

2023 SENATE JUDICIARY

SB 2192

2023 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

SB 2192
1/18/2023

A bill relating to the impact of term limits on the legislative assembly.

8:59 AM Madam Chair Larson called the meeting to order.

Madam Chair Larson, Senators, Myrdal, Luick, Estenson, Braunberger, Sickler, Paulson present.

Discussion Topics:

- Term limit impacts
- Write in candidates
- Annual sessions

9:00 Senator David Hogue introduced the bill and testified in favor. **#14088**

9:06 AM Senator Dever verbally testified. (no written testimony)

Additional written testimony:

Kevin Herrmann #14033

9:14 AM Chairman Larson closed the public hearing.

9:14 AM Senator Luick motioned a **DO PASS** on **SB 2192**

9:14 AM Senator Myrdal seconded the motion.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Jonathan Sickler	Y
Senator Ryan Braunberger	Y
Senator Judy Estenson	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion passed. 7-0-0

Chairman Larson will carry the bill.

This bill does not affect workforce development.

9:15 AM Madam Chair Larson closed the meeting.

Patricia Wilkens, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2192: Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2192 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

2023 HOUSE POLITICAL SUBDIVISIONS

SB 2192

2023 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

SB 2192
3/9/2023

Study relating to the impact of term limits on the legislative assembly.

10:30 AM Chairman Longmuir opened the hearing. Members present: Chairman Longmuir, Vice Chairman Fegley, Rep. Hatlestad, Rep. Heilman, Rep. Jonas, Rep. Klemin, Rep. Motschenbacher, Rep. Ostlie, Rep. Rios, Rep. Toman, Rep. Warrey, Rep. Davis, and Rep. Hager. Absent: Rep. Holle

Discussion Topics:

- Business Procedure Review
- Legislative Counsel Structure
- Yearly Turnover

Senator Hogue: Introduced the bill. Testimony #23219

The hearing closed at 10:36 AM

Rep. Ostlie moved a Do Pass;
Seconded by Rep. Jonas

Representatives	Vote
Representative Donald W. Longmuir	Y
Representative Clayton Fegley	Y
Representative Jayme Davis	Y
Representative LaurieBeth Hager	Y
Representative Patrick Hatlestad	Y
Representative Matt Heilman	Y
Representative Dawson Holle	A
Representative Jim Jonas	Y
Representative Lawrence R. Klemin	Y
Representative Mike Motschenbacher	Y
Representative Mitch Ostlie	Y
Representative Nico Rios	Y
Representative Nathan Toman	N
Representative Jonathan Warrey	Y

Roll call vote: 12 Yes 1 No 1 Absent Motion carried.
Carrier: Rep. Heilman

The meeting closed at 10:38 AM.

Delores Shimek, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2192: Political Subdivisions Committee (Rep. Longmuir, Chairman) recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2192 was placed on the Fourteenth order on the calendar.

TESTIMONY

SB 2192

Written testimony for Senate Bill 2192

Madam Chair Larson and Senate Judiciary Committee members

My name is Kevin Herrmann, 300 Fair St. SW, Beulah, ND. I am an independent North Dakota taxpayer.

I stand oppose of Senate Bill 2192. There is no reason for a study of the effects of term limits which was passed in the 2022 general election. The citizens of North Dakota finally got tired of long standing legislators. I do not trust how the study will be conducted in the interim. The main sponsor of Senate Bill 2192, Senator Hogue, has a history of hating Article III Powers Reserved to the People by introducing SCR 4001 in the 2019 Legislative Session. The citizens of North Dakota voted against Measure 2 in 2020 general election pertaining to SCR 4001. Senator Hogue isn't the only legislator has made it known in past legislative session not happy of citizens of North Dakota of getting petitions on the election ballot. Save the time and money in giving this bill a DO NOT PASS recommendation.

Kevin Herrmann
300 Fair St. SW
Beulah, ND 58523
701-873-4163

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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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.

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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.

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19 not resign ourselves to annual sessions, or use term limits as a means to rationalize
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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.

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