

Chairman Louser
& members of the House Industry, Business & Labor Committee,

My name is Jared Hendrix. I am testifying in Opposition to HCR 3019. I was the Chairperson of the ND for Term Limits sponsoring committee for the ballot measure that applied term limits to our legislature and governor. I am here on behalf of the record 46,000 North Dakotans who signed petitions to have term limits placed on the ballot, as well as the 150,363 voters who approved the Measure with a 63.43% vote on the November 2022 general election ballot.

There are 8 members of your committee who were elected within your legislative district in the last election – reflecting the will of the voters to give *you* the authority to legislate. These same voters enacted term limits in every single one of your districts, and every county in the state. This resolution flagrantly undermines the wishes of these voters.

Whether or not you supported the term limits measure has no bearing on the merits of this resolution. Any individual or group can oppose a ballot measure if they believe it is bad law or policy. That is the purpose of campaigns. Elections determine the outcome of these public discussions. Most successful candidates would be displeased if their defeated opponents acted as if their victory was not legitimate. Pragmatic considerations aside, HCR 3019 should be opposed on constitutional grounds.

Article III, Section 8 of the North Dakota state constitution reads, “A measure approved by the electors may not be repealed or amended by the legislative assembly for seven years from its effective date, except by a two-thirds vote of the members elected to each house.” However, this provision does not apply to this resolution's proposed alterations to legislative term limits. Article XV, Section 4 states that “...the legislative assembly shall *not* have authority to *propose* an amendment to 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 [term limits] ...is reserved to initiative petition of the people under article III of this constitution.”

The key word here is “propose”. While Article VI, Section 16 grants the legislature the authority to propose amendments, Article XV establishes an exception. The legislature is restricted from the act of *proposal* itself, regardless of the $\frac{2}{3}$ threshold it may achieve in a legislative chamber.

Furthermore, the prohibition of legislative authority on its own term limits is not without precedent. There are several other sections in our constitution that specifically restrict legislative authority. Here are examples:

Article III, Section 1: “Laws may be enacted to facilitate and safeguard, but not to hamper, restrict, or impair these powers.”

Article VII, Section 11: “The power of the governing board of a city to franchise the construction and operation of any public utility or similar service within the city shall not be abridged by the legislative assembly.”

Article X, Section 1: “The legislative assembly shall be prohibited from raising revenue to defray the expenses of the state through the levying of a tax on the assessed value of real or personal property.”

Article XI, Section 25: “The legislative assembly shall not authorize any game of chance, lottery, or gift enterprises, under any pretense, or for any purpose whatever... [lists exceptions and parameters]”

Article XII, Section 10: “No law shall be passed by the legislative assembly granting the right to construct and operate a street railroad, telegraph, telephone or electric light plant within any city, town or incorporated village, without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied for such purposes.”

Just as the legislature ought to follow these important restrictions, so too must they follow the restriction in Article XV, Section 4. If the intent of this resolution is to set up a framework for a legal challenge, it is doing so on a tenuous basis, and will likely result in an unnecessary expenditure of public funds.

HCR 3019 *could* be worth supporting if *all* alterations of the original language of the term limits measure were struck. Instead, the resolution could simply add language to apply term limits to *all* statewide elected officials. This would bring these offices in line with the two term limit that was applied already to the office of governor. Since this principle was accepted by a wide swath of North Dakotans, such an amendment would be a meaningful show of respect toward the will of the people.

Thank you all for your time.

Respectfully,

Jared Hendrix