

HF4598 - 1A - Ind. Redistricting Cmsn; Constitutional Amendment

Chief Author: **Jamie Long**
 Committee: **State And Local Government Finance And Policy**
 Date Completed: **4/3/2024 2:55:11 PM**
 Lead Agency: **Secretary of State**
 Other Agencies:
 Legislature Supreme Court

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology	X	
Local Fiscal Impact	X	

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
State Total						
	Total	-	-	-	-	-
	Biennial Total			-		-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-

Lead LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

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State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
Total		-	-	-	-	-
Biennial Total				-		-

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State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology	X	
Local Fiscal Impact	X	

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State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

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State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027	
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

This bill proposes a constitutional amendment relating to the legislature, proposing three changes: establishing an independent redistricting commission for congressional and legislative districts; removing the current limit of 120 legislative days per session as well as the calendar deadline for adjournment; and prohibiting members from acting as a lobbyist while holding office or for one year following the end of their service. There is also statutory language for the implementation of the commission.

There are many details to the implementation of the mandate of the commission to redistrict congressional and legislative districts each ten years after the decennial Census, but for the purpose of this fiscal note, the aspects that affect the secretary of state are:

- a. The proposal of a constitutional amendment on the ballot at the November 2024 election to adopt an entirely new article XV to the Minnesota Constitution; and
- b. The participation of the Office of the Secretary of State in the selection of the initial members of the Commission, every ten years, should the proposed constitutional amendment fail in 2024.

The bill presents two alternative methods of implementation of redistricting one if the constitutional amendment is approved, see Article 2, and one if the constitutional amendment is NOT approved, see Article 3. With respect to the secretary of state, the duties imposed by this bill are primarily under Article 3.

The portions of the bill proposing a constitutional amendment are found in Article 1, sections 1 and 2. Section 1 sets forth in great detail not covered here the structure, redistricting principles to be followed, selection process, and duties of the Independent Redistricting Commission, while section 2 sets the language to appear on the November 2024 general election ballot.

Article 1 also provides, in section 4 of the proposed Article XV, that the Commission file the adopted redistricting plan with the secretary of state.

The portions of this bill covering the role of the secretary of state in the selection of the Commission appear in Article 3, which adopts statutes applicable if the constitutional amendment is not ratified by the people.

In Article 3, a selection process is detailed which provides that the secretary of state, before January 1 of each year ending in zero, open a widely publicized process, and circulate applications in a manner that encourages wide public participation of eligible residents from different regions of the state to apply for membership on the commission. Applications shall be made available in both electronic and printed forms, in formats accessible for people with disabilities. Applications are public data. This section also sets forth in great detail the information to be provided in the application form as well as requiring the secretary of state to design the form, make it available in both electronic and printed formats, and sets the deadline for receipt of the applications at March 1 of each year ending in zero, The secretary is then to review the applications for completeness and provide those applications which have met all the requirements to the executive director of the Legislative Coordinating Commission by March 15 of each year ending in zero.

After a lengthy selection process, the names of those persons selected as members are to be reported to the secretary of state, and those members must take and file with the secretary of state, an oath prior to taking office as Commission members.

While Minnesota Statutes, section 15.0597 is referenced, the process laid out in Article 3, section 2 diverges substantially from that process.

Assumptions

The costs for the selection processes set forth in Article 3, are not to occur until FY30. Those are addressed in the long-term portion of this note but are far in the future.

The expenditure portion of this fiscal note covers only the cost of proposing the constitutional amendment. There will be minor programming for the Office of the Secretary of State and more substantial programming, tabulating, printing, and publishing costs to county auditors in preparing the ballots to include the constitutional amendment. Pursuant to section 204B.29, subd.1, there must be more ballots printed than voted for the office in the last election; either ten percent more than the number expected to be cast, or 100 ballots for every 85 voters who voted for the same office in the last election. As 2024 is a presidential election year, and in 2020 there were 3,292,997 persons who voted, a ten percent increase would require that 3,622,297 ballots be printed statewide.

Expenditure and/or Revenue Formula

Constitutional Amendment Election Process: Estimated Secretary of State programming costs for reporting votes cast for the proposed amendment, canvassing the results, and preparing example ballots:

One hour of programmer time @ \$100.00/hour = \$100

One hour of elections administrator time @ \$50/hour = \$50

Total Cost: \$150 (FY25)

The Secretary of State is able to absorb the costs identified as part of ongoing operational activities.

Long-Term Fiscal Considerations

This bill requires substantial expenses for the secretary of state if the constitutional amendment does not pass, to take place in FY 30.

This includes the potential creation of a system for the solicitation, gathering and initial review of applications for positions on the redistricting commission, because of the specific ways in which the application process diverges from that in Minnesota Statutes, section 15.0597. There are both IT programming staff costs as well as public records program staff costs. While it is somewhat speculative to predict what cost rates would be in effect six years from now, as well as what the computing system would look like at that time, if we were to do these functions today, the costs would include 60 hours of computing time, which is currently costed at \$100/ hour, plus 107 hours of program staff time, costed at \$50/hour, for a total of \$8,466 at 2024 rates. Again, applying these rates to expenditures so far in the future would be speculative.

Local Fiscal Impact

There are costs to local government, including for adding the amendment question to the ballot card, programming tabulating machines and counting votes cast, and printing and publishing notices of the constitutional amendment.

The bulk of the costs are for adding the question to 3,622,297 optical scan ballots. It is estimated that there is a five cent per ballot cost for that function.

3,622,297 ballots @ \$.05/ballot/constitutional question = \$181,114.85

If several constitutional amendments are put on the ballot, local election officials may need to provide voters with a second ballot. The number of constitutional amendments that would require any specific jurisdiction to use a second ballot will vary depending upon the number of other races on the ballot. According to the vendor printing most of the ballots in the state, the average cost of printing a second ballot is 29 cents. If all counties had to print second ballots, this would mean printing an additional 3,622,297 ballots for an added cost of approximately \$1,050,466.13 instead of the estimated \$181,114.85 for adding the question to an existing ballot.

References/Sources

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Chief Author: **Jamie Long**
 Committee: **State And Local Government Finance And Policy**
 Date Completed: **4/3/2024 2:55:11 PM**
 Agency: **Legislature**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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Biennial Total			-			-

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Total	-	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

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State Cost (Savings) Calculation Details

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Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

Article 1 of the bill proposes constitutional amendments to be presented to the voters during the 2024 general election that:

- a. prohibits legislative members from being employed as a lobbyist while seated in the legislature and for one-year following the end of their term.
- b. removes the limitation for the legislature to meet for more than 120 legislative days and the requirement for the legislature to adjourn by the first Monday following the third Saturday in May.
- c. permits each body to adjourn for longer than three days upon notice to the other body.
- d. establishes an independent redistricting commission, beginning with redistricting following the 2030 census.

Article 2 of the bill outlines the statutory provisions of the Independent Redistricting Commission if the constitutional amendment were to pass. Articles 1 and 2 establish a panel responsible for the selection of members to the commission, provide for the responsibilities and timelines for the work of the commission, identifies redistricting principles, and establishes an account in the special revenue fund for the work of the commission.

The A1 amendment establishes a Citizens Advisory Redistricting Commission in Minn. Statute, 2A.30 in the event the constitutional amendment is not passed. It outlines eligibility and process of selection of members of the advisory commission, responsibilities of the commission, role of the LCC, principles of redistricting, the timelines by which the advisory commission must complete its work and provides an appropriation to the LCC.

Assumptions

This fiscal note includes a discussion of cost considerations if the constitutional amendment were to pass.

Article 1, Legislative Reform Items

- 1. Prohibiting legislative members from being employed as a lobbyist while serving in the legislature or for one-year following the end of their term would not have a budget impact on the legislature.
- 2. The costs/savings of permitting each body to adjourn for longer than three days upon notice to the other body cannot be determined. There could be savings associated with member per diem (\$86/day) and expenses; however, that would be dependent on the overall calendar and whether members continue to engage in other official activities for which they would continue to be eligible for these costs.
- 3. Removing the 120-day limit and the required May adjournment would provide authority for the legislature to convene itself for additional days and at other times of the year.

4. The legislative calendar cannot be predicted and is anticipated to be determined by legislative leadership.
5. It cannot be assumed that the legislature would meet either more or less frequently; however, this change would permit the legislature to meet during any time of the year.
6. The legislature would continue to be required to pass an operating budget by July 1 of the odd year.
7. There may be associated costs if the legislature does meet more frequently. These costs cannot be quantified at this time due to the uncertainty of how the legislative calendar may change. These costs include:
 - Additional staff in the Revisor's office necessary to process bill requests during the time period existing staff are focused on publishing laws and statutes. This likely would require the Revisor's office to hire dedicated staff to focus more exclusively on the editorial and publication tasks year-round.
 - Increased professional technical contract costs for broadcasting services, closed captioning of legislative proceedings, and printing/publication services. For example, public television broadcasting services currently cost \$3,896 per day.
 - Potential increases in legislator per diem and expenses if the legislature met more frequently than they currently do. Current per diem costs are \$86 per member per day.
 - Additional staff may be required for a variety of purposes to accommodate the shifting nature and timing of workflow. The average legislative staff compensation (salary plus benefits) is \$114,783 per year.
 - Transitioning temporary, session only staff in various offices across the legislature to permanent positions resulting in increased benefits eligibility. Benefits cost an average of 32% on top of an employee's salary.
 - Potential office space rental if staff increases occur and space is not available within the current space available to the legislature. Lease costs vary across locations. Current annual lease costs in the Centennial Office Building are \$18 per square foot.
8. If the legislature does meet more frequently throughout the course of the year, there will be limited existing staff capacity to conduct the work that typically occurs during the legislative interim such as studies, informational briefs, fiscal note post enactment reviews, and staffing of working groups/task forces. There may also be implications to timelines for IT system maintenance, upgrades, and replacements which primarily occur during the legislative interim.
9. There may also be efficiencies or savings in certain areas depending on the nature of operations and calendar adopted by legislative leadership.

Articles 1 and 2, Independent Redistricting Commission

If the constitutional amendment passes, then the following costs are projected and provided as secondary cost for consideration:

1. The chief justice of the supreme court must appoint two retired judges to serve on the Redistricting Commission Applicant Screening Panel, which must convene by February 15 of a year ending in zero to select another judge to serve on the panel. The panel is charged with soliciting, reviewing, and selecting applicants to serve on the commission. It is assumed that any officing or equipment costs for the three judge panel will be addressed in the fiscal note provided by the courts. Cost for the panel meeting participation will be included in this fiscal note.
2. The Legislative Coordinating Commission (LCC) must contract with a consultant who will provide operational and logistical support for the panel by January 1, 2030. The LCC must assist the panel in hiring any other additional staff and securing office and meeting space. The consultant is expected to be contracted with for the period of January 1 through December 31 of the year ending in zero.
3. Applications to serve on the redistricting commission close on July 1 of a year ending in zero. The panel must select 30 qualified applicants each that represent the first political party, the second political party, and do not affiliate with either political party for a total of 90 applicants. It is assumed that this occurs over the course of four meetings to

take place between July 1 and August 1 of the year ending in zero.

4. The panel must accept public comment on the applicants via a website portal. It is anticipated that the panel will need a 0.25 FTE IT specialist beginning January 1 through December 31, 2030.
5. The panel must conduct and broadcast screening interviews with the 90 candidates. It is assumed that six candidates would be interviewed each day over the course of 15 days between August 1 and September 1 of the year ending in zero. It is assumed that a working lunch will occur, and the cost of meals and refreshments will be necessary.
6. The panel will meet once between September 1 and September 15 of the year ending in zero to publish a list of finalists for the commission. The finalists will include 15 members of the first political party, 15 members of the second political party, and 15 members that do not represent either party for a total of 45 finalists.
7. The chair of the panel must select three applicants from each of the pools by random lot in a public meeting which will identify nine members of the commission.
8. All meetings of the panel will be held on the Capitol complex, streamed to the web, and include the opportunity for remote participation.
9. The chair of the screening panel must convene the first meeting of the commission by November 15 of the year ending in zero. The commission must be fully seated within 60 days of the first meeting.
10. The commission is comprised of 15 members, with five members of the first political party, five members of the second political party, and five members who do not affiliate with either party. Nine members of the commission are selected by the screening panel and the remaining six members must be selected by majority vote of the commission from the finalists. It is assumed this will be completed in one meeting held on the Capitol complex that will be streamed and permit for remote participation.
11. The commission will hold 16 public meetings throughout the state between January and September of the year ending in one. There will be facility costs associated with each of these meetings.
12. The commission will meet three times between October and December of the year ending in one to consider and adopt the final plan and report. These meetings will be held on the Capitol complex, streamed to the web, and include the opportunity for remote participants.
13. Members of the commission are eligible for compensation and expenses as provided by section 15.057, subd. 3.
14. Panel and commission public member meeting participation costs include the following per member per meeting expense costs: per diem (\$55/day), \$102 round trip mileage (152 round trip mile average), meals (\$42/day) and lodging for half of the eligible members (\$150/night).
15. The LCC must contract with a consultant who will provide operational and logistical support for the commission by January 1 of the year ending in zero. The LCC must assist the panel in hiring any other additional staff and secure office and meeting space. The consultant is expected to be contracted with for the period of January 1 of the year ending in zero through December 31 ending in one and will also serve as general counsel to the commission. This fiscal note assumes that the commission would also hire additional staff as outlined below to support the work of the commission:
 - A 0.5 FTE technology specialist will be employed between January 1 and December 31 of the year ending in one to assist with website development, designing a portal for public comment, streaming meetings, and ensuring accessibility of information on the website.
 - A 1.0 FTE commission assistant to work with the consultant on operational and logistical support for the commission for the period of January 1 through December 31 of the year ending in one.
 - A 1.0 FTE GIS specialist to assist with map development and technical review of plans for the period of January 1 through December 31 of the year ending in one.
16. Materials must be made available in all languages as required by state or federal law.

17. Costs for all new staff will include salary, FICA cost and employer contribution for health insurance for the length of their employment but no employer pension contribution since limited term employees cannot participate in MSRS.

18. Existing office space will be used for the new staff but there will be costs for workstation build-out and computer equipment for the new staff in the year ending in zero. Office space and equipment will not be provided for consultants.

19. Operational costs associated with the new staff include throughout the length of their employment, in part, supplies, specialized software, and professional development/training and travel costs.

20. Foreign language translation and accessibility translation services will be provided as requested by the public for all meetings. Cost will be incurred.

21. The LCC fiscal services office will provide financial and human resources support to the commission. The executive director will assist with the hiring of staff. These costs will be absorbed.

22. The bill provides an approach in the event the commission fails to adopt a plan or is reconstituted due to the court order. This would involve additional meetings of the commission and there would be additional meeting costs. These additional costs are not included in this fiscal note.

A1 Amendment, Citizens Advisory Redistricting Commission

If the constitutional amendment does not pass, then the following cost are projected and being provided as secondary costs for consideration:

1. The Office of the Secretary of State (OSS) will publish applications for the citizens' advisory redistricting commission during the period of January 1 through March 1 of years ending in zero and will provide applicants to the LCC by March 15 of the year ending in zero. Any costs associated with the publication of applications will be identified in the fiscal note from the OSS.

2. The LCC will appoint a Redistricting Advisory Group which is comprised of the executive directors of the eight executive branch councils that are specified in the bill by February 15 of a year ending in zero. The eight members of the group are employees of state entities.

3. The Redistricting Advisory Group will meet three times between March 15 and April 1 to screen and sort applications. It is assumed that meetings will be held within the Capitol complex and that any costs associated with attending the meetings will be covered by the organizations.

4. The executive director of the LCC will provide the applicant pools to the majority and minority leaders of the house and senate by April 1 of a year ending in zero. The leaders will each select five applicants and submit the names to the LCC executive director by April 15. The LCC will make lists of applicants available to all leaders who will then each strike three names as prescribed in the bill by April 29. The remaining eight individuals will serve on the advisory commission. The executive director will then select via lottery the four remaining members to the advisory commission. These activities are expected to occur via letter and will not involve a meeting.

5. All members of the Citizens Advisory Redistricting Commission (redistricting commission) will be public members. Public member meeting participation costs include the following per member per meeting expense costs: per diem (\$55/day), \$102 round trip mileage (152 round trip mile average), meals (\$42/day) and lodging for half of the eligible members (\$150/night).

6. The twelve advisory commission members will meet no later than May 15 to select six more members. This is expected to take place at a meeting on Capitol complex with members eligible for per diem and expenses. *(Note: Line 7.33 indicates that there are 15 members, however there are actually 18 members as per the selection process specified in the bill. Eight selected by legislative leadership, line 7.7, four selected by lottery from the LCC executive director, line 7.12, and six selected by the 12 members selected by legislative leadership and the LCC executive director, line 7.18.)*

7. The members of the redistricting commission will meet four times between May 15 and July 1 of the year ending in zero to receive training, develop draft rules of procedure, and receive public comment. These meetings will take

place within the Capitol complex with the opportunity for remote participation.

8. The commission will host eight community informational town halls across the state in coordination with the Redistricting Advisory Group between July 1 of the year ending in zero and August 31 of the year ending in one. Two meetings will be held in the metro area and six meetings will be held outside of the metro area. The members of the commission will be eligible for per diem and expenses and the Advisory Group will be eligible for expense reimbursement to attend these meetings. Expenses for advisory group will be the same as outlined in assumption #5 except for per diem. As state employees, group members are ineligible for per diem. There will be facility costs associated with these town halls.
9. The commission will hold 16 public hearings, with at least eight held in Greater Minnesota, in different regions of the state between September 1 of the year ending in zero and February 15 of the year ending in one. There will be facility costs for these meetings and members of the commission will be eligible for per diem and expense reimbursement.
10. The commission must publish preliminary drafts of plans and will hold one public hearing to allow for comment. This public hearing will be held within the Capitol complex with an opportunity for remote participants and is anticipated to occur in July/August of the year ending in one.
11. The commission will hold two public meetings to consider and adopt final plans by May 1 of a year ending in one. These meetings will occur within the Capitol complex with an opportunity for remote participants.
12. The commission is required to post notices of public meetings in local news sources and in languages required under the Voting Rights Act. The commission is also required to make reports available for public comment in multiple languages.
8. The commission will need to develop a website and forum to collect public input. The LCC will provide 0.50 FTE of a technology specialist for the period of March 1 for a year ending in zero through December 31 of a year ending in one to design, develop, and maintain the website and ensure accessibility of information provided.
9. The LCC will hire a full-time research analyst that will be employed for the period of March 1 of years ending in zero through December 31 of years ending in one to perform delegated duties of the executive director of the LCC.
10. The LCC will hire a full-time commission assistant for the period of March 1 of years ending in zero through December 31 of years ending in one to provide logistical and administrative support for the work of the commission.
11. The commission will hire a full-time general counsel that will be employed for the period of March 1 of years ending in zero through December 31 of years ending in one.
12. The LCC will hire a full-time GIS specialist for the period of March 1 of a year ending in zero through December 31 of years ending in one to provide subject matter expertise and mapping services to the commission.
13. The commission will meet two additional times on the Capitol complex within 30 days of the enactment into law or adoption by court order of a redistricting plan to consider and adopt the activity and evaluation report required by the bill.
14. The LCC fiscal services office and executive director will dedicate time, that will be absorbed to support the fiscal, human resources, and supervisory activities associated with the work of the commission and associated staff.
15. Costs for all new staff will include salary, FICA cost and employer contribution for health insurance for the length of their employment but no employer pension contribution since limited term employees cannot participate in MSRS.
16. Existing office space will be used for the new staff but there will be costs for workstation build-out and computer equipment for the new staff in the year ending in zero.
17. Operational costs associated with the new staff include throughout the length of their employment, in part, supplies, specialized software, and professional development/training and travel costs.
18. Foreign language translation and accessibility translation services will be provided as requested by the public for all meetings. Cost will be incurred.

19. If the original plan submitted by the commission is not adopted by the legislature and signed into law by the governor there are requirements for the commission to submit two additional plans. If those plans are not adopted, then the commission must submit a plan to the courts by October 1 of a year ending in one. Those activities would require additional meetings of the commission and result in additional per diem and expenses that are not outlined within this fiscal note.

Expenditure and/or Revenue Formula

1. Presenting the question to the voters during the 2024 election does not have a fiscal impact on the legislature.
2. The costs associated with the removal of the 120-day limit and required May adjournment cannot be estimated due to the uncertainty of what the legislative schedule would be.
3. The costs associated with articles 1 and 2 are secondary and are provided to demonstrate costs that would be incurred if the constitutional amendment passes. The costs associated with A1 amendment would occur if the constitutional amendment does not pass.
4. All costs fall outside the timeframe of the table on the cover of the fiscal note.

The following are the projected secondary costs associated with articles 1 and 2 of the bill (if constitutional amendment passes).

<u>Member Meeting Participation Cost</u>			
Cost Category	FY30	FY31	FY32
Subtotal Redistricting Applicant Screening Panel Member Meeting Participation Cost	548	19,176	0
Subtotal Independent Redistricting Cmsn Meeting Participation Cost	0	51,088	33,461
Total Member Mtg Participation Cost for Panel & Cmsn (rounded)	1,000	70,000	33,000
<u>Staffing & Consultant Cost</u>			
Cost Category	FY30	FY31	FY32
Consultant for Applicant Screening Panel	60,000	60,000	0
Consultant to the Cmsn	80,000	160,000	80,000
Tech Specialist for Panel, New Staff (.12 FTE FY30, .12 FTE FY31)	14,154	14,154	0
Tech Specialist for Cmsn, New Staff (.25 FTE FY31, .25 FTE FY32)	0	29,392	29,392
Commission Assistant, New Staff (.50 FTE FY31, .50 FTE FY32)	0	54,611	54,611

LCC GIS Specialis, New Staff (.50 FTE FY31, .50 FTE FY32)	0	74,351	74,351
LCC executive director, Existing Staff, Cost Absorbed (.25 FTE FY30, .30 FTE FY31, .10 FTE FY32)	62,392	74,872	24,964
LCC fiscal supprt, Existing Staff, Cost Absorbed (.10 FY30, .20 FY31, .10 FY32)	14,544	29,090	14,547
Total Staff & Consultant Cost (rounded)	231,000	496,000	278,000
Total Staff Cost Absorbed (existing staff)	(77,000)	(104,000)	(40,000)
Net Staff & Consultant Cost (rounded)	154,000	392,000	238,000
<u>Office Set Up and Operational cost</u>			
Cost Category	FY30	FY31	FY32
Office Set Up Cost (Build-Out, Equipment)	55,000	0	0
Software, Supplies, Staff Travel	19,600	7,000	4,000
Community Meeting Room Facility Rental Cost	0	10,000	6,000
Public Notice Publications	0	3,000	2,000
Translation & Accommodations	0	20,000	5,000
Total Office Set Up and Operational Cost (Rounded)	75,000	40,000	17,000
<u>Total Cost</u>			
Cost Category	FY30	FY31	FY32
Total Member Mtg Participation Cost for Panel & Cmsn (rounded)	1,000	70,000	33,000
Total Office Set Up and Operational Cost (Rounded)	75,000	40,000	17,000
Total Staff & Consultant Cost (rounded)	231,000	496,000	278,000
Total Cost (rounded)	307,000	606,000	328,000
Total Cost Absorbed, Existing Staff (rounded)	(77,000)	(104,000)	(40,000)
Net Total Cost (rounded)	230,000	502,000	288,000

	FY30	FY31	FY32
Total New FTEs	0.12	1.37	1.25

The following are the projected secondary costs associated with amendment A1 (if constitutional amendment does not pass).

<u>Member Meeting Participation Cost</u>			
Cost Category	FY30	FY31	FY32
Subtotal Redistricting Advisory Cmtee Member Meeting Participation Cost	0	18,806	0
Subtotal Citizens Advisory Redistricting Cmsn Member Meeting Participation Cost	23,003	133,086	9,774
Total Member Mtg Participation Cost for All Two Entities (rounded)	23,000	152,000	10,000
<u>Staffing Cost</u>			
Cost Category	FY30	FY31	FY32
LCC Tech Specialist, New Staff (.16 FTE FY30, .50 FTE FY31, .16 FTE FY32)	18,873	58,998	18,899
LCC Research Analyst, New Staff (.33 FTE FY30, 1.0 FTE FY31, .50 FTE FY32)	48,999	148,560	74,339
LCC Commission Assistant, New Staff (.33 FTE FY30, 1.0 FTE FY31, .50 FTE FY32)	36,037	109,281	54,700
LCC General Counsel, New Staff (.33 FTE FY30, 1.0 FY31, .50 FY32)	50,624	153,486	76,802
LCC GIS Specialis, New Staff (.33 FTE FY30, 1.0 FTE FY31, .50 FTE FY32)	49,065	148,760	74,439
LCC executive director, Existing Staff, Cost Absorbed (.25 FTE FY30, .30 FTE FY31, .10 FTE FY32)	62,392	74,872	24,964
LCC fiscal support, Existing Staff, Cost Absorbed (.10 FY30, .20 FY31, .10 FY32)	14,544	29,090	14,547
Total Staff Cost (rounded)	281,000	723,000	339,000
Total Staff Cost Absorbed, Existing (rounded)	(77,000)	(104,000)	(40,000)

Net Staff Cost (rounded)	204,000	619,000	299,000
<u>Office Set Up and Operational cost</u>			
Cost Category	FY30	FY31	FY32
Office Set Up Cost (Build-Out, Equipment)	65,000	0	0
Software, Supplies, Staff Travel	16,000	4,000	1,000
Community Meeting Room Facility Rental Cost	0	24,000	0
Public Notice Publications	0	5,000	0
Translation & Accommodations	0	25,000	0
Total Office Set Up and Operational Cost (Rounded)	81,000	58,000	1,000
<u>Total Cost</u>			
Cost Category	FY30	FY31	FY32
Total Member Mtg Participation Cost for both Two Entities (rounded)	23,000	152,000	10,000
Total Office Set Up and Operational Cost (Rounded)	81,000	58,000	1,000
Total Staff Cost (rounded)	281,000	723,000	339,000
Total Cost (rounded)	385,000	933,000	350,000
Total Cost Absorbed, Existing Staff (rounded)	(77,000)	(104,000)	(40,000)
Net Total Cost (rounded)	308,000	829,000	310,000
	FY30	FY31	FY32
Total New FTEs	1.48	4.50	2.16

Long-Term Fiscal Considerations

Redistricting occurs every 10 years with the costs identified above anticipated to be incurred with each redistricting cycle.

Local Fiscal Impact

N/A

References/Sources

Alexis Stangl, Senate Counsel, Research, and Fiscal Analysis

Eric Nauman, Senate, Counsel, Research, and Fiscal Analysis

Tom Bottern, Secretary of the Senate

Patrick McCormack, House Research Department

Emily Adriaens, House Fiscal Analysis

Pete Skwira, House Controller

Ryan Inman, Revisor of Statutes

Christian Larson, Legislative Budget Office

Chris Canty, Legislative Coordinating Commission

Diane Henry-Wangenstein, Legislative Coordinating Commission

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Wisconsin Legislative Council

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HF4598 - 1A - Ind. Redistricting Cmsn; Constitutional Amendment

Chief Author: **Jamie Long**
 Committee: **State And Local Government Finance And Policy**
 Date Completed: **4/3/2024 2:55:11 PM**
 Agency: **Supreme Court**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karen McKey **Date:** 4/2/2024 7:51:28 AM
Phone: 651-284-6429 **Email:** karen.mckey@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027	
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

Article I of HF4598-1A (the “bill”) proposes an amendment to the Minnesota Constitution that: 1) prohibits legislative members from being employed as a lobbyist while seated in the legislature and for one year following the end of their term; 2) removes the limitation for the legislature to meet for more than 120 legislative days and the requirement for the legislature to adjourn by the first Monday following the third Saturday in May; 3) permits each body to adjourn for longer than three days upon notice to the other body; and 4) establishes an independent redistricting commission, beginning with redistricting following the 2030 census.

Specific to the Minnesota Judicial Branch, Article XV, section 3 of the proposed amendment to the Minnesota Constitution indicates the chief justice of the supreme court must appoint two eligible retired judges to a Redistricting Commission Applicant Screening Panel (the “panel”) no later than January 1 of the year of a decennial census. The two appointees must mutually agree on one additional retired judge to serve as the third member of the panel and as its chair. The panel is charged with soliciting, reviewing, and selecting applicants to serve on the Independent Redistricting Commission (the “commission”). The chief justice must also fill any vacancy on the commission by random lot, from among the pool of applicants selected by the screening panel.

Article XV, section 8, provides that the supreme court shall have exclusive, original jurisdiction in all cases alleging that a redistricting plan adopted by the commission fails to comply with the article’s requirements or applicable law. The supreme court or “other court of jurisdiction” may determine an adopted redistricting plan does not comply and issue a court order to reconstitute the commission. Following reconstitution, the court may order other appropriate relief if the newly adopted redistricting plan still does not comply, including drawing and ordering new districts under its own authority.

Article II of the bill outlines the statutory provisions of the commission if the constitutional amendment were to pass. This section would be effective January 1, 2030. Articles 1 and 2 establish a panel responsible for the selection of members to the commission, provide for the responsibilities and timelines for the work of the commission, identifies redistricting principles, and establishes members of the commission are entitled to compensation and expense reimbursement consistent with the amounts provided by Minn. Stat. § 15.0575, subd. 3. Additionally, the bill identifies the panel and the commission as being subject to chapter 13, and chapter 13D.

The bill repeals Minn. Stat. § 2.91 (“Redistricting Plans”).

The 1A amendment to the bill establishes a Citizens Advisory Redistricting Commission (the “advisory commission”) in Minn. Stat. § 2A.30, in the event the constitutional amendment does not pass. It outlines eligibility and process of selection of members of the advisory commission, responsibilities of the advisory commission, role of the Legislative Coordinating Commission (“LCC”), principles of redistricting, the timelines by which the advisory commission must complete its work, and provides an appropriation to the LCC. Specific to the Minnesota Judicial Branch, if the legislature and governor have not approved a redistricting plan by the deadline, then the advisory commission must submit an approved map to the supreme court for review for adherence to state constitution and statutes. The supreme court shall order implementation of the commission plan in the absence of a legislative plan if it meets all legal requirements and the legislature/governor have not approved the plans by the required date.

Under Minn. Stat. § 2A.30, subd. 27, members of the advisory commission exercise the functions of a public officer and are subject to criminal liability for the purposes of Minn. Stat. § 609.415 to 609.4751.

Assumptions

If the constitutional amendment passes, the chief justice of the supreme court must appoint two retired judges to serve on the Redistricting Commission Applicant Screening Panel. The appointed retired judges will be not employees of the Minnesota Judicial Branch, so it is assumed any officing or equipment costs for the three-judge panel will be the responsibility of the legislature and that any necessary funding will be consistent with Article XV, sec. 9. ("The legislature must provide appropriations by law to sufficiently fund the work of the Redistricting Commission Applicant Screening Panel, including necessary amounts for administrative, professional, and technical services; litigation costs; and other reasonable expenses. Notwithstanding article XI, if sufficient funds are not appropriated by law, the supreme court may order that money be paid out of the state treasury for this purpose.") It is assumed that the costs associated with the panel's meeting participation will be included in the legislature's fiscal note.

It is assumed the three-judge panel implemented as part of the Redistricting Applicant Screening Panel will be entitled to compensation and expense reimbursement consistent with the amounts provided by Minn. Stat. § 15.0575.

It is unknown how many cases will be filed with the Minnesota Supreme Court as a result of this bill that allege a redistricting plan failed to comply with the requirements outlined by the bill or other applicable law. It is assumed that the number of cases filed with the Minnesota Supreme Court will be consistent with the filing rates of other states that have implemented similar legislation involving redistricting commissions. Based on information obtained from a Westlaw search, in the last two years the Supreme Court of Wisconsin had four case filings related to redistricting commissions in 2023 and one in 2022; the Supreme Court of Ohio had one case in 2023 and six in 2022; the Supreme Court of Alaska had one case in 2023; the Supreme Court of New Jersey had two cases in 2022; the Supreme Court of North Carolina had one case in 2023; and the Supreme Court of Kansas had one case in 2022. An additional 1-3 additional case filings with the Minnesota Supreme Court per year would be absorbed by the Minnesota Judicial Branch.

Regarding the criminal liability of Commission members, it is assumed that even if 1/3 of the Commission members' alleged actions result in criminal cases being filed in district court it will not require any additional judicial officers or court staff to process these cases due to the consistently low rate of charges being filed under sections 609.415 to 609.4751. For example, since 2019, data available on the judicial branch's public website indicates there have only been 8 charges filed in the entire state under Minn. Stat. § 609.43, subd. 4 ("Public officer/employee--make a false document"), 4 charges filed under Minn. Stat. § 609.42, subd. 1 ("Bribery"), and 3 charges filed under Minn. Stat. § 609.43, subd. 1 ("Public officer fail to perform duty").

It is assumed the Commission shall comply with chapter 13 (Government Data Practices Act), chapter 13D (Open Meeting Law), and Minn. Stat. §138.17 (government records administration). Any alleged violations of these provisions are not expected to result in a noticeable increase in case filings in district court, as causes of action existed under these chapters prior to this bill and have resulted in a maximum of 4 case filings in one year (in 2020) according to a Westlaw search. It is anticipated any additional cases filed as a result of this bill will not require any additional staff or resources and will be absorbed by the Minnesota Judicial Branch.

Expenditure and/or Revenue Formula

This bill is not anticipated to have a significant fiscal impact on the Minnesota Judicial Branch, and any potential increase in case filings as a result of this bill will be absorbed.

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

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