

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

3018

2005 HOUSE CONSTITUTIONAL REVISION

HCR 3018

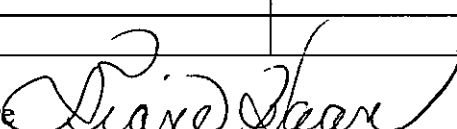
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR3018

Constitutional Revision

☐ Conference Committee

Hearing Date 2-15-05

Tape Number	Side A	Side B	Meter #
1		X	6.1 ----- 14.2
Committee Clerk Signature 			

Minutes:

**Rep Kerzman, Dist 31:** (6.5) appeared in support of HCR3018. (see attached testimony)

**Rep Meier:** (9.4) Have you figured out how many rural senators you would have opposed to urban senators?

**Kerzman:** No

**Rep Kasper:** (10.0) Your 2nd paragraph nails the problem that your resolution has; it would be no more fair to have 100,000 people in Cass Cnty represented by 1 senator then to have 1,000 people out in the western part of the state represented by 1 senator. How do you reconcile your constitutionality of your proposal?

**Kerzman:** I realize that there's a problem. Wyoming goes back to a 1983 case I was involved in & they have their legislative district based on cnty lines. The difference in the population is extreme there too, but it was basically grandfathered in. I want to get the discussion out there because I feel the pressure out in the country & I'm relaying that back to you.

**Chairman Koppelman:** In reference to your statement that states are political subdivisions of the United States, just like counties are political subdivisions of the state; have you considered that the Union (the United States) was a creature of the individual states, whereas counties are a creature of the state? Perhaps that puts them on a little different level.

**Rep Kerzman:** (11.9) I was looking for a solution .... you'd have to walk a mile in my shoes to understand.

**Woody Barth, ND Farmer Union:** (13.0) appeared in support of HCR3018. (see attached testimony)

**Chairman Koppelman:** closed the hearing on HCR3018


2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR3018

Constitutional Revision

☐ Conference Committee

Hearing Date 2-28-05

Tape Number	Side A	Side B	Meter #
1	x		26.7 --- 35.8
Committee Clerk Signature 			

Minutes:

**Chairman Koppelman:** (26.7) We'll move on to HCR3018. This one would ask the voters to approve a measure that would change the Constitution to allow each county to have a Senator in ND & the Senate would be divided up based on the number of counties we have in the state, rather than by population. The House, I believe, would remain based on population. Do we have a motion or discussion?

**Rep Kasper moved a "Do Not Pass"    Rep Meier seconded it**

**Rep Kasper:** (27.3) Just speaking for a number in Cass County & in the Fargo/West Fargo area ... there'd be a referral immediately on this. I don't think it's good public policy.

**Rep Klemin:** (27.6) I agree with the "Do Not Pass" on that, we would significantly reduce the representation that we now have in a number of counties where we have more than 1 district, like Cass County & Burleigh County. In Burleigh Cnty we'd go from, hypothetically, 5 or more Senators down to 1 & Cass Cnty would be worse.

**Rep Kretschmar:** (28.1) The thought is a good thing for rural ND, but right now it flies in the face of our State Constitutional provisions & the Federal Constitutional provisions as stated by the Supreme Court under the equal protection of the laws amendments & in my judgment, the only way that some other system of electing members of the legislative assembly, other the based on population, we would have to propose & enact an amendment to the Constitution of the US. I don't foresee that would happen in the foreseeable future.

**Rep Meier:** (29.1) I think the people in our county would rather have more representation ... in our county we have a varied distribution of citizens ... I think it would be more fair representation.

**Rep Conrad:** (29.6) The frustration Rep Kerzman brought to this committee is very real & I don't know how to solve it, but I don't think this is the solution.

**Chairman Koppelman:** (29.9) I think Rep Kerzman's theory was that, if we do it this way it would mirror the legislative representation of Congress of the US. The US is a creature of the states. The sovereignty of a county is not the same thing as the state on a national level. Also, as Rep Kerzman mentioned, there was a 1964 decision from US Supreme Court that held that equal protection, essentially requires states to establish legislative districts substantially equal in population. I've heard that Wy has something similar to this, but the reason they were able to get by with this is because they did it b/4 that Supreme Court decision in 1964.

**Rep Kretschmar:** (31.9) The Wy situation was b/4 the US Supreme Court & they upheld Wy because of it had been a long standing practice in that state so they left it. Some of the frustration that comes from rural ND & the legislatures who live out there is that, in the last 2

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Constitutional Revision

Bill/Resolution Number HCR3018

Hearing Date 2-28-05

reapportionment's, the rural districts increased markedly in geography & I think that's a reflection of *(can't understand)* in our legislature. This resolution won't help anything.

**Chairman Koppelman:** (33.7) I agree that there is consternation in the rural areas & I do believe Rep Kerzman is acting in good faith, trying to represent his district. Many of us have come from rural areas & as a result of that I think we do care & try to think about. Any further comments? if not we'll call the roll on a "**Do Not Pass**"

6 Yes      0 No      1 Absent & Not Voting      Carrier: Rep Conrad

Date: 2-28-05  
Roll Call Vote #: HCR 3018

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.

House CONSTITUTIONAL REVISION Committee

☐ Check here for Conference Committee

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

Action Taken Do Not Pass

Motion Made By Kasper Seconded By Meier

Representatives	Yes	No	Representatives	Yes	No
Chair Koppelman	✓		Rep. Conrad	✓	
Rep. Kretschmar, Vice Chair	✓		Rep. Sandvig	A	B
Rep. Kasper	✓				
Rep. Klemin	✓				
Rep L. Meier	✓				

Total (Yes) 6 No 0

Absent 1

Floor Assignment Conrad

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



**REPORT OF STANDING COMMITTEE (410)**  
March 1, 2005 4:25 p.m.

**Module No: HR-37-3913**  
**Carrier: Conrad**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HCR 3018: Constitutional Revision Committee (Rep. Koppelman, Chairman)**  
recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).  
HCR 3018 was placed on the Eleventh order on the calendar.

**2005 TESTIMONY**

HCR 3018

**Testimony  
HCR 3018  
Representative James Kerzman**

Mr. Chairman, members of the Constitutional Revision Committee,  
I debated a long time before bringing this resolution forward, but I think we should discuss geographical representation before re-districting takes place in about six years.

I will not pretend to be a Constitutional expert or familiar with Constitutional law. I realize that in 1964 the US Supreme Court held that the Equal Protection Clause of the 14<sup>th</sup> Amendment to the US Constitution requires states to establish legislative districts substantially equal in population.

What I have seen since my involvement in politics is an exodus from rural areas to urban centers. I have been involved in three re-districting plans, each time our district grew in geographical size and more districts were added to urban centers.

Rural North Dakota plays a major role in the economic value of this state with the tremendous assets offered by agriculture, coal, oil, minerals, parks, hunting, and all other natural resources. Yet I am questioned often: What can be done to get us more representation? Why are the populated areas, especially the East, dictating what goes on out here? Why is the rural infrastructure deteriorating with roads breaking up, railroads gone, and high freight rates? Why are urban sportsmen dictating what goes on with our hunting resources?

There used to be a distinct difference between the House and Senate prior to the onset of four-year House terms. Since then the two House members and one Senator all represent the same people, the same geographical area. Two year House seats used to make Representatives more responsive to the voting public just by the fact that they were up for election following a legislative session.

If we look at Senators and Congressmen on the federal level, each state, no matter what the population, is granted two Senators. Representatives are based on population, with a minimum of at least one representative. Why would a county, which is a political subdivision of the state, be any different than a State as a political subdivision of the United States?

I hope this will develop informational debate and a plan that will help lead this state into the future with fair representation that will make all citizens feel an equal part of the process and the state.

Thank you for your consideration,

Representative James Kerzman

Kerzman, James A.

Gene Redlin [gredlin@cfaith.com]

Thursday, February 10, 2005 10:52 AM

To: ED&F Cavalier County JDA

Subject: Senator Dorgan and Senator Conrad in Danger

## If this policy is implemented Senators Conrad and Dorgan Will be kicked out of Washington

The reapportionment policy put in place by the 1964 one person one vote US Supreme Court ruling might be applied to the USA at large. That would mean that one new legislative district would include all of ND, SD and Montana. Just one Senator would be elected from what is now 3 separate states that currently wield Six senatorial votes.

One Senator elected for all of North Dakota, South Dakota and Montana Combined. He'll be really busy and I hope he (or she) has a good car because he'll have to travel 1500 miles corner to corner in his area.

The US Senate under this plan would have Senators apportioned by population. California would have 17 senators, Texas 9, New York 7, Florida 7, and Illinois would have 4. That's what one-person one vote means.

*The USA is becoming more urban and there is great deal of sentiment for abolishing the electoral college to a one person one vote status and by the way let's make the US Senate more representative of the population and not geography. It's only fair. **RIGHT??***

Don't worry North Dakota, we good folks in Illinois will look out for you. I'm sure California will have your best interests in mind. And New York cares, they really do. If you believe that please contact me about a bridge I have for sale near Brooklyn NY.

*States which are very rural if they try very hard and are creative can find ways to develop and grow without any political clout. It's the American Way. **RIGHT???***

THAT'S EXACTLY WHAT IS HAPPENING RIGHT NOW IN NORTH DAKOTA.

The 1964 ruling was a noble effort to take out some problems in many states. There were voting inequities. Racial issues. 40 years ago. I remember 1964. I was engaged to my wife that year. Ellendale ND. Things have changed. Ellendale has changed. Not for the better.

I submit that the county based apportionment system for the state senate that existed prior to 1964 helped protect the interests of the rural counties in ND. I suggest that the unintended consequence has been the abandonment of Rural America out of a well-meaning ruling to make voting rights more equal. This is happening all across America. The 1964 ruling was nationwide. The net effect is worst

in those very rural areas between US 281 and the front range of the Rockies from Canada to Mexico. Buffalo commons stems in part out of the 1964 ruling.

The power vested in the city-states (Chicago in Illinois) has made Metropolis Illinois (home of Superman) irrelevant. The power vested in Cass County makes Sheridan County irrelevant. Sheridan County is in population and size proportional to what North Dakota is to the USA. A blip on the radar screen.

This is an issue worth revisiting. I congratulate Rep James Kerzman from Hettinger for tackling this issue. I thank Rep Ole Aarsvold for helping me understand this better. This has been an eye opener.

Fight for the right. The future depends on it. California doesn't understand what would help North Dakota than any more than Cass County understands what would help Sheridan County. I'll bet most people in Cass County couldn't find Sheridan County on a map or name one town in Sheridan County.

They aren't mean or ignorant, it's all about relevance.

Dear Newspaper Editor:

You have my permission to use this letter as is, to rewrite it, to argue about it, to write on this issue from your own perspective. My interest is not in attribution; it's in change for the better. The future of ND is in your care. Tackle this thorny issue with courage.

Gene Redlin  
St. Charles IL

# North Dakota Farmers Union

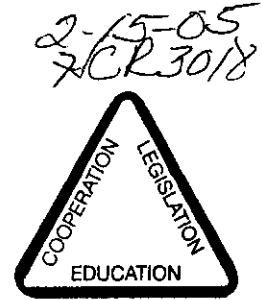
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HCR 3018

House Constitutional Revision Committee

Chairman Koppelman and members of the Constitutional Revision Committee.

My name is Woody Barth and I here representing over 35,000 of North Dakota Farmers Union. North Dakota Farmers Union would like to urge a do pass on HCR 3018, which would entitle each county to have one senator to represent them in the legislative assembly.

The members of North Dakota Farmers Union believe that the reapportionment of legislative districts should cross as few county lines as possible and seek to retain communities of common interest within district boundaries. We support the concept of one Senator from each county to give geographical balance to our legislature.

We believe that in order for North Dakotans to receive adequate access and representation, it is necessary to revise the constitution to allow one county per Senator. Providing a geographical balance in the Senate seems to be working on a national level; lets consider putting that same concept in to affect on a state level.

The members of North Dakota Farmers Union urge a do pass on HCR 3018,

Thank Chairman Koppelman and members of the committee; I will now answer any questions.