

Written Testimony on Engrossed Senate Concurrent Resolution 4008

Chairman Schauer and Government and Veterans Affairs Committee Members

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

I stand oppose to Engrossed Senate Concurrent Resolution 4008. This resolution is an unconstitutional resolution to make changes to Article XV “Term Limits”. In the 2022 general election, the citizens of North Dakota approved measure 1 by 63.4% on November 8th, 2022 which was about term limits. Supermajority of legislators were unhappy when the voters of North Dakota took away some of their legislative power because of section 4 of Article XV.

Article XV section 4 states “Notwithstanding the legislative assembly’s authority to propose amendments to the constitution under Article IV section 16 thereof, the legislative assembly shall not have authority to propose an amendment on this constitution to alter or repeal the term limitations established in section 1 of this article. The authority to propose an amendment to this constitution to alter or repeal the term limitations established in section 1 of this article is reserved to initiative petition of the people under Article III of this constitution.”

Section 4 of Article XV makes this Engrossed Senate Concurrent Resolution 4008 an unconstitutional resolution. Instead of ND legislators going against the 63.4% in favor of term limits, the North Dakota legislators can follow section 4 of Article XV. I would imagine there is enough legislators to form a sponsoring committee then present an initiative measure petition to North Dakota Secretary of state to get approved then get enough signatures on the initiative measure petition for it to be place on the ballot.

In 2023 legislative session, House Concurrent Resolution 3019 pertain to make word changing in section 1 and repeal section 4. House Concurrent Resolution 3019 was defeated in the Senate.

There were 5 current North Dakota legislators and 4 former North Dakota legislators on the term limit sponsoring committee. In fact, the 2022 general election wording on the ballot for term limits (measure 1) was straight forward saying “**Relating to Term Limits of the Governor and Legislature**”. There is a difference between legislature compare to United States Senator and United States House of Representative.

I listen from legislators making statements about out of state influence in different forms of support to get petitions on the ballot and citizens of North Dakota did not understand the meaning of the measure.

In fact, I am seeing more out of state influenced legislative bills introduced affecting the North Dakota Century Code. As example, 2019 legislative session House Bill 1193 took hourly wage workers constitutional right away to petition a political subdivision to get living wage provision on a local ballot. In 2021 legislative session House Bill 1398 took hourly wage workers constitutional right away to file a petition for family sick leave provision to a political subdivision. So out of state influence has been ongoing in the state of North Dakota.

Please give Engrossed Senate Concurrent Resolution 4008 a “DO NOT PASS’ recommendation.

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