty-third legislative district shall consist of Griggs, Nelson, and Steele Counties.
24. The twenty-fourth legislative district shall consist of all of Barnes County except for those portions contained in the twenty-eighth legislative district.
25. The twenty-fifth legislative district shall consist of Abercrombie, Antelope, Brandenburg, Center, Devillo, Dwight, Fairmount, Greendale, Ibsen, LaMars, Mooreton, Nansen, Summit, and Waldo townships in Richland County.
26. The twenty-sixth legislative district shall consist of Sargent County; and all of Dickey County except those portions contained in the twenty-eighth legislative district; and Aliceton, Sydna, and Rosemeade townships in Ransom County.
27. The twenty-seventh legislative district shall consist of all of Ransom County except those portions contained in the twenty-sixth legislative district; and all of Richland County except those portions contained in the twenty-fifth legislative district.
28. The twenty-eighth legislative district shall consist of LaMoure County; and Binghampton, Greenland, Meadow Lake, Nelson, Norma, Oakhill, Raritan, Rosebud, Skandia, Spring Creek, Svea, and Thordenskjold townships in Barnes County; and Albertha, Albion, Elm, German, Grand Valley, Hamburg, Lorraine, Northwest, Potsdam, Spring Valley, Whitestone, and Young townships in Dickey County; and Bryant, Dixon, Finn, Glendale, Gutschmidt, Haag, Janke, Kroeber, and Sealy townships, and townships 136-68, 136-69, 136-70,

136-71, 135-68, 135-69, 135-70, 134-68, 134-69, 134-70, 133-68, 133-69, and 133-70 in Logan County.

29. The twenty-ninth legislative district shall consist of that part of the city of Jamestown bound on the north by the centerline of the burlington northern railway right of way, and on the east, south, and west by the city limits; the city of Cleveland; and Alexander, Bloomenfield, Chicago, Corwin, Cusator, Flint, Germania, Griffin, Homer, Lenton, Lippert, Manns, Montpeller, Moon Lake, Newbury, Peterson, Saint Paul, Severn, Sharlow, Sinclair, Stirton, Streeter, Sydney, Winfield, Woodbury, and Ypsilanti townships in Stutsman County.
30. The thirtieth legislative district shall consist of Emmons and McIntosh Counties; and all of Logan County except those portions contained in the twenty-eighth legislative district; and Missouri, Telfer, Morton, Long Lake, and Wild Rose townships in Burleigh County.
31. The thirty-first legislative district shall consist of Kidder and Sheridan Counties; and all of Burleigh County except for those portions contained in the thirtieth, thirty-second, forty-seventh, forty-ninth, and fifty-second legislative districts.
32. The thirty-second legislative district shall consist of that part of the city of Bismarck and the adjacent unorganized territory bound by a line commencing at the intersection of the centerline of the burlington northern railway right of way and the centerline of the Missouri River, thence southeast on the burlington northern railway right of way until its intersection with the centerline of airport road, thence south on airport road until its intersection with the centerline of the airport expressway, thence west on the airport expressway until its intersection with the centerline of wachter avenue, thence west on wachter avenue until its intersection with the centerline of washington street, thence south on washington street until its intersection with the centerline of the storm drain at the northeast corner of section seventeen of township 138-80, thence southwest along the storm drain until it flows into a stream channel and to the center of the main channel of the Missouri River, thence north on the Missouri River to the point of beginning.
33. The thirty-third legislative district shall consist of Mercer and Oliver Counties.
34. The thirty-fourth legislative district shall consist of part of the city of Mandan and the adjacent unorganized area bound by a line commencing at a point where the centerline of county road one hundred thirty-eight

intersects the west boundary of township 138-81, thence a line north on section lines until its intersection with the centerline of interstate highway ninety-four, thence east on interstate highway ninety-four until its intersection with the centerline of mandan avenue, thence south on mandan avenue until its intersection with the centerline of the burlington northern railway right of way, thence west on the burlington northern railway right of way until its intersection with the centerline of highway one thousand eight hundred six, thence south on highway one thousand eight hundred six until its intersection with the centerline of county road eighty-one, thence south on county road eighty-one until its intersection with the centerline of county road one hundred thirty-eight, thence west on county road one hundred thirty-eight to the point of beginning.

35. The thirty-fifth legislative district shall consist of Grant, Hettinger, and Sioux Counties.
36. The thirty-sixth legislative district shall consist of Dunn and McKenzie Counties.
37. The thirty-seventh legislative district shall consist of that part of the city of Dickinson and adjacent unorganized territory west of the city bound by a line commencing at the point where the centerline of broadway intersects the east city limits, thence west on broadway until its intersection with the centerline of state avenue, thence north on state avenue until its intersection with the centerline of the interstate highway ninety-four business loop, thence northwest on the interstate highway ninety-four business loop until its intersection with the centerline of interstate highway ninety-four, thence east on interstate highway ninety-four until its intersection with the city limits, thence north on a line following section lines until its intersection with the north boundary of section twenty-eight of township 140-96, thence east on a line following section lines until its intersection with the east boundary of section twenty-seven of township 140-96, thence south on a line following section lines until its intersection with the city limits, thence east following a line along the city limits to the point of beginning.
38. The thirty-eighth legislative district shall consist of all of Stark County except for those portions contained in the thirty-seventh legislative district.
39. The thirty-ninth legislative district shall consist of Adams, Billings, Bowman, Golden Valley, and Slope Counties.

40. and 50. The fortieth and fiftieth legislative districts are combined. This combined district shall consist of Burlington, Eureka, Harrison, Tatman, and Waterford townships in Ward County; and all of the city of Minot except for those portions contained in the fifth and forty-first legislative districts.
41. The forty-first legislative district shall consist of Nedrose and Surrey townships in Ward County; and the portion of the city of Minot bound by a line commencing at a point where the centerline of north Broadway intersects the north city limits, thence south on north Broadway until its intersection with the centerline of the Burlington Northern Railway right of way, thence east on the Burlington Northern Railway right of way until its intersection with the centerline of Third Street, thence south on Third Street until its intersection with the centerline of Eleventh Avenue Southeast, thence east on Eleventh Avenue Southeast until its intersection with the city limits, thence easterly on a line following the city limits to the point of beginning. The noncontiguous parts of Harrison township east of Minot within these bounds shall not be part of the forty-first district.
42. The forty-second legislative district shall consist of that part of the city of Grand Forks bound by a line commencing at a point where the centerline of Gateway Drive intersects with the centerline of forty-second street, thence east on Gateway Drive until its intersection with the centerline of Washington Street, thence south on Washington Street until its intersection with the centerline of the Burlington Northern Railway right of way, thence west on the Burlington Northern Railway right of way until its intersection with the centerline of forty-second street, thence north on forty-second street to the point of beginning.
43. The forty-third legislative district shall consist of part of the city of Grand Forks and part of Grand Forks township commencing at the point where the centerline of forty-second street intersects the centerline of the Burlington Northern Railway right of way, thence south on forty-second street until its intersection with the centerline of seventeenth avenue south, thence east on seventeenth avenue south until its intersection with the centerline of Columbia Road, thence south on Columbia Road until its intersection with the centerline of twentieth avenue, thence east on twentieth avenue until its intersection with the centerline of twentieth street, thence south on twentieth street until its intersection with the centerline of thirty-second avenue south, thence east on thirty-second avenue south until its intersection with the centerline of Washington Street, thence south on Washington Street until its intersection with the

- centerline of forty-seventh avenue south, thence east on forty-seventh avenue south until its intersection with the centerline of cherry street, thence north on cherry street until its intersection with the centerline of twenty-fourth avenue south, thence west on twenty-fourth avenue south until its intersection with the centerline of tenth street, thence north on tenth street until its intersection with the centerline of fifteenth avenue south, thence east on fifteenth avenue south until its intersection with the centerline of ninth street, thence north on ninth street until its intersection with the centerline of fourth avenue south, thence west on fourth avenue south until its extended centerline intersects the intersection of washington street and the burlington northern railway right of way, thence west on the burlington northern railway right of way to the point of beginning.
44. The forty-fourth legislative district shall consist of that part of the city of Fargo in Cass County bound by a line commencing at the intersection of the extended centerline of thirty-second avenue north with the centerline of the Red River, thence west on thirty-second avenue north until its intersection with the centerline of Broadway, thence south on Broadway until its intersection with the centerline of twelfth avenue north, thence west on twelfth avenue north until its intersection with the centerline of tenth street north, thence south on tenth street north until its intersection with the centerline of eleventh avenue north, thence west on eleventh avenue north until its intersection with the centerline of north university drive, thence south on north university drive until its intersection with the centerline of the burlington northern railway right of way, thence easterly on the burlington northern railway right of way until its intersection with the centerline of Broadway, thence north on Broadway until its intersection with the centerline of seventh avenue north, thence east on seventh avenue north until its intersection with the centerline of oak street, thence north on oak street until its intersection with the centerline of ninth avenue north, thence east on ninth avenue north extended until its intersection with the centerline of the Red River, thence northerly on the Red River to the point of beginning.
45. The forty-fifth legislative district shall consist of the city of North River, that part of the city of Fargo, Fargo township, and that part of Reed township in Cass County bound by a line commencing at the intersection of the extended centerline of thirty-second avenue north with the centerline of the Red River, thence west on thirty-second avenue north until its intersection with the centerline of Broadway, thence south on Broadway until its intersection with the centerline of twelfth avenue north, thence west

on twelfth avenue north until its intersection with the centerline of tenth street north, thence south on tenth street north until its intersection with the centerline of eleventh avenue north, thence west on an extended line of eleventh avenue north until its intersection with the centerline of the burlington northern railway right of way, thence northwesterly on the burlington northern railway right of way until its intersection with the centerline of twelfth avenue north, thence west on twelfth avenue north until its intersection with the centerline of interstate highway twenty-nine, thence north on interstate highway twenty-nine until its intersection with the north line of Reed township, thence east on the north line of Reed township until its intersection with the centerline of the Red River, thence southerly on the Red River to the point of beginning.

46. The forty-sixth legislative district shall consist of Stanley township in Cass County, part of Barnes township in Cass County, and part of the city of Fargo bound by a line commencing at the intersection of the extended centerline of seventeenth avenue south with the centerline of the Red River, thence west on seventeenth avenue south until its intersection with the centerline of south university drive, thence north on south university drive until its intersection with the centerline of fifteenth avenue south, thence west on fifteenth avenue south until its intersection with the centerline of seventeenth street south, thence south on seventeenth street south until its intersection with the centerline of seventeenth avenue south, thence west on seventeenth avenue south until its intersection with the centerline of twenty-fifth street south, thence south on twenty-fifth street south extended until its intersection with the centerline of interstate highway ninety-four, thence west on interstate highway ninety-four until its intersection with the section line parallel to and three miles east of the west line of Barnes township, thence south on the section line until its intersection with the south line of Barnes township, thence west on the south line of Barnes township to the southwest corner of said township, thence south on the west line of Stanley township to the southwest corner of said township, thence east on the south line of Stanley township until its intersection with the centerline of the Red River, thence northerly on the Red River to the point of beginning.
47. The forty-seventh legislative district shall consist of that part of the city of Bismarck and that part of Hay Creek township bound by a line commencing at the intersection of the northern boundary of Hay Creek township and the centerline of United States highway eighty-three, thence south on United States highway eighty-three into the city of Bismarck where it is also

known as state street, thence south on state street until its intersection with the centerline of divide avenue, thence west on divide avenue until its intersection with the centerline of washington street, thence south on washington street until its intersection with the centerline of the burlington northern railway right of way, thence northwest on the burlington northern railway right of way until its intersection with the centerline of the Missouri River, thence north on the Missouri River until its intersection with the northern boundary of Hay Creek township, thence east along the northern boundary of Hay Creek township to the point of beginning.

48. The forty-eighth legislative district shall consist of all of Stutsman County except for those portions contained in the twenty-ninth legislative district.
49. The forty-ninth legislative district shall consist of that part of the city of Bismarck and that part of Hay Creek township bound by a line connecting at the intersection of the northern boundary of Hay Creek township and the centerline of United States highway eighty-three, thence south on United States highway eighty-three into the city of Bismarck where it is also known as state street, thence south on state street until its intersection with the centerline of divide avenue, thence west on divide avenue until its intersection with the centerline of washington street, thence south on washington street until its intersection with the centerline of avenue c, thence east on avenue c until its intersection with the centerline of eighteenth street, thence north on an extended line of eighteenth street until its intersection with the centerline of the boulevard, thence east on a straight line to the intersection of the centerlines of valley view avenue and twenty-sixth street, thence north on a line straight until its intersection with the centerline of interstate highway ninety-four, thence east on interstate highway ninety-four until its intersection with the eastern boundary of Hay Creek township, thence north and west on the Hay Creek township boundary to the point of beginning.
51. The fifty-first legislative district shall consist of that part of the city of Fargo bound on the north by the twenty-first legislative district, on the east by the centerline of the Red River, on the west by the centerline of interstate highway twenty-nine, and on the south by a line commencing at the intersection of the centerline of interstate highway twenty-nine with the centerline of interstate highway ninety-four, thence east on interstate highway ninety-four until its intersection with the extended centerline of twenty-fifth street south, thence north on twenty-fifth street south until its intersection with the centerline of seventeenth avenue south, thence

east on seventeenth avenue south until its intersection with the centerline of seventeenth street south, thence north on seventeenth street south until its intersection with the centerline of fifteenth avenue south, thence east on fifteenth avenue south until its intersection with the centerline of south university drive, thence south on south university drive until its intersection with the centerline of seventeenth avenue south, thence east on seventeenth avenue south extended until its intersection with the centerline of the Red River.

52. The fifty-second legislative district shall consist of the part of the city of Bismarck, part of Hay Creek township, the city of Lincoln, and adjacent unorganized territory bound by a line commencing at the intersection of the eastern boundary of Hay Creek township and the centerline of interstate highway ninety-four, thence south on the section line until its intersection with the Missouri River except for an offset along the city limits of Lincoln so as to include the city, thence north on the Missouri River until its intersection with the southern boundary of the thirty-second legislative district, thence northeast on the center of the stream channel and the storm drain which flows into it until its intersection with washington street at the northeast corner of section seventeen of township 138-80, thence north on washington street until its intersection with the centerline of wachter avenue, thence east on wachter avenue until its intersection with the centerline of airport expressway, thence north on airport expressway until its intersection with the centerline of airport road, thence north on airport road until its intersection with the centerline of the burlington northern railway right of way, thence west on the burlington northern railway right of way until its intersection with the centerline of washington street, thence north on washington street until its intersection with the centerline of avenue c, thence east on avenue c until its intersection with the centerline of eighteenth street, thence north on an extended line of eighteenth street until its intersection with the centerline of the boulevard, thence east on a straight line to the intersection of the centerlines of valley view avenue and twenty-sixth street, thence north on a straight line until its intersection with the centerline of interstate highway ninety-four, thence east on interstate highway ninety-four to the point of beginning. The noncontiguous parts of Apple Creek township within these bounds shall not be part of the fifty-second district.
53. The fifty-third legislative district shall consist of all of Morton County except for those portions contained in the thirty-fourth legislative district.

SECTION 7. A new section to chapter 54-03 of the North Dakota Century Code is hereby created and enacted to read as follows:

STAGGERING OF THE TERMS OF SENATORS. Senators from odd-numbered districts shall be elected in 1982 for a term of four years. Each senator from an even-numbered district shall be elected in 1984 for a four-year term, except a senator in an even-numbered district with new geographic area which area was not in that senator's district for the 1980 election and which new geographic area has a 1980 population which is more than two thousand, shall be elected in 1982 for a two-year term. Based on this criteria, districts two, eighteen, twenty-four, thirty-eight, forty-four, forty-six, and fifty-two shall elect senators in 1982.

The two senators for the combined seventeenth and eighteenth districts shall be elected in 1982, one for a term of four years and one for a term of two years. For any election in that multisenate district in which both seats are to be filled, all papers indicating the office sought, including any certificate of endorsement, filing petition, certificate of nomination, ballot, or certificate of election, must also indicate the term sought.

SECTION 8. LEGISLATIVE INTENT. The legislative assembly considered in devising the state apportionment plan that, during the decade of the 1970's, North Dakota's population increased by 34,903. The area southwest of the Missouri River gained 10,990, the Bismarck districts gained 12,127, and the Fargo districts gained 13,184 for a total increase of 36,301 in these three growth areas. These three areas account for all the state's net population growth and the growth in each area is remarkably close to being the size of one district. By adding one new district in each area and not eliminating any districts elsewhere, most rural districts require very little change. Any number of districts other than 53 would require major changes in most of the state. The legislative assembly has also attempted to devise a plan: which keeps districts compact and of contiguous territory except where impracticable in multimember senatorial districts; in which no district crosses the Missouri River; which keeps the total population variance of all districts within recognized constitutional limits; and which maintains political subdivision boundaries where possible. It is the intent of the legislative assembly that the senate continue, as has generally been done since statehood, to elect approximately one-half of its members at each general election. Thus, those senators elected in 1980 for terms of four years are allowed to serve out their terms unless there is substantial population (over two thousand persons) in areas added. Districts two, eighteen, twenty-four, thirty-eight, forty-four, forty-six, and fifty-two are the only districts reflecting such increases in population.

It is the intent of the legislative assembly that although this Act is effective from and after its passage and approval the legislators elected under the past redistricting plan shall serve until this Act can be implemented.

In North Dakota, incorporated cities and organized townships occupy mutually exclusive territory. For purposes of legal descriptions, unless cities are otherwise specifically named, townships encompass all the territory within their outer boundaries.

Any reference in the legal descriptions to city limits as a boundary line refers to the limits as they existed January 1, 1980, as shown on the 1980 census maps. A district boundary using city limit lines does not migrate as the city limits migrate.

SECTION 9. REPEAL. Section 54-03-01.6 of the North Dakota Century Code is hereby repealed.

SECTION 10. EMERGENCY. This Act is hereby declared to be an emergency measure and shall be in effect from and after its passage and approval.

Approved November 20, 1981