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10/16/83  
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2003 JOINT CONSTITUTIONAL REVISION

HCR 3014

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10/16/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 3014

Joint Constitutional Revision Committee

Conference Committee

Hearing Date February 26, 2003

Tape Number	Side A	Side B	Meter #
1	X		0.1-2162
Committee Clerk Signature <i>Elizabeth R. Jinn</i>			

Minutes: **Chair Kretschmar** opened hearing on HCR 3014.

**Rep. Guleson:** Supports with written testimony and map. Fifteen states have already moved away from legislators and have commissions doing the redistricting. This HCR is a product of what others states are doing.

**Sen. Seymour:** Why put the section on reelection in if it's an uncomfortable point? Rep. Guleson said that this resolution is not meant to be comfortable. The people should be able to vote for their representation.

**Rep. Winrich:** Is there a discrepancy in the numbers? Rep. Guleson said it should say "94" senators.

**Rep. Kretschmar:** Why reduce the current range? Rep. Guleson said the reality is that ND is not growing and 53 is an unrealistic number.

**Rep. Metcalf:** Was going to introduce something like this. Currently, he only represents 2/3 of his people because of redistricting. Feels it should be their opportunity to vote for him.

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Page 2  
Joint Constitutional Revision Committee  
Bill/Resolution Number 3014  
Hearing Date February 26, 2003

**Mark Sitz (ND Farmers Union):** Supports the resolution because it maintains the integrity of the system.

**Glenn Baltrusch:** Supports with written testimony.

**Nancy Sand (NDEA):** Supports because this removes political motivation. This is a good concept.

**Chair Kretschmar:** Closed hearing on HCR 3014

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10/16/03  
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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 3014

Joint Constitutional Revision Committee

Conference Committee

Hearing Date March 5, 2003

Tape Number	Side A	Side B	Meter #
1	X		300-915

Committee Clerk Signature *Elizabeth R. Fein*

Minutes: **Chair Kretschmar:** Opened discussion on HCR 3014

Rep. Winrich moved amendments .0101. 2nd by Rep. Maragos

**Voice Vote: Amendments adopted.**

**Chair Kretschmar** stepped down as chair and Senator Tollefson continued to chair.

**Rep. Kretschmar:** Redistricting is a legislative responsibility. Putting the responsibility into a non-legislative commission is not a good idea. Legislators are elected officials. If they do not do it properly, you can take it to the Courts. A case did go to the U.S. Supreme Court in the 1970's. Urges to vote against.

**Rep. Winrich:** Disagrees with Rep. Kretschmar. The Legislature still approves the redistricting. This brings a rational process to redistricting. The plan can be rejected by the legislature. This is a worthy amendment for voters to decide.

Rep. Winrich moved a DP as amended. Second by Rep. Maragos.

**Vote: 3 Yes 7 No 0 Absent and not voting Motion fails.**

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Date

Page 2  
Joint Constitutional Revision Committee  
Bill/Resolution Number 3014  
Hearing Date March 5, 2003

Sen. Tollefson moved a DNP as amended. Second by Rep. Hawken.

Vote: 7 Yes 3 No 0 Absent and not voting. Motion carries.

Carriers: Rep. Kretschmar

Sen. Mutch

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Salvatore Riccardi  
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10/16/03  
Date

33006.0101  
Title.0200

Prepared by the Legislative Council staff for  
Representative Gulleson  
March 5, 2003

**House Amendments to HCR3014 - Joint Constitutional Revision Committee 03/06/2003**

Page 1, line 11, replace "ninety-eight" with "ninety-four"

Page 1, line 24, replace "ninety-eight" with "ninety-four"

Renumber accordingly

1 of 1

33006.0101

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Salvatore Riccardi  
Operator's Signature

10/10/03  
Date

IP

Date: 3/5/03  
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 3014

House Joint Constitutional Revision Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DP as amended (0101)

Motion Made By Winnch Seconded By Maragos

Representatives	Yes	No	Senators	Yes	No
Rep. Kretschmar, Chair		✓	Sen. Tollefson, Co-Chair		✓
Rep. Maragos	✓		Sen. Mutch		✓
Rep. Hawken		✓	Sen. Krebsbach		✓
Rep. Eckre		✓	Sen. Nichols	✓	
Rep. Winrich	✓		Sen. Seymour		✓

Total (Yes) 3 No 7

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

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To Costa Richardson 10/16/03  
Operator's signature Date



LR

Date: 3/5/03  
Roll Call Vote #: 2

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 3014

House Joint Constitutional Revision Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DNP as amended

Motion Made By Sen. T Seconded By Hawken

Representatives	Yes	No	Senators	Yes	No
Rep. Kretschmar, Chair	✓		Sen. Tollefson, Co-Chair	✓	
Rep. Maragos		✓	Sen. Mutch	✓	
Rep. Hawken	✓		Sen. Krebsbach	✓	
Rep. Eckre	✓		Sen. Nichols		✓
Rep. Winrich		✓	Sen. Seymour	✓	

Total (Yes) 7 No 3

Absent \_\_\_\_\_

Floor Assignment Kretschmar Mutch

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

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Yolanda Richardson  
Operator's Signature

10/6/03  
Date

REPORT OF STANDING COMMITTEE (410)  
March 6, 2003 9:34 a.m.

Module No: HR-40-4069  
Carrier: Kretschmar  
Insert LC: 33006.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**  
HCR 3014: Joint Constitutional Revision Committee (Rep. Kretschmar, Chairman)  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO NOT PASS** (7 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HCR 3014 was  
placed on the Sixth order on the calendar.

Page 1, line 11, replace "ninety-eight" with "ninety-four"

Page 1, line 24, replace "ninety-eight" with "ninety-four"

Renumber accordingly

(2) DESK, (3) COMM

Page No. 1

HR-40-4069

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10/16/03  
Date

FR

2003 TESTIMONY

HCR 3014

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10/10/03  
Date

HCR 3014  
Rep. Pam Guleson, Rutland

Redrawing the boundaries of the State's legislative districts is a daunting and politically charged task. North Dakota, and all other states, must draw new district lines after each census. As a member of the most recent legislative redistricting committee believe that we need to move toward a process that focuses more on the needs of the public and less on the wishes of the politicians. With that goal in mind, I have introduced a constitutional amendment (HCR 3014) that will place the process of redistricting into the hands of an independent redistricting commission.

Public trust is important and, as elected officials, upholding that trust should be our highest consideration. The perception of the public with regard to redistricting is that it is the proverbial "fox guarding the henhouse" during which political parties use the process to enhance their ability to win elections. Months of political bickering and maneuvering only reinforce that point. Establishing an independent redistricting commission with members who are not directly impacted by the outcome would go a long way toward eliminating the perception of conflict of interest, and ultimately, increasing the public trust. Our goal should be to draw fair maps that reflect the new census figures, equalize population and respect the existing political subdivision boundaries.

The challenges of redistricting are certainly not unique to North Dakota. Fifteen states have already moved away from legislators and elected officials establishing the boundaries and toward independent commissions who have oversight. The commission format has been pushed by Republicans and Democrats alike in those states. The idea is to have some level of distance between those that draw the plan and those who are directly affected. The reality is that the plans that are drawn by commissions tend to stay closer to the criteria that is established in statute, such as preserving political subdivision lines and staying compact and contiguous. A quick glance at North Dakota's current district plan, with its contortions and gerrymandering, is proof that those criteria were set aside very quickly.

I recognize that no commission structure has been invented that will prevent politics from entering into the process. However, it should be our goal to establish a committee that meets the basic definition of fairness. My legislation provides that there shall be seven members appointed to the independent redistricting commission- two from the majority party, two from the minority party, an appointee each from the Governor and the Supreme Court, and a citizen member. In North Dakota, the voters have historically shown great independence at the polls. At this time they have chosen to elect a majority of Republicans to represent them in legislative and state offices and a delegation of Democrats to represent them in Congress. By appointing equal membership from both political parties we respect the two party system in this state. As the state's leader, the

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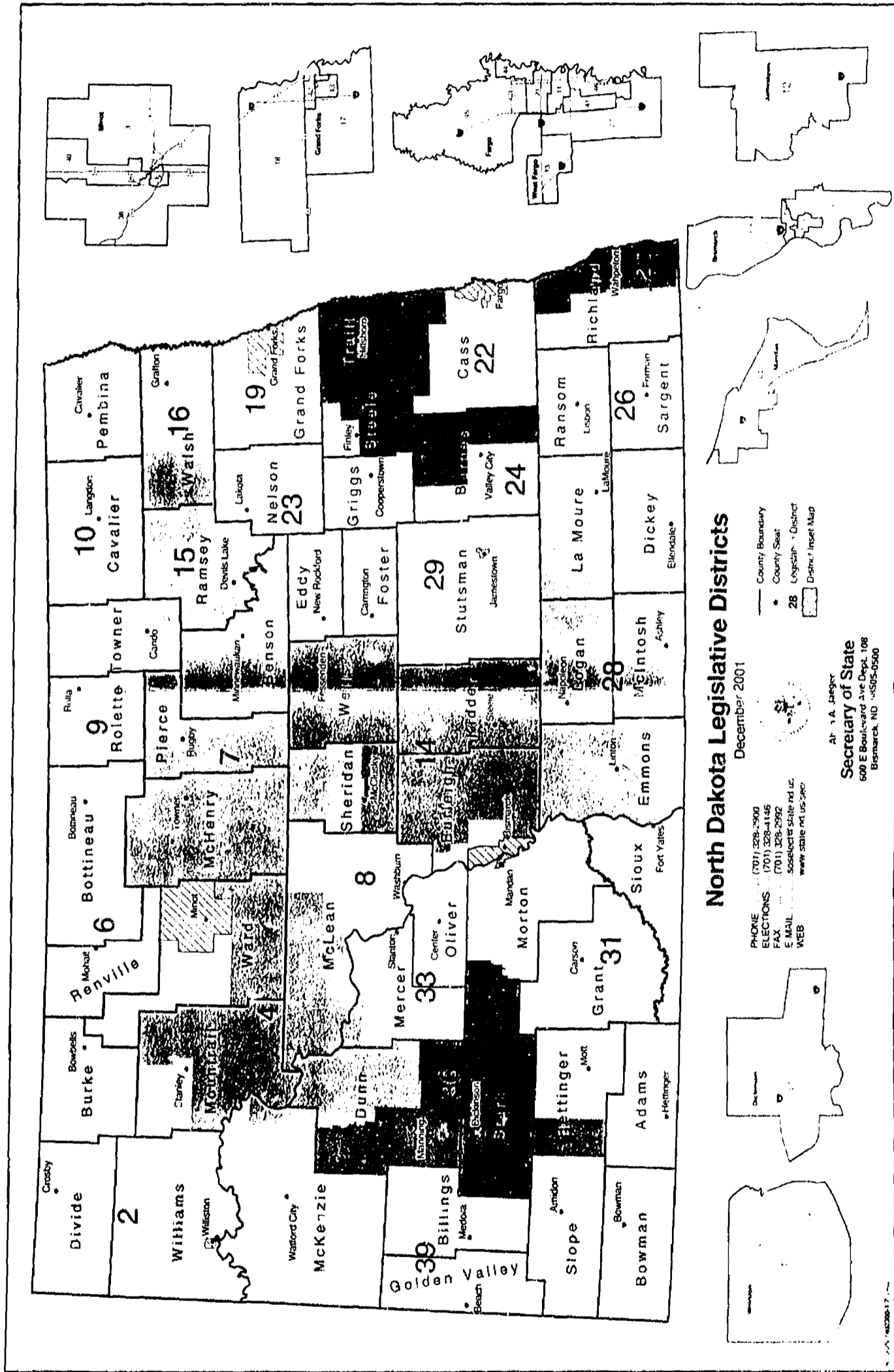
Governor would have a representative at the table. The role of the courts in redistricting is constitutional. It has been court decisions that has moved states into redrawing lines to equalize representation based on population and they have been directed to uphold the constitutionality of all plans. In my view, the most important member of the commission is the citizen appointee, which will also serve as the committee chairperson.

I hope that North Dakota will join the states that have removed elected officials from the front lines of redistricting. I believe that the commission system goes a long way toward meeting the public's basic expectation of objectivity, fairness and openness. That should be our goal.

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Salvatore Riccardi  
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10/16/63  
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*Loiseta Rickford*  
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10/16/03  
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OLD DISTRICT	NEW DISTRICT	VOTERS	TOTALS PER DISTRICT
District 4	District 2	1985	1985
District 33	District 4	422	
District 36	District 4	458	
District 8	District 4	46	926
District 3	District 6	342	
District 4	District 6	1430	1772
District 49	District 8	4808	4808
District 12	District 10	1480	1480
District 8	District 14	1527	1527
District 23	District 16	1975	1975
District 43	District 18	2515	
District 16	District 18	633	3148
District 23	District 20	808	
District 22	District 20	946	
District 24	District 20	2180	3934
District 27	District 22	1445	
District 25	District 22	711	
District 13	District 22	23	2179
District 27	District 24	1723	
District 26	District 24	2491	4214
District 26	District 28	3430	3420
District 49	District 30	1221	1221
District 47	District 32	1000	
District 30	District 32	979	1979
District 31	District 34	1257	1257
District 35	District 36	883	
District 31	District 36	1668	
District 37	District 36	1960	4511
District 5	District 38	1335	
District 4	District 38	401	1736
District 5	District 40	36	
District 3	District 40	148	
District 38	District 40	1019	1203
District 45	District 44	1309	1309
District 41	District 46	1214	1214
<b>TOTALS</b>			<b>45,798</b>

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*10/16/03*  
Date

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**HOUSE CONCURRENT RESOLUTION NO. 3014  
TESTIMONY BEFORE THE  
JOINT CONSTITUTIONAL REVISION COMMITTEE**

**Praire Room @ 2:30 P.M.**

**February 26, 2003**

**By Glen E. Baltrusch**

Mr. Chairman, Members of the Committee:

I would like to thank the Committee for the opportunity to testify on behalf of the proposed *House Concurrent Resolution No. 3014* this afternoon.

My name is Glen Baltrusch, and I am a citizen of the great state of North Dakota and I am here today to testify in support of *House Concurrent Resolution No. 3014*. I am providing amendments to *House Concurrent Resolution No. 3014* for the consideration and support of this Legislative Committee that are supported by citizens of this state.

Mr. Chairman, Members of the Committee, *House Concurrent Resolution No. 3014* is a positive proposal that is right for the state of North Dakota. This proposal would help and be of benefit in several areas, but most importantly, it will help get out the vote, specifically after every decennial census and the elections that will follow. Once the qualified electors of North Dakota enact this proposal, it benefits the citizens as well as incumbent elected officials and challengers to an elective office by forcing an open debate in the public arena on issues that affect the state of North Dakota and its citizens.

This, my friends, is a bold and positive step for all involved: challenger – citizen – incumbent.

Another unique feature of *House Concurrent Resolution No. 3014* is the proposed enactment of a new section to article IV of the Constitution of North Dakota. This new section provides for equitable legislative districts within the state. Once this proposed concurrent resolution is enacted by the qualified electors, all legislative districts should be squared out and eliminate



uncertainties of the electors, such as where do I vote? It also eliminates part of what is coined as "the incumbent protection act".

Mr. Chairman, Members of the Committee, this proposed *House Concurrent Resolution No. 3014* is a nice piece of work, but can be greatly enhanced with the amendments that I am proposing for *House Concurrent Resolution No. 3014*, of which I encourage your support and adoption to this concurrent resolution.

After reading *House Concurrent Resolution No. 3014* and in discussions with other citizens of this state in this matter, we noticed several sections of this proposed concurrent resolution require amending. The amendments are attached to the back of this written testimony and are as follows

SECTION 1. AMENDMENT (Amendment attached)

Repeals new language to this section of the proposed concurrent resolution and preserves the original language of Section 1 of Article IV

Page 1, line 22, remove "fewer"

Page 1, line 23, remove "forty-seven"

Page 1, line 24, remove "fewer" and remove "ninety-eight"

SECTION 2. AMENDMENT (Amendment attached)

Removes the word "may" and inserts the word "shall", therefore requiring an explicit directive of the legislative redistricting commission.

Page 2, line 10, replace "may" with "shall"

SECTION 3. AMENDMENT (Amendment attached)

Removes language to comply with the amendment to Section 4.

Page 2, line 24, overstrike "and one-half of the members of the house of representatives"

SECTION 4. AMENDMENT (Amendment attached)

This amendment re-instates the original term of office for two years for members

of the House of Representatives and eliminates what is basically a divided unicameral system that currently prevails in North Dakota and again provides for true representation of the citizens

Page 2, line 28, overstrike "and representatives", and after "years" insert "and representatives must be elected for terms of two years."

SECTION 5. AMENDMENT (Amendment attached)

This amendment sets an identical standard for all commission members.

Page 3, line 19, replace "one" with "four"

Mr. Chairman, Members of the Committee, *House Concurrent Resolution No. 3014* is an excellent proposal with the adoption of the attached amendments and requires your support for those amendments to be adopted, and then come out of this Legislative Committee with a strong "DO PASS" recommendation for the Assembly and placed on the general election ballot in 2004.

Thank you for your time and consideration of this matter. I will be happy to try and answer any questions you may have.

**PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3014**

Page 1, line 22, remove "fewer"

Page 1, line 23, remove "forty-seven"

Page 1, line 24, remove "fewer" and remove "ninety-eight"

Page 2, line 10, replace "may" with "shall"

Page 2, line 24, overstrike "and one-half of the members of the house of representatives"

Page 2, line 28, overstrike "and representatives", and after "years" insert "and representatives  
must be elected for terms of two years"

Page 3, line 19 replace "one" with "four"

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