

2023 SENATE STATE AND LOCAL GOVERNMENT

SB 2333

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SB 2333
1/27/2023

Relating to annually reconvened sessions of the legislative assembly.

9:00 AM Chair Roers opened the hearing. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Term limits
- December session

Sen Doug Larsen, Dist 34, testified as sponsor and testified in support. #17401

9:30 AM Pete Hennebutt, ND Farm Bureau testified opposed with no written testimony.

9:40 AM Dan Cox, State, NDAuditors Office, testified neutral position. No written testimony.

9:44 AM Chair Roers closed hearing.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SB 2333
2/3/2023

Relating to annually reconvened sessions of the legislative assembly.

10:23 AM Chair opened committee work. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Committee action

Chair Roers suggested a study.

Sen Estenson moved a DO PASS on SB 2333 and Refer to Appropriations.
Sen Cleary seconded.

Roll call vote.

Senators	Vote
Senator Kristin Roers	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Sean Cleary	Y
Senator Judy Estenson	Y
Senator Judy Lee	N

Vote: YES 5 NO 1 Absent 0 Motion Passed

Sen Estenson will carry the bill.

10:43 AM Chair Roers adjourned meeting.

Pam Dever, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2333: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2333 was rereferred to the **Appropriations Committee**. This bill does not affect workforce development.

2023 SENATE APPROPRIATIONS

SB 2333

2023 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee Roughrider Room, State Capitol

SB 2333
2/15/2023

A BILL for an Act relating to annually reconvened sessions of the legislative assembly.

11:11 AM Chairman Bekkedahl opened the meeting on SB 2333.

Members present: **Senators Bekkedahl, Krebsbach, Burckhard, Davison, Dever, Dwyer, Erbele, Kreun, Meyer, Roers, Schaible, Sorvaag, Vedaa, Wanzek, Rust, and Mathern.**

Discussion Topics:

- Annual legislative sessions
- Fiscal impact

11:11 AM Senator Doug Larsen introduced the bill, verbal testimony.

11:34 AM Josh Gallien, ND State Auditor, testified, no written testimony.

Senator Davison moves DO PASS.

Senator Roers seconded the motion.

Roll call vote.

Senators	Vote
Senator Brad Bekkedahl	Y
Senator Karen K. Krebsbach	N
Senator Randy A. Burckhard	Y
Senator Kyle Davison	Y
Senator Dick Dever	N
Senator Michael Dwyer	N
Senator Robert Erbele	N
Senator Curt Kreun	Y
Senator Tim Mathern	Y
Senator Scott Meyer	N
Senator Jim P. Roers	Y
Senator David S. Rust	N
Senator Donald Schaible	Y
Senator Ronald Sorvaag	Y
Senator Shawn Vedaa	Y
Senator Terry M. Wanzek	N

Motion passed 9-7-0

Senator Estenson will carry SB 2333.

11:50 AM Chairman Bekkedahl closed the meeting.

Nathan Liesen on behalf of Kathleen Hall, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2333: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends DO PASS (9 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). SB 2333 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

TESTIMONY

SB 2333

Good Morning Chairwoman Roers and Committee on State and Local Government. For the record my name is Doug Larsen and I am the Senator from District 34, Mandan. This bill is simple, it suggests that the ND Legislature should meet annually.

We have been very proud of our status as one—if not the—smallest state government. The North Dakota Constitution restricts us to 80 days but does not restrict us meeting annually and until a month ago did not restrict the numbers of years we could serve.

Today I am not going to talk about whether I thought term limits on state legislators was a bad idea or whether the particular measure that was overwhelmingly passed was especially damning to how we currently operate.

The reality of the situation is that the Supreme Court of North Dakota allowed the measure on the ballot, the citizens of North Dakota voted in support by a large margin in all counties within the state, and going forward our legislators will only be allowed to serve up to 8 years in the Senate and 8 in the House.

This session we will not feel the effect, nor will we in the 69th Session. It is true we have an unusual amount of new legislators—but we have the seasoned experience in both chambers to assist with the procedural operations of the session. We will not feel this effect for a few years as we will obviously retain quite a bit of seniority for another two election cycles—but the day is coming quickly that the Majority Leader in the Senate will have had at most 3 sessions of experience. The same will be true of all members of the Appropriation Committee—to include the chair.

This will be compounded by the fact that the House chamber will be going through the same situation.

The rules to the game have been changed.

You don't have to like it or agree that they needed to be changed—but we do need to acknowledge the change and if we want to set future legislators to succeed, we need to change how we play the game.

In this session we all witnessed the result of inexperience with our first verification vote on our first bill to reconsider a bill previously heard. It wasn't because the 'scenario' hadn't been discussed or that the 'rule' wasn't made available to the new members—it was because it was a new wrinkle.

Not far from this room, about 23 months ago—just before what is called ‘cross over’ I spoke with a legislators from another chamber. It was explained that it will take at least 2 to 3 sessions to fully understand the legislative process and all of the nuances to the game.

I am in my third term—which includes the 2021 Special Session. For this session I was given a ‘chair.’ As some of you may not know, as a sophomore, I was made chair of the Industry and Business Committee, which at first glance might lead one to believe that it only takes a session or so to make chair.

Though I believe I am capable of conducting the hearings efficiently, I am grateful for the fact that Senator Klein is still on the committee so I feel they are also conducted effectively. He has been a tremendous resource that had we had term limits our committee would be without.

Now opposing testimony will let you know that they do not think you have the restraint to limit yourself. It will suggest that because ‘other states’ have possibly grown—you will not be able to constrain yourself to fix problems that don’t exist. This should be a concern, but let’s consider the actions taken by the Special Session held in November 2021.

Our economy wasn’t as bad off as we were afraid it was going to be when we recessed in April. Bottom-line is we had more money than we anticipated having. We cut taxes—in fact partially because of that tax cut in 2022 ... only 54% of North Dakota filers paid state income tax. That is correct, because of that action 46% of all North Dakotans did not pay income tax.

Vaccine mandates that seemed like something from a horror movie were being pushed. In April of that same year many of us mistakenly believed that that could not happen. But as it did, the legislators in that special session took action.

And what was the purpose of the session? We were required per the constitution to create new legislative districts in accordance with the census information. Multiple plans were submitted and discussed. All action needed to start in an originating chamber, be heard by committee, pass the first chamber, and the second chamber. If there were changes made it needed to go back to the forth until it either passed with consensus of both chambers or died on the floor.

Let’s understand that redistricting was a big deal. Districts were moved from rural areas to urban areas, the idea of splitting districts were discussed and heavily debated, and the results were not pleasant to all legislators.

We covered vaccines, 47 legislative districts, and a tax cut. We opened on a Monday and Sine Died on Friday.

The question before us is do we think that we would be more effective in our 3rd biennial session or 6th Annual? As I previously mentioned, I was in attendance for the November 2021 Special Session—I promise you I was more comfortable in November than I was in the regular session.

How would this work? There are a variety of ways we could make this work. One option could be borrowing an idea from South Dakota that meets annually and has term limits. They utilize a 4-day work week. Conceptually, you could meet Monday, Tuesday, Wednesday, and Thursday in week one and Tuesday through Friday in the next week.

This could allow for a variety of options. We could utilize the 'days off' of floor sessions as committee days or as research days and bill prep. This could certainly make our floor sessions longer—but this could be controlled by a variety of mechanisms.

We could limit the numbers of bills heard in a few ways. We could limit department bills to an 'every other year' basis with exceptions made by a 'exceptional bill' committee. For example, maybe WSI department bills are scheduled for 'odd-number' years, but something huge happens that would make taking one in an 'even' year important. It could have a process that could allow it.

The idea of this bill is not to decide on the how annual sessions would work, but to provide direction to the study that the purpose isn't to discuss the idea to be lay out the framework for annual session to begin with the 69th in 2025 and the 70th in 2026.

Final thoughts ... would departments ask for less money to cover two years if they knew they would be able to ask for more if needed and it was available? Let me rephrase that question ... would legislators be willing to spend less if the idea of being able to revisit this in 10 months was an option? I think it is a thought worth pondering. Lastly, your IBC heard 13 bills this week ... I only have 13 more to hear before crossover. Though 13 was a lot, the previous week was light because there were many ready. Annual sessions could allow us to be more restrictive with our deadline dates.

We could be especially limited in the even number years as there would not be many if any new members.

The rules changed. We don't have to like the change, but we need to proactively adjust to it. Waiting two years to take this action is unnecessary. I urge discussion and a Do Pass recommendation.