

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

2 **SENATE JUDICIARY COMMITTEE**

3 **JANUARY 18, 2023**

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5 Good morning Madam Chair Larson and members of the Senate Judiciary
6 Committee. My name is David Hogue. I am a North Dakota state senator representing
7 District 38, which includes northwest Minot and the city of Burlington. I appear before
8 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 body in the term limit era.
11 As we all know, with the adoption of Measure 1 in 2022, the people North Dakota voted
12 to impose eight year term limits on legislators and the governor in the general election
13 of 2022. It is my belief that the term limit measure will have profound effects on the way
14 we conduct our business as legislators. I introduce SB 2192 to force us to study those
15 effects.

16 I was disappointed in the people's decision, but I have confidence that it reflects
17 their will. On November 8, 2022, the people adopted the term limit measure while
18 simultaneously rejecting a recreational marijuana measure. That adoption of one
19 measure and rejection of separate measure on the same ballot is a genuine reflection of
20 voter intent on two separate issues. We as a legislature should now embrace the
21 voters' decision.

1 As a leader of the 68 Legislative Assembly, I have concerns about how the term
2 limit measure will impact future legislative assemblies. The structure of the measure,
3 with its delayed enactment, means legislative members will not be term limited in the
4 next four years. However, as I read the measure, at the end of the 2027-2029 session,
5 there will be not less than a twenty-five percent turnover in the members of the
6 legislative assembly. If you impose eight year term limits on legislators, it's simple math
7 that, with biennial elections, there must be a **minimum** of 25% turnover every election
8 cycle. I emphasize minimum because there will likely be a greater turnover of
9 legislators arising from retirements, vacancies, death or ill health and other factors that
10 cause a person not to run for the full eight years that are now authorized by Measure 1.

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

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

1 I am not suggesting the annual session should not be explored, but we should
2 not resign ourselves to annual sessions, or use term limits as a means to rationalize
3 annual sessions when there is not clear reason to do so.

4 I do wonder whether we should consider increasing the size of legislative council
5 staff to employ more policy subject matter experts would be worthwhile. If legislators
6 can lean on legislative council policy analysts for guidance and direction, it stands to
7 reason that legislators will have to rely less on the information and advocacy of lobbyists
8 to make legislative decisions. A valid criticism of our work is our overreliance on the
9 information and advice of lobbyists to make decisions. An increase of employment of
10 policy analysts would rebut that criticism.

11 Madam Chair Larson and members of the Committee, I'm happy to stand
12 for your questions.

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