

LEGISLATIVE REDISTRICTING ACTIVITIES BEFORE THE ADOPTION OF REDISTRICTING PLANS IN 1981 AND 1991

This memorandum is in response to a request for information relating to legislative activities undertaken before adoption of the legislative redistricting plans in 1981 and 1991.

1980 CENSUS 1977-78 Interim

The 1977 Legislative Assembly did not take any action regarding preparation for legislative apportionment in 1981 and there was not any interim activity during the 1977-78 interim.

1979-80 Interim

The 1979 Legislative Assembly adopted House Concurrent Resolution No. 3008, which directed the Legislative Council to study legislative apportionment. The 1979-80 interim Legislative Procedure and Arrangements Committee was assigned the responsibility of conducting that study. The committee approved a contract with the University of North Dakota Bureau of Governmental Affairs to develop a computer-assisted reapportionment plan. The committee also approved criteria to be considered in developing the redistricting plans.

1981 REDISTRICTING PLAN

The 1981 Legislative Assembly passed House Concurrent Resolution No. 3061, which directed the Legislative Council to study and develop a legislative redistricting plan. The Reapportionment Committee conducted the study and the Legislative Council contracted with the University of North Dakota Bureau of Governmental Affairs to provide computer assistance. The committee presented a plan to a reconvened session of the Legislative Assembly in November 1981.

1990 CENSUS 1985-86 Interim

During the 1985-86 interim, the Legislative Procedure and Arrangements Committee contracted with Dr. Floyd Hickok of the Department of Geography at the University of North Dakota to assist the committee in participating in Phase 1 of the redistricting data program. During Phase 1 of the program, Dr. Hickok and the interim committee reviewed block boundaries proposed by the Bureau of the Census and the

committee requested the bureau to provide census information for the two air bases in the state on a block basis.

1987-88 Interim

During the 1987-88 interim, the Legislative Procedure and Arrangements Committee participated in Phase 2 of the census block boundary project. The committee approved a contract with Dr. Hickok to complete Phase 2 of the program because the Census Bureau had not yet delivered the maps by the last meeting of the committee during the interim.

1989-90 Interim

During the 1989-90 interim, pursuant to 1989 Senate Concurrent Resolution No. 4025, the Legislative Management Committee studied the state of the law with respect to legislative apportionment. The committee reviewed North Dakota constitutional and statutory provisions relating to legislative apportionment and reviewed federal court decisions relating to the legislative apportionment. The committee made no recommendation with respect to the study, but stated that "the Legislative Assembly must be cognizant of federal requirements and with respect to state statutory requirements, changes may be made when a specific legislative redistricting plan is considered."

In addition, the Legislative Management Committee continued Phase 2 of the block boundary project. The Census Bureau delivered block boundary maps in 1989 and precinct boundaries were placed on the maps. The maps were returned to the bureau in 1990. In accordance with the requirements of the Census Bureau, letters signed by the majority and minority leaders and the Governor were sent to the Census Bureau certifying that the Phase 2 maps were developed in a nonpartisan manner.

The Legislative Management Committee also reviewed various concerns relating to preparations for the 1991 legislative redistricting plan. The committee reviewed suggestions that the 1991 Legislative Assembly determine the number of districts to be used in any redistricting plan, the standards with respect to allowable population deviation, the process for considering third-party plans, the criteria to be used in determining

holdover Senate seats, whether district boundaries should "float" with political subdivision boundaries, and when redistricting plans are to be considered. The committee also authorized a contract with Dr. Hickok to provide legislative reapportionment services to the Legislative Council through December 15, 1991.

1991 REDISTRICTING PLAN

The 1991 Legislative Assembly adopted House Concurrent Resolution No. 3026, which directed a study of legislative reapportionment and development of legislative reapportionment plans for use

in the 1992 primary election. The Legislative Council established an interim Legislative Redistricting and Elections Committee, which undertook the legislative apportionment study. The study was conducted in 1991 and a report was presented to the Legislative Council at a special meeting of the Council in October 1991. The Council accepted the report and recommended legislation for submission to the 52nd Legislative Assembly meeting in a special session in November 1991.

ATTACH:2

CHAPTER 776

HOUSE CONCURRENT RESOLUTION NO. 3026
(Kretschmar)

REAPPORTIONMENT PLAN STUDY

A concurrent resolution directing the Legislative Council to study and develop a legislative reapportionment plan or plans.

WHEREAS, the Legislative Assembly has the primary responsibility for reapportioning the state into legislative districts; and

WHEREAS, the demographic data necessary to complete the reapportionment task must be based on the 1990 federal decennial census; and

WHEREAS, the results of the 1990 federal decennial census will not be available to the Legislative Assembly in sufficient time to permit the Legislative Assembly to consider a legislative reapportionment plan during the regular session of the Fifty-second Legislative Assembly;

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

That the Legislative Council study legislative reapportionment and develop a legislative reapportionment plan or plans for use in the 1992 primary; and

BE IT FURTHER RESOLVED, that the Legislative Council be encouraged to use the following criteria to develop a plan or plans:

1. Legislative districts and subdistricts must be compact and of contiguous territory except as is necessary to preserve county and city boundaries as legislative district boundary lines and so far as is practicable to preserve current legislative district boundaries;
2. Legislative districts may have a population variance from the largest to the smallest in population not to exceed nine percent of the population of the ideal district except as is necessary to preserve county and city boundaries as legislative district boundary lines and so far as is practicable to preserve current legislative district boundaries;
3. No legislative district may cross the Missouri River;
4. Senators elected in 1990 may finish their terms except that in those districts where over 20 percent of the qualified electors were not eligible to vote in that district in 1990, senators must stand for reelection in 1992; and

BE IT FURTHER RESOLVED, that the plan or plans developed by the Legislative Council contain options for the creation of house subdistricts in any senate district that exceeds three thousand square miles; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, together with any legislation necessary to implement the recommendations, to a reconvened or special session of the Fifty-second Legislative Assembly.

Filed April 12, 1991

CHAPTER 881

SENATE CONCURRENT RESOLUTION NO. 4025
(Senators Holmberg, Heigaard, Mushik)
(Representatives Kelly, Kretschmar)

APPORTIONMENT STUDY

A concurrent resolution directing the Legislative Council to study the state of the law with respect to legislative apportionment.

WHEREAS, legislative apportionment is a function of the Legislative Assembly; and

WHEREAS, the results of the 1990 federal decennial census will be available to the Legislative Assembly for apportionment purposes in 1991; and

WHEREAS, substantial study may be required to determine the applicable constitutional requirements for a valid legislative reapportionment plan;

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

That the Legislative Council study the state of the law with respect to legislative apportionment, including federal and state constitutional requirements based on case law, and any state statutory apportionment requirements; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-second Legislative Assembly.

Filed March 20, 1989