

Written testimony on House Concurrent Resolution 3031

Chairman Schauer and House Government and Veteran Affairs Committee Members

My name is Kevin Herrmann, 300 Fair St. SW, Beulah, ND 58523. I am an independent North Dakota citizen.

I stand oppose to House Concurrent Resolution 3031.

House Concurrent Resolution 3031 is an attack toward Article III “Powers Reserved to the People”. The last few legislative sessions, there has been resolutions introduced dealing with Article III “Powers Reserved to the People” some legislators continue being upset of initiated petitions making it either on the primary or general election ballot by the citizens of North Dakota. Such as, 2016 ballot- provide certain rights to victims of crime in this state (Marcy’s Law), 2016 ballot- medical marijuana use for defined medical conditions, 2018 ballot- establish a state ethic commission and in 2022- term limits. I would hear either in committee hearings or on legislative floor sessions the displeasure about forcing the legislators to act on legislation that the supermajority of legislators did not believe in but had too. If the legislators would have passed House Bill 1442 in Sixty-third Legislative session or House Concurrent Resolution 3060 in Sixty-fourth Legislative session creating a state ethic’s commission maybe the citizens of North Dakota would not have taken it upon themselves to get the initiated petition on the ballot. House Bill 1430 relating to the use of medical marijuana in 2015 legislative session was defeated which the citizens of North Dakota use Article III “Power Reserved to the People” to get medical marijuana on the ballot.

In 2017-2018 interim, I attended every Initiated and Referred Measures Study Commission meeting. The commission consisted of 1 individual appointed from Chief Justice of the Supreme Court as commission chairman, 6 legislators, 1 individual appointed from Secretary of State Office, 7 citizens appointed by the

Governor and 4 individuals appointed by 4 separate organizations. The commission considered a few resolutions and legislative bill drafts. The majority of the commission did not approve some of the drafts from some of the legislators on the commission. So, in 2019 various legislators introduced legislative bills attacking Article III "Power Reserved to the People". The North Dakota voters in 2020 election made their feelings known in defeating measure 2 (Senate Concurrent Resolution 4001 from 2019 legislative session). Why doesn't the defeat of measure 2 make legislators realize to stop introducing legislative bills toward Article III?

So in this 2023 legislative session, here we have House Concurrent Resolution 3031. I imagine the reasoning for this bill will be said how easy it is to get an initiative petition on the ballot and out of state influence. How about you as legislators ask the Secretary of State office about how many petitions have not made it to the primary or general election ballot due to lack of signatures on the petition or for other reasons? House Concurrent Resolution 3031 will give the citizens of North Dakota more displeasure and lack of trust toward legislators with this proposed legislation especially section 4 amendment on page 3 of this resolution dealing with Section 9 of Article III "Powers Reserved to the People".

So where is the proof of out of state influence on the initiative petition process? I have seen out of state influence with campaign contribution toward to some candidates on their campaign contribution report. There has always been out of state influence on some legislative bill introduced in each session. I will give three examples. In 2019 legislative session, House Bill 1193 passed relating to a living wage prohibition for political subdivisions. The reason for House Bill 1193, there were individuals in very high population in different states petitioning to get living wage provision on the ballot at their local political subdivision. House Bill 1193 took hourly wage workers constitutional right to file a petition to a local political subdivision. In 2021 legislative session, House Bill 1398 passed relating to a mandate prohibition on regulating paid family leave on political subdivision which was out of state influence for the bill which took hourly wage workers constitutional right to file a petition to a political subdivision. Also, House Bill 1207

relating to asbestos liability was totally out of state influence which affected workers who work around asbestos.

I am asking the House Government and Veterans Affairs committee to give House Concurrent Resolution 3031 a DO NOT PASS recommendation.

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