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TRANSCRIPTION OF VIDEO FILE

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NORTH DAKOTA LEGISLATIVE ASSEMBLY

12

REDISTRICTING COMMITTEE

13

SEPTEMBER 22, 2021

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EXHIBIT

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1 SEPTEMBER 22, 2021

2 CHAIRMAN DEVLIN: We will call the
3 Redistricting Committee back to order.

4 Emily, if you would take the roll,
5 please.

6 MS. THOMPSON: And Chairman Devlin.

7 CHAIRMAN DEVLIN: Here.

8 MS. THOMPSON: Representative Bellew.

9 REPRESENTATIVE BELLEW: Here.

10 MS. THOMPSON: Representative Boschee.

11 REPRESENTATIVE BOSCHEE: Here.

12 MS. THOMPSON: Representative Headland.

13 REPRESENTATIVE HEADLAND: Here.

14 MS. THOMPSON: Representative Lefor.

15 REPRESENTATIVE LEFOR: Here.

16 MS. THOMPSON: Representative Monson.

17 REPRESENTATIVE MONSON: Here.

18 MS. THOMPSON: Representative Nathe.

19 REPRESENTATIVE NATHE: Here.

20 MS. THOMPSON: Representative Schauer.

21 REPRESENTATIVE SCHAUER: Here.

22 MS. THOMPSON: And Senators Holmberg.

23 SENATOR HOLMBERG: Here.

24 MS. THOMPSON: Senator Bekkedahl.

25 SENATOR BEKKEDAHL: Here.



1 MS. THOMPSON: Senator Burckhard.

2 SENATOR BURCKHARD: Here.

3 MS. THOMPSON: Senator Erbele.

4 SENATOR ERBELE: Here.

5 MS. THOMPSON: Senator Klein.

6 SENATOR KLEIN: Here.

7 MS. THOMPSON: Senator Oban.

8 SENATOR OBAN: Here.

9 MS. THOMPSON: Senator Poolman.

10 SENATOR POOLMAN: Here.

11 MS. THOMPSON: And Senator Sorvaag.

12 SENATOR SORVAAG: Here.

13 MS. THOMPSON: And, Mr. Chairman, we
14 have a quorum.

15 CHAIRMAN DEVLIN: Thank you.

16 What's your wishes for the minutes of
17 September 15th -- 16th?

18 UNIDENTIFIED MEMBER: Move it. Second.

19 CHAIRMAN DEVLIN: Second.

20 Any objections?

21 (No audible response)

22 They will be approved.

23 Comments by the Chairman - I really
24 don't have much today. Is this going to
25 everybody? Okay.



1 I think we'll just -- the Association of
2 Counties desired a moment or two on our agenda
3 this morning for a short presentation. I'm going
4 to allow them to do that at this time before we
5 move on to the legislative counts with staff,
6 other legal considerations on subdistricts, and
7 other topics.

8 MR. BIRST: Thank you, Mr. Chairman.

9 Good morning, members of the committee.
10 My name is Aaron Birst; I'm with the Association
11 of Counties. And I have about 27 plans of my own
12 that I would like to talk to you about. It
13 should only take a couple hours, so -- that was a
14 joke, of course. In all seriousness, this is a
15 huge deal. You're putting a stamp on the state
16 of North Dakota for the next decade, so thank you
17 for your service. It's a huge deal, so thank you
18 very much.

19 And thank you, Mr. Chairman, for letting
20 me, very briefly, talk to you.

21 The Association of Counties is not
22 interested in particular plans. We're not
23 advocating for any certain plan. What we would
24 like to remind the committee, and you already
25 know this, but we would like the committee to



1 take into strong consideration that county lines
2 are looked at when you are doing your
3 redistricting. As you know, the county election
4 officials are the ones who put this all together
5 for your races, and any time you go past the
6 county line, and you pick up a couple of
7 townships across the county line, that forces the
8 other county auditor to create new ballot styles,
9 to put in a separate precinct, which drives up
10 the cost and the workload.

11 Now, that being said, we can -- I'm
12 confident Counties can implement any plan that
13 you choose; we look forward to that. I just
14 would like you to keep that in the back of your
15 mind.

16 Just further, what other -- your work
17 also impacts counties in terms of the counties
18 have to redistrict. Generally, we don't
19 redistrict until we find out what your plans are
20 to make sure our county districts are very
21 similar to yours

22 On the back of the one-page handout that
23 I have -- hopefully, everybody has it. I passed
24 it out beforehand. On the back of it goes
25 through all the counties that currently have



1 their district, or whether they're at-large
2 district, or an at-large at-large. I'm guessing
3 most of the counties will stay relatively the
4 same in terms of their structure and makeup, but
5 I would think some of the districts in districts
6 will change based on the population.

7 As counsel has already told you, the
8 court cases clearly indicate political
9 subdivisions have the same apportionment issue
10 that we do. So we will follow those rules, too.

11 I'd be happy to answer any questions
12 that you have.

13 CHAIRMAN DEVLIN: Any questions for
14 Mr. Birst?

15 Senator Bekkedahl.

16 SENATOR BEKKEDAHL: Thank you,
17 Mr. Chairman.

18 Thank you, Aaron. On your -- in your
19 testimony, you write that "After every census
20 county is not organized at-large or required to
21 reorganized." So I'm guessing the middle column
22 "At-large with districts" still has to
23 reorganize; is that correct?

24 MR. BIRST: Mr. Chairman, Senator
25 Bekkedahl, that's correct, in my opinion. And



1 you know, you can make an argument the at-large
2 at-large probably should, but the law does allow
3 them now to redistrict as currently stands in the
4 statute.

5 CHAIRMAN DELVIN: Further questions?
6 Representative Schauer.

7 REPRESENTATIVE SCHAUER: Thank you,
8 Mr. Chairman.

9 Aaron, this is our fourth meeting. Have
10 you had an opportunity to take a look at the
11 proposed maps throughout the state? And do you
12 see any issues or concerns that the counties are
13 not being properly treated, or are not being
14 included in some of those proposed maps?

15 MR. BIRST: Mr. Chairman, Representative
16 Schauer, I have looked at all the maps, and
17 there's -- there's a number of them. Until it
18 gets a little more detailed, it's hard for me to
19 comment on that. I think all of your proposals
20 have merit and -- and this is a tough gig,
21 putting together this based on county lines,
22 based on reservations, based on population.
23 Very, very difficult. So I would refrain from
24 comment until I knew something a little closer.

25 CHAIRMAN DEVLIN: Further questions,



1 comments?

2 (No audible response)

3 Seeing none. Thank you.

4 MR. BIRST: Thank you, Mr. Chairman.

5 CHAIRMAN DEVLIN: Excuse me. Review by
6 Legislative staff on the legal considerations
7 relating to subdistricts.

8 Clair has this.

9 MS. NESS: Thank you, Mr. Chairman.

10 And, Mr. Chairman, and members of the
11 committee, there have been -- there have been
12 several questions about subdistricting, and Emily
13 is going to put some slides up for you here. So
14 we're going to review a little bit of the law.
15 Thank you for your patience.

16 Yep. There we go. Now we have it up on
17 the screen.

18 So we're going to review the federal law
19 relating to subdistricting. And we've talked a
20 little bit about this early in the process, but
21 just to kind of provide a refresher in the
22 context of subdistricting, we wanted to give you
23 a little overview.

24 So multi-member districts are what North
25 Dakota has used for a long time. They're not



1 inherently illegal, but they do raise some
2 questions under federal law. And people can
3 choose to have a multi-member or a single-member
4 district for a whole lot of reasons. And federal
5 law, in addition to addressing issues related to
6 multi-member districts, also provides
7 considerations for districting decisions that
8 involved race as a factor. So when you're
9 talking about subdistricts in North Dakota that
10 may involve the Native America population, you
11 end up with merger of these two areas of federal
12 law.

13 In addition, you also have to remember
14 that subdistricts still have to comply with the
15 one-person one-vote principle, so if you are
16 going to subdistrict any area, you have to make
17 sure that the two areas that are in the different
18 subpopulation -- excuse me, subdistricts, have
19 approximately equal population.

20 Thanks, Emily.

21 So the general rule is, under the 14th
22 Amendment, that race may not be the predominate
23 factor when you're creating a particular
24 district. That means you can't say that you're
25 creating a district because of race. However,



1 race can be one of the factors that you consider
2 if it's not the predominant factor. And race
3 also -- there is an exception to the general
4 rule, which is that race can be a predominate
5 factor if the district is drawn to narrowly -- to
6 be narrowly tailored to achieve a compelling
7 state interest. And this is a test called strict
8 scrutiny. It's used in a lot of different ways
9 by courts in the country.

10 So, again, generally, you can't use race
11 as the predominate factor. You can use race as
12 one factor of many, or more than one. And there
13 is an exception to the rule which is that race
14 can be the predominate factor if you have the
15 district drawn to be narrowly tailored to achieve
16 a compelling state interest. And I reiterate
17 that because we're going to go over those
18 specific terms.

19 Thanks, Emily.

20 The compelling state interest. So
21 courts have said, in this particular context,
22 there are two -- at least two compelling state
23 interests. So if you're going to use race as a
24 predominate factor, you can do so for these two
25 compelling state interests. One would be



1 complying with Section 2 of the federal Voting
2 Rights Act, and the other is to remedy past
3 discrimination.

4 So to talk about the first one,
5 complying with the Voting Rights Act. The
6 Section 2 of the Voting Rights Act prohibits vote
7 dilution of racial minorities. And if you want
8 to comply with that particular provision of the
9 Voting Rights Act, that could be a compelling
10 state interest if you have direct evidence that
11 the votes of the minority members would be
12 diluted if you did not have a majority-minority
13 district. So if you did not draw your district
14 in a way that provided for a majority of a racial
15 minority in a district.

16 When you're kind of teasing out these
17 terms of art that are used in the cases, what you
18 really are going to do is look to see if what's
19 called the Gingles preconditions are met. That
20 comes from a case where one of the parties was
21 named Gingles. And we'll get to that in a second
22 but for now, I wanted to provide you with the
23 legal test, but then I'll also show you how it
24 actually is applied by courts.

25 The other compelling state interest,



1 other than complying with Section 2 of the
2 federal Voting Rights Act, is remedying past
3 discrimination. And if a state wants to use race
4 as a predominate factor in drawing district
5 boundaries to remedy past discrimination, that
6 state needs to identify the past discrimination
7 with some specificity, which is what the courts
8 have said. And the redistricting body -- so that
9 would be the Legislative Assembly -- must have
10 has a strong basis in evidence to conclude that
11 the remedy was necessary before the legislative
12 body would participate in drawing a boundary
13 based on race, predominantly.

14 So in addition to saying that you are
15 trying to meet a compelling state interest, your
16 remedy to address potential racial vote dilution
17 must be narrowly tailored to the problem you're
18 trying to fix. And to show that a plan is
19 narrowly tailored to complying with the Voting
20 Rights Act, the state needs to show that it has
21 good reason to think that all of the Gingles
22 preconditions have been met.

23 And then if those preconditions are met,
24 you most likely need to have a majority-minority
25 district, otherwise, you would probably open



1 yourselves up to a legal challenge. And then if
2 the plaintiff in that challenge could show that
3 those Gingles preconditions were met, then you
4 would potentially have a violation of Section 2
5 of the Voting Rights Act. So on the next slide
6 then, you can see what the Gingles preconditions
7 are. So again, if those Gingles preconditions
8 are met, that's a potential violation of Section
9 2 of the federal Voting Rights Act.

10 What a court can do after those
11 preconditions are met is also look to the Senate
12 factors, which are listed on the right side of
13 that screen. Courts can pick and choose any
14 number of those factors to look at, once those
15 preconditions are met, to help the court decide,
16 okay, is there vote dilution of a racial
17 minority.

18 And so there's not always a yes or no
19 answer. If somebody were to say, "Do we need to
20 have a majority-minority district in this area?"
21 there's never a 100 percent bright line rule that
22 would say yes, you do, or no, you don't. Again,
23 you look to see, are those Gingles preconditions
24 met in that area, you maybe want to look at some
25 of the senate factors, and then you would have to



1 make your decision.

2 Are there any questions?

3 CHAIRMAN DELVIN: Representative Lefor.

4 REPRESENTATIVE LEFOR: Thank you,
5 Mr. Chairman.

6 Claire, with the populations of the
7 reservations that have been handed out, Fort
8 Berthold, total 8350, and then the Native
9 population of that is 5537. And the Gingles
10 precondition that you show is minority group with
11 sufficiently numerous and compact to form a
12 majority -- a single-member district. So does
13 that mean the 5000 of the 8000? Or 5000 of the
14 16,000?

15 MS. NESS: Mr. Chairman, Representative
16 Lefor, members of the committee. A court
17 probably would look to whether or not that group
18 could be a majority of a single-member district,
19 which would be subdistrict.

20 REPRESENTATIVE LEFOR: Okay. Thank you.

21 CHAIRMAN DEVLIN: Senator Holmberg.

22 SENATOR HOLMBERG: If one is looking at
23 the American Indian population 18 and over, do
24 you balance that against the other population 18
25 and over? In other words, do you use the same



1 metric when you're measuring them?

2 MS. NESS: Mr. Chairman and Senator
3 Holmberg, members of the committee, you would
4 want to be consistent. And there may be an
5 argument that you would want to be consistent
6 across all of your use of different populations
7 when you're districting. So, generally, if you
8 use total population when you're determining the
9 equivalency for districting, you probably want to
10 look at total population when you're looking at
11 populations for subdistricting.

12 CHAIRMAN DEVLIN: Senator Burckhard.

13 SENATOR BURCKHARD: Mr. Chairman,
14 Claire.

15 First, I would ask Emily to go back a
16 couple of slides. No, the previous -- thank you.
17 I'm sorry. Nope. Forward. Forward. You had it
18 there -- you had it there briefly, but there's --
19 how about -- no. Man. One before that. Thank
20 you.

21 Okay, Ms. Claire -- Ms. Ness. "The
22 remedy needs to correct the identified problem
23 without going too far." Now, that's a pretty
24 broad term. I mean, what's too far and what's
25 far enough? I mean, that's a judgement call,



1 isn't it?

2 MS. NESS: Yes. Mr. Chairman, Senator
3 Burckhard, and members. It is a judgement call.
4 We can dig into some case law and provide more
5 information on that if you would like, but it
6 really is a judgement call. There's not a bright
7 line rule. And again, this test, this strict
8 scrutiny test that relies on narrowly tailoring a
9 remedy, that's used in a broad swath of all types
10 of cases, not just redistricting.

11 SENATOR BURCKHARD: Thank you.

12 CHAIRMAN DEVLIN: Representative
13 Boschee.

14 REPRESENTATIVE BOSCHEE: Thank you,
15 Mr. Chairman.

16 Ms. Ness, is my understanding correct
17 that most of these tests, or at least the tests
18 that have been presented, are in the affirmative
19 of supporting majority-minority districts?

20 MS. NESS: Mr. Chairman, and
21 Representative Boschee, and members, I'm not sure
22 I would have, off the top of my head, a way to
23 quantify how many went each direction. The one
24 thing that the courts consistently say is that
25 they are very, very fact specific. So there are



1 principles that you can pull from the different
2 cases, but it's hard to extrapolate a result from
3 one case to the next. I could do a little more
4 digging to give you a better sense of which way
5 they go.

6 REPRESENTATIVE BOSCHÉE: Maybe I need to
7 rephrase, and I probably used the word
8 affirmative wrong. Were -- these tests -- these
9 cases were tests to support the creation of
10 majority-minority districts. And I guess maybe
11 my follow up question, what I'm trying to get to
12 is, are there test case or cases that would be
13 challenging the creation of majority-minority
14 district that we should also be considering?
15 Because I think that's a concern I hear from the
16 committee is, if we do this, what's the reaction
17 if we do it? Versus, we are allowed to do it
18 based on these different tests.

19 MS. NESS: Mister --

20 Oh, do you want me to answer that
21 question, or is it --

22 CHAIRMAN DEVLIN: Yes, please.

23 MS. NESS: Okay.

24 Yes, Mr. Chairman and Representative
25 Boschee, you're correct. So there is the



1 possibility that somebody who is subdistricted
2 could say race was used as a predominate factor
3 to create a subdistrict, and the Gingles
4 preconditions were not met, so therefore, what
5 you have done is impermissibly used race as a
6 predominate factor and violated Section 2 or
7 another federal legal principle that would --
8 prevent you from using race that way. So the use
9 of race as the predominate factor is only allowed
10 if these preconditions are met, is kind of where
11 the cases have gone.

12 REPRESENTATIVE BOSCHEE: One more follow
13 up?

14 CHAIRMAN DEVLIN: You may.

15 REPRESENTATIVE BOSCHEE: Thank you,
16 Mr. Chairman.

17 So in that -- because I think you used
18 the word theoretically, or a word similar -- are
19 we aware of case law where that has been the
20 challenge?

21 MS. NESS: Representative Boschee, I can
22 do some digging and pull that for you.

23 CHAIRMAN DEVLIN: Senator Holmberg.

24 SENATOR HOLMBERG: Yeah. The second
25 bullet on the Gingles preconditions is about



1 minority group is politically cohesive, and one
2 can find that out, I'm sure, by looking at
3 election returns. And I just looked at the
4 election returns from 2020 and found that the two
5 reservations which is easy to dig out -- not MHA
6 because they're in many counties -- but those are
7 the only two counties that voted for Zach
8 Raknerud and the only counties that voted for
9 Biden.

10 So would you be able to make a case that
11 that is a cohesive political history? I mean,
12 you can go back, and you'll see the same thing, I
13 think, I year after year. Is that one of the
14 considerations that we should be thinking about?
15 The political cohesiveness of the population that
16 we're dealing with?

17 MS. NESS: Mr. Chairman, Senator
18 Holmberg, and members, a lot of times, the cases
19 do look back at voting patterns. There are often
20 statistically detailed cases. There's a lot of
21 evidence and discovery along those lines as to
22 how different populations have voted. Since we
23 don't have voter registration, we may not have
24 the same data as other states, but you could go
25 back and try to pull some information from voting



1 patterns in the past, based on precincts.

2 CHAIRMAN DEVLIN: Representative
3 Schauer.

4 REPRESENTATIVE SCHAUER: Thank you,
5 Mr. Chairman.

6 Ms. Ness, this is your world. Have you
7 had time in your staff to analyze this and to, at
8 some point, give this committee your
9 recommendation on what direction to go? And
10 would this be something that is within your legal
11 expertise? Or is this something that needs to go
12 outside?

13 MS. NESS: Mr. Chairman, Representative
14 Schauer, it's not something that we have delved
15 into where we could give you a yes or no answer
16 or a recommendation. We would have to go back
17 and look at, statistically, what information we
18 have, and we have not done that. We've just
19 provided the legal advice, the legal framework.

20 CHAIRMAN DEVLIN: Representative Nathe.

21 REPRESENTATIVE NATHE: Thank you,
22 Mr. Chairman.

23 Along the lines of Senator Holmberg, and
24 at the risk of repeating his question, but it has
25 to do with the third point of Gingles



1 precondition. So what constitutes votes as a
2 bloc? You know, we made this map up back in --
3 the current map back in 2011. There's two
4 districts I know with reservations in it that
5 were represented by other side of the aisle for
6 at least half of that five, six years. Now, here
7 we are, the last election cycle, so now they're
8 being represented by the other side of the aisle.

9 So, I mean, is that a bloc because all
10 of a sudden, the wrong side of the aisle is being
11 elected in that districted? I mean, what -- how
12 do they figure that out? What's a -- do you have
13 to have a history of a bloc? I mean, did that
14 make sense?

15 MS. NESS: Yes. I believe so. Yes.

16 Mr. Chairman and Representative Nathe, I
17 think -- again, it depends on the data you have.
18 And if you're in court, what you would do -- you
19 would probably end up with two sides, both
20 looking at data and analyzing it different ways.
21 So the court would then have to decide how far
22 back they wanted to look, what data sets they
23 wanted to look at.

24 But the overarching precondition is that
25 do you have -- in North Dakota, the majority



1 group is almost always going to be white -- in an
2 area, do the white voters vote differently from
3 the racial minority voters in the same area?
4 Which is one of the tricky things about using
5 polling place data. Because if you have white
6 and other racial groups voting in the same
7 locations, then you'd pull those results -- we
8 don't have a way of teasing out, you know, who
9 voted which way, and we don't have voter
10 registration to say, you know, certain races are
11 registered in different ways. What we could do
12 is try to extrapolate it based on the census data
13 we have for areas. But you're sort of mixing
14 apples and oranges a little bit that way.

15 REPRESENTATIVE NATHE: So the third
16 condition, the definition of majority group then
17 would be race.

18 MS. NESS: Correct.

19 CHAIRMAN DEVLIN: Further questions?
20 Senator Klein.

21 SENATOR KLEIN: Mr. Chairman, and
22 Claire, but from the beginning of time, have we
23 divided any -- I mean, we are now 2021 discussing
24 subdistricts. Should this not have been a
25 discussion years ago? And I thought we've made a



1 lot of attempts to bring the reservation
2 population into -- I mean, they're part of the
3 state. I mean, we fund the roads. We -- we look
4 to them to help them with -- as just regular
5 citizens. But why now that we seem to have -- is
6 there more pressure on this voting rights and why
7 we would even have this discussion at this point?
8 Because those populations aren't going up any
9 more than the rest, are they?

10 MS. NESS: So Mr. Chairman and Senator
11 Klein, the Voting Rights Act was a -- well,
12 excuse me, was enacted in 1965, and there was a
13 slew of litigation in the early '80s. There was
14 another -- there's actually been a lot of
15 litigation over the years, but you can see kind
16 of peaks and valleys. So in the early '80s, you
17 had a peak, and then I think over the last maybe
18 10 or 20 years, you've seen that kind of steadily
19 ratch up. I can't tell you why it wasn't
20 something that occurred or didn't occur in the
21 past. We just wanted to provide you a legal
22 framework to be thinking through as you work
23 through this process.

24 CHAIRMAN DEVLIN: Senator Holmberg.

25 SENATOR HOLMBERG: But we have, in



1 redistricting, in the past, we have addressed
2 that particular issue and the legislature said
3 no, they weren't going to go down that path. So
4 it is not brand-new. It's something that has
5 been -- I believe it was floor amendment one
6 session to try to do a subdistrict -- floor
7 amendment in the Senate. So it's not a new
8 issue.

9 I think part of the question is: does
10 the -- and let's pick out the largest
11 reservation, which is Fort Berthold -- do those
12 numbers cause us to be in a position that the
13 Gingles preconditions are met, and the choice
14 might be, either we do it, or a court will do it?
15 And I don't have an answer to the question,
16 but --

17 CHAIRMAN DEVLIN: Representative Monson.

18 REPRESENTATIVE MONSON: Thank you,
19 Mr. Chairman.

20 And along that same line, I'm looking at
21 the reservation populations, and I'm assuming you
22 almost have to look at the total population on
23 the reservation, not just the Indian population
24 or those over 18. Based on these numbers though,
25 the total population on Fort Berthold, I mean,



1 that probably justifies a half of the ideal
2 number. So maybe a subdistrict there.

3 The other ones, I mean, if you really
4 made it stretch, you could maybe say, well,
5 Turtle Mountain Reservation, that's a bigger
6 number. But the other three are not even close
7 to being even half of an ideal. So how would you
8 make a subdistrict on of them other than Fort
9 Berthold and possibly Turtle Mountain?

10 MS. NESS: Mr. Chairman and Senator
11 Monson -- or excuse me, Representative Monson,
12 the first Gingles precondition is that the
13 minority group is sufficiently numerous and
14 compact to form a majority in the subdistrict.
15 So that's one of those preconditions that would
16 have to be met -- or should be met.

17 REPRESENTATIVE MONSON: So really what
18 I'm hearing is you're saying there's one district
19 that might -- or one reservation that might
20 qualify by the Gingles Act for a subdistrict.
21 The other ones probably don't make it because
22 they aren't even close to half. Correct? Is
23 that what I heard you say?

24 MS. NESS: I can't tell the committee
25 what to do. I'm just trying to lay out the legal



1 framework so that you can look at the data and
2 then make a decision. I can't tell you yes or
3 no. There are too many variables. We can
4 certainly take a look at some other information
5 if you would like, but we're not in a position to
6 say, yes, this has to be, or no, this doesn't
7 meet the requirements.

8 CHAIRMAN DEVLIN: Representative Monson,
9 and when I look at the numbers, when you look on
10 the chart that was handed out, if can look at the
11 American Indian population, both the Fort
12 Berthold and Turtle Mountain Reservation are over
13 50 percent of the subdistrict population. It
14 isn't the whole district; we have to keep that in
15 mind. It's the subdistrict. So the subdistrict
16 is roughly 8250 people. One of them has 5500 and
17 the other one has 4700. So they would have more
18 than half in the subdistrict, and I think that's
19 what the legal argument is.

20 REPRESENTATIVE MONSON: So --

21 CHAIRMAN DEVLIN: You may proceed.

22 REPRESENTATIVE MONSON: So,
23 Mr. Chairman, so that's using race only, not the
24 population of the reservation. So I mean, you
25 have to go down that race only path to get over



1 half of a subdistrict in two of them.

2 CHAIRMAN DEVLIN: Senator Holmberg.

3 SENATOR HOLMBERG: The population, as I
4 understand it, at Turtle Mountain, you've got the
5 reservation, which is kind of a rectangle, if I
6 recall correctly, and then you have a number of
7 housing units that are not on the reservation,
8 but I believe are mostly Native American. Do you
9 have the -- and that should be in the computer.
10 What is the total, if you look at Turtle Mountain
11 -- excuse me, if you look at Rolette County,
12 American Indian population? You're looking at
13 the reservation. What is the total American
14 Indian population of Rolette County? That might
15 be different.

16 MS. KRAMER: Mr. Chairman, would you
17 like me to pull that up?

18 SENATOR HOLMBERG: Yeah.

19 CHAIRMAN DEVLIN: You may.

20 SENATOR HOLMBERG: Because I don't have
21 a computer here that works. And I don't know the
22 answer. I'm just speculating because I know that
23 there are some areas.

24 CHAIRMAN DEVLIN: Samantha is bringing
25 it up. Okay.



1 MS. KRAMER: Mr. Chairman and Senator
2 Holmberg, based on a quick look here, it looks
3 like Rolette County may have an American Indian
4 population of 9278.

5 SENATOR HOLMBERG: The race is a larger
6 thing than just the boundaries of the reservation
7 I think up in Rolette County.

8 CHAIRMAN DEVLIN: In answer to a
9 previous question, subdistricts were considered
10 in both '91 and 2001, and I believe the state of
11 North Dakota was in a court case at one time. Do
12 you have any information on that?

13 MS. NESS: I don't at my fingertips,
14 Mr. Chairman. But we can get that.

15 CHAIRMAN DEVLIN: Okay. Yeah.
16 Representative Nathe.

17 REPRESENTATIVE NATHE: So Claire, help
18 me understand. I'm just confused what trips the
19 Gingles preconditions. So we're looking at a
20 subdistrict and in some of the discussions, all
21 of a sudden, we have -- say we have 9000 Native
22 Americans, and we have 8000 non -- whites -- say
23 whites. Well, doesn't that trip the Gingles the
24 other way then? I mean, isn't that
25 discriminating against, you know, the other way?



1 Do you see what I'm saying?

2 MS. NESS: Mr. Chairman --

3 REPRESENTATIVE NATHE: I'm just trying
4 to figure out why it trips it this way, and then
5 when we load it up too much on the Native
6 American side, why doesn't it trip it that way?

7 MS. NESS: Yes, Representative Nathe.
8 The courts would -- it would be unlikely that the
9 courts would consider the white population a
10 minority population in North Dakota. I think
11 when you look at the Senate factors, especially
12 the intent would be that the minority group would
13 be a group that has faced vote dilution or
14 discrimination in the past. What could -- what
15 would happen is if you don't create a majority-
16 minority district where you would have the
17 Gingles precondition for a minority race, you
18 could have a lawsuit under Section 2 of the
19 Voting Rights Act.

20 If you did create a subdistrict and the
21 Gingles preconditions were not met, you could
22 have a racial majority member or anybody, really,
23 bring a lawsuit saying race was used as the
24 predominant factor, improperly. So I don't think
25 that the -- I'll leave it at that. That's how



1 those two competing litigation strategies play
2 out.

3 CHAIRMAN DEVLIN: Representative
4 Schauer.

5 REPRESENTATIVE SCHAUER: Thank you,
6 Mr. Chairman.

7 As I look on the big board under "Senate
8 Factors" I see "History of official
9 discrimination, racially polarized voting in the
10 state, election procedures that diluted the
11 minority vote." In past Committee meetings we've
12 been criticized for having no communication and
13 poor representation on said districts that we're
14 talking about.

15 And I noticed in the audience,
16 Representative Jim Schmidt. And I'm wondering,
17 Mr. Chairman, at some point, I'd like to hear
18 from him and other representatives, to at least
19 give their side of that story. But I would put
20 that in your capable hands.

21 CHAIRMAN DEVLIN: Any other discussion
22 by the committee? I found better representation
23 is in the eye of the beholder. And I think
24 Representative Schmidt, Representative Vigesaa,
25 myself, and other ones that can point to numerous



1 things that we've been praised by members of
2 Tribal government for what we did.
3 Representative Schmidt, particularly, water
4 issues and other things. You know, we're in a
5 different world right now and I understand that.

6 The issue here today is whether we have
7 to look at subdistricts, and I'm going to ask
8 staff to provide us a little more legal
9 documentation because I believe the State of
10 North Dakota prevailed in one of these for a
11 certain reason, but I'm not going to let my legal
12 opinion of this stand. I want you to see that.
13 That we'll get some -- we'll look at some other
14 things and we'll make some decisions based on
15 what the courts have done, including North
16 Dakota.

17 Is there anything else for this
18 particular --

19 Representative Headland.

20 REPRESENTATIVE HEADLAND: Thank you,
21 Mr. Chairman.

22 Claire, could you just remind us the
23 timeframe, you know, what year these Gingles
24 preconditions were litigated?

25 MS. NESS: Yes. Mr. Chairman,



1 Representative Headland, if I'm not
2 misremembering, it was 2002 that the Gingles case
3 was decided. Is that your question?

4 REPRESENTATIVE HEADLAND: Yes.

5 CHAIRMAN DEVLIN: Is there anything else
6 on this particular subject at the moment.

7 (No audible response)

8 None. We will move on to some
9 presentation of proposed redistricting plans and
10 some tweaks. And I think I will probably start
11 with Representative Nathe because he has some
12 minor tweaks to Bismarck/Mandan, which I think
13 would be -- maybe would take a little less time
14 than some of the other ones. But I could be -- I
15 could stand to be corrected.

16 REPRESENTATIVE NATHE: Take more time to
17 hand it out.

18 Are you going to bring it up, Emily?
19 No?

20 For the record, Mr. Chairman, members of
21 the Committee, Representative Mike Nathe,
22 District 30. I have in front of you the proposal
23 for Bismarck/Mandan. It really hasn't changed
24 much since we talked about it --

25 Oh, wait. Are you waiting for one?



1 Sorry about that, Mr. Chairman.

2 Again, members of the Committee, not
3 much has changed since I proposed this plan last
4 week for Bismarck/Mandan. Just two little tweaks
5 that we did, and you can go up to maps for
6 District 7. When you take a look at District 7
7 up in that northeast corner, 84th Avenue and 71st
8 Avenue, we squared that off. In the previous
9 plan I gave you, we had a kind of little squiggly
10 line kind of through that bloc. It had a
11 tendency to create some confusion for voters,
12 plus there were -- the numbers were just too high
13 and kind of blew up that portion of the map. So
14 we just cleaned that up and squared that off
15 right there. And that's really all we did with
16 7.

17 The other little change we made was in
18 District 32.

19 And Mr. Chairman, you'll see, the
20 previous map we had in District 32, we had along
21 Rosser and -- over to Rosser and 21st, we had
22 added some of those blocs. We gave two blocs
23 back -- we took two blocs, 30 took two blocs back
24 and we cleaned it off at 19th Street there. So
25 this nice clean line. There used to be a bump



1 right about in the middle there and so we --
2 District 30 took two of the blocs back and
3 cleaned that up. And the numbers work out great
4 for 30. We're a little over three percent, and
5 32 is about two and half percent. So that was a
6 good suggestion and that worked out well.

7 So, Mr. Chairman, as far as Bismarck is
8 concerned, that is the little change -- that's
9 the changes we made since we spoke last week, and
10 my estimation, Bismarck is pretty well set.

11 And I'll take any questions on Bismarck.
12 I do have some stuff on Mandan.

13 SENATOR HOLMBERG: Mr. Chairman?

14 MR. CHAIRMAN: Senator Holmberg and then
15 Senator Oban.

16 SENATOR HOLMBERG: I'm trying to
17 remember, geographically, because I'm looking at
18 32, is 30 -- on this map of 32, where is 30? Is
19 it right to the right or to the left?

20 REPRESENTATIVE NATHE: 30 is to the
21 east, it's to your right.

22 SENATOR HOLMBERG: Okay.

23 REPRESENTATIVE NATHE: Correct. So it's
24 the other side of 19th Street.

25 SENATOR HOLMBERG: And then on the left



1 is what?

2 REPRESENTATIVE NATHE: It wraps around.

3 So it kinds of wraps down and --

4 SENATOR HOLMBERG: Oh, okay. 30 wraps.

5 REPRESENTATIVE NATHE: Yep.

6 SENATOR HOLMBERG: Oh. Okay. Okay.

7 Thank you.

8 REPRESENTATIVE NATHE: And Mr. Chairman,
9 I've -- Senator Poolman, Senator Oban, and I,
10 we've discussed this map and took some input, so
11 we've all had a say in this, so --

12 CHAIRMAN DEVLIN: Senator Oban.

13 SENATOR OBAN: Mr. Chairman, I just want
14 to be very transparent. As a part of the full
15 map that we will share later today, generally
16 speaking, mine very much mimics what Nathe has.
17 I did adjust some boundaries to stick to the
18 principles that I used when I drew them. So it
19 will -- if you're looking at some of the
20 districts with a bit more jagged lines, perhaps,
21 mine will be a little bit straighter. So I just
22 want to note that, and we'll gladly share that
23 later with our full map.

24 CHAIRMAN DEVLIN: Is there any questions
25 for Representative Nathe on what he's just



1 proposed?

2 Senator Poolman, did you have anything
3 else on this?

4 (No audible response)

5 Okay.

6 And now you're going to do Mandan --

7 REPRESENTATIVE NATHE: I'll do Mandan,
8 Mr. Chairman. It hasn't changed since we last
9 met, but I'll still hand out the map so everybody
10 can see it.

11 Apologize for that, Mr. Chairman.

12 So in the same packet, you would see --
13 for Mandan in District 31 and 34, again, as I
14 stated, that has not changed since we met last
15 week. Just for a little review, we gave some of
16 District 31 and the north side of 94 to District
17 33, that was in need of population.

18 For the most part, we kept 31 intact.
19 We added a couple townships on the far west for
20 some numbers. You can see 31 is about a minus
21 3.25, so we added a couple numbers out there.
22 But for the most part it is pretty much
23 untouched. We did add parts of 34, which was
24 north -- northwest Mandan, and west Mandan to
25 District 31, to help them get underneath, to the



1 optimum number, and also help get 34 into the
2 acceptable range, too.

3 But, again, Mr. Chairman, the map hasn't
4 really -- hasn't changed at all since we met last
5 week. But that is the changes to 31 and 34.

6 CHAIRMAN DEVLIN: Is there any further
7 questions?

8 (No audible response)

9 Seeing none. Thank you.

10 REPRESENTATIVE NATHE: All right. Thank
11 you, Mr. Chairman.

12 CHAIRMAN DEVLIN: Who would like to go
13 next?

14 Representative Lefor.

15 REPRESENTATIVE LEFOR: Thank you,
16 Mr. Chairman and members of the committee.

17 For the record, Mike Lefor, District 37
18 Dickinson.

19 The proposal that's being handed out
20 right now doesn't show a lot of change from last
21 time, but there have been a couple of tweaks that
22 have gone on. Last time, I showed District 39 to
23 include a portion of Western Mercer County, and
24 that made things more difficult in other
25 districts. So basically, I've gone back to



1 having Mercer County not involved in District 39.

2 So the new District 39 plan, you will be
3 the northern border is the river boundary, and
4 then the Native American reservation trails all
5 the way through from the north to the east part
6 of that. And I did take a part of Dunn County
7 that was previously in District 4, and you'd
8 asked Senator Bekkedahl and I to meet to fix that
9 and we did take a couple of townships in Mercer
10 County, St. Mary, and another one that totaled
11 about 375 vote -- 375 people, that would then put
12 District 4 back in the acceptable range. And
13 Representative Nathe has some -- looked -- worked
14 on that, as well. So District 39 is, as you see
15 it, McKenzie County and a portion of Dunn County
16 that gets it to barely within the acceptable
17 minimum amount population.

18 And then going to District 36, we did
19 make some minor revisions, but it was just
20 population based. Basically, the same that we
21 did before, you'll -- if you look at District 37,
22 you'll see that we did take a portion of the
23 northeastern part of District 37 and reallocated
24 it to District 36, simply for population reasons.
25 And the borders are major thoroughfares within



1 the community of Dickinson.

2 District Y, I don't think we changed
3 that from last time. If we did, it would have
4 been minor, but I think it's pretty much the same
5 as we had last time with the Southern Dunn -- I
6 mean the southwest counties -- the five southwest
7 counties have 8562 people. So respecting the
8 District 31 border, moving up through a portion
9 of Hettinger County, a portion of Western Stark
10 County, and Southern Dunn County, gets you to the
11 population that you needed to be within the
12 acceptable range.

13 And I feel very comfortable presenting
14 this to the committee, even though a lot of these
15 are on the low end of the population range,
16 simply because I believe that those areas,
17 Watford City, Dickinson, and so forth, are going
18 to continue to show growth if the projections
19 that we've seen come true. So I'm very
20 comfortable with presenting the committee this
21 particular plan.

22 And so with District 33, Representative
23 Nathe has some changes, but we've taken out those
24 couple townships in District 33 that will now go
25 to District 4, simply from a population



1 standpoint.

2 So that is all I have, Mr. Chairman, and
3 I would certainly stand for questions.

4 CHAIRMAN DEVLIN: Senator Holmberg had a
5 question.

6 SENATOR HOLMBERG: Mr. Chairman, two
7 things. Number one, I noticed just as a quick
8 glance here that you -- out of 14 counties, you
9 have kept 10 of them whole, and some of them have
10 to be divided, so that is commendable.

11 Secondly though, you're coming in low on
12 all of these numbers, and I've noticed a lot of
13 districts coming in low. At some point, there's
14 going to be a big bulge in that balloon for those
15 other people. Where are the districts that are
16 going to be plus three and a half to plus four
17 and a half?

18 REPRESENTATIVE LEFOR: You're correct
19 and thank you for that. We did try to keep as
20 many counties whole as we could. The problem was
21 the low population in 5 counties. And so when
22 you look at this particular part of the state,
23 the population of the districts in that part of
24 the state right now is 61,000 people. So if you
25 had 3 ideal population districts, you would get



1 49,500, so you still wouldn't have enough --
2 you'd still have about 11,500 people too many.

3 Now, if you went to the high range, you
4 know, five percent more, then you would still
5 need homes for about five or 6,000 people. So
6 that's why I went on the low end of the scale,
7 because it completely fit 4 districts in an area
8 which I believe is going to grow substantially
9 over the next 10 years.

10 CHAIRMAN DEVLIN: Senator Holmberg.

11 SENATOR HOLMBERG: Aren't you counting
12 on like for example, District Y, you're counting
13 on the Dickinson area to be growing because
14 you're not going -- I'm guessing -- see a lot of
15 growth in some of these other counties.

16 REPRESENTATIVE LEFOR: Well, that's
17 true. The Western Stark County, I believe,
18 Belfield and South Heart may show some incidental
19 growth, but you're right, that District Y
20 probably isn't going to show a lot of growth
21 because it's been stagnant the last 10 years.

22 CHAIRMAN DEVLIN: I'm sorry.
23 Representative Boschee.

24 REPRESENTATIVE BOSCHEE: Thank you,
25 Mr. Chairman.



1 Representative Lefor, I do like this map
2 much better because I think it follows a lot more
3 of the county lines, so good work on that. My
4 question for you is that intersection of District
5 36 and 37 in Dunn County. Did you do any
6 maneuver -- I'm asking this question as someone
7 who, as you start looking at your maps the third
8 or fourth time, we're like, "Oh shoot. How" --
9 you know, all that. So I'm curious, is that
10 corner able to be cleaned up so Dunn would only
11 have two legislative districts instead of three
12 and take a little bit out of Stark to even it
13 out, or -- is that an opportunity?

14 REPRESENTATIVE LEFOR: Mr. Chairman,
15 Representative Boschee, that was done for an
16 incumbent legislator.

17 CHAIRMAN DEVLIN: Further questions for
18 Representative Lefor?

19 (No audible response)

20 Seeing none, thank you.

21 Representative Nathe, did you have
22 another plan to present on rural Burleigh that
23 ties into this, or am I mistaken?

24 REPRESENTATIVE NATHE: Mr. Chairman, I
25 have a plan for District 8 and 33 that ties into



1 what Representative Lefor just talked about. A
2 lot of it is what I presented last week, but
3 there's a couple tweaks and changes.

4 CHAIRMAN DEVLIN: Could you present --

5 REPRESENTATIVE NATHE: Sure. I have
6 them ready to go.

7 CHAIRMAN DEVLIN: Yeah. That would be
8 good.

9 REPRESENTATIVE NATHE: Ready
10 Mr. Chairman?

11 CHAIRMAN DEVLIN: Ready.

12 REPRESENTATIVE NATHE: All right.
13 Mr. Chairman and members of the committee, for
14 the record, Representative Mike Nathe. I have in
15 front of you District 8 and 33 I proposed this
16 last week. Let's just go through District 8
17 first.

18 Again, if you remember, we took District
19 8, took a lot of District 7's numbers. District
20 7 was extremely -- had close to 6000 people over
21 the limit. We were given the task to try to get
22 7 within range. The way -- how we did that was
23 put it into District 8. And what we did is we
24 brought District 8 down to Lincoln, and that,
25 alone, was about four plus thousand people added



1 to District 8. You can see if borders against
2 30. Emily will show you there, on the side
3 there. On 6th Avenue there and then over on
4 45th. So we straighten those lines out there.
5 Excuse me. Yes.

6 50 -- is that 80th? You want to show
7 that, Emily, the brown there. Keep going down.
8 Yeah, right there. That street right there.

9 So, originally, last week, we had come
10 out into that square. We straightened that line
11 out for numbers-wise, and that worked very well.
12 So it's a nice straight line. Again, we put
13 Lincoln in District 8. Lincoln identifies with
14 Bismarck, as I stated before. Has the Bismarck
15 public school. So we kept them in there.
16 There's a legislator within a mile or two of
17 Lincoln, a current sitting incumbent legislature,
18 so one of the reasons why I brought it down
19 there.

20 So as you go north from Lincoln -- and
21 again, a lot of this is District 7 that we're
22 putting into Lincoln -- as you go north, we did
23 not touch the western border of 14. 14 I left --
24 we left alone. We went north all the way up, and
25 the biggest changes -- and I'll let Emily get up



1 there on District 8.

2 Okay, Mr. Chairman. The biggest changes
3 we made, and again, I had mentioned this last
4 week, is we had Garrison, Coleharbor, that area,
5 we took out of 8 and we put into 33 because they
6 needed numbers and because 8 was overloaded with
7 population.

8 We then moved the line over, and you can
9 see where the line goes north to south. I
10 believe that is 30th Avenue Northwest. The plan
11 I showed you last week was a little bit more
12 jagged, followed some different roads. I went
13 and revisited it. It's a much cleaner line
14 following this highway going south and working
15 its way down to the river. As you can see, it's
16 a nice shape. It works good for the numbers with
17 District 8. They're just a hair under five
18 percent. And kind of feeds into what Senator
19 Holmberg talks getting some positive numbers.

20 And then with 33, I don't think Emily
21 has the changes that Representative Lefor talked
22 about, but we've made the changes in, at least my
23 computer.

24 The upper left corner of that, Emily.

25 We took out those three townships and



1 put that into 4. And so that number 33 might be
2 down a little bit. But yeah, we took those three
3 townships and put it into 4 and then that would
4 be the rest of District 33.

5 As you can see, 33 meshes nicely into
6 the western plan. Meshes nicely into the two new
7 districts that we have out there. And again, you
8 can see how we transferred the numbers from
9 District 7, to 8, to 33, to help 33 get out of
10 the hole.

11 And as I had said earlier with the
12 Mandan plan, we also gave some numbers from the
13 northside of 31 and added that to 33, also.
14 Excuse me, the numbers in 33 -- yeah. Yep. Yep
15 -- are around that zero point, so it's pretty
16 close.

17 So, really, Mr. Chairman, those are just
18 a couple of the tweaks we made to 8 and to 33.
19 So I'll stand for any questions.

20 CHAIRMAN DELVIN: So, Representative
21 Nathe, what happens south of Lincoln? Where do
22 those folks --

23 REPRESENTATIVE NATHE: Okay. Good
24 question. I'll let Emily get down there. I
25 apologize for not covering that. I've looked at



1 this so often.

2 Emily, you want to zoom in there?

3 Perfect.

4 Great, so south of Lincoln, what we did
5 we brought District 30 came over from the 52nd,
6 which is the current boundary. So we brought
7 District 30 over to get some numbers for District
8 30, and we came up just south of Lincoln, which
9 is Copper Ridge. The Copper Ridge area would be
10 now included under this plan into District 30.

11 It meshes nicely with District 30. And then when
12 you go to the east of that, I had just added
13 those districts to 14 and brought that down to
14 the Burleigh/Emmons border. So that's really the
15 one thing I touched up on 14. That was it. I
16 just brought that down, just to square it off.

17 CHAIRMAN DEVLIN: So you didn't tie
18 Emmons County into anything with Burleigh?

19 REPRESENTATIVE NATHE: I did not tie
20 Emmons County into anything. Nope. I stopped at
21 the Emmons County border and went from there.

22 CHAIRMAN DEVLIN: Okay.

23 Representative Headland.

24 REPRESENTATIVE HEADLAND: Thank you,
25 Mr. Chairman.



1 Representative Nathe, do you have a
2 number associated with the amount of people that
3 would be flowing in with this plan into District
4 14?

5 REPRESENTATIVE NATHE: Into District 14?
6 No, I do not.

7 Mr. Chairman, Representative Headland, I
8 don't think it would be very much because, again,
9 I just added those bottom townships between the
10 Emmons County/Burleigh border up toward Lincoln.
11 So there's not a whole lot of population in
12 there, but I could certainly get you those
13 numbers.

14 REPRESENTATIVE HEADLAND: Okay, thanks.

15 CHAIRMAN DEVLIN: Senator Klein.

16 SENATOR KLEIN: Well, and Mr. Chairman,
17 I think we tried to bring -- District 14 used to
18 have rural Burleigh, but when we were looking for
19 3000 people, Tuttle with 80 people, Wing with 90
20 people, it just -- and there's just not much in
21 the rural area, Sterling, McKenzie. That was all
22 in our district at one point. So that was why
23 the struggle -- I mean, it just didn't work. We
24 just couldn't pick up enough numbers.

25 REPRESENTATIVE NATHE: Yeah. Yeah,



1 again, I put it into 14 knowing you guys were
2 working on 14. That's the only part I touched.
3 We had talked about that, yeah. Again, but the
4 rest of the western border of 14 going north is
5 all current line.

6 So, Mr. Chairman, what I tried to do is
7 keep 8 whole, tried to respect the three
8 incumbent legislators, and just wanted to keep it
9 as is, the way we have it now. Obviously,
10 there's some changes up in the upper north and we
11 had to get some districts up -- it says 6 up
12 there. There's, I think, eight townships in the
13 first plan I had that we gave to 6, but again, I
14 know there's some discussions and some work on --
15 going on up there, that pink area up in that
16 general area there, so -- but we talked about
17 that last week.

18 CHAIRMAN DEVLIN: Representative
19 Schauer.

20 REPRESENTATIVE SCHAUER: Thank you,
21 Mr. Chairman.

22 Representative Nathe, maybe you noticed
23 this statement that was put out by Mayor Weisz
24 from the City of Lincoln concerns over District 7
25 versus 8, and he wanted to visit about that. Can



1 you give us some background information on the
2 connection and the communication between Lincoln,
3 and yourself, and others that are drawing maps?

4 REPRESENTATIVE NATHE: I haven't done
5 any formal -- Mr. Chairman, Representative
6 Schauer, I haven't had any formal communications
7 with Lincoln or any officials. I know Mayor
8 Weisz through my job. He works at the National
9 Cemetery -- at the state's cemetery, and quite
10 frankly, ran into him Friday afternoon and we
11 had a discussion on this. He had asked me how he
12 could voice his concerns about the plan -- I
13 shouldn't say about this plan. There was another
14 proposal he did not agree with. And I had to,
15 quite frankly, referred him to counsel and said,
16 "Hey, call Legislative counsel, get the
17 information that you need." And you may have
18 already heard from Mayor Weisz; I'm not sure.

19 So -- but I'll just tell you he much
20 prefers this plan. I think -- he -- you know, as
21 he said, they identify with Bismarck. Their
22 people do commerce through Bismarck back and
23 forth. There's already a District 8 legislator
24 there. And we're keeping it whole, more or less,
25 in their minds. They just felt -- they feel like



1 they have more in common with Bismarck than say
2 the other plan which ties into Emmons County.
3 They do not have much in common with Emmons
4 County, so -- but I would like to have -- I think
5 Mayor Weisz, it would be important to have his
6 input, and letter, and statements. Or at least
7 somebody from the City of Lincoln.

8 CHAIRMAN DEVLIN: Senator Poolman.

9 SENATOR POOLMAN: Mr. Chairman and
10 Representative Schauer, I spoke extensively to
11 the mayor on Sunday night for about half an hour,
12 and so he just expressed concerns that they
13 didn't really know that redistricting was going
14 on. And so once I talked about that there were
15 two different options, but in both of those
16 options, Lincoln becomes the most influential and
17 largest voting bloc, he started to understand
18 that it was inevitable that they would be in
19 District 8, whatever District 8 may look like.
20 And he was appreciative of the explanation of the
21 process, and he did not express any preference
22 for one District 8 over the other.

23 And so, I think that as we continue to
24 put these maps out there, I will continue to
25 reach out to Mayor Weisz and have those



1 conversations. But he was very excited about the
2 possibility that Lincoln could really send some
3 people to the legislature as being much more
4 influential than they are now.

5 REPRESENTATIVE SCHAUER: His real
6 preference was to stay in 7, but we told him that
7 was just not doable, so --

8 CHAIRMAN DEVLIN: As I understood his
9 letter today as they prefer to stay in 7 instead
10 of 8, but he wanted somebody from the committee
11 to meet with him. So Senator Poolman and
12 Representative Nathe, I'm sure, will be
13 contacted.

14 REPRESENTATIVE NATHE: Has that been
15 sent out, Mr. Chairman? I guess I didn't -- we
16 just got it?

17 CHAIRMAN DEVLIN: We got it this
18 morning.

19 REPRESENTATIVE NATHE: Okay.

20 CHAIRMAN DEVLIN: Anything else for
21 Representative Nathe?

22 (No audible response)

23 Hearing none.

24 REPRESENTATIVE NATHE: Thank you,
25 Mr. Chairman.



1 CHAIRMAN DEVLIN: I believe,
2 Representative Headland. Are you ready Greg, or
3 should I go to Representative Monson first?

4 I think we're ready.

5 REPRESENTATIVE HEADLAND: Thank you,
6 Mr. Chairman.

7 For the record, I'm Representative Craig
8 Headland from District 29, and I'm going to
9 introduce a proposal that I think ties parts of
10 what has already been introduced or looked at in
11 a proposal by Representative Devlin in with what
12 I feel -- and I think you can make the case for a
13 plan that works and will also tie into what is
14 being proposed in Cass County, Grand Forks
15 County, in some of the areas that I actually
16 didn't address.

17 Mr. Chairman, in putting this plan
18 together, I want to assure the committee that I
19 tried the absolute hardest possible to follow the
20 traditional redistricting principles, including
21 keeping counties whole. Trying to have -- well,
22 assuring contiguity, and at the same time, trying
23 to, you know, preserve the political
24 subdivisions, and actually trying to keep core
25 districts as close as we can. And also, you



1 know, just trying to look at incumbency and keep
2 that as closely aligned as we can.

3 So in looking at the proposal, if we
4 start in the northeast, the District 10 remains
5 the same in this proposal as in the proposal that
6 Representative Devlin had put forward. I think
7 we can say the same for District 9, District 15,
8 and I think actually District 14, but I'll get
9 back to District 14 in a minute.

10 Also, in this proposal, we did not look
11 into any of the areas, as I said earlier, with
12 Grand Forks, and I did not mess at all with what
13 was proposed by Representative Devlin in District
14 20. Cass County, I did not look at anything in
15 Cass County, so that would remain whole as the
16 plan that was put forward by Senator Sorvaag.

17 So in this plan, the areas that I did
18 look at include the areas that we're actually
19 going to be having two districts that will
20 disappear. District 23 and District 26 would no
21 longer be districts in this area -- or in this
22 area of plan.

23 So Richland County, one of the first
24 things discussed, and I think fairly agreed upon,
25 makes a nice district. We did our best to try to



1 leave that alone and preserve that as a
2 legislative district. So when we moved over to
3 District 28, keeping that as whole as we could,
4 knowing that there had been a plan that had
5 removed the Burleigh County portion of District
6 28, we worked with Emmons, Logan, McIntosh,
7 Dickey.

8 And in this plan, all of Dickey County
9 now would go into 28, and we tried to put all of
10 Sargent County in it. When we did that, we ran
11 into the issue of a slight overpopulation. So as
12 you can see, there are those townships where the
13 portion of the reservation is located, were moved
14 over into Richland County, along with five
15 townships directly above that, in order to meet
16 the population in 28. It also did not seem to
17 have a negative impact on Richland County. So I
18 think you can see that I makes two districts
19 within our ranges.

20 Moving to District 24, one of the early
21 discussions was that if you took Barnes County
22 and Ransom County and put them together, it makes
23 a nice size district. We started with that
24 premise, and you do. You can make that work.
25 But when you move into the other surrounding



1 districts, in knowing that the population has to
2 come from somewhere to make all the districts
3 whole, as you can see, we ended up having to
4 remove part of Barnes County and move it into
5 District 12, which again, I'll get to next.

6 But as you can see, you can have all of
7 Ransom County, all of Steele County, and the
8 remaining area of Barnes County, together, makes
9 a nice size district and does at least keep the
10 three incumbents in District 24. Now, with the
11 elimination of 26, you do end up, you know, with
12 a State Representative currently elected out of
13 26 that would be placed in 24.

14 Moving slightly to the west, when I
15 took a look at District 12, you can't hardly look
16 at District 12 without looking at District 29,
17 and the reason is because, currently, District 29
18 completely surrounds District 12. So when trying
19 to make two districts, knowing they both were
20 well short of their population needed to make
21 whole districts, you had to make a decision on
22 what are you going to do, which direction to go.
23 And knowing that Barnes County and District 24,
24 the makeup of that, that you had available
25 townships for some other district if you -- as



1 you can see, we moved them into District 12.

2 So there's also, you know, trying to
3 make a square district, or you know, somewhat
4 square district, compact, and adhering to the
5 preservation of prior districts, the area of
6 Jamestown in District 12 remains the exact same
7 as it is today. In doing that, we had to find a
8 way to look at the rural areas needed to bring
9 the numbers where they need to be. So there's 10
10 townships in Stutsman County that I've moved from
11 29 over to 12, along with the 10 townships in
12 Barnes County. That gets 12 to where a district
13 needs to be within the areas of percentages.

14 However, when you go to building
15 District 29, assuming that you're trying to
16 preserve that district as well as you could,
17 keeping LaMoure and what's remaining in Stutsman
18 County the same, and keeping Foster County
19 intact, adding Griggs County, and adding Nelson
20 County, you just got a little bit too much
21 population. So as you can see, we moved eight
22 townships from Griggs County into 12.

23 Which I know there's consternation with
24 splitting Griggs County, but if you're going to
25 try to preserve existing districts to the best of



1 your ability, and you are now eliminating
2 District 23, it appeared to me like you could
3 make the best case that it's those eight
4 townships that fit best into a new district.

5 So we have a District 12 that works, and
6 with what remains, District 29. Even though it's
7 not the prettiest to look at, it does create a
8 district that works. 15 remained the same; 14 in
9 the plan that you see before you, I believe it's
10 the same the plan that was put forward by
11 Representative Devlin, that had taken the portion
12 of Eddy County that is within the boundaries of
13 the reservation, giving that to District 15, and
14 the remains of Eddy County had gone to District
15 14.

16 Now, that would complete this plan. It
17 makes districts out of an area that did not have
18 any growth, and it was not an easy task, you
19 know, to try to come up with something that
20 worked for everyone within its boundaries and the
21 incumbents. I think this plan does that. And,
22 you know, without knowing that now the plan to
23 the west, you know, might impact the population
24 of District 14, I don't know whether or not this
25 plan fits exactly with the plan that was just



1 presented. But I think there's room, as you can
2 see, in District 14, for some additional
3 population.

4 So, Mr. Chairman, committee members, I
5 think there's a plan here that works for Eastern
6 North Dakota, and I guess I'm ready to stand for
7 questions.

8 CHAIRMAN DEVLIN: Representative
9 Schauer.

10 REPRESENTATIVE SCHAUER: Thank you,
11 Mr. Chairman.

12 From my standpoint, it certainly looks
13 good. I guess the question I had is on District
14 12. It looks like it says most of Jamestown, yet
15 it's such a large district and you're still, you
16 know, just 2.34 percent over. Tell me a little
17 bit about Jamestown and how that was sliced up.

18 REPRESENTATIVE HEADLAND: Mr. Chairman,
19 Representative Schauer, the boundaries of
20 Jamestown did not change at all. So the portions
21 of District 12 that exist today exist without any
22 change along that western border. They still
23 face the fact that they need almost 2000 people,
24 so unless you're going to take a look at, you
25 know, busting up District 29, there's really not



1 any place for them to go but out in some rural
2 area.

3 Now, you could have looked at -- and I
4 did. I looked at several different ways to slice
5 that up, but no matter where I went, it seemed
6 like it imposed on the integrity of District 29.
7 I understand that they now -- the more -- major
8 portion of Jamestown, that district would have
9 locations in three counties, but in this area
10 where you have every district needing, you know,
11 big numbers of population in order to meet their
12 recommended numbers, there just really isn't any
13 easy way to do it, so --

14 CHAIRMAN DEVLIN: Senator Bekkedahl.

15 SENATOR BEKKEDAHL: Thank you,
16 Mr. Chairman and Representative Headland.

17 A couple questions. I'm assuming you
18 moved some of those townships from Sargent into
19 Richland because the addition of Emmons with the
20 incursion into LaMoure County and taking that
21 part out, you needed the numbers then into -- you
22 needed to take numbers out of the new district to
23 28 -- is that what you did?

24 REPRESENTATIVE HEADLAND: Mr. Chairman,
25 Senator Bekkedahl, I was assuming that the goal



1 was to try to keep 28 as whole as they currently
2 are and respective, you know, their boundaries
3 today, which include all of Emmons County. And,
4 you know, there wasn't any change made along the
5 border of District 29 and LaMoure County, than
6 there currently exists today. So the only
7 additional area added to was, you know, what
8 completes their representation in Dickey County
9 and then Sargent County. But again, that just
10 put them a little bit over the recommended
11 number. That's why I had to go into those five
12 townships and add them to --

13 SENATOR BEKKEDAHL: And I understand
14 you're -- to some degree, you're working more
15 with incumbents or seating legislators, or
16 sitting legislators, than you are with county
17 lines here. But in your proposal, if I assessed
18 this properly, you have Griggs, Stutsman, Barnes,
19 Sargent, and LaMoure counties, which under the
20 plan we looked at last week, would have remained
21 whole. Now all of them have some breakup within
22 them, so we've now compromised county lines in
23 five counties that in the previous model we had
24 were whole county lines. Is that correct?

25 REPRESENTATIVE HEADLAND: Mr. Chairman,



1 could you repeat that?

2 SENATOR BEKKEDAHL: So as I look at the
3 map with the changes you have made based on what
4 we saw last week from another proposal, Griggs
5 County, Stutsman County, Barnes County, and
6 Sargent County, and LaMoure County, all five of
7 those counties in that proposal respected county
8 lines and stayed as whole counties within the
9 districts. You have now taken parts of those
10 counties and crossed county lines and compromised
11 the county line situation we used to have.

12 REPRESENTATIVE HEADLAND: Well,
13 Mr. Chairman, I think in Stutsman County it
14 doesn't remain whole because it has two existing
15 districts today.

16 SENATOR BEKKEDAHL: But I guess the
17 question I have is: wasn't Stutsman County, other
18 than District 12, wasn't all that county in
19 District 29 before, in the proposal we saw last
20 week?

21 REPRESENTATIVE HEADLAND: Mr. Chairman,
22 I believe it was.

23 SENATOR BEKKEDAHL: Okay. That was my
24 point. So Mr. Chairman, I understand that the
25 point you're looking at is incumbents or current



1 legislator's seating over the county line
2 distributions we have. But the other question I
3 have is: in your scenario, and the scenario we
4 saw last week, wouldn't the one seating
5 legislator in Ransom County be put into a new
6 district either way, in either proposal?

7 REPRESENTATIVE HEADLAND: Mr. Chairman,
8 yeah.

9 SENATOR BEKKEDAHL: Okay.

10 REPRESENTATIVE HEADLAND: But
11 Mr. Chairman, Senator Bekkedahl, knowing that
12 Ransom County is existing district disappears,
13 right, so you don't have incumbents out of 26
14 anymore.

15 CHAIRMAN DEVLIN: Other questions?

16 (No audible response)

17 Representative Headland, you know,
18 following up on what Senator Bekkedahl
19 questioned, you know, certainly, four districts
20 that weren't split before -- or four counties
21 that weren't split before are split under you
22 plan. And we can talk about the integrity of
23 Stutsman County, but what about the integrity of
24 Barnes County, or Griggs County that, all of a
25 sudden, we're now splitting? So is the integrity



1 of Stutsman County more important than the
2 integrity of Barnes and Griggs counties?

3 REPRESENTATIVE HEADLAND: Mr. Chairman,
4 the integrity of every county is important.
5 However, I think when you look beyond that and
6 you go to preservation of incumbents -- which is
7 right here, listed as one of the principles that
8 federal law determines that we need to look at --
9 unless you're going to bust up 29 -- and no, you
10 don't have to bust it up completely, but you
11 essentially gut the core of it when you take away
12 as much of the rural area from 29 and give it to
13 12, that I think, you know, it's not something
14 that those of us who represent 29 believe is in
15 the best interest of those people that live
16 there.

17 CHAIRMAN DEVLIN: Representative
18 Headland, just to continue, so essentially, under
19 the new 24, there are five currently serving
20 incumbents in there. And in District 12, now
21 there would be three -- four. There would be
22 three House members and one Senator that are
23 currently serving.

24 REPRESENTATIVE HEADLAND: Mr. Chairman,
25 I don't know the answer to that for sure, but I



1 thought I was told that two of the incumbents of
2 District 26 are now in the Richland County, and
3 so there would be one remaining.

4 CHAIRMAN DEVLIN: Okay. Well, there was
5 three in Barnes, one in Ransom, and one in
6 Steele, then the other one there was one in
7 Griggs and three in 12, and that's what I was
8 going by; they're all incumbents.

9 REPRESENTATIVE HEADLAND: Okay. So
10 you're including yourself in that.

11 CHAIRMAN DEVLIN: Yep.

12 REPRESENTATIVE HEADLAND: Yep. That
13 would be right.

14 CHAIRMAN DEVLIN: Representative Monson.

15 REPRESENTATIVE MONSON: Thank you,
16 Mr. Chairman. And when you're pointing out
17 incumbents that are thrown in on this one,
18 Representative Damschen is over in District 9
19 then too, so that would be one that is also
20 transferred over into that.

21 REPRESENTATIVE HEADLAND: Mr. Chairman,
22 Representative Monson, yeah, that was the case.
23 I did not make any changes from one of the prior
24 presentations, so you know, that was done in that
25 presentation.



1 Mr. Chairman, committee members,
2 granted, I sit here representing District 29, and
3 you know, I am doing what I can, I think, to
4 protect the integrity of those that represent 29
5 to the best that I think we can do, and I think,
6 if you look at the district, even though it's not
7 a perfect square by any measure, I think it's a
8 better-looking district than what was proposed in
9 the last proposal. So, you know, that's where we
10 are.

11 CHAIRMAN DEVLIN: Anyone else? Senator
12 Headland -- Representative Headland. I'm sorry.

13 (No audible response)

14 Seeing none, thank you.

15 Representative Monson.

16 REPRESENTATIVE MONSON: Mr. Chairman and
17 members of the committee, Representative Dave
18 Monson from District 10. And what I have passed
19 out to you today is an eastern area proposal. I
20 sat down with Claire Ness for a couple hours
21 yesterday and she helped me put this together.
22 And my main goal, I guess, in putting this
23 together was to keep the counties as whole as
24 possible, and most of these districts I think
25 this plan is based off of Senator Holmberg's



1 first proposal that he passed out. I made a
2 couple little tweaks to square things up, but
3 overall, we made every district work.

4 You will immediately look at 14 and 29
5 and you'll say, wait a minute, they're way, way
6 off. When I got into those areas, I didn't know
7 the area very well, so -- but you will notice
8 that one is 25.7 percent over, and one is 28.571
9 percent under. And I would leave it up to the
10 people in 14 and 29 to balance out the numbers.
11 But I mean, they're very similar if you took --
12 and I don't know where to draw it. And I didn't
13 really watch for present district so much,
14 outside of my own, and District 9, which I know
15 probably the best, and 15.

16 I left everything in Grand Forks County,
17 just as Senator Holmberg had in his plan, and I
18 took Nelson County and I put it into District 10.
19 And you might say well that's a strange addition,
20 but actually, I know Nelson County better than
21 you would think I would being from Cavalier
22 County; it's a ways away. But I travel through
23 that every weekend going home and I fill up with
24 gas in Lakota practically every week, and I've
25 got former students there. And their farming



1 situation is very similar to Cavalier County,
2 western Walsh County, even western Pembina
3 County, so we have a lot in common.

4 But if you notice, I tried to keep the
5 counties whole; that was my number one goal. And
6 it did throw some incumbents together, and I'm
7 sure they're not going to be so terribly happy.
8 But Pembina County is whole. Cavalier County is
9 whole. Towner County is whole. Rolette County
10 is whole. Ramsey County is whole. Nelson is
11 whole. Eddy County, Foster, Griggs, Steele,
12 Traill, Barnes, Cass, Ransom, Richland, Sargent,
13 Dickey, LaMoure, Logan, McIntosh, Kidder,
14 Sheridan, Wells, all whole. And that was my main
15 goal.

16 And like I say, there is a problem,
17 obviously, in 14 and 29 -- and I don't know how
18 to fix those two -- but I would hope that people
19 that know those areas better would maybe be able
20 to fix them and make this work. But this is
21 pretty much all of eastern North Dakota and it's
22 based a lot on Senator Holmberg's plan that he
23 presented, I think, at the second meeting. So --

24 CHAIRMAN DEVLIN: Senator Holmberg had a
25 question.



1 SENATOR HOLMBERG: Mr. Chairman, I'm
2 slinking down here as we go because of that --
3 you know, that anomaly there having one district
4 25 over and the other one 25 under. You know,
5 you could move the population, but do you take
6 Foster County and put it in 14? Does that solve
7 the problem?

8 REPRESENTATIVE MONSON: That doesn't
9 solve it. You would have to take some of
10 Stutsman, but Stutsman is already split up into
11 what? How many three, or four, or five
12 districts?

13 CHAIRMAN DEVLIN: No, two.

14 CHAIRMAN HOLMBERG: Two. And the 12 is
15 the 12. That has to be. It's --

16 REPRESENTATIVE MONSON: Well, yeah. I
17 mean, based on the last proposal by
18 Representative Headland, I mean, he was taking
19 area that I know nothing about, so I -- and you
20 could maybe take some of his plan and move it in
21 and shift this and make it work. But I don't
22 know the area in 29 and in 14 like I need to, so
23 -- I worked with the northeast, mainly areas that
24 I know, and I don't know Grand Forks County, as
25 well, but I trusted that Senator Holmberg's plan



1 took care of Grand Forks County pretty well, so
2 that's how I started with his plan, and I went
3 from there with the goal of trying to keep as
4 many counties whole as possible.

5 And it was brought up, you could move
6 all of Foster County, I guess, into 14. You'd
7 have to take a good chunk of Stutsman and I don't
8 know if you can get 25 percent, you know. I
9 really don't. That's for somebody that knows
10 that area better than I.

11 CHAIRMAN DEVLIN: Senator Holmberg.

12 SENATOR HOLMBERG: Mr. Chairman, first
13 of all, what you did in the northeast and
14 District 10 is commendable because what you did
15 is you added one county which makes a perfect
16 district, clearly. Clearly. The challenge is
17 the unintended consequences of the ripple effect
18 as that goes down is a challenge, and you've
19 admitted that it is a challenge.

20 REPRESENTATIVE MONSON: It is a
21 challenge. And I mean, Traill County is a -- in
22 some of these plans is kind of an orphan, you
23 know, it's stuck out there. And it --

24 SENATOR HOLMBERG: By the way, I am from
25 Traill County, so just keep that in mind.



1 REPRESENTATIVE MONSON: Well, that's why
2 I tried to keep it whole and over and to a
3 district here that -- it's a lot of rural area, a
4 lot of farming area. I mean, there's a lot of
5 commonalities. True, Traill County, they raise a
6 lot of different crops than Griggs and Foster
7 County, probably. But a lot of Stutsman County I
8 drive through, as well, coming to Bismarck every
9 time, and there's getting to be a lot of potatoes
10 and things like that, same as Traill County. So
11 there's a lot of commonalities there. But my
12 goal, again, was to keep counties as whole as
13 possible.

14 CHAIRMAN DELVIN: Representative
15 Headland.

16 REPRESENTATIVE HEADLAND: Thank you,
17 Mr. Chairman.

18 Representative Monson, knowing the area
19 quite well that you've worked on, I'm telling you
20 it's going to be impossible to fix these
21 districts within this area and keeping counties
22 whole. That is an impossibility. And I want to
23 go back to these principles.

24 Mr. Chairman, committee members, what
25 principles take precedent over the other



1 principles? It seems like we have a focus on
2 keeping county lines together, and it seems to be
3 carrying weight, at least with a lot of the
4 members versus, you know, keeping districts as
5 whole as you can. And I want to know, I want
6 somebody to tell me, which one of these
7 principles is more important than the other one?
8 I think it's all perspective and I think, you
9 know, the plan you laid out, it doesn't work.
10 You've got one district 25 percent over, or 21
11 percent. I just see a plan that I laid out that
12 works, and it works for everybody, and it
13 preserves -- it takes care of the bulk of the
14 principles that we're looking at right here.

15 REPRESENTATIVE MONSON: Mr. Chairman --

16 REPRESENTATIVE HEADLAND: Mr. Chairman,
17 just to comment, more than a question.

18 REPRESENTATIVE MONSON: I, again, I
19 tried to keep the counties whole. I kept the
20 reservations whole. And I kept my district
21 whole. I guess I -- if you want to look at it as
22 a greedy way, I kept my whole township, or my
23 whole district and added one county. I never --
24 I mean, there are other ones that are pretty
25 similar, but I have to admit, I do not know that



1 much about Stutsman County and Foster County.
2 And I know there are incumbents thrown in the
3 mix, but in my case, when we look at
4 Representative Devlin's plan, which was the
5 basis, I think, where Representative Headland
6 started, there again, you know, we've got three
7 incumbents thrown into District 9. We got -- in
8 my plan, there are four, I found out after I put
9 them together. But there's no doubt you're going
10 to have incumbents thrown together in the eastern
11 part.

12 CHAIRMAN DEVLIN: You may continue.

13 REPRESENTATIVE HEADLAND: Thank you,
14 Mr. Chairman.

15 Representative Monson, you know, I can
16 see you built off of Representative Devlin's
17 plan --

18 REPRESENTATIVE MONSON: Holmberg's. I
19 used Representative Holmberg's. And then I think
20 it's a blend with Devlin's --

21 REPRESENTATIVE HEADLAND: But in regards
22 to District 29 on the southwest portion of
23 Stutsman County, we have one row of four
24 townships. You know, you're 25 percent over in
25 29, and you're under in 12. And if you don't



1 care about incumbency and keeping, you know,
2 current district representation together, why
3 wouldn't you throw those bottom four counties and
4 put them in 12, and make a nice square?

5 REPRESENTATIVE MONSON: Mr. Chairman and
6 Representative Headland, this is an area I know
7 nothing about, so I just have to admit, if
8 somebody's got a better plan for the south, for
9 12, 29, 14, 26, I mean, I'm not an authority on
10 that area. So I'm trusting that somebody else
11 can blend something in here. But I like this for
12 the northeast, myself.

13 CHAIRMAN DEVLIN: Senator Oban, I
14 believe was next.

15 SENATOR OBAN: Well, Mr. Chairman, I
16 think to Representative Headland's point, I had
17 asked the same question in prior meetings, so
18 that we could -- much like we did the number of
19 districts, generally, we all accepted that we
20 would stick with 47. I was looking for some
21 guidance to say, what do we generally accept past
22 that? And every one of us, so far, has had
23 conflicting priorities. That's what's going to
24 happen before we did not come to any sort of
25 agreement, to the best of my knowledge, as a



1 committee, before we all went into doing this.

2 And so, you know, I want to ask
3 Representative Headland a question when he's
4 holding up those priorities, are those from the
5 redistricting background memo that leg counsel
6 prepared for us? Is that what it -- I just want
7 to make sure that I'm using the same thing. And
8 the very last principle is protection of
9 incumbents on that list. And so, you know, I
10 just -- I would just share that -- yes, that
11 background memo was prepared for all of us, but
12 because we didn't, as a committee, come to any
13 sort of general consensus on how we would be
14 drawing that, we're -- this is going to continue
15 to probably be an argument amongst all of us,
16 so --

17 REPRESENTATIVE HEADLAND: Mr. Chairman?

18 CHAIRMAN DEVLIN: Representative
19 Headland.

20 REPRESENTATIVE HEADLAND: Thank you. In
21 just response to that, Senator Oban, am I
22 confused or are you implying that you believe
23 that the number one principle is much more
24 important when doing this than the number five
25 principle? Because I think I would argue that



1 that's not really the case.

2 SENATOR OBAN: Mr. Chairman, I will be
3 able to state the principles that I used when I
4 share my map, so --

5 CHAIRMAN DEVLIN: Okay.

6 Representative Monson, I had just two
7 quick questions. You split Pierce County, the
8 way I'm looking at.

9 REPRESENTATIVE MONSON: Yes.

10 CHAIRMAN DEVLIN: Did you take --
11 because I don't think 15 would work when you move
12 Cando up into 9, unless you took part of Benson
13 that is now in 14. Is that what you did?

14 REPRESENTATIVE MONSON: We took part of
15 Benson. Yeah.

16 CHAIRMAN DEVLIN: Okay. Thank you.

17 REPRESENTATIVE MONSON: And it's -- I
18 guess I look at the trade area, a lot of Benson.
19 I mean, they go to Devil's Lake to -- you know,
20 for their shopping and so on, and so -- yeah, I
21 took a lot of Benson and put it into 15.

22 CHAIRMAN DEVLIN: Representative Nathe,
23 do you have another question?

24 REPRESENTATIVE NATHE: Yeah. Thank you,
25 Mr. Chairman. Mr. Chairman, in regards to both



1 eastern proposals, one thing that's not being
2 discussed that we need to think about is the new
3 districts. We've got four new districts
4 proposed, but only room for three. And when I
5 look at this, what Representative Monson has
6 here, it pretty much supports the new district
7 coming out of Emmons. When I see Representative
8 Headland's proposal, it pretty much supports the
9 two new districts out of the west.

10 So it really boils down to which one do
11 you want? Do you support the new district out of
12 Emmons County going up to Lincoln. If you do,
13 you'd lean this -- with the current -- what
14 Representative Monson has. If you lean towards
15 two new districts in the west, you'd lean towards
16 Representative Headland's. Reason being, he
17 keeps District 28 whole and keeps Emmons in 28.

18 And those are discussions, Mr. Chairman,
19 we need to have because I think -- in my mind,
20 that's what it boils down to. Do we want to have
21 two new districts out west, one in Fargo? Or do
22 we want to have one district out west, one in
23 Emmons County, and one in Fargo? And when you
24 answer that question, I think that will then kind
25 of determine which way you want to go with either



1 one of these plans.

2 CHAIRMAN DEVLIN: Senator Holmberg.

3 SENATOR HOLMBERG: Isn't the new
4 district that you're talking about in Emmons
5 County, isn't that the spillover from Bismarck?
6 Because Lincoln is -- Bismarck right now is in
7 District 7, so isn't that --

8 SENATOR POOLMAN: Mr. Chairman?

9 CHAIRMAN DEVLIN: Senator Poolman.

10 SENATOR POOLMAN: Yeah. If I may, I
11 think that Representative Nathe and I are not on
12 the same page in terms of what that
13 Emmons/Burleigh County District would be. It
14 would not be a new district. It would just be
15 District 8. And the proposal that I have then
16 brings District 6 all the way down, and sort of
17 eats up the rest of what would be left. And so
18 that -- it wouldn't be a new district. I think
19 that that's fundamentally also what we probably
20 have to clear up, but it's not a new district,
21 it's just a movement of an existing district.

22 REPRESENTATIVE NATHE: Mr. Chairman?

23 CHAIRMAN DEVLIN: Senator --
24 Representative Nathe.

25 REPRESENTATIVE NATHE: And Senator



1 Poolman is right. I mischaracterize it. But
2 what it does do is blow up 8, everything to the
3 north and puts three existing incumbents in three
4 different districts. So again, I do think it
5 boils down to, do you want to have two new
6 districts out west, or do you want to take one
7 away from out west? So -- and I think once we've
8 answered that question, then I think we can solve
9 the question what we do in the east, or which
10 plan works better in the east.

11 CHAIRMAN DEVLIN: Senator Bekkedahl.

12 SENATOR BEKKEDAHL: Thank you,
13 Mr. Chairman. And just a follow up on the
14 discussion that Representative Headland had --
15 and I apologize, Representative Monson, for not
16 addressing yours right now --

17 REPRESENTATIVE MONSON: I can probably
18 go sit down, huh. I can talk just as well from
19 there as here.

20 SENATOR BEKKEDAHL: And then Senator
21 Oban's, as well. But I guess my question first
22 of all is to Legislative counsel based on the
23 federal law of traditional redistricting
24 principles, or traditional districting principles
25 that you passed out to us. It does list six



1 items identified as traditional districting
2 principles included. Is there any order of
3 priority there, or are they just listed all of
4 equal priority? Because to me, when I looked at
5 it, it seemed to make sense to me that the
6 priority of compactness, which was the first one,
7 would have a priority, in my mind, as well as
8 contiguity. So at least those two should have
9 been at the top list. Is there any priority to
10 the status as you have there?

11 MS. THOMPSON: Mr. Chairman?

12 CHAIRMAN DEVLIN: Emily.

13 MS. THOMPSON: Mr. Chairman, Senator
14 Bekkedahl. Those listings of one through six
15 weren't intended to be, per se, a ranking.
16 However, I believe I did note during our
17 presentation, numbers one and two, compactness
18 and contiguity, those would take priority over
19 the other ones. That is a constitutional
20 requirement in North Dakota. So those would,
21 obviously, take priority out of the six and then
22 the committee has traditionally selected other
23 items that it wishes to consider when it's
24 drawing its maps.

25 For instance, in the last redistricting



1 cycle, the committee noted the plans that were
2 formulated should preserve existing district
3 boundaries to the extent possible, and preserve
4 political subdivision boundaries, to the extent
5 possible, as well as reservations, and then have
6 a deviation -- or that variation of 9 percent or
7 less. Those weren't specifically ranked by the
8 committee in order. Those were just items that
9 were -- the committee was advised to keep in mind
10 during the mapping.

11 Again, this session -- the redistricting
12 cycle prior to that in 2001, the committee also
13 noted three items that members should adhere to
14 when making plans. Again, preserving existing
15 district boundaries to the extent possible,
16 preserving those political subdivision boundaries
17 to the extent possible, and then in that
18 situation, they allowed for a variance in under
19 10 percent in the plans.

20 SENATOR BEKKEDAHL: If I could just
21 follow up, Mr. Chairman?

22 So, thank you. That's what I was
23 looking for. The other one, the third one down
24 is preservation of political subdivision
25 boundaries and based on the testimony we've heard



1 from the counties, and input I've had from county
2 auditors, they're really focused on trying to
3 keep those county lines for the elections in
4 place if we can.

5 So I'm going to go back to the -- a
6 later page of the Legislative -- of the same
7 memorandum we were given at that meeting. The
8 item six, protection of incumbents. It notes in
9 there that 12 states require drafters to avoid
10 pairing incumbents. "Placing two or more
11 incumbents in a single district leads to one
12 incumbent having to move, retire, or be defeated
13 and the policy against pairing incumbents aims to
14 promote continuity of representation." So my
15 guess is that probably all 50 states adhere more
16 to -- as a priority, would adhere to compactness,
17 and contiguity, and preservation of political
18 subdivision boundaries probably over the
19 protection of incumbents, since only 12 require
20 that. But that's just my interpretation,
21 Mr. Chairman.

22 CHAIRMAN DEVLIN: Thank you.

23 Representative Schauer.

24 REPRESENTATIVE SCHAUER: Thank you,
25 Mr. Chairman.



1 Representative Monson, I do have a
2 question for you. I don't know if you want to
3 come to the front microphone -- no, I'm just
4 kidding. You can just stay there. But, you
5 know, I like your plan and your intention to keep
6 the counties whole, but isn't the one-person,
7 one-vote and the numbers trump that?

8 REPRESENTATIVE MONSON: And
9 Mr. Chairman, Representative Schauer, so where
10 did you see that it was one-person, one-vote not
11 being followed except where they're both 25 under
12 and over?

13 REPRESENTATIVE SCHAUER: Well, except
14 for that, they're perfect.

15 REPRESENTATIVE MONSON: Exactly.

16 REPRESENTATIVE SCHAUER: But the
17 exception is pretty glaring.

18 REPRESENTATIVE MONSON: Well, I admitted
19 freely that somebody is probably going to have to
20 work with 12 and -- or 14 and 29 on my plan to --
21 I mean, when you're 25 over and 25 under, there's
22 probably a way to do it and make it come out even
23 and follow the constitution, one person, one
24 vote. So I -- two things. I ran out of time.
25 And the second thing, I don't know where I'm



1 going there and I don't know where all the
2 incumbents are, so I didn't watch for that, you
3 know. I knew where incumbents were in my
4 district.

5 In my district, I can live with
6 Representative Devlin, myself. I can live with
7 Senator Holmberg's plan, myself. But I -- you
8 know, if I wanted to make my ideal, I went with
9 Senator Holmberg's plan and added Nelson County
10 and it came out perfect, and my running mate and
11 I and my Senator are all kept whole. But there
12 are problems. I mean, there's problems. I know.

13 CHAIRMAN DEVLIN: Senator Sorvaag, I
14 believe had a question or --

15 SENATOR SORVAAG: Mine isn't much a
16 question but it's a comment on the discussion on
17 this traditional -- these districting principles.
18 And I think the one thing we need to -- we're
19 talking about ranking, which one -- I think
20 you've got to include them all. And if you do it
21 right, they're all coming into play in most
22 situations. Unless you're going on the premise
23 that 10 years ago, they did everything wrong.
24 But if they did things fairly right 10 years ago,
25 these work together. You can't just pull them



1 out and say this one's the most important. They
2 should all -- now, there's uniqueness in this
3 rural -- in all fairness, Representative --
4 they're trying to design this rural because of
5 the lack of population.

6 But I just think as we're spending a lot
7 of discussion to prioritize them, well I don't
8 think you need to. If you do it -- I mean, if
9 you look at compactness, or political
10 subdivisions, they all tie together. And you
11 look at present districts, you know, we keep
12 talking about incumbents, well, if you're focused
13 on present districts -- which I did in mapping
14 Cass County -- the incumbents come right with it.
15 You don't have to really go out of your way that
16 much. So I would hope as this discussion goes
17 forward, we don't spend too much time ranking
18 these, and rather, look at the whole picture.

19 CHAIRMAN DEVLIN: Representative Nathe.

20 REPRESENTATIVE NATHE: Thank you,
21 Mr. Chairman. I fully agree with Senator
22 Sorvaag's comments.

23 Quick question to my Chairman,
24 Representative Monson, District 10 in the
25 Headland plan, are you okay with that? Does that



1 work for you?

2 REPRESENTATIVE MONSON: It works for me,
3 personally. It doesn't work for my running mate,
4 Representative Damschen. It throws him into
5 District 9 which then means we got three
6 incumbents there. My plan actually throws four
7 into there, I found out after I squared it up,
8 you know. District 9 on the Headland plan or on
9 Representative Devlin's plan is long and narrow.
10 It throws most of Cavalier County into, you know,
11 Rolette County, which is very, very different.
12 We have nothing in common, you know. And
13 Cavalier County, to me, is -- I mean, that's my
14 district and that's chopped up pretty bad on the
15 other plans, so I tried to keep that one whole.
16 But then I -- of course I take all of Towner
17 County.

18 At one time I did represent District 10
19 was Pembina County, Cavalier County, and the
20 northern two-thirds of Towner. Still doesn't
21 make enough to make a population, you know, for a
22 district this time. And even 9, I mean, you got
23 to go a long ways to make a district there
24 number-wise. And what I had to do is go all the
25 way down to Rugby in Pierce County so -- but



1 that's, to me, a nice compact -- you look at the
2 number of miles there from Rugby to Rolla, for
3 instance, it's not that far. But -- yeah.

4 CHAIRMAN DEVLIN: Thank you.

5 Representative Boschee are -- well, we
6 aren't slated for a break until a quarter after.
7 Are you comfortable that you'll have time to
8 present your plan in that amount of time, or
9 would you rather do it right after lunch?

10 REPRESENTATIVE BOSCHEE: (Indiscernible)

11 CHAIRMAN DEVLIN: Yep. Can you get it
12 done before 12:15?

13 REPRESENTATIVE BOSCHEE: (Indiscernible)

14 CHAIRMAN DEVLIN: Okay. Yeah. Well we
15 can do the robust discussion when we come back.

16 Okay. The minority party,
17 Representative Boschee and Senator Oban are going
18 to present a statewide plan --

19 SENATOR OBAN: Your colleagues.

20 CHAIRMAN DEVLIN: Our colleagues. Our
21 colleges.

22 SENATOR OBAN: Ten minutes until good
23 morning doesn't fit anymore. Mr. Chairman,
24 members of the committee, Representative Boschee
25 and I decide to take a stab at the whole state



1 because almost every conversation we've had so
2 far talks about the domino effect and how this
3 one's going to impact this one, so we just spent
4 a lot of time playing around. And there is an
5 attachment, kind of a guide, I would say, that
6 Representative Boschee just passed out, that you
7 can use to see what we followed as principles
8 when we were doing this.

9 Now, in no way, shape, or form does this
10 mean you will agree with us, but at least you can
11 see the principles we continued to follow when we
12 did it. Many times it meant we had to go back
13 and move lines because it didn't follow the
14 principles we claimed we were following. So for
15 purposes of consistency, those principles listed
16 at the top of that additional handout is how we
17 continued to draw this map.

18 I included a key there that shows you
19 that, as you go along that attachment, you can
20 see how many counties are encompassed by a
21 legislative district, or how many districts are
22 just in one county. So, for example, District 1,
23 obviously, is only in Williams County. That
24 doesn't mean it is all of Williams County. And
25 then we've included just all of the information



1 about the population, the deviation, and the
2 percent of deviation, as well as the major
3 boundaries we used to cut -- to use as the
4 boundaries for districts.

5 Again, I think that this is a concept,
6 so we can all just take a breath about how this
7 might impact our friends or ourselves, because
8 those were the principles that we followed. It
9 also takes into account some of the concepts that
10 have been shared by members of this committee.
11 So trying to follow some of the things Senator
12 Bekkedahl had already said for the northwest
13 county. Following some of the suggestions that
14 Senator Sorvaag had made for Cass County.

15 And we did start going through the
16 process of seeing how this affects incumbents.
17 For some, that was easier to do than others,
18 because some of our colleagues list PO boxes,
19 which does not put them on the map where they
20 live. So it was difficult to see how this was
21 going to impact all incumbents. And while I know
22 in one of our first meetings, Senator Holmberg
23 said we pretend we don't pay attention to
24 incumbents, but we do -- I'm being completely
25 honest with you, I don't know where the vast



1 majority of you live and I do not care where you
2 live, so that was not what we were following.

3 Now, again, when we tried to see the
4 impacts of the incumbents, we could see some of
5 them, but not all of them, so I will try to get
6 that information prepared if that's something
7 that you all would like to see.

8 And in general, I think what we accepted
9 about the public, whether they are voters or not
10 voters, is that they know their counties that
11 they live in. They know their cities that they
12 live in. They know, sometimes, the neighborhoods
13 that they consider. And so those are, again, the
14 principles that we followed first and foremost.

15 If you want to flip through and see what
16 all of these look like, obviously, you're welcome
17 to do that and ask questions. Representative
18 Boschee did most of the east, and then the rest
19 kind of falls into place if you follow county
20 lines.

21 CHAIRMAN DEVLIN: Are you ready for
22 questions, Senator?

23 SENATOR OBAN: Sure.

24 CHAIRMAN DEVLIN: Representative
25 Schauer.



1 REPRESENTATIVE SCHAUER: Thank you,
2 Mr. Chairman.

3 Senator Oban, I just want to address
4 this incumbents issue. I sense there's this idea
5 that we don't really care about incumbents or
6 incumbents aren't important because it could
7 impact us or it may not -- it could impact us, it
8 may not impact us. But the incumbents represent
9 people who have voted for them. That's very
10 important to make sure that those incumbents are
11 in the district where people voted for them. And
12 I just wanted to get that on the record because,
13 I sense from your comment, that was not a high
14 priority for you.

15 SENATOR OBAN: Mr. Chairman, and
16 Representative Schauer, I don't disagree with
17 what you just said, at all. In deciding where to
18 draw lines, we just decided that respecting
19 county lines was more of a priority, as we were
20 doing it, than current incumbents.

21 In Cass County, I think when, you know,
22 the case was made that all of Cass could create
23 about an even number of districts, so that you
24 wouldn't have to divide up Cass County, then in
25 those cases, current district lines, which then



1 includes those incumbents, was absolutely a
2 driving factor. But we were also willing to
3 adjust where those current lines are to be major
4 thoroughfares that the general public recognizes,
5 and I did the same in Burleigh County.

6 So while I agreed with a lot of what
7 Representative Nathe had already proposed, which
8 was based on pretty much where incumbents are,
9 because those would be existing district lines, I
10 made adjustments within Burleigh County, so that
11 they were major thoroughfares that the general
12 public would represent. So you're not cutting a
13 neighborhood in half where people don't
14 understand. Like why is my line here and now
15 you're in another district and you live across
16 the street. That doesn't necessarily make sense
17 to the general public.

18 When I did that in Burleigh County, I
19 jumped on a Zoom meeting with the head of
20 elections in Burleigh County to see what -- if I
21 put this line here, which is following a major
22 thoroughfare, what does that do to the voters in
23 that area? Does this part make more sense than
24 this part? And I used guidance from the
25 professionals who know the areas better than I



1 do.

2 So those are the -- I mean, to say we
3 completely disregarded incumbents is not true.
4 Because disregarding incumbents means you
5 completely disregard district lines. That wasn't
6 completely disregarded. I just don't know where
7 most people live.

8 REPRESENTATIVE BOSCHÉE: Mr. Chairman,
9 may I add to that?

10 CHAIRMAN DEVLIN: Where are we at?

11 REPRESENTATIVE BOSCHÉE: Could I add to
12 the response?

13 CHAIRMAN DEVLIN: Yes. Representative
14 Boschée.

15 REPRESENTATIVE BOSCHÉE: Thank you,
16 Mr. Chairman.

17 And building off of what Senator Oban
18 had to say, I think this also goes back to the
19 discussion of the purpose of redistricting. And
20 while it's reapportionment based on population
21 for the purposes of people electing
22 representation, the biases that fall into place
23 when I draw lines in Cass County, or Senator Oban
24 does in Burleigh County, which she knows, or the
25 communities that each of us know, just naturally



1 happen. And some of that's unavoidable.

2 In our first maps, we try to rework to
3 fit certain principles. If we follow those
4 principles or not, whether it's incumbency, or
5 it's thorough ways, or it's county lines, or
6 cities jurisdictions. And I think that's the
7 challenge of the work we do is the only way for
8 us to truly exclude any of those biases would be
9 an independent redistricting commission. Which
10 we've had policy discussions on, and you know, it
11 hasn't been approved. So we are here today to
12 task with this.

13 But I think if we're all being honest
14 with ourselves, we recognize that there are
15 biases that play into this and trying to not let
16 those biases help us make decisions, I think is a
17 challenge because we're human. And I just wanted
18 to make sure I say that because we're not trying
19 to say we were perfect in how we drew these
20 lines. We are just trying to provide a map that
21 again follows, primarily, jurisdictional lines as
22 priorities and other factors fall in place after
23 that.

24 CHAIRMAN DEVLIN: Representative
25 Headland.



1 REPRESENTATIVE HEADLAND: Thank you,
2 Mr. Chairman.

3 Senator Oban, I'm trying to -- I see
4 your new districts under this proposal, 97, 98,
5 and 99. I'm just quickly trying to figure out
6 which district's numbers are eliminated in this
7 proposal.

8 SENATOR OBAN: Oh, sure. So if you go
9 to this guide, Representative Headland, you'll
10 see that District 6, District 19, and District 26
11 were eliminated.

12 REPRESENTATIVE HEADLAND: Okay. Thank
13 you.

14 SENATOR OBAN: And again, those numbers
15 could, I suppose change. Like if you consider
16 District 20 to be more of District 19, then flop
17 those numbers. I mean --

18 CHAIRMAN DEVLIN: Who was it, Senator
19 Burckhard, did you have a question?

20 SENATOR SORVAAG: Sorvaag.

21 CHAIRMAN DEVLIN: Oh, Sorvaag. I'm
22 sorry. I apologize. Senator Sorvaag.

23 SENATOR SORVAAG: Mr. Chairman -- and
24 this is for Representative Boschee, because I'm
25 not going to go into details because we do concur



1 that we're -- but some of your numbering has
2 changed from your preliminary. I presume that
3 was -- because you had expressed that you were
4 having a little difficulty. So this is the
5 numbers you intend, what's coming in this plan
6 now and not your initial?

7 REPRESENTATIVE BOSCHÉE: Yeah.

8 Mr. Chairman, Senator Sorvaag, thank you. Yes,
9 that is correct. Most of that was based on a
10 technical inability to change those numbers. And
11 then when I presented my plan, you had shared,
12 and then staff had taught me how to make those
13 adjustments, so -- to try to align with the
14 current district settings at that time. That was
15 all specific to Cass County, but yeah.

16 CHAIRMAN DEVLIN: Senator Oban, I like
17 what you did with 23. You did a better job
18 because you kept it and I eliminate it, so you
19 know, I want to compliment --

20 SENATOR OBAN: I mean, I won't say it's
21 because I have to sit at the table with the
22 chairman but --

23 CHAIRMAN DEVLIN: Yep.

24 SENATOR OBAN: You know, some are
25 proposing to eliminate 23. I haven't heard any



1 better reason to eliminate 23 than I have
2 eliminate a different -- you know, 19. So, you
3 know, you pick and choose.

4 CHAIRMAN DEVLIN: And we would certainly
5 welcome the opportunity to have Foster County in
6 District 23. You know, I appreciate that. The
7 issue that I have is the Spirit Lake Nation, we
8 put into 15 because they were communities of
9 interest together.

10 SENATOR OBAN: Sure.

11 CHAIRMAN DEVLIN: You know, there's a
12 lot of things between the City of Devil's Lake
13 and the Spirit Lake Nation. So we took them out
14 of 23 to put them there. Did you consider that
15 at all that they would have a lot of common
16 interest and maybe they should be together or
17 not?

18 SENATOR OBAN: Mr. Chairman, no. I just
19 left Spirit Lake Nation in 23 because that's
20 where it currently was, and by adding,
21 essentially, what, one or two additional
22 counties, it fulfilled all of 23.

23 CHAIRMAN DEVLIN: Yep. Okay.

24 Senator Burckhard.

25 SENATOR BURCKHARD: Mr. Chairman and



1 Senator Oban. I don't know how much I disagree
2 with, but on District 5 --

3 SENATOR OBAN: Is that a lot or a
4 little?

5 SENATOR BURCKHARD: I'm asking the
6 questions.

7 SENATOR OBAN: I'm just kidding. Don't
8 put a number to it, Randy.

9 SENATOR BURCKHARD: District 5, basic
10 description, it reads Minot Proper, west of
11 highway 85. That would be corrected to be
12 Highway 83.

13 SENATOR OBAN: Oh, thank you very much.

14 SENATOR BURCKHARD: Yep.

15 SENATOR OBAN: You said that was 5?
16 Okay. Thanks.

17 And you'll see, Mr. Chairman, with
18 Minot, I tried to respect the majority of the
19 districts that currently existed, but to use
20 major roads and keep the airbase together, rather
21 than split it, which is currently what it is. So
22 in the interest of keeping communities of
23 interest together, that's what drove some of
24 those decisions.

25 CHAIRMAN DEVLIN: Further questions from



1 the committee?

2 (No audible response)

3 Seeing none, thank you very much.

4 SENATOR OBAN: Thank you.

5 CHAIRMAN DEVLIN: Committee, I think
6 we're going to take a break now. We got a report
7 from the legislative staff coming up and I think
8 I'd like to take the first thing after lunch. So
9 let's break for an hour, or -- is that enough?
10 45 minutes? Whatever. One hour. Okay. See you
11 back here at about 1 o'clock.

12 (Recess taken)

13 CHAIRMAN DEVLIN: ...on the legislative
14 schedules. You have it in front of you. And
15 who's going through it?

16 Claire, are you going through it? Okay.

17 MS. NESS: Mr. Chairman and members of
18 the committee. I'm going to go through the memo,
19 Number 23.9158.01000. It's called "The Impact of
20 Redistricting on Legislative Election Schedules."
21 And this has to do with the statutes we have in
22 place for determining how we're going to maintain
23 a staggered election schedule for legislators
24 after redistricting occurs.

25 So as you all know, legislators in North



1 Dakota are elected for four-year terms, and one
2 half of the members are elected every two years
3 to provide for that required staggering. Members
4 from odd number districts were elected in 2018,
5 and members from even numbered districts were
6 elected in 2020.

7 So after redistricting, the residents of
8 the newly drawn odd number districts will elect
9 their representatives in the general election in
10 November of 2022. However, residents of the new
11 even number districts normally would not vote for
12 their representatives and senators until the
13 November 2024 election, and so some of those
14 residents would end up with a six-year gap
15 between opportunities to vote for their
16 legislators.

17 So to address that, in 2011, we adopted
18 -- actually, this is something that happens every
19 10 years, this statute is amended, or repealed
20 and replaced. And in 2011, you can see in the
21 memorandum, there was a five-part statute that
22 was enacted. And the area that has caused I
23 think maybe the most questions to arise has been
24 subsection five there that talks about the
25 members from legislative districts that are odd



1 numbered that have new geographic areas that then
2 have to run in 2022.

3 So again, if -- this is from the 2011
4 special session. I'm just talking about if we
5 updated that subsection five to this cycle of
6 redistricting, you would be looking at the even
7 numbered districts -- excuse me, not the odd
8 numbered districts -- you'd be looking at the
9 even numbered districts that would have truncated
10 legislator's terms that would terminate early in
11 order to accommodate the new populations and
12 their district.

13 So if you look on page 2, there is a
14 chart, and it's the yellow and blue make green
15 chart, that shows you how to apply that formula
16 in subsection five of the statute. So if all you
17 did to that statute was to update the dates from
18 2010 and 2012 to 2020 and 2022, you would apply
19 the statute this way. And when you are looking
20 at that 25 percent number, the way that that
21 actually comes about is you look at the district
22 after redistricting, and you take the new
23 geographic area in that district, and then you
24 count the number of people in that new area. And
25 if the number of people in that new area is more



1 than 25 percent of the ideal population size,
2 then that district would have to have an election
3 because those legislator's terms would be
4 truncated.

5 Are there any questions so far about the
6 application of the formula?

7 CHAIRMAN DEVLIN: Representative Nathe.

8 REPRESENTATIVE NATHE: Thank you,
9 Mr. Chairman.

10 Claire, so it says 25 percent. Can we
11 go any higher than that if the committee so
12 chooses? Or are we stuck -- or are we told to
13 stay at 25?

14 MS. NESS: Mr. Chairman, Representative
15 Nathe, members of the committee, the 25 threshold
16 -- 25 percent threshold, excuse me -- is sort of
17 the standard that North Dakota has used, and that
18 people have been used to. If you increase the
19 threshold, which you can do because it is a
20 statute, you would run the risk of a legal
21 challenge. So the higher that threshold goes,
22 the higher your risk, probably, of somebody
23 filing a legal challenge saying that they were
24 denied the right to vote.

25 REPRESENTATIVE NATHE: How about lower



1 it?

2 MS. NESS: You may lower it.

3 REPRESENTATIVE NATHE: It's the same
4 way?

5 MS. NESS: It's a statute, so you guys
6 do have the ability to change that.

7 CHAIRMAN DEVLIN: Representative
8 Headland.

9 REPRESENTATIVE HEADLAND: Thank you,
10 Mr. Chairman.

11 So, Claire, in areas where there was no
12 growth and the districts, you know, a lot of them
13 need -- some need 3000 people. You know, if you
14 just look at that purely, you're almost to the 25
15 percent threshold without any other boundary
16 changes. You know, are we, in fact, just because
17 of the nature of the growth of North Dakota,
18 going to be looking at more than usual districts
19 running at a 25 percent threshold? And is that
20 reason maybe for us to take a look at raising it?

21 MS. NESS: Mr. Chairman and
22 Representative Headland, that's a good question.
23 It's a little bit hard to answer because you have
24 to look at the population within the new area of
25 the district. So if you had people within a



1 district shifting their residences, you could end
2 up with different concentrations of people in
3 different locations. So the additional land area
4 that you would add to a district may not rise to
5 that 25 percent threshold, even if the overall
6 population within the district increased. Just
7 based on people's moving patterns.

8 MS. NESS: Are there additional
9 questions? Okay.

10 CHAIRMAN DEVLIN: You may proceed.

11 MS. NESS: So another issue that you may
12 want to consider is the handling of even number
13 districts if you have additional incumbents
14 placed in those districts. So in 2001, the
15 Legislative Assembly enacted a statute, and it is
16 attached as an appendix, Though, if you're
17 online, you can click on the appendix there and
18 it will show you that 2001 statute. And it
19 described the different scenarios with respect to
20 staggering terms of legislators by district,
21 depending on the various circumstances that can
22 arise. So you might have a general rule where
23 the 25 percent threshold is set for truncating
24 certain people, but you might have other
25 scenarios that you want to address, as well.



1 That 2001 plan for staggering terms was
2 challenged and the Supreme Court held that there
3 was a provision in there that allowed one
4 senator, an incumbent senator, to decide whether
5 or not there would be a need for an election in a
6 particular district, and the Supreme Court said
7 no, you can't delegate that decision making to
8 one incumbent. However, it's permissible to
9 truncate the term of a legislator lower than four
10 years. The Supreme Court said that was justified
11 by the needs of redistricting.

12 And so, in the next part of the memo, I
13 go through some of the cases that have arisen in
14 these types of situations. And states use all
15 sorts of different means to address staggering
16 terms, and some make all of their legislators run
17 after redistricting. Some do a lot of holdovers,
18 so that people do have those longer periods of
19 time between opportunities to elect their
20 legislators. Sometimes, these are set forth in
21 state constitutions, and other times, they're set
22 forth in statute like it is in North Dakota.

23 So, again, residents sometimes do file
24 lawsuits if their time period between
25 opportunities to vote and legislative elections



1 is greater than normal. So, for example, if
2 there's typically a four-year period, but the
3 resident has to go six years due to being
4 redistricted from an odd to an even or even to
5 odd district, sometimes legislators have said
6 that's unfair.

7 And courts will say that that is not a
8 problem because those prolonged election cycles
9 could be justified by the needs of redistricting.
10 And the courts have recognized that there are
11 complexities of reapportionment that you just
12 have to accept as a matter of course. And when
13 it is absolutely necessary to extend a voter's
14 time period between legislative elections, that's
15 not a constitutional violation, unless there has
16 been some sort of unlawful discrimination against
17 that voter.

18 On the other hand, just because you can
19 postpone an elector's election of their
20 legislators for a period of six years, the
21 results of that may be problematic. So, in some
22 cases, you've had states that have provided for
23 redistricting that increases that voting gap to
24 six years, and in the meantime, has left a
25 district without any representative, or without a



1 senator. And that's something the courts have
2 said is unconstitutional. You can't do that. If
3 you're going to have a district that ends up with
4 no legislators, they have to have an opportunity
5 to choose legislators at the next election.

6 And again, the North Dakota Supreme
7 Court has said that that six-year delay is fine.
8 What they said was that when reapportionment
9 results in a substantial constituency change, the
10 Constitutional requirement that a representative
11 be elected from a district can justify truncating
12 the incumbent senator's term to give the
13 electorate in the newly drawn district to select
14 a senator from that district.

15 So in that case, they're also saying,
16 not only can you expand the voters voting gap, or
17 election gap to six years, if you need to, you
18 can truncate the incumbent's term to two years to
19 provide for a shorter gap between elections for
20 voters. And they say that the trigger for
21 truncating those terms, like we do with that 25
22 percent threshold, in that particular case, was a
23 substantial constituency change. So to get to
24 Representative Nathe's point, they didn't specify
25 a certain percentage. In fact, they specifically



1 declined to specify a certain percentage. But
2 they said it just had to be a substantial change.

3 And with that, I would be happy to
4 answer any other questions.

5 CHAIRMAN DEVLIN: Questions from the
6 committee.

7 (No audible response)

8 Well, seeing none, thank you, Claire.
9 Is there other staff memos today before we go to
10 Senator Poolman? Okay.

11 Senator Poolman, are you ready at this
12 time? Okay.

13 SENATOR POOLMAN: Well, Mr. Chairman, as
14 they're bringing up the map, I want to point out
15 to everybody on the committee and anybody who may
16 be listening at home that this isn't nearly as
17 ready for primetime as I would like, in terms of
18 -- we had talked about merging -- my original
19 hope was that we would merge the Devlin plan, and
20 the Lefor plan, and the Nathe plan, and it would
21 all be there. That is an incredibly time
22 consuming and complicated request that I made of
23 legislative counsel, and so I feel I should also
24 publicly apologize for making such a complicated
25 request. And then there were technical



1 difficulties with that.

2 So my purpose today is just to talk
3 about this central part of North Dakota as we are
4 coming in trying to honor county lines from the
5 east and from the west. And I think those plans
6 really have done a great job of trying to do
7 that.

8 You do end up with this area in the
9 middle then that we need to address, and so
10 that's what I attempted to do here, if you see
11 there in green, the District 8 -- the new version
12 of District 8 is all of Emmons County and then
13 all of rural Burleigh County, and so you continue
14 to honor county lines there. And then it's with
15 District 6 then that squishing that I'm talking
16 about that District 6 comes down very narrowly
17 then to pick up part of what was District 8.

18 33 I pulled in Underwood and that area
19 of Coal County into the rest of Coal County. I
20 thought it was a community of interest to pick up
21 part of that. And then District 4 is also the
22 line that helps pick up some of that stuff.

23 You know, the disadvantage is that you
24 have one incumbent left in District 8, from the
25 old District 8. You actually have two



1 representatives that would be living in that
2 area. You have one incumbent that ends up in 33,
3 with the 33 legislators, and then you have one
4 that goes up into District 6. So that's what
5 happens to that delegation.

6 That isn't my priority. I know that we
7 probably all have different philosophies in terms
8 of what we think is most important, and the
9 protection of incumbents, for me, just doesn't
10 rank as high as county lines do. And so that's
11 -- I just throw out the proposal so that we can
12 see that it -- you can find a way to make the
13 numbers work in the middle. I don't have any
14 ownership of this proposal, so I hope that those
15 people who are impacted by it don't think that I
16 have any ownership. I just wanted to show how
17 the numbers could work as you are coming from the
18 east, honoring county lines.

19 SENATOR OBAN: Mr. Chairman.

20 CHAIRMAN DEVLIN: Senator Oban.

21 SENATOR OBAN: Just a question on 33.
22 The part of McLean County you pulled in there,
23 are you following the highway, or do you recall
24 if you used a specific divider there, or did you
25 just do it based on numbers?



1 SENATOR POOLMAN: I was doing it based
2 on numbers, mostly. But it was -- I'm sure I was
3 trying to draw as straight a line as possible.

4 SENATOR OBAN: It looks pretty close to
5 the highway.

6 SENATOR POOLMAN: I think I was just
7 trying to draw a straight line.

8 SENATOR OBAN: Okay.

9 CHAIRMAN DEVLIN: Representative
10 Headland.

11 REPRESENTATIVE HEADLAND: Thank you,
12 Mr. Chairman.

13 The Senator, your proposal based on
14 county lines, it looks like it works for one of
15 the districts you're working on, but it really is
16 a mess in the other one.

17 SENATOR POOLMAN: Absolutely. And
18 that's kind of my point that, as we try and honor
19 all of these county lines along the way, that
20 that District 6 does come down very narrowly and
21 McLean County ends up being in three different
22 districts. Yeah, you're absolutely right. I'm
23 just throwing it out there.

24 REPRESENTATIVE HEADLAND: So what's the
25 -- Mr. Chairman, if I may -- you know, the



1 rational of moving Emmons County out of 28?

2 SENATOR POOLMAN: Because it was
3 orphaned. It's my understanding that it would
4 have been either Emmons County or Nelson County
5 correct, that would have orphaned as they tried
6 to develop the Devlin map?

7 REPRESENTATIVE HEADLAND: Mr. Chairman,
8 if I may?

9 CHAIRMAN DEVLIN: You may.

10 REPRESENTATIVE HEADLAND: There was a
11 plan offered this morning that didn't have any
12 orphans in it, that kept counties as whole as
13 they could, kept districts in their current make
14 up as whole as they could be. And, you know, I'm
15 just trying to really understand, you know, the
16 rational for -- this plan only would work if --
17 for 28 if you're going to steal, you know, a big
18 part of another district and put a whole county
19 into 28. And I'm just trying to understand, you
20 know, how, in your mind, this all works.

21 I understand that you're not showing
22 anything east of what you have up on the screen,
23 but you know, it all has to come together in the
24 end, and I just don't see how this plan is going
25 to mesh with everything else that we're looking



1 at in the east. But you must have a plan, so I
2 would like to hear it.

3 SENATOR POOLMAN: Mr. Chairman and
4 Representative Headland, the goal would be that
5 this would be attached to the Devlin plan, so you
6 would have the Devlin plan there on the eastern
7 half of the state. And I would beg to differ on
8 the plan that was produced this morning, in terms
9 of honoring county lines. I think -- and like I
10 said, we just have different philosophies. The
11 philosophy of the plan this morning was
12 protection of incumbents. The philosophy of the
13 Devlin plan is county lines, and so it's just a
14 matter of what we want to do as a committee or
15 what most of us want to do as a committee. I
16 would disagree with your assessment of the plan
17 that you gave today that was honoring county
18 lines better than the Devlin plan.

19 REPRESENTATIVE HEADLAND: Mr. Chairman,
20 if I may?

21 I don't believe I said that it honors it
22 better. I said it honors it in a way that makes
23 everything come together and work. But, you
24 know, I've got to report to, you know, my running
25 mates, as well, and I think what I'm hearing is,



1 some place is going to have to give and it's not
2 important to you or maybe the Senate, overall, in
3 trying to keep incumbents together.

4 SENATOR POOLMAN: Well, Mr. Chairman and
5 Representative Headland, I would never claim to
6 speak for the Senate. I can only speak for
7 myself, and I would value county lines over
8 protection of incumbents. And so I can only
9 speak for myself, and like I said, I just threw
10 it out there to show how the numbers can work.
11 I'm sure that there are other ways that those
12 numbers can work in the central area, as well.
13 Like I said, the goal, initially, was to have
14 those other plans in there so I could see exactly
15 what Representative Lefor had done or what
16 Representative Nathe had done with 33. So I
17 think there are a number of ways that it can
18 work, this just happens to be one of them.

19 CHAIRMAN DEVLIN: Representative
20 Headland -- or excuse me, Nathe. I apologize.

21 REPRESENTATIVE NATHE: Oh, thank you.
22 Thanks, Mr. Chairman.

23 Senator Poolman, were there any
24 discussions with the current legislators in
25 District 6 as far as this plan? Any discussion



1 with that at all?

2 SENATOR POOLMAN: Mr. Chairman and
3 Representative Nathe, I haven't spoken to anybody
4 from District 6. No.

5 REPRESENTATIVE NATHE: Okay. And
6 anybody from 8?

7 SENATOR POOLMAN: Nope.

8 REPRESENTATIVE NATHE: Okay. All right.
9 Thanks.

10 CHAIRMAN DEVLIN: Thank you, Senator.

11 Is there any plans or concepts, so to
12 speak, to come before us?

13 (No audible response)

14 I don't see anything for today. I know
15 there's somebody going to -- I don't know if
16 they're going to present a plan at 3 o'clock, but
17 they're going to discuss redistricting at
18 3 o'clock, a legislator from the southeast part
19 of the state, and we will welcome that input at
20 that time. Is there -- you know, we're kind of
21 at the point, committee, I believe that some of
22 the things we could take off the table. You
23 know, obviously, there's a difference of opinion
24 in the middle of the state, but I mean, is the
25 committee in agreement with say, Cass County --



1 is the committee in agreement with Grand Forks
2 County, or District 25, or those types of things?
3 You know, we can start getting some of the things
4 off of the table, then I think it gives us a
5 narrower window that we have to work with
6 tomorrow. So I'm open for any thoughts.

7 A motion is always in order. You know,
8 I would hope we would -- well, I know we will --
9 limit it to the areas that aren't in dispute, so
10 to speak.

11 Senator Klein.

12 SENATOR KLEIN: Well, Mr. Chairman, I
13 think the discussions today have all centered
14 around these rural areas where there's some
15 differences of opinion. There's different
16 concepts. It's all about concepts. That's what
17 you asked us to bring. That's what we heard this
18 morning. We heard last week. We've been
19 developing concepts for a few weeks. But it
20 seemed that -- and I would throw out for
21 discussion, the Fargo and -- Cass County, Fargo,
22 and Grand Forks seem to have been resolved and we
23 haven't had any additional discussion, today, or
24 more recently and I think those two could
25 probably be -- and I don't want to jump before



1 Senator Sorvaag here, but personally, I think
2 those areas could be moved on.

3 CHAIRMAN DEVLIN: Senator Sorvaag.

4 SENATOR SORVAAG: Mr. Chairman, I think
5 Cass County is ready to go and I would ask for
6 input from Representative Schauer and
7 Representative Boschee, too. But we put it out
8 there a week ago, and I've had basically no
9 pushback, you know. And there was a real effort
10 to engage people as the -- you know, not with the
11 completed project but steps as it goes along.

12 So I think there's a lot of knowledge
13 with it, and obviously, I wouldn't have presented
14 if I wasn't comfortable with it. I think a lot
15 of the pieces have had a lot of discussion or
16 looked at. But I don't know if you're looking
17 for a motion or if one of the other two Cass
18 County would want to interject first before we
19 did that. But I just don't sense, unless
20 they're getting it, that there's really a problem
21 the way Cass County is.

22 CHAIRMAN DEVLIN: Representative
23 Schauer.

24 REPRESENTATIVE SCHAUER: I would second
25 the motion. I think Cass County is ready to go.



1 CHAIRMAN DEVLIN: I don't know that
2 there was a motion.

3 REPRESENTATIVE SCHAUER: I'll make a
4 motion that Cass County be approved.

5 CHAIRMAN DEVLIN: Is there a second?
6 Second by Senator Poolman.

7 REPRESENTATIVE SCHAUER: That would be
8 the Sorvaag plan.

9 CHAIRMAN DEVLIN: Right.
10 Discussion from the committee?
11 Representative Boschee.

12 REPRESENTATIVE BOSCHEE: Thank you,
13 Mr. Chairman. And appreciate Senator Sorvaag's
14 work on this map, and we have had several
15 discussions. It was presented out to members of
16 the -- because I represent within Cass County and
17 no feedback has been presented beyond what
18 Senator Sorvaag has already adjusted. So while I
19 certainly have presented other options, this is a
20 map that I would be comfortable supporting.

21 CHAIRMAN DEVLIN: Thank you.

22 Further discussion?

23 (No audible response)

24 Seeing none.

25 Can we do this on a voice vote, Emily?



1 Am I allowed? I didn't think so. So we will
2 poll the committee on approving the Cass County
3 plan as it is now. You know, it will certainly
4 be subject to change by the legislature, but you
5 know, we kind of get it off the table, so to
6 speak.

7 So Senator Holmberg, did you --

8 SENATOR HOLMBERG: No. No. I'm going
9 to whisper something to you.

10 SENATOR OBAN: Mr. Chairman.

11 CHAIRMAN DEVLIN: Poll the committee.
12 Senator Oban.

13 SENATOR OBAN: No, that's okay.

14 I just want to make sure that it's the
15 one you presented on the 16th. Is that's
16 correct, Senator Sorvaag?

17 SENATOR SORVAAG: Mr. Chairman, yeah.
18 There was one little tweak at the bottom, but the
19 map you see there is the correct one. It was for
20 150 people. I had spoke to Emily if this line
21 here could be taken out and I was informed, at
22 the end of my presentation, that is couldn't be
23 taken out. So -- it was to clean it up. So it's
24 at the bottom of 46, where 27 and -- if you look
25 at the present plan into 26 and 47, what the maps



1 show is what the plan is at this time.

2 SENATOR OBAN: So the plan that we have
3 available to us linked is the one we will be
4 voting on.

5 SENATOR SORVAAG: Is what you're looking
6 at right now.

7 SENATOR OBAN: Okay. Perfect.

8 SENATOR SORVAAG: Because that change was
9 made immediately after the presentation. It was
10 one of those tails that come down and then I was
11 told after the fact it couldn't be taken out. So
12 it's kind of a weird -- it moved very, very few
13 people, but it was the -- so it's at the very
14 bottom left of 46 in where it meets 27. But the
15 maps in front of you are the correct ones.

16 SENATOR OBAN: Okay. Thank you very
17 much.

18 CHAIRMAN DEVLIN: You may poll the
19 committee.

20 MS. THOMPSON: Representative Devlin.

21 REPRESENTATIVE DEVLIN: Yes.

22 MS. THOMPSON: Representative Bellew.

23 REPRESENTATIVE BELLEW: Yes.

24 MS. THOMPSON: Representative Boschee.

25 REPRESENTATIVE BOSCHEE: Yes.



1 MS. THOMPSON: Representative Headland.
2 REPRESENTATIVE HEADLAND: Yeah.
3 MS. THOMPSON: Representative Lefor.
4 REPRESENTATIVE LEFOR: Yes.
5 MS. THOMPSON: Representative Monson.
6 REPRESENTATIVE MONSON: Yes.
7 MS. THOMPSON: Representative Nathe.
8 REPRESENTATIVE NATHE: Yes.
9 MS. THOMPSON: Representative Schauer.
10 REPRESENTATIVE SCHAUER: Yes.
11 MS. THOMPSON: Senator Holmberg.
12 SENATOR HOLMBERG: Aye.
13 MS. THOMPSON: Senator Bekkedahl.
14 CHAIRMAN DEVLIN: He's not here.
15 MS. THOMPSON: Senator Burckhard.
16 SENATOR BURCKHARD: Aye.
17 MS. THOMPSON: Senator Erbele.
18 SENATOR ERBELE: Aye.
19 MS. THOMPSON: Senator Klein.
20 SENATOR KLEIN: Aye.
21 MS. THOMPSON: Senator Oban.
22 SENATOR OBAN: Yes.
23 MS. THOMPSON: Senator Poolman.
24 SENATOR POOLMAN: Yes.
25 MS. THOMPSON: Senator Sorvaag.



1 SENATOR SORVAAG: Aye.

2 MS. THOMPSON: And the motion carries.

3 CHAIRMAN DEVLIN: Senator Holmberg.

4 SENATOR HOLMBERG: Mr. Chairman, I would
5 move that the four districts that are comprised
6 of the city of Grand Forks and that area
7 immediately around be approved, and if there's a
8 second, I'll say why I'm just doing that.

9 REPRESENTATIVE NATHE: Second.

10 SENATOR HOLMBERG: Okay, Mr. Chairman.
11 There's still a little difference on a couple
12 townships up in the northern part of what is
13 Grand Forks, Traill, and Walsh. And I think
14 there probably needs to be a tweak up there, so I
15 don't want us to vote on this and have to come
16 back and redo that.

17 The Grand Forks -- this plan in the city
18 has been promoted to the various interest in
19 Grand Forks. Representative Mock had a
20 suggestion. He put it down on paper. We ran it
21 through and found out -- or he found out because
22 I pointed out to him -- that there were some
23 unintended consequences that would make the plan
24 very unpopular with people in District 42. So he
25 withdrew that proposal. So what you have in your



1 map is what I'm asking you to approve for the
2 City of Grand Forks, for those four districts.

3 CHAIRMAN DEVLIN: And I believe that was
4 seconded by --

5 SENATOR HOLMBERG: Representative Nathe.

6 CHAIRMAN DEVLIN: Representative Nathe.

7 Senator Holmberg, for the record, would
8 you number those districts for me please and then
9 we'll --

10 SENATOR HOLMBERG: They are district 17,
11 18, 42, 43.

12 CHAIRMAN DEVLIN: Okay. Any other
13 questions or discussions?

14 (No audible response)

15 Seeing none, poll the committee.

16 MS. THOMPSON: Chairman Devlin.

17 REPRESENTATIVE DEVLIN: Aye.

18 MS. THOMPSON: Representative Bellew.

19 REPRESENTATIVE BELLEW: Yes.

20 MS. THOMPSON: Representative Boschee.

21 REPRESENTATIVE BOSCHEE: Yes.

22 MS. THOMPSON: Representative Headland.

23 REPRESENTATIVE HEADLAND: Yeah.

24 MS. THOMPSON: Representative Lefor.

25 REPRESENTATIVE LEFOR: Yes.



1 MS. THOMPSON: Representative Monson.

2 REPRESENTATIVE MONSON: Yes.

3 MS. THOMPSON: Representative Nathe.

4 REPRESENTATIVE NATHE: Yes.

5 MS. THOMPSON: And Representative

6 Schauer.

7 REPRESENTATIVE SCHAUER: Yes.

8 MS. THOMPSON: Senator Holmberg.

9 SENATOR HOLMBERG: Aye.

10 MS. THOMPSON: Senator Bekkedahl.

11 Senator Burckhard.

12 SENATOR BURCKHARD: Aye.

13 MS. THOMPSON: Senator Erbele.

14 SENATOR ERBELE: Aye.

15 MS. THOMPSON: Senator Klein.

16 SENATOR KLEIN: Aye.

17 MS. THOMPSON: Senator Oban.

18 SENATOR OBAN: Yes.

19 MS. THOMPSON: Senator Poolman.

20 SENATOR POOLMAN: Aye.

21 MS. THOMPSON: And Senator Sorvaag.

22 SENATOR SORVAAG: Aye.

23 MS. THOMPSON: And the motion carries.

24 CHAIRMAN DEVLIN: Representative Nathe.

25 REPRESENTATIVE NATHE: Mr. Chairman, if



1 I could, I'd like to make a motion to approve the
2 Bismarck/Mandan area proposal I gave this morning
3 dated 9/22/21, and that would encompass the
4 districts of 7, 30, 32, 35, 47, 31, and 34.

5 UNIDENTIFIED MEMBER: Could you repeat
6 those numbers, Mr. Chairman?

7 REPRESENTATIVE NATHE: Sure. In
8 Bismarck, 7, 30, 32, 35, and 47. Mandan would be
9 31 and 34.

10 REPRESENTATIVE SCHAUER: I'll second
11 that.

12 CHAIRMAN DEVLIN: The motion's been
13 seconded by Representative Schauer. Is there a
14 discussion on this motion?

15 SENATOR OBAN: Mr. Chairman.

16 CHAIRMAN DEVLIN: Senator Oban.

17 SENATOR OBAN: With all respect to the
18 work that Representative Nathe had done, I would
19 like consideration of the southern border of
20 District 35 and the northern border of District
21 32, which are significantly cleaner than they are
22 currently. As well as, I am unsure about the
23 northern -- that would be the northwest corner of
24 District 47 and some feedback we had gotten from
25 our Burleigh County Auditor's Office, I don't



1 know if that is squared away based on the
2 feedback we had received, so --

3 REPRESENTATIVE NATHE: Mr. Chairman.

4 CHAIRMAN DEVLIN: Representative Nathe.

5 REPRESENTATIVE NATHE: I believe as far
6 as the feedback, Senator Poolman may have some
7 information on that. I think she was in touch
8 with the Burleigh County.

9 CHAIRMAN DEVLIN: Senator Poolman.

10 SENATOR POOLMAN: Mr. Chairman and
11 Senator Oban, I think that you're referring to
12 the upper right-hand corner of District 7,
13 correct, that she was concerned about? And so
14 that had been that squiggly line Representative
15 Nathe talked about that was squared off. And so
16 that doesn't include part of a neighborhood
17 anymore. And so that was the fix that we made
18 based on the auditor's feedback.

19 UNIDENTIFIED MEMBER: We got a motion.

20 CHAIRMAN DEVLIN: We got a motion and a
21 second. I just want -- is there any further
22 discussion?

23 UNIDENTIFIED MEMBER: Mr. Chairman,
24 would you repeat the districts?

25 CHAIRMAN DEVLIN: The districts were



1 number 7, 30, 32, 35, 47, all in Bismarck, and 31
2 and 34 in Mandan.

3 SENATOR OBAN: Mr. Chairman.

4 CHAIRMAN DEVLIN: Senator Oban.

5 SENATOR OBAN: If I could add some
6 additional comments about that split between 7
7 and 47. In a follow up conversation I had with
8 the auditor's office, she said, "I wasn't able to
9 tell from the proposal which street was being
10 used by Misty Waters to divide 7 and 47." The
11 way that it is drawn is using a transmission line
12 easement, which cuts lots in half, making it
13 extremely difficult to decide which district a
14 voter lives in. So -- and I would also note that
15 the map I presented today, specific to Burleigh
16 County, includes an area of Lincoln that is in
17 development. All of those folks have an address
18 of Lincoln, but they would be potentially left
19 off of the District 8 map.

20 REPRESENTATIVE NATHE: Mr. Chairman.

21 CHAIRMAN DEVLIN: Representative Nathe.

22 REPRESENTATIVE NATHE: As far as the 7
23 with the transmission lines, I think we've done
24 that before. Counsel can correct me.

25 Are we in trouble if we do that? Or --



1 I mean, that seems to be -- we've done it before.

2 I mean, do you see any issues with that?

3 MS. NESS: Mr. Chairman and
4 Representative Nathe, I'm not familiar with those
5 use of transmission lines, so I would have to
6 look into that.

7 CHAIRMAN DEVLIN: Well, what are the
8 committee's wishes? Do you want to proceed with
9 this, or do you want a little more information?

10 UNIDENTIFIED MEMBER: Mr. Chairman. If
11 I could just propose then, it sounds like it's an
12 agreeable type of fix, if we just make sure we
13 get it right. So if we can wait until tomorrow
14 morning, I think that would be helpful.

15 CHAIRMAN DEVLIN: Is that okay with the
16 committee if we just withdraw this until tomorrow
17 morning?

18 REPRESENTATIVE NATHE: We can on the
19 Bismarck. We can take up Mandan if you wish.

20 CHAIRMAN DEVLIN: Okay.

21 SENATOR KLEIN: Mr. Chairman.

22 CHAIRMAN DEVLIN: I don't know who it
23 was. Senator Klein or Senator Erbele.

24 SENATOR KLEIN: Well, here.

25 CHAIRMAN DEVLIN: No, I see that.



1 Senator Erbele.

2 SENATOR ERBELE: Yeah. I guess,
3 Chairman, my question would center around
4 District 31 because that takes up a huge rural
5 area and so I guess I would probably look to
6 Representative Lefor to see if that's all good
7 and taken care of before we start moving away
8 from the cities and taking up so much of the
9 rural issue here.

10 CHAIRMAN DEVLIN: Representative Lefor.

11 REPRESENTATIVE LEFOR: Yeah. Thank you,
12 Mr. Chairman.

13 Senator, really, I'm very comfortable
14 with what is done on 31 and how it fits on the
15 southwest part of the state.

16 SENATOR ERBELE: Great. That's all I
17 need to know.

18 CHAIRMAN DEVLIN: Okay. That motion was
19 made by Representative Nathe and Schauer. Do you
20 want to withdraw that motion and just redo --

21 REPRESENTATIVE NATHE: Yes. Well, he'll
22 withdraw his second and -- I'll withdraw my
23 motion.

24 REPRESENTATIVE SCHAUER: Mr. Chairman, I
25 will withdraw the second, but I am concerned



1 because Representative Headland will not be here
2 tomorrow to vote, so as long as he's comfortable
3 with this, I will withdraw the motion.

4 CHAIRMAN DEVLIN: I don't see any of 31
5 and 34 impacting anything that Representative
6 Headland presented this morning. Am I incorrect
7 somewhere?

8 REPRESENTATIVE HEADLAND: Nope. You're
9 right.

10 CHAIRMAN DEVLIN: Okay. So the new
11 motion is that we will move ahead with 31 and 34
12 with the understanding that the parties will get
13 together and correct, if needed, the Bismarck one
14 and have it for us first thing tomorrow morning.
15 Is that okay?

16 REPRESENTATIVE NATHE: Yeah.
17 Mr. Chairman, I could actually have this -- it
18 wouldn't even effect the numbers, it's just a
19 matter of going up on a road up and around down
20 to -- I could have this done in a couple minutes
21 and go talk to my two cohorts in Bismarck and
22 show them. Or we can take it up tomorrow too.

23 CHAIRMAN DEVLIN: No. I like getting it
24 done today if there's a way to do that, so -- is
25 there anymore discussion on the motion for 31 and



1 34?

2 (No audible response)

3 Seeing none, poll the committee.

4 MS. THOMPSON: Chairman Devlin.

5 REPRESENTATIVE DEVLIN: Yes.

6 MS. THOMPSON: Representative Bellew.

7 REPRESENTATIVE BELLEW: Yes.

8 MS. THOMPSON: Representative Boschee.

9 REPRESENTATIVE BOSCHEE: Yes.

10 MS. THOMPSON: Representative Headland.

11 REPRESENTATIVE HEADLAND: Yes.

12 MS. THOMPSON: Representative Lefor.

13 REPRESENTATIVE LEFOR: Yes.

14 MS. THOMPSON: Representative Monson.

15 REPRESENTATIVE MONSON: Yes.

16 MS. THOMPSON: Representative Nathe.

17 REPRESENTATIVE NATHE: Yes.

18 MS. THOMPSON: Representative Schauer.

19 REPRESENTATIVE SCHAUER: Yes.

20 MS. THOMPSON: Senator Holmberg.

21 SENATOR HOLMBERG: Aye.

22 MS. THOMPSON: Senator Bekkedahl.

23 Senator Burckhard.

24 SENATOR BURCKHARD: Aye.

25 MS. THOMPSON: Senator Erbele.



1 SENATOR ERBELE: Aye.

2 MS. THOMPSON: Senator Klein.

3 SENATOR KLEIN: Aye.

4 MS. THOMPSON: Senator Oban.

5 SENATOR OBAN: Yes.

6 MS. THOMPSON: Senator Poolman.

7 SENATOR POOLMAN: Aye.

8 MS. THOMPSON: And Senator Sorvaag.

9 SENATOR SORVAAG: Aye.

10 MS. THOMPSON: And Mr. Chairman, the
11 motion carries.

12 CHAIRMAN DEVLIN: Thank you.

13 Representative Bellew, do you have
14 Minot --

15 SENATOR BURCKHARD: Mr. Chairman.

16 CHAIRMAN DEVLIN: Yes. Who -- Senator
17 Burckhard.

18 SENATOR BURCKHARD: I would like to move
19 on the Minot area district plan, District 3, 5,
20 38, and 40 that was presented last week on the
21 16th, I believe. And I think we gave a detailed
22 map of the district 5 that Emily Thompson
23 provided. But just to clarify, the boundaries of
24 District 5, and I don't think the rest of 38, and
25 40, and 3 were effected largely from that. So I



1 would propose that we would move that.

2 UNIDENTIFIED MEMBER: I second.

3 CHAIRMAN DEVLIN: Okay.

4 Can that go up on the screen?

5 Do you want the --

6 UNIDENTIFIED MEMBER: The Minot.

7 CHAIRMAN DEVLIN: -- the Minot map on
8 the screen.

9 UNIDENTIFIED: (Indiscernible)

10 CHAIRMAN DEVLIN: Senator Holmberg.

11 SENATOR HOLMBERG: To Senator Burckhard,
12 there are some other things that, I mean, we as a
13 committee haven't resolved yet with District 6,
14 with District 4, et cetera. Does any of what we
15 have within three parameters -- are they impacted
16 by these other issues, or are they separate?

17 SENATOR BURCKHARD: I believe they're
18 separate. I don't think we effect any rural
19 districts around the Minot area.

20 SENATOR HOLMBERG: And Mr. Chairman and
21 Senator, then you're other comments, I believe,
22 were that your external boundaries of the four
23 Minot districts are the same as the current
24 boundaries on the outside. The airbase has been
25 split for a number of decades, and you have one



1 urban core district and then you have three
2 others.

3 SENATOR BURCKHARD: Right. District 5
4 is right in the middle of it, so it doesn't
5 affect the outward boundaries of 38, or 40, or
6 District 3.

7 CHAIRMAN DEVLIN: So the motion was to
8 move ahead Minot, which is Districts, 3, 5, 38,
9 and 40, made by Senator Burckhard and Senator --

10 UNIDENTIFIED MEMBER: I seconded.

11 CHAIRMAN DEVLIN: Okay. Is there any
12 further discussion?

13 SENATOR OBAN: Mr. Chairman.

14 CHAIRMAN DEVLIN: Senator Oban.

15 SENATOR OBAN: I would just ask if there
16 was ever any consideration to following major
17 boundaries, while, yes, you would have to adjust
18 some existing lines, which you had to do anyway,
19 using major highways, you know, considering
20 putting Sawyer in with Surrey, which I believe
21 are just questions if that was ever considered.

22 SENATOR BURCKHARD: Well, I think as
23 a -- Mr. Chairman and Senator Oban -- as it
24 concerns the Minot area districts, that we do
25 have -- extended it to major boundaries, 13th



1 Street on the southeast side and the Highway 2
2 area on the westside. And so yeah, major
3 thoroughfares that were considered.

4 CHAIRMAN DEVLIN: Representative
5 Boschee.

6 REPRESENTATIVE BOSCHEE: Thank you,
7 Mr. Chairman. I plan to reject the motion. I
8 think we've done a good job in many of these
9 proposals of keeping communities of interest
10 whole, and while it has been tradition, and it
11 sounds like for decades, the airbase has been
12 separated. I don't think we need to do that any
13 longer. And so that's my primary concern with
14 this map.

15 CHAIRMAN DEVLIN: Okay.

16 Any other comments.

17 (No audible response)

18 Seeing none, poll the committee.

19 MS. THOMPSON: Chairman Devlin.

20 REPRESENTATIVE DEVLIN: Yes.

21 MS. THOMPSON: Representative Bellew.

22 REPRESENTATIVE BELLEW: Yes.

23 MS. THOMPSON: Representative Boschee.

24 REPRESENTATIVE BOSCHEE: No.

25 MS. THOMPSON: Representative Headland.



1 REPRESENTATIVE HEADLAND: Yes.

2 MS. THOMPSON: Representative Lefor.

3 REPRESENTATIVE LEFOR: Yes.

4 MS. THOMPSON: Representative Monson.

5 REPRESENTATIVE MONSON: Yes.

6 MS. THOMPSON: Representative Nathe.

7 REPRESENTATIVE NATHE: Yes.

8 MS. THOMPSON: Representative Schauer.

9 REPRESENTATIVE SCHAUER: Yes.

10 MS. THOMPSON: Senator Holmberg.

11 SENATOR HOLMBERG: Aye.

12 MS. THOMPSON: Senator Bekkedahl.

13 SENATOR BEKKEDAHL: Aye.

14 MS. THOMPSON: Senator Burckhard.

15 SENATOR BURCKHARD: Aye.

16 MS. THOMPSON: Senator Erbele.

17 SENATOR ERBELE: Aye.

18 MS. THOMPSON: Senator Klein.

19 SENATOR KLEIN: Aye.

20 MS. THOMPSON: Senator Oban.

21 SENATOR OBAN: No.

22 MS. THOMPSON: Senator Poolman.

23 SENATOR POOLMAN: Aye.

24 MS. THOMPSON: And Senator Sorvaag.

25 SENATOR SORVAAG: Aye.



1 MS. THOMPSON: Mr. Chairman, the motion
2 carries.

3 CHAIRMAN DEVLIN: Thank you.

4 Committee, we're just going to take a
5 10-minute break, 15-minute break, if you could
6 work Bismarck. And there's that little
7 discrepancy up in 20 and 10; I think that can be
8 fixed in just a minute. So we'll break until
9 2 o'clock and then we can take care of both of
10 those.

11 (Recess taken)

12 CHAIRMAN DEVLIN: ...are you in a
13 position to --

14 REPRESENTATIVE NATHE: Yes,
15 Mr. Chairman. We've made some changes in working
16 with counsel. So I'll make a motion to approve
17 the plan for Bismarck for the districts of 7, 30,
18 32, 35, and 47.

19 CHAIRMAN DEVLIN: Can you,
20 Representative Nathe, just briefly explain what
21 changes they were? I know they were minor,
22 but --

23 REPRESENTATIVE NATHE: Yeah. Can we get
24 a second and then I will.

25 CHAIRMAN DEVLIN: Okay. I'm sorry. I



1 apologize. Representative Schauer seconded.

2 Thank you very much.

3 REPRESENTATIVE NATHE: Thank you,

4 Representative.

5 So Emily is going to kick it up. The
6 issue that Senator Oban brought up, we looked at.
7 We can remedy it. It didn't have any affect on
8 the population. It's a little unique, and you'll
9 see.

10 So Emily, you want to zoom right into
11 that -- yeah, right there.

12 So originally --

13 A little bit closer, Emily. I'm sorry.
14 There.

15 So you see where it says zero right
16 there underneath 7, originally, that line coming
17 across, as Senator Oban said, we think is a
18 transmission line or something, so all I did is
19 put that section where it says zero, into 47, and
20 that's Burke Creek Loop Road going all the way
21 around and then it comes down into that little
22 notch on the west side. Now, from there to the
23 river, that is a census line. That's nothing we
24 did. That's -- the census put that in there. It
25 goes through some vacant backyards.



1 Emily, you want to explain it from
2 there? So if we approve this, we'd approve it
3 this way. But --

4 You go ahead and add the footnote.

5 MS. THOMPSON: Mr. Chairman,
6 Representative Nathe, what we can do if we have
7 odd shaped census blocks is, if the committee
8 does to a point the point where they're looking
9 at a final plan and there's a revision or a split
10 to a census block that's required, legislative
11 counsel can just contact census and update that
12 geography to split that bloc.

13 So for instance this -- if I hover my
14 mouse here -- this kind of little tail we have on
15 the census block that you have to select for one
16 individual bloc, we could cut that census block
17 and update that geography with census, so the
18 bloc would run a little straighter.

19 CHAIRMAN DEVLIN: Senator Holmberg.

20 SENATOR HOLMBERG: And Emily, that would
21 hold true then for Lincoln Park, the golf course
22 in Grand Forks, which goes way down, way up, and
23 yet, there's nobody there.

24 MS. THOMPSON: Mr. Chairman and Senator
25 Holmberg, correct.



1 REPRESENTATIVE NATHE: So, Mr. Chairman,
2 with the changes it doesn't change any of the
3 population numbers or percentages; they're all
4 the same. It was just rerouting some lines. And
5 like I said, that's census line we can't touch.
6 That's -- it's put in there by the census.

7 CHAIRMAN DEVLIN: Representative
8 Boschee.

9 REPRESENTATIVE BOSCHEE: Thank you,
10 Mr. Chairman.

11 So while that's a transmission line
12 which we know ends up crossing parcels, is there
13 something that is done to make the job of the
14 auditors easier, so it's based on an address, or
15 what we do in our drafting, so that they know
16 that even though it might split a parcel, this
17 side of the parcel is in 47 and this side is in
18 7? How does that work to make the job of the
19 auditors manageable?

20 MS. THOMPSON: Mr. Chairman,
21 Representative Boschee, likely, that census
22 block, the revised geography would run along a
23 road or some other feature. If I zoom way in,
24 you see we have Olive Tree Drive right there, so
25 we would likely kind of veer that census block to



1 run that line along some type of existing
2 geography.

3 REPRESENTATIVE NATHE: And Mr. Chairman,
4 if I may.

5 And Representative Boschee, that
6 existing census line goes through some back
7 vacant lots, but there's one house to the south
8 of it and everything else is pretty much just
9 vacant lots. Now, maybe in the future, they'll
10 put homes there, but right now, it's just trees
11 and there's nothing there. And I suspect that's
12 why census probably did it.

13 CHAIRMAN DEVLIN: Any other questions or
14 discussions?

15 SENATOR OBAN: Mr. Chairman.

16 CHAIRMAN DEVLIN: Senator Oban.

17 SENATOR OBAN: I'll be resisting the
18 motion just because I think we can do better with
19 regard to -- I know Representative Nathe has
20 consulted with the existing legislators. I think
21 that we can make boundaries cleaner to make sense
22 to voters to make running elections easier, and
23 that's, I believe, what I proposed in the
24 Bismarck sort of proper area. So it has nothing
25 to do with the general concept that



1 Representative Nathe -- I just think that we can
2 make lines cleaner.

3 CHAIRMAN DEVLIN: Any further
4 discussion?

5 (No audible response)

6 Seeing none, you may poll the committee.

7 MS. THOMPSON: Chairman Devlin.

8 REPRESENTATIVE DEVLIN: Yes.

9 MS. THOMPSON: Representative Bellew.

10 REPRESENTATIVE BELLEW: Yes.

11 MS. THOMPSON: Representative Boschee.

12 REPRESENTATIVE BOSCHEE: No.

13 MS. THOMPSON: Representative Headland.

14 REPRESENTATIVE HEADLAND: Yes.

15 MS. THOMPSON: Representative Lefor.

16 REPRESENTATIVE LEFOR: Yes.

17 MS. THOMPSON: Representative Monson.

18 REPRESENTATIVE MONSON: Yes.

19 MS. THOMPSON: Representative Nathe.

20 REPRESENTATIVE NATHE: Yes.

21 MS. THOMPSON: Representative Schauer.

22 REPRESENTATIVE SCHAUER: Yes.

23 MS. THOMPSON: Senator Holmberg.

24 SENATOR HOLMBERG: Aye.

25 MS. THOMPSON: Senator Bekkedahl.



1 SENATOR BEKKEDAHL: Aye.

2 MS. THOMPSON: Senator Burckhard.

3 SENATOR BURCKHARD: Aye.

4 MS. THOMPSON: Senator Erbele.

5 SENATOR ERBELE: Aye.

6 MS. THOMPSON: Senator Klein.

7 SENATOR KLEIN: Aye.

8 MS. THOMPSON: Senator Oban.

9 SENATOR OBAN: No.

10 MS. THOMPSON: Senator Poolman.

11 SENATOR POOLMAN: Aye.

12 MS. THOMPSON: Senator Sorvaag.

13 SENATOR SORVAAG: Aye.

14 MS. THOMPSON: Mr. Chairman, the motion
15 carries.

16 CHAIRMAN DEVLIN: Thank you.

17 Representative Skroch, I'm not sure if
18 she's online now, but if she is, maybe she would
19 like to present to us now, because if we talk
20 about District 25, she would have an interest in
21 that and she's scheduled for 3 o'clock, but I
22 think we're moving a little quicker than I
23 expected.

24 So Representative Skroch, if you're
25 available.



1 REPRESENTATIVE SKROCH: I'm ready.

2 CHAIRMAN DEVLIN: Just one moment,
3 please, Representative Skroch.

4 UNIDENTIFIED MEMBER: I think her
5 playback --

6 CHAIRMAN DEVLIN: Representative Skroch,
7 do you have something that's playing back the
8 discussion there by chance? Is that what we're
9 getting the feedback on? Representative Skroch,
10 you'll have to unmute yourself now. Thank you.

11 REPRESENTATIVE SKROCH: Are you ready
12 for me?

13 CHAIRMAN DEVLIN: We are ready.

14 REPRESENTATIVE SKROCH: Okay. Thank you
15 very much.

16 CHAIRMAN DEVLIN: Are you watching the
17 livestream?

18 REPRESENTATIVE SKROCH: I am.

19 CHAIRMAN DEVLIN: Could you turn off the
20 livestream?

21 REPRESENTATIVE SKROCH: I will --

22 CHAIRMAN DEVLIN: And then you'll just
23 be on the Teams meeting with us.

24 REPRESENTATIVE SKROCH: I can try.

25 CHAIRMAN DEVLIN: Representative Skroch,



1 you're going to get a phone call from IT in just
2 less than a minute, then hopefully we can fix
3 this so we can have your testimony. So just give
4 us a second.

5 (Recess taken)

6 REPRESENTATIVE SKROCH: All right.
7 Everybody hear me now?

8 CHAIRMAN DEVLIN: Yes.

9 REPRESENTATIVE SKROCH: Okay. We had
10 technical difficulty there.

11 Chairman Devlin, and members of the
12 committee, for the record, this is Representative
13 Kathy Skroch coming before you today, and I thank
14 you for the opportunity. I know how hard you've
15 worked, how diligently you've worked on these
16 proposals that are being presented before the
17 whole committee.

18 My comments are not directed at any
19 particular individual, but in speaking on behalf
20 of my district, from the very first proposal
21 presented before the committee, there's been
22 little consideration for the survival of District
23 26. Principles that have been considered are
24 preserving existing districts and keeping any
25 intact legislators in place, but District 26



1 legislators have been not left intact. We've
2 moved a senator from 26 into 25. We moved a
3 representative from 26 into 24. And a
4 representative from District 26 into 25.

5 From my perspective, the proposals, in
6 the effort of building and preserving other
7 districts, has been done totally at the expense
8 of District 26 and its voters. It was stated
9 that a priority in redistricting is preserving
10 existing districts. My people have been left out
11 and they're not happy with the plan proposed, or
12 similar plans proposed.

13 The principle of maintaining the
14 integrity of dually elected legislators is not
15 being followed. The 2020 election has been blown
16 up, so to speak, and the voters disenfranchised
17 from District 26. Of the five incumbents that
18 are now in District 25, there will be two
19 senators and three house members not dually
20 elected by the voters of District 26.

21 A question was raised of what principles
22 are being used. The principle of incumbency,
23 keeping counties whole, keeping districts whole,
24 and that all comes down to the perspective of the
25 individual draftsman of a proposal. The



1 principle of one-person, one-vote is supposedly a
2 priority in the consideration of redrafting of
3 the districts, but District 26 has been blown out
4 by the dissolving of the entire district.

5 This is also something that was done the
6 last census when we were district 27 and
7 completely dissolved and incorporated into
8 District 25 and District 26. So we've been
9 chosen as the scapegoat, per se, for the last two
10 cycles. If we use the 47-district model, which a
11 perfect population would be 16,576 plus or minus
12 ten percent -- District 26 had growth. We are
13 only two people less than District 20 at 14,354.
14 District 26 is at 14,352. We had a growth of 2.3
15 percent, while District 20 had a growth of only
16 .28 percent. We increased in population by 331.
17 District 12 needed 2000 to stabilize it.
18 District 26 would be in the ballpark if we were
19 to increase its parameter with 1650 people to
20 2000 people. We would be stable.

21 In using the committee's proposal,
22 District 25 is kept whole. District 24 is kept
23 whole. District 28 will be kept whole. While
24 District 26 is destroyed. As one member stated,
25 District 26 is blown up.



1 So what principles were used in
2 dissolving District 26? If a top priority, which
3 was explained by one of the members, if
4 compactness, or continuity, which are
5 Constitutional, or incumbency, and representing
6 the voter's wishes, how is it that District 26,
7 and previously, District 27, happen to be the
8 districts that were dissolved, which are in our
9 very footprint of what is now becoming District
10 25 and District 28?

11 In preserving political subdivisions by
12 the lines being drawn right now in the proposal
13 to preserve District 25, we have school districts
14 that cross the line, and you will be splitting
15 political subdivisions in both school districts
16 and in ambulance districts.

17 So while you're considering these
18 proposals -- and you've moved forward quite
19 rapidly today, though a lot of -- I understand a
20 lot of work was put into this -- I would hope
21 that you would keep an open mind as to
22 reinstating a plan that includes District 26.

23 In following the principles that have
24 been stated and preserving all these other
25 districts, it would be just as reasonable to



1 consider dissolving District 14 and incorporating
2 those counties into District 26 and District 28,
3 to preserve our districts on this southern end of
4 the state, the southeast corner of the state.

5 And keeping in mind that these are very rural
6 districts that won't be representatives, as well,
7 if the electors have to choose from a district
8 that is very urbanely controlled, where we are
9 set as a minority from the very beginning.

10 And that is my concern. I'm speaking on
11 behalf of all the constituents, and all the
12 voters in District 26 that are going through, as
13 I said, the same experience that occurred 10
14 years ago when our district was dissolved and
15 incorporated into other districts.

16 So I intend to keep working. I've been
17 reaching out to various legislators in an effort
18 to not stomp on anybody else's toes, because I
19 know there's a great tug and pull in everything
20 that's being proposed, and everything considered.
21 And at times, there are tensions, obvious, that
22 are being caused by various proposals. But I
23 hope we can work as a committee and as members of
24 District 26 and the surrounding districts to come
25 up with a proposal that will be arguable and



1 considered by this committee, and that this
2 committee will not be closed to that
3 consideration.

4 Thank you, Mr. Chairman.

5 CHAIRMAN DEVLIN: You're welcome. Are
6 there any questions for Representative Skroch?

7 Senator Holmberg.

8 SENATOR HOLMBERG: First of all, thank
9 you very much, first of all, for your passion on
10 the particular issue. That is always comforting,
11 I think, to other legislators when they see
12 someone taking a lead role in an issue that is
13 tough.

14 But I come from a county that's going to
15 lose a district, too. You know, either 19 or 20
16 are gone because -- going back to one of your
17 comments, one-person, one-vote, it's the number
18 of people that are involved. That's why District
19 26, which is what you're talking about, but also,
20 we have District 23 that has disappeared, and we
21 also have District -- either 19 or 20, whatever
22 the number is going to be. But no one is
23 disenfranchised. That's where I think there's a
24 term being used that is inappropriate. Because
25 every individual that's in every one of the



1 counties, Sargent, Richland, Ransom, they all
2 will get to vote. They might vote for different
3 people, but no one has been disenfranchised.

4 But if we, okay, reinstate 26, then what
5 district do we get rid of? Because there has to
6 be a district added because of population,
7 one-person, one-vote, in Cass County, and we have
8 out west, in the Williston area and also West
9 River. So the numbers are going to be -- I mean,
10 what we're doing is driven by the one-person,
11 one-vote.

12 And by the way, I did not do the drawing
13 down in this particular area. I was up in the
14 northeast, and yet, we had to eliminate districts
15 because we just frankly don't have the people
16 anymore. They have moved.

17 REPRESENTATIVE SKROCH: May I respond?

18 CHAIRMAN DEVLIN: You may.

19 REPRESENTATIVE SKROCH: Thank you,
20 Chairman.

21 In your considerations, I think I laid
22 out my arguments as to why it would be just as
23 reasonable to dissolve District 14 and
24 incorporate portions of that into 28 and
25 reestablish District 26. District 26 could



1 remain intact, and using fairly reasonable county
2 boundaries, if the committee would be open to
3 allowing that to happen. It is just as
4 reasonable to dissolve a central district as it
5 is to dissolve District 26. And people will be
6 disenfranchised if their legislators are being
7 put into an entirely different district where
8 they no longer will be able to vote for those
9 legislators. Yes, they may have alternative
10 candidates to vote for. Yes, this is true. But
11 it negates the 2020 election.

12 CHAIRMAN DEVLIN: Senator Holmberg.

13 SENATOR HOLMBERG: Which happens every
14 time there is a redistricting, which we are
15 required to do by the Constitution. But one of
16 the other areas is Richland County, which is kind
17 of interesting because it is the county that is
18 practically ideal population. We had testimony
19 this morning from the Association of Counties
20 urging us to follow those county lines, and
21 Richland County is in the corner, and the
22 proposals that I have seen have Richland County
23 as its own district, which county auditors like.
24 And could you comment on why we should not make
25 an ideal county a district by itself?



1 REPRESENTATIVE SKROCH: Mr. Chairman and
2 Senator Holmberg, I think there are as many
3 arguments as to why you would follow other
4 principles besides just following county lines.
5 But that would be my comment that there are other
6 proposals that would work, as well, that would
7 follow those principles and we could still
8 salvage District 26. It would keep Sargent
9 County whole. It would keep -- we could possibly
10 keep Ransom County whole.

11 Are you still with me?

12 CHAIRMAN DEVLIN: We are.

13 REPRESENTATIVE SKROCH: Okay. But that
14 would be my response, and I think those things
15 have to be taken into consideration. When I
16 looked at Representative Headland's proposal, he
17 is splitting counties to keep a district whole
18 according to a particular set of principles. And
19 we can move Richland County in other directions,
20 as well. District 25 could be kept whole by
21 incorporating to the north. There are other
22 options.

23 CHAIRMAN DEVLIN: Senator Burchard.

24 SENATOR BURCHARD: Mr. Chairman,
25 Representative Skroch, I have a question for you.



1 You made reference to ambulance districts in your
2 presentation. Can you speak to that again?

3 REPRESENTATIVE SKROCH: Yes. The
4 Lidgerwood ambulance district reaches into
5 Sargent County. The Lidgerwood School District
6 reaches into Sargent County. And the proposed
7 line of Richland County being the district
8 boundary will split those two political
9 subdivisions and divide them. That's one of the
10 things that would happen and one of the
11 consequences of making Richland County one
12 district.

13 SENATOR BURCHARD: Thank you.

14 CHAIRMAN DEVLIN: Any other questions
15 for Representative Skroch?

16 (No audible response)

17 Seeing none, thank you, Representative
18 Skroch, for being with us today.

19 REPRESENTATIVE SKROCH: Thank you,
20 Chairman, and members of the committee. I
21 appreciate the opportunity.

22 CHAIRMAN DEVLIN: You bet.

23 Representative Lefor, I believe.

24 I know we've got a couple of people here
25 that have to leave at 3 o'clock, so --



1 SENATOR OBAN: Do you intend on voting
2 on anything past 3 o'clock?

3 CHAIRMAN DEVLIN: I do.

4 SENATOR OBAN: You do.

5 CHAIRMAN DEVLIN: Representative
6 Headland, did you want to see me for a minute?

7 Take exactly a two-minute break.

8 (Recess taken)

9 CHAIRMAN DEVLIN: ... what you have.

10 REPRESENTATIVE LEFOR: Yes. Thank you,
11 Mr. Chairman. If you take a look at the
12 southwestern area proposal that I provided to the
13 committee earlier today, we have already voted on
14 District 31, so you can take that part out.

15 In District 33 -- if I can get counsel
16 to bring that up, please.

17 When my plan took southern Dunn and put
18 it in District 39, that was originally District
19 4, we had to make a population adjustment, and I
20 worked with counsel and Senator Bekkedahl that we
21 would move a few townships from District 33 to
22 District 4.

23 And if you could highlight that area
24 we're talking about.

25 So if you look at the northwest corner



1 of McLean, not including Garrison, you see
2 St. Mary, Blackwater, and so those two areas plus
3 the area in between would go from 33 to 4. And
4 so that's the only difference that I propose for
5 District 33. But I'm not -- I would move that
6 change for today. For my motion for today, I
7 would move that the committee accept Districts
8 36, 37, 39 and the new District, District Y, with
9 further discussion on District 33 at a different
10 time.

11 So, again, the changes in District 39,
12 previously, I had a portion of Mercer County in
13 there and I took that out because it was creating
14 havoc in other districts. District 37 and 36
15 were slightly changed to make better lines. It
16 made a lot more sense with the revisions we've
17 made. And District Y is one that is, you know, a
18 lot of different counties, but we were able to
19 keep quite a few counties whole. If you look at
20 District 39, currently, you're going all the way
21 from the southern border to Watford City. So
22 it's a little bit more compressed than it was,
23 but still a geographic challenge.

24 So, Mr. Chairman, I would move that we
25 accept the southwestern area proposal as shown,



1 excluding District 31, which you've already
2 passed. The change to District 33, although, not
3 approving District 33 today, but approving 36,
4 37, 39 and District Y. That would be my motion,
5 Mr. Chairman.

6 SENATOR HOLMBERG: Second.

7 CHAIRMAN DEVLIN: Would you repeat those
8 districts again, Representative Lefor.

9 REPRESENTATIVE LEFOR: I'd be happy to.
10 District 36, 37, 39 and District Y.

11 CHAIRMAN DEVLIN: You have the motion
12 before you. Is there a second?

13 UNIDENTIFIED MEMBER: Senator Holmberg,
14 sir.

15 CHAIRMAN DEVLIN: Oh, I'm sorry.
16 Senator Holmberg second.

17 Now is there a --

18 Representative Bekkedahl.

19 REPRESENTATIVE BEKKEDAHL: Thank you,
20 Mr. Chairman.

21 Representative Lefor, the only thing
22 that I would say is that I'm going to be looking
23 at some of this tonight and bringing the
24 proposals for the rest of the northwest tomorrow.
25 But the area that you highlighted --



1 Emily, can you go and highlight it more
2 on that area around Garrison and bring that up in
3 more detail. There you go, right there. If you
4 can zoom in on that.

5 Okay. Just for the committee's
6 reference for today, if you look south of the --
7 at the top pink area, there's actually the lake
8 there, so there's a big geographic boundary
9 between current District 33 and District 4 there.

10 So, actually, go more to the right if
11 you -- no, no. I mean, I want to see the right
12 side more. There you go. Okay. Okay. So if
13 you go straight up, you see that little box is
14 where Garrison is, if you can go to that. Okay.

15 So taking the two townships that
16 we've -- or three townships we've taken up to
17 that point that's in this motion, adds enough
18 people to District 4 with the loss of 1100 people
19 in Dunn County for the plan before us now, puts
20 them under the five percent threshold deviation,
21 just under. If you actually follow the
22 geographic boundary of the lake and take in
23 Garrison, that township down to the lines there,
24 down to the lake --

25 I don't know how you do that, Emily.



1 But see where the line comes across
2 horizontally and takes that little diagonal to
3 the southwest. If took Garrison in that township
4 and actually added that into District 4, as well,
5 it would put them even at a higher plus, and it
6 would not take out enough in district 33 where it
7 effects their numbers or their deviation. That
8 may give us the opportunity to take townships
9 further north of there that are right next to
10 Velva, which is District 6 now, and move some of
11 District 4 into District 6, which needed help in
12 population.

13 So I just want to reserve the right to
14 readdress this tomorrow, even though it's not in
15 your motion, Representative Lefor, and bring
16 forth those changes, possibly, tomorrow when we
17 talk about northwest, if that's okay.

18 REPRESENTATIVE LEFOR: Works for me.

19 CHAIRMAN DEVLIN: Emily, you had a
20 concern.

21 MS. THOMPSON: Just a quick note for the
22 committee, Mr. Chairman. Zooming in on this
23 area, you'll notice there doesn't appear to be a
24 bridge right in this area. So again, the members
25 of the district have to be able to travel within



1 the district without leaving the district, and so
2 without a bridge, looks like we'd have to kind of
3 expand or connect with a bridge somewhere in this
4 area.

5 REPRESENTATIVE BEKKEDAH: So if I could
6 response, Mr. Chairman?

7 CHAIRMAN DEVLIN: You may.

8 REPRESENTATIVE BEKKEDAH: So that's why
9 I think keeping Garrison in this area, which is
10 bounded by the lake on the south, is more
11 contiguous to District 4 than it is to District
12 33, because they literally have to drive around
13 and cross two bridges to get back into District
14 33 because of that lake boundary to the south.
15 So hopefully, that's what Emily was pointing out.

16 REPRESENTATIVE BOSCH: Mr. Chairman.

17 CHAIRMAN DEVLIN: Representative
18 Bosch.

19 REPRESENTATIVE BOSCH: Thank you.

20 My questions was previous to what Emily
21 pointed out, but just so I understand, you're
22 going to work on that night to help solve that
23 problem?

24 REPRESENTATIVE LEFOR: Correct.

25 CHAIRMAN DEVLIN: So, Representative



1 Lefor, do we need to hold up on this motion until
2 tomorrow morning?

3 REPRESENTATIVE LEFOR: Well, here's what
4 I would propose, that the motion would be 36, 37,
5 39, and Y, and leave District 33 for further
6 discussion.

7 CHAIRMAN DEVLIN: Okay.
8 Senator Erbele.

9 SENATOR ERBELE: Chairman, and
10 Representative Lefor, in other discussions, there
11 was always that piece of Dunn County that was
12 immediately below the reservation. I'm not
13 really familiar with that area. Where is that
14 going? Is that some of the population that's
15 being shifted across up to Garrison then now?
16 Are you taking that piece of Dunn into 39? Am I
17 understanding that right?

18 REPRESENTATIVE LEFOR: Mr. Chairman,
19 Senator Erbele, the northern part of Dunn County
20 will go to District 39. The southern portion of
21 Dunn County will go to District Y. And there's a
22 small -- in the southeast corner of Dunn County
23 that will stand in District 36 due to a
24 legislator residing there.

25 SENATOR ERBELE: So then the prior -- of



1 Dunn County that was part of District 4 is now
2 in --

3 REPRESENTATIVE LEFOR: 39.

4 SENATOR ERBELE: -- in 39. That's my
5 question.

6 CHAIRMAN DEVLIN: And so, are we
7 confused with the motion, or are we good with the
8 motion?

9 REPRESENTATIVE LEFOR: It's a great
10 motion.

11 CHAIRMAN DEVLIN: It really was. Who
12 made the great second? Was there a great second?
13 Was that Senator Burckhard?

14 SENATOR BURCKHARD: Second.

15 CHAIRMAN DEVLIN: Yes. That's who I
16 thought it was. Yeah.

17 Representative Boschee.

18 REPRESENTATIVE BOSCHEE: Thank you,
19 Mr. Chairman. As was stated earlier, I
20 appreciate that this map is much more cleaner
21 with county lines and jurisdictions. I do have a
22 great concern with what we're doing with Dunn
23 County, and I understand that the rationale for
24 this map is to protect an incumbent, but that
25 impact is not only subdividing that county into



1 three legislative districts, but also creating
2 more work for the Dunn County auditor.

3 UNIDENTIFIED MEMBER: (Indiscernible)

4 REPRESENTATIVE BOSCHÉE: Correct. So
5 technically, four legislative districts.

6 So I will be opposing the motion. While
7 I understand that incumbency might be one of the
8 reasons we protect, I don't think -- you know,
9 for someone who might not be serving there
10 tomorrow after we vote on this any longer, I
11 don't think it's a strong enough rationale to
12 subdivide a county that we can fix and clean up a
13 straight line. Thank you.

14 CHAIRMAN DEVLIN: Response or further
15 discussion of any kind?

16 Senator Bekkedahl.

17 SENATOR BEKKEDAHL: Thank you,
18 Mr. Chairman.

19 And just a question, Representative
20 Lefor, that little segment of green that she's
21 got the curser on right now, is that part of the
22 Y District that's actually in Stark County too?
23 So do you cross the boundary there and bring some
24 of Stark County into Y?

25 REPRESENTATIVE LEFOR: That is correct.



1 If you notice the --

2 SENATOR BEKKEDAHL: Is that a numbers
3 issue? Is that why you did that?

4 REPRESENTATIVE LEFOR: Yes. Yes.
5 Because if you look at --

6 SENATOR BEKKEDAHL: Because it looks
7 cleaner on the county line, so --

8 REPRESENTATIVE LEFOR: Right. But it is
9 most definitely a population issue because, if I
10 remember correctly, I think it was only about 19
11 or 20 under the absolute minimum. Yes, it's a
12 population issue.

13 CHAIRMAN DEVLIN: Population in that
14 area --

15 MS. THOMPSON: If I may, Mr. Chairman
16 and Representative Lefor. It looks like these
17 green areas that dip from Y down into Stark
18 County, there is no people here, six here, zero,
19 two, and three.

20 REPRESENTATIVE LEFOR: Is that --

21 MS. THOMPSON: I just wanted to clarify
22 if this should be in 36 or --

23 REPRESENTATIVE LEFOR: Is that Dunn
24 County?

25 MS. THOMPSON: Dunn County, the lines,



1 if I shut off the districts, you can see those
2 county lines nice and bright.

3 REPRESENTATIVE LEFOR: Okay. So that
4 would be in Stark.

5 MS. THOMPSON: Yes. Stark is here --
6 Stark is in the yellow, in the southern part of
7 the image. Dunn is in the northern part of the
8 image. But it looks like there are just a few
9 census blocks that Y picked up --

10 REPRESENTATIVE LEFOR: My opinion would
11 be then let's move those into Stark County for
12 consistency. I wasn't aware of that.

13 MS. THOMPSON: And I can check the
14 population really quickly on that so the
15 committee can see what that looks like.

16 REPRESENTATIVE LEFOR: There's not many
17 people there, so --

18 MS. THOMPSON: So Mr. Chairman,
19 Representative Lefor, it looks if we make that
20 change, the deviation goes from negative 4.88, to
21 negative 4.95 in Y, and it goes from negative
22 3.99 in 36, to negative 3.93.

23 CHAIRMAN DEVLIN: Any further
24 discussion? Do you know what you're voting for?

25 UNIDENTIFIED MEMBER: I don't.



1 CHAIRMAN DEVLIN: That's okay. Yeah,
2 just follow.

3 Okay. You may poll the committee.

4 MS. THOMPSON: Chairman Devlin.

5 REPRESENTATIVE DEVLIN: Yes.

6 MS. THOMPSON: Representative Bellew.

7 REPRESENTATIVE BELLEW: Yes.

8 MS. THOMPSON: Representative Boschee.

9 REPRESENTATIVE BOSCHEE: No.

10 MS. THOMPSON: Representative Headland.

11 REPRESENTATIVE HEADLAND: Yes.

12 MS. THOMPSON: Representative Lefor.

13 REPRESENTATIVE LEFOR: Yes.

14 MS. THOMPSON: Representative Monson.

15 REPRESENTATIVE MONSON: Yes.

16 MS. THOMPSON: Representative Nathe.

17 REPRESENTATIVE NATHE: Yes.

18 MS. THOMPSON: Representative Schauer.

19 REPRESENTATIVE SCHAUER: Yes.

20 MS. THOMPSON: Senator Holmberg.

21 SENATOR HOLMBERG: Aye.

22 MS. THOMPSON: Senator Bekkedahl.

23 SENATOR BEKKEDAHL: Aye.

24 MS. THOMPSON: Senator Burckhard.

25 SENATOR BURCKHARD: Aye.



1 MS. THOMPSON: Senator Erbele.

2 SENATOR ERBELE: Aye.

3 MS. THOMPSON: Senator Klein.

4 SENATOR KLEIN: Aye.

5 MS. THOMPSON: Senator Oban.

6 SENATOR OBAN: No.

7 MS. THOMPSON: Senator Poolman.

8 SENATOR POOLMAN: Aye.

9 MS. THOMPSON: And Senator Sorvaag.

10 SENATOR SORVAAG: Aye.

11 MS. THOMPSON: Mr. Chairman, the motion
12 carries.

13 CHAIRMAN DEVLIN: Thank you, Emily.

14 Representative Headland, are we close to
15 moving ahead on the other ones or not?

16 REPRESENTATIVE HEADLAND: Mr. Chairman,
17 could I have 10 minutes with Emily?

18 CHAIRMAN DEVLIN: Yeah. We're going to
19 lose Senator Oban and Representative Boschee here
20 in just a minute. I would like them to --

21 SENATOR OBAN: I ditched out on my
22 employer, so --

23 CHAIRMAN DEVLIN: You're going to stay
24 here?

25 SENATOR OBAN: I guess so. Yes.



1 CHAIRMAN DEVLIN: Okay.

2 Okay. If we will allow Senator Headland
3 to work on the -- we're having a difference --
4 not a difference of opinion, but when I did
5 Stutsman County, I just took the townships that I
6 needed to make the numbers balance, while they
7 made -- the incumbents in District 29 may -- and
8 12 may want different townships, so
9 Representative Headland wanted a chance to at
10 least look at that, and that's more than fair.
11 So if you want to take some time, committee,
12 we'll stand in recess for 10 minutes.

13 (Recess taken)

14 CHAIRMAN DEVLIN: Representative
15 Headland has a new concept on the Stutsman County
16 area, if you would be so kind.

17 Will Representative Boschee be able to
18 see it on the screen, Emily?

19 MS. THOMPSON: He should be able to.

20 CHAIRMAN DEVLIN: Okay.

21 I think, Representative Headland, we all
22 have maps, so you can present it from either
23 place.

24 REPRESENTATIVE HEADLAND: All right.

25 Thank you, Mr. Chairman, committee members. You



1 know, in looking at the direction I could see we
2 were going with our area, and the map that was
3 handed out -- and I think it was based off of --
4 I believe it was eastern proposal number two --

5 CHAIRMAN DEVLIN: Yep.

6 REPRESENTATIVE HEADLAND: I just didn't
7 really care for the way that turned out on the
8 map, so I'm going to offer this proposed change,
9 and I guess you can all see it in front of you.
10 It simply adds three townships on the border, the
11 southeast border of Stutsman County to District
12 12. It would take away the two furthest west
13 townships offered in the eastern proposal number
14 two and put them back in 29. There's a little
15 sliver up in the one precinct around the
16 Jamestown area in the southwest where Senator
17 Wanzek lived that was put in 29 and -- or
18 remained in 29 in this proposal, and that now
19 would also go to District 12.

20 If you can blow that up, Emily, so it
21 really can be shared with everybody. And Emily,
22 can you point that out to that area, so the
23 committee can see it. Okay. Well thank you.

24 Now, when we did this and did this
25 alone, it threw 29, I believe out of the



1 tolerance. So at that point, we went up to the
2 eastern part of the reservoir and there was a
3 couple of census blocks that were 29 prior to the
4 last reorganization, and they were moved to 12 to
5 make the numbers work back then, and I think
6 we're asking to move them back into 29 now, to
7 make the numbers work today.

8 And, you know, Emily, is that something
9 that you could actually bring up and show?

10 All right. That would be the area that
11 we're talking about that would move from 12 to 29
12 to make this proposal work. It was formally 29.
13 I just think it's something that looks better for
14 the future of these districts and these areas,
15 and I'm not sure how you want to proceed. I
16 think it's something that would -- I ask it be
17 considered in a new proposal, or am I asking this
18 to be considered on its own merits, or how do you
19 want me to --

20 CHAIRMAN DEVLIN: Well, I think --

21 REPRESENTATIVE HEADLAND: It doesn't
22 work, or doesn't need to be done, Mr. Chairman,
23 unless the eastern area proposal two is somehow
24 accepted.

25 CHAIRMAN DEVLIN: Yeah.



1 REPRESENTATIVE HEADLAND: I'm thinking.

2 CHAIRMAN DEVLIN: So essentially,
3 you're --

4 REPRESENTATIVE HEADLAND: Making
5 Jamestown whole and then adding enough rural --

6 CHAIRMAN DEVLIN: Right.

7 REPRESENTATIVE HEADLAND: -- townships
8 to make a district.

9 CHAIRMAN DEVLIN: So with the tweaks
10 that were just made to 29 and 12 in the Jamestown
11 area, if you have the eastern area proposal that
12 we had distributed last week, that would not
13 change -- I mean, there would be little changing
14 in 12 and 29, but the overall concept of 29,
15 those five counties would stay the same. 12
16 would change a little bit. So I don't know,
17 committee, do you want to take that as one, or if
18 you want to do the Barnes/Ransom area and the
19 Richland area and the District 28 all in one
20 motion? What is your preference?

21 Senator Oban.

22 SENATOR OBAN: Mr. Chairman, I'm just
23 trying to see that piece you said that previously
24 was in 29, then was moved to 12, now you're
25 moving back to 29 --



1 REPRESENTATIVE HEADLAND: Mr. Chairman,
2 that is not part of the city limits of Jamestown.
3 It's --

4 CHAIRMAN DEVLIN: It is. Was it in 29
5 ten years ago, is that what it was?

6 REPRESENTATIVE HEADLAND: It was.

7 CHAIRMAN DEVLIN: Yes. Okay. So it's
8 not part of the City of Jamestown, so that's
9 why --

10 SENATOR OBAN: And how does one get
11 there? Like, I mean, I realize it's butting up
12 against the northern -- I mean, is there --

13 REPRESENTATIVE HEADLAND: Mr. Chairman,
14 I believe it's a Highway 20 that would make the
15 border on the eastern portion of that.

16 MS. THOMPSON: Mr. Chairman and
17 Representative Headland, that's correct, it's
18 Highway 20.

19 SENATOR OBAN: Oh, okay. Thank you.

20 CHAIRMAN DEVLIN: Representative
21 Schauer.

22 REPRESENTATIVE SCHAUER: Thank you,
23 Mr. Chairman.

24 Representative Headland, the pushback
25 earlier on your presentation was that you were



1 breaking up too many counties. Does this change
2 allow you to be comfortable with the counties
3 being part of these various districts that we're
4 talking about, the counties as a whole?

5 REPRESENTATIVE HEADLAND: Mr. Chairman,
6 Representative Schauer, am I comfortable in
7 breaking up the district I've served for 22
8 years? No, I'm not. But if I'm looking for what
9 makes the best districts in a proposal that has
10 the votes, I didn't have the votes, so I think
11 this is the next best option.

12 CHAIRMAN DEVLIN: Representative
13 Headland, if you just want to make the motion to
14 accept -- or excuse me -- Legislative District 29
15 and 12 as you just presented them, I think we'll
16 take that as one motion.

17 REPRESENTATIVE HEADLAND: Mr. Chairman,
18 I would make that motion.

19 CHAIRMAN DEVLIN: Is there a second?

20 SENATOR HOLMBERG: Second.

21 CHAIRMAN DEVLIN: Seconded by Senator
22 Holmberg.

23 SENATOR BEKKEDAHL: Mr. Chairman.

24 CHAIRMAN DEVLIN: Senator Bekkedahl.

25 SENATOR BEKKEDAHL: Just a



1 clarification, just so I know, entire corporate
2 limits now of the City of Jamestown is in one
3 district; is that correct?

4 REPRESENTATIVE HEADLAND: Mr. Chairman,
5 Senator Bekkedahl, I believe that's the case
6 unless through some check that Emily does to make
7 sure if we've missed something, but its intent is
8 to --

9 SENATOR BEKKEDAHL: Okay. Well, and I
10 think that's a positive. I just wanted to
11 clarify it, so thank you.

12 MS. THOMPSON: Mr. Chairman,
13 Representative Headland, I can highlight the
14 corporate limits of Jamestown on the map, so you
15 can all see where those lines are. As you can
16 see by the highlighting, there is a small
17 portion, right kind of where my curser is moving
18 there, that is in District 29 that is within the
19 corporate limits of Jamestown, so it is not
20 entirely encompassed in District 12. A small
21 portion of the corporate limits of Jamestown is
22 in 29. I can zoom in.

23 REPRESENTATIVE HEADLAND: Mr. Chairman.

24 CHAIRMAN DEVLIN: Representative
25 Headland.



1 REPRESENTATIVE HEADLAND: Can I ask how
2 many -- is that one census block? Is it several
3 census blocks? And if added to the proposal,
4 would it keep the proposal in both districts, you
5 know, within the range percentage?

6 MS. THOMPSON: Mr. Chairman and
7 Representative Headland, I can certainly check on
8 that.

9 UNIDENTIFIED MEMBER: It's not going to
10 hurt 29. It will help 29.

11 SENATOR BEKKEDAHL: Mr. Chairman, if I
12 could just comment?

13 CHAIRMAN DEVLIN: Senator Bekkedahl.
14 I'm sorry.

15 SENATOR BEKKEDAHL: Thank you. If we
16 could make that change, I just think it makes
17 election administration easier if we stay within
18 the corporate limits of the city, so -- for the
19 auditors.

20 CHAIRMAN DEVLIN: Senator Oban.

21 SENATOR OBAN: Just while we're waiting
22 for this, is it safe to assume that carve out is
23 done for Wanzek, Senator Wanzek? I don't know
24 where he lives. Is that where he lives?

25 CHAIRMAN DEVLIN: No.



1 REPRESENTATIVE HEADLAND: I thought,
2 Mr. Chairman, I already had made that, so --

3 SENATOR OBAN: Oh -- oh, he was already
4 -- in what you're proposing, he was already moved
5 into 12?

6 MS. THOMPSON: And so, Mr. Chairman and
7 Representative Headland, adding that red
8 highlighted area, so the entire corporate limits
9 of Jamestown is fully encompassed in District 12,
10 that would change the deviation for District 12
11 to a positive 5.85 percent, and 29 to a negative
12 12.14 percent. There is roughly 1400 people in
13 that highlighted red area.

14 SENATOR OBAN: But Mr. Chairman,
15 currently, District 12 does not go all the way
16 down either, does it? I mean, the idea of
17 keeping that city part whole -- and I have no
18 idea how many people are in all of that
19 surrounding area. Is that currently how 12 is?

20 UNIDENTIFIED MEMBER: (Indiscernible)

21 SENATOR OBAN: Yeah. So we went from 12
22 being just the city to 12 now being most of the
23 city and rural.

24 MS. THOMPSON: Mr. Chairman, Senator
25 Oban, I can certainly pull up that 2010 map if



1 the committee would like a quick few of what
2 District 12 looks like.

3 SENATOR BEKKEDAHL: And Mr. Chairman, if
4 I could.

5 CHAIRMAN DEVLIN: Senator.

6 SENATOR BEKKEDAHL: Thank you for your
7 comment. It's not the worst thing in the world
8 if the administration has to deal with that split
9 in Jamestown. We do it in Grand Forks, we do it
10 Fargo, we do it in Williston, we do it -- that's
11 all -- I just thought if it was convenient and
12 didn't impact those numbers, we could do. But I
13 would digress to what his original proposal is if
14 we could keep the concept the way it was.

15 UNIDENTIFIED MEMBER: Mr. Chairman,
16 Senator Bekkedahl, that's what I would support,
17 also.

18 CHAIRMAN DEVLIN: Was there a second?

19 SENATOR HOLMBERG: Second.

20 CHAIRMAN DEVLIN: Second by Senator
21 Holmberg.

22 MS. THOMPSON: Mr. Chairman, committee
23 members, on your screen you can see the current
24 boundaries of District 12 highlighted in yellow
25 there, so you'll notice that that portion that we



1 highlighted in red on the previous map currently
2 is not included in District 12, so that would not
3 be a change from 2011.

4 SENATOR OBAN: Mr. Chairman.

5 CHAIRMAN DEVLIN: Senator.

6 SENATOR OBAN: If I could just ask
7 Representative Headland about that -- why
8 wouldn't we encompass more of the city if 12 has
9 to grow? Do the numbers just not work out for 29
10 then? Is that -- even when you're adding in
11 those other counties?

12 REPRESENTATIVE HEADLAND: Well,
13 Mr. Chairman and Senator Oban, yeah, I guess I
14 didn't fully investigate the eastern area
15 proposal number two and completely understand
16 what it was doing. I was trying to modify to
17 accommodate what I thought looked like some
18 gerrymandering in the proposal, so --

19 SENATOR OBAN: Is that easy enough to
20 check quick, or is it not, Emily?

21 MS. THOMPSON: Mr. Chairman, committee
22 members, could you please restate exactly what
23 you were looking for there?

24 SENATOR OBAN: Just encompassing the
25 part that Senator Bekkedahl had just mentioned.



1 CHAIRMAN DEVLIN: I thought that was
2 what threw it off 1100 people.

3 SENATOR OBAN: Right. But we didn't do
4 anything to what was proposed in encompassing all
5 of those county subdivisions then south of
6 Jamestown. We left all of that in. Or Spirit
7 Wood, and I mean, the wrap around.

8 MS. THOMPSON: Okay, so Mr. Chairman,
9 committee members, you're looking at removing all
10 of these additional townships other than the
11 corporate limits of Jamestown? Is that --

12 SENATOR OBAN: Potentially. And if
13 that's not -- again, I think just doing this on a
14 whim when we do it once every 10 years is very
15 painful to me, but --

16 SENATOR POOLMAN: Mr. Chairman?

17 CHAIRMAN DEVLIN: Senator Poolman.

18 SENATOR POOLMAN: Might we request that
19 this proposal come back just in the morning when
20 it's been --

21 CHAIRMAN DEVLIN: I have no problem,
22 except Representative Headland cannot be here
23 tomorrow.

24 SENATOR POOLMAN: But if he put the
25 plans together --



1 SENATOR DEVLIN: We know -- yeah.

2 SENATOR POOLMAN: You know, if he
3 submits what he wants to submit, can we assume
4 that --

5 SENATOR DEVLIN: It's just the balance
6 of numbers in Stutsman County between the city
7 and the rural.

8 REPRESENTATIVE BELLEW: But
9 Mr. Chairman, were they not balanced when he
10 proposed it and they became unbalanced because we
11 decided to move that section of the city away?
12 That's what caused the imbalance.

13 CHAIRMAN DEVLIN: Right.

14 REPRESENTATIVE BELLEW: Wasn't that not
15 balanced when he presented to -- this previous
16 sheet is balanced; is that correct? It is.

17 CHAIRMAN DEVLIN: Yeah. What
18 Representative Headland presented was balanced,
19 yeah. So it was just when we started to play
20 with that little bit of the corporate part. I
21 think if you adopt what Representative Headland
22 presented, I think everything will be find
23 between 12 and 29 as far as the numbers.

24 SENATOR KLEIN: Mr. Chairman.

25 CHAIRMAN DEVLIN: Senator Klein.



1 SENATOR KLEIN: And you know,
2 understanding that he's going to be gone
3 tomorrow, but I mean, a lot of this happened here
4 in the last hour and has everybody had a chance
5 to kind of settle that in? This morning's
6 concept was had most of the morning and now we're
7 kind of -- I don't know if we're rushing into it.
8 I -- if he's on board, I guess I'm on board,
9 so -- but nevertheless, I sense there's some
10 where I'm sitting here that are -- and I want to
11 make sure that, you know, everything that they've
12 done is -- everybody's happy with because it's --
13 it's his concept, so -- I just don't want to rush
14 into it.

15 REPRESENTATIVE HEADLAND: Mr. Chairman?

16 CHAIRMAN DEVLIN: Representative --

17 REPRESENTATIVE HEADLAND: Can I just get
18 clarification? This is just moving a concept
19 forward, right? This could all still be changed,
20 correct? If we vote on it, or not?

21 CHAIRMAN DEVLIN: Yeah. We still have
22 to vote on a concept map, you know, which could
23 also be changed if we wanted to bring something
24 back next week. But then the legislature also
25 has a chance to weigh into it, so I mean, there's



1 two or three other opportunities to tweak it if
2 needed. But I think what you presented was
3 perfectly balanced, and at this stage, that's
4 what we need, so --

5 Any further discussion? Who was it?

6 I guess we -- committee, I've asked by
7 somebody watching online if we would remember to
8 turn on our microphones when we vote because they
9 can't always tell how people voted.

10 So you may poll the committee.

11 MS. THOMPSON: Chairman Devlin.

12 REPRESENTATIVE DEVLIN: Yes.

13 MS. THOMPSON: Representative Bellew.

14 REPRESENTATIVE BELLEW: Yes.

15 MS. THOMPSON: Representative Boschee.

16 REPRESENTATIVE BOSCHEE: No.

17 MS. THOMPSON: Representative Headland.

18 REPRESENTATIVE HEADLAND: Yes.

19 MS. THOMPSON: Representative Lefor.

20 REPRESENTATIVE LEFOR: Yes.

21 MS. THOMPSON: Representative Monson.

22 REPRESENTATIVE MONSON: No.

23 MS. THOMPSON: Representative Nathe.

24 REPRESENTATIVE NATHE: Yes.

25 MS. THOMPSON: Representative Schauer.



1 REPRESENTATIVE SCHAUER: Yes.

2 MS. THOMPSON: Senator Holmberg.

3 SENATOR HOLMBERG: Yes.

4 MS. THOMPSON: Senator Bekkedahl.

5 SENATOR BEKKEDAHL: Aye.

6 MS. THOMPSON: Senator Burckhard.

7 SENATOR BURCKHARD: Aye.

8 MS. THOMPSON: Senator Erbele.

9 SENATOR ERBELE: Aye.

10 MS. THOMPSON: Senator Klein.

11 SENATOR KLEIN: Aye.

12 MS. THOMPSON: Senator Oban.

13 SENATOR OBAN: No.

14 MS. THOMPSON: Senator Poolman.

15 SENATOR POOLMAN: Aye.

16 MS. THOMPSON: And Senator Sorvaag.

17 SENATOR SORVAAG: Aye.

18 MS. THOMPSON: And Mr. Chairman, the
19 motion carries.

20 CHAIRMAN DEVLIN: Thank you.

21 Committee, I know we're pushing the
22 window here, but being we've dealt with 29 and
23 12, does somebody wish to make a motion on 24
24 with Barnes and Ransom County like was proposed
25 last time, and Richland County self-contained



1 except for the reservation part in Sargent?

2 UNIDENTIFIED MEMBER: I would move that.

3 REPRESENTATIVE BOSCHÉE: Second.

4 CHAIRMAN DEVLIN: And a motion and a
5 second on that. Is there discussion?

6 SENATOR SORVAAG: Mr. Chairman.

7 CHAIRMAN DEVLIN: Senator Sorvaag.

8 SENATOR SORVAAG: Just for clarity, so
9 the reservation is in 25 then? Okay.

10 CHAIRMAN DEVLIN: 200 people, is that
11 what it was, Senator? Roughly, yep.

12 UNIDENTIFIED MEMBER: 206

13 REPRESENTATIVE BOSCHÉE: Mr. Chairman.

14 CHAIRMAN DEVLIN: Representative
15 Boschée.

16 REPRESENTATIVE BOSCHÉE: Probably should
17 have asked this before I made a second, but we're
18 saying Barnes and Ransom stays whole. That
19 corner of Cass County is not --

20 CHAIRMAN DEVLIN: That is not in there.
21 It was only -- yeah, that was corrected last
22 time. It's only Barnes and Ransom County.

23 UNIDENTIFIED MEMBER: It's correct
24 online.

25 CHAIRMAN DEVLIN: Yeah. It's correct



1 online but it isn't correct in the original
2 printed one. That was the Chairman's mistake.
3 So we're doing Barnes and Ransom one district
4 which will be 24 and Richland County all
5 contained, except along with a little bit of
6 Sargent County that's the reservation would be
7 District 25, and that's what the motion was.

8 Further discussion?

9 (No audible response)

10 Seeing none, you may poll the committee.

11 MS. THOMPSON: Chairman Devlin.

12 REPRESENTATIVE DEVLIN: Yes.

13 MS. THOMPSON: Representative Bellew.

14 REPRESENTATIVE BELLEW: Yes.

15 MS. THOMPSON: Representative Boschee.

16 REPRESENTATIVE BOSCHEE: Yes.

17 MS. THOMPSON: Representative Headland.

18 REPRESENTATIVE HEADLAND: Yes.

19 MS. THOMPSON: Representative Lefor.

20 REPRESENTATIVE LEFOR: Yes.

21 MS. THOMPSON: Representative Monson.

22 REPRESENTATIVE MONSON: Yes.

23 MS. THOMPSON: Representative Nathe.

24 REPRESENTATIVE NATHE: Yes.

25 MS. THOMPSON: Representative Schauer.



1 REPRESENTATIVE SCHAUER: Yes.

2 MS. THOMPSON: Senator Holmberg.

3 SENATOR HOLMBERG: Aye.

4 MS. THOMPSON: Senator Bekkedahl.

5 SENATOR BEKKEDAHL: Aye.

6 MS. THOMPSON: Senator Burckhard.

7 SENATOR BURCKHARD: Aye.

8 MS. THOMPSON: Senator Erbele.

9 SENATOR ERBELE: Aye.

10 MS. THOMPSON: Senator Klein.

11 SENATOR KLEIN: Aye.

12 MS. THOMPSON: Senator Oban.

13 SENATOR OBAN: Yes.

14 MS. THOMPSON: Senator Poolman.

15 SENATOR POOLMAN: Aye.

16 MS. THOMPSON: And Senator Sorvaag.

17 SENATOR SORVAAG: Aye.

18 MS. THOMPSON: And Mr. Chairman, the
19 motion carries.

20 CHAIRMAN DEVLIN: Thank you.

21 Now, committee, we need to deal with
22 Legislative District Number 28 which under the
23 map that's left would include Logan, LaMoure,
24 McIntosh, Dickey, and Sargent County, with the
25 exception of the reservation part that went into



1 Richland. Anybody want to make that into a
2 motion for District 28?

3 SENATOR OBAN: Did you just say
4 Logan/LaMoure?

5 CHAIRMAN DEVLIN: It's Logan, LaMoure,
6 McIntosh, Dickey, and Sargent, except for that
7 little bit. It's the same as on eastern proposal
8 two that I presented last week.

9 SENATOR OBAN: Oh got it. Thank you.

10 REPRESENTATIVE SCHAUER: I'd move we
11 approve District 28 as outlined.

12 CHAIRMAN DEVLIN: Representative
13 Schauer.

14 SENATOR HOLMBERG: Second by Senator
15 Holmberg.

16 CHAIRMAN DEVLIN: Second by Senator
17 Holmberg. Was there discussion?

18 Representative Boschee.

19 REPRESENTATIVE BOSCHEE: Thank you,
20 Mr. Chairman. So just -- because I'm obviously
21 looking at the paper in front -- this one has
22 Emmons as orphaned. Did we adopt Emmons
23 somewhere else already, or is it still orphaned?

24 CHAIRMAN DEVLIN: Which one?

25 UNIDENTIFIED MEMBER: Oh, Emmons is



1 still --

2 CHAIRMAN DEVLIN: Yeah. That was in the
3 one that they were talking about somebody else
4 was presenting. Senator Poolman presented
5 something that included Emmons and I'm sure we'll
6 have more on that tomorrow.

7 REPRESENTATIVE BOSCHEE: Okay. But we
8 haven't approved that then?

9 CHAIRMAN DEVLIN: No.

10 REPRESENTATIVE BOSCHEE: Okay. Thank
11 you.

12 CHAIRMAN DEVLIN: Further discussion?
13 (No audible response)
14 Pool the committee.

15 MS. THOMPSON: Chairman Devlin.

16 REPRESENTATIVE DEVLIN: Yes.

17 MS. THOMPSON: Representative Bellew.

18 REPRESENTATIVE BELLEW: No.

19 MS. THOMPSON: Representative Boschee.

20 REPRESENTATIVE BOSCHEE: Yes.

21 MS. THOMPSON: Representative Headland.

22 REPRESENTATIVE HEADLAND: No.

23 MS. THOMPSON: Representative Lefor.

24 REPRESENTATIVE LEFOR: No.

25 MS. THOMPSON: Representative Monson.



1 REPRESENTATIVE MONSON: Yes.

2 MS. THOMPSON: Representative Nathe.

3 REPRESENTATIVE NATHE: No.

4 MS. THOMPSON: Representative Schauer.

5 REPRESENTATIVE SCHAUER: Yes.

6 MS. THOMPSON: Senator Holmberg.

7 SENATOR HOLMBERG: Yes.

8 MS. THOMPSON: Senator Bekkedahl.

9 SENATOR BEKKEDAHL: Aye.

10 MS. THOMPSON: Senator Burckhard.

11 SENATOR BURCKHARD: Aye.

12 MS. THOMPSON: Senator Erbele.

13 SENATOR ERBELE: Aye.

14 MS. THOMPSON: Senator Klein.

15 SENATOR KLEIN: Aye.

16 MS. THOMPSON: Senator Oban.

17 SENATOR OBAN: No.

18 MS. THOMPSON: Senator Poolman.

19 SENATOR POOLMAN: Aye.

20 MS. THOMPSON: Senator Sorvaag.

21 SENATOR SORVAAG: Aye.

22 MS. THOMPSON: Mr. Chairman, the motion
23 carries.

24 CHAIRMAN DEVLIN: To my knowledge, the

25 only thing we have to do left in the eastern part



1 of the state is the very northeast.

2 SENATOR HOLMBERG: Mr. Chairman.

3 CHAIRMAN DEVLIN: Senator Holmberg.

4 SENATOR HOLMBERG: I would -- have we
5 don't 14, by the way?

6 CHAIRMAN DEVLIN: Nope.

7 SENATOR HOLMBERG: I would move that we
8 accept from eastern proposal area two, District
9 9, 10, and we'll argue later about 20 whether
10 that should be 19 or 20, but those three
11 districts which includes Traill, Grand Forks,
12 Walsh, Pembina, Cavalier, most of Towner, and
13 Rolette.

14 CHAIRMAN DEVLIN: Is there a second?

15 SENATOR POOLMAN: Second.

16 SENATOR HOLMBERG: It's --

17 CHAIRMAN DEVLIN: It's eastern area
18 proposal two right across the top.

19 SENATOR HOLMBERG: Rolette, Towner --
20 with the exception of the part that has been
21 Ramsey -- Cavalier, Pembina, Walsh, rural Grand
22 Forks, and Traill.

23 CHAIRMAN DEVLIN: Representative Monson.

24 REPRESENTATIVE MONSON: Thank you. Was
25 that a motion?



1 SENATOR HOLMBERG: Yes. It was a
2 motion.

3 REPRESENTATIVE MONSON: Is there a
4 second someplace already?

5 CHAIRMAN DEVLIN: Yes. Senator Poolman
6 seconded it.

7 REPRESENTATIVE MONSON: Okay. And I see
8 the train coming down the track and I am wishing
9 we had more options. We're down to a corner. I
10 mean, we've got Minnesota on one side, Canada on
11 the other, and there's just no -- there's no
12 wiggle room left. We've approved enough things
13 that -- I just -- I'm going to oppose it but I'm
14 sure it's going to pass, and I'll be able to live
15 with it, but I don't like it, so --

16 CHAIRMAN DEVLIN: Further discussion.

17 (No audible response)

18 Seeing none, poll the committee.

19 MS. THOMPSON: Chairman Devlin.

20 REPRESENTATIVE DEVLIN: Yes.

21 MS. THOMPSON: Representative Bellew.

22 REPRESENTATIVE BELLEW: No.

23 MS. THOMPSON: Representative Boschee.

24 REPRESENTATIVE BOSCHEE: No.

25 MS. THOMPSON: Representative Headland.



1 REPRESENTATIVE HEADLAND: Yes.

2 MS. THOMPSON: Representative Lefor.

3 REPRESENTATIVE LEFOR: Yes.

4 MS. THOMPSON: Representative Monson.

5 REPRESENTATIVE MONSON: No.

6 MS. THOMPSON: Representative Nathe.

7 REPRESENTATIVE NATHE: Yes.

8 MS. THOMPSON: Representative Schauer.

9 REPRESENTATIVE SCHAUER: Yes.

10 MS. THOMPSON: Senator Holmberg.

11 SENATOR HOLMBERG: Yes.

12 MS. THOMPSON: Senator Bekkedahl.

13 SENATOR BEKKEDAHL: Aye.

14 MS. THOMPSON: Senator Burckhard.

15 SENATOR BURCKHARD: Aye.

16 MS. THOMPSON: Senator Erbele.

17 SENATOR ERBELE: Aye.

18 MS. THOMPSON: Senator Klein.

19 SENATOR KLEIN: Aye.

20 MS. THOMPSON: Senator Oban.

21 SENATOR OBAN: No.

22 MS. THOMPSON: Senator Poolman.

23 SENATOR POOLMAN: Aye.

24 MS. THOMPSON: And Senator Sorvaag.

25 SENATOR SORVAAG: Aye.



1 MS. THOMPSON: Mr. Chairman, the motion
2 carries.

3 CHAIRMAN DEVLIN: Thank you. Now I
4 think the committee needs to deal with District
5 14 and 15. Do you want to take them both
6 together? Because there is any changes from the
7 way they were proposed, at this time, so --

8 SENATOR POOLMAN: Mr. Chairman, I would
9 move that we approve Districts 14 and 15 as seen
10 on the eastern area proposal two.

11 CHAIRMAN DEVLIN: Who seconded? Senator
12 Klein.

13 Discussion?

14 (No audible response)

15 Seeing none, we'll pool the committee.

16 MS. THOMPSON: Chairman Devlin.

17 REPRESENTATIVE DEVLIN: Yes.

18 MS. THOMPSON: Representative Bellew.

19 REPRESENTATIVE BELLEW: Yes.

20 MS. THOMPSON: Representative Boschee.

21 REPRESENTATIVE BOSCHEE: Yes.

22 MS. THOMPSON: Representative Headland.

23 REPRESENTATIVE HEADLAND: Yes.

24 MS. THOMPSON: Representative Lefor.

25 REPRESENTATIVE LEFOR: Yes.



1 MS. THOMPSON: Representative Monson.

2 REPRESENTATIVE MONSON: Yes.

3 MS. THOMPSON: Representative Nathe.

4 REPRESENTATIVE NATHE: Yes.

5 MS. THOMPSON: Representative Schauer.

6 REPRESENTATIVE SCHAUER: Yes.

7 MS. THOMPSON: Senator Holmberg.

8 SENATOR HOLMBERG: Yes.

9 MS. THOMPSON: Senator Bekkedahl.

10 SENATOR BEKKEDAHL: Aye.

11 MS. THOMPSON: Senator Burckhard.

12 SENATOR BURCKHARD: Aye.

13 MS. THOMPSON: Senator Erbele.

14 SENATOR ERBELE: Aye.

15 MS. THOMPSON: Senator Klein.

16 SENATOR KLEIN: Aye.

17 MS. THOMPSON: Senator Oban.

18 SENATOR OBAN: Yes.

19 MS. THOMPSON: Senator Poolman.

20 SENATOR POOLMAN: Aye.

21 MS. THOMPSON: And Senator Sorvaag.

22 SENATOR SORVAAG: Aye.

23 MS. THOMPSON: Mr. Chairman, the motion

24 carries.

25 CHAIRMAN DEVLIN: Thank you. I believe



1 that now we're down to the western North Dakota
2 and area from Emmons County north to Canada.
3 This has to be worked out, and I don't know if
4 Senator Poolman or who was all working on that;
5 but hopefully we can have something for the first
6 thing in the morning on that, and then we can get
7 out a preliminary map tomorrow; and we'll go from
8 there.

9 I thank you for your hard work today.
10 I'm sorry that it got kind of delayed but blame
11 the Chairman. I've got broad shoulders, so --

12 Is there anything else for the good of
13 the order today?

14 (No audible response)

15 Seeing none, thank you. We're recessed
16 until tomorrow morning at 9:00 -- correct?

17 (END OF VIDEO FILE)

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Julie Thompson, CET-1036

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