

1   **TESTIMONY OF DAVID HOGUE IN SUPPORT OF SB 2192**

2   **HOUSE POLITICAL SUBDIVISIONS COMMITTEE**

3   **MARCH 9, 2023**

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5           Good morning Chairman Longmuir, Vice Chairman Fegley and members of  
6   House Political Subdivisions Committee. My name is David Hogue. I am a North  
7   Dakota state senator representing District 38, which includes northwest Minot and the  
8   city of Burlington. I appear before your committee to seek support for Senate Bill 2192.

9           SB 2192 is a request for a mandatory Legislative Management study regarding a  
10   forward look at the way we conduct business as a legislative deliberative body in the  
11   new term limit era. As we all know, with the adoption of Measure 1 in the 2022 general  
12   election, the people of North Dakota voted to impose eight year limits on legislators and  
13   the governor in the general election of 2022.

14          It is my belief that the term limit measure will have profound effects on the way  
15   we conduct business as legislators. I introduce SB 2192 to force us to study those  
16   effects.

17          I was disappointed in the people's decision, but I have confidence that it reflects  
18   their will. We must now accept that decision and adapt to it.

19          As a leader of the 68 Legislative Assembly, I have concerns about how the term  
20   limit measure will impact future legislative assemblies. The structure of the measure,  
21   with its delayed enactment, means legislative members will not be term limited in the  
22   next four years. However, as I read the measure, at the end of the 2027-2029 session,

1 there will be not less than a twenty-five percent turnover in the members of the  
2 legislative assembly. If you impose eight year term limits on legislators, it's simple math  
3 that, with biennial elections, there must be a minimum of 25% turnover every election  
4 cycle. I emphasize minimum because there will likely be a greater turnover of  
5 legislators arising from retirements, vacancies, death or ill health and other factors that  
6 cause a person not to run for the full eight years that are now authorized by Measure 1.

7 A specific concern vaguely articulated by many is whether the executive staff  
8 agency head and legislative lobbyists will acquire more power through their familiarity  
9 with the legislative process in comparison to their relatively younger and less  
10 experienced legislators. I believe that's a valid concern affecting the balance of powers  
11 between the two independent but co-equal branches of government. Perhaps an  
12 interim study of Legislative Management will find a way to address or neutralize this  
13 potential disadvantage of the legislative assembly.

14 Many legislators have suggested that the term limit measure is the policy  
15 directive that should compel us to adopt annual sessions instead of biennial sessions. I  
16 am not in agreement with this sentiment. I believe the citizen legislature in which we  
17 meet on an infrequent, biennial basis, is a strength of North Dakota state governance.

18 I am not suggesting the annual session should not be explored, but we should  
19 not resign ourselves to annual sessions, or use term limits as a means to rationalize  
20 annual sessions when there is not clear reason to do so. I do wonder whether we  
21 should consider increasing the size of legislative council staff to employ more policy  
22 subject matter experts would be worthwhile. If legislators can lean on legislative council

1 policy analysts for guidance and direction, it stands to reason that legislators will have  
2 to rely less on the information and advocacy of lobbyists to make legislative decisions.  
3 A valid criticism of our work is our overreliance on the information and advice of  
4 lobbyists to make decisions. An increase of employment of policy analysts would rebut  
5 that criticism.

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7 Chairman Longmuir and members of the House Political Subdivisions  
8 Committee, I urge your support of SB 2192.