

Written testimony on Engrossed House Concurrent Resolution 3019

Madam Chair Larson and Senate Judiciary Committee Members

My name is Kevin Herrmann, 300 Fair St. SW, Beulah, ND 58523. I am an independent North Dakota citizen. I could not testified in person due to working at my job.

I oppose Engrossed House Concurrent Resolution 3019. 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 64.4% on November 8th, 2023 which was about term limits. Now the supermajority of legislators are abusing their constitutional power to change section 1 and section 4 of Article XV. In section 4 of Article XV is the biggest problem the supermajority of legislators was upset when the voters of North Dakota took away some their legislative power. Section 4 does not allow the legislative assembly to alter or repeal the term limitations established in section 1 of this article. Under Article III of the North Dakota Constitution can alter or repeal by proposing a petition amendment to the ballot. Section 4 is the most important part of Article XV to keep overzealous legislators from continuing to alter or repeal what the people of North Dakota have approved on the ballot. Instead of this resolution, the sponsors of this resolution can get an initiative petition sponsoring committee established to proceed to gather signatures to get an initiative petition on the ballot in order to make changes in section 1 of Article XV.

All elected legislators had to take the oath to protect the North Dakota Constitution but will only protect the constitution when it suits legislators not the citizens of North Dakota. For example in the 2019 legislative session, House Bill 1193 was passed by a supermajority of legislators relating to mandating a prohibition to petition for a living wage provision to the political subdivisions. This took away hourly wage workers constitutional right to file a petition to a political subdivision. In the 2021 legislative session, House Bill 1398 relating to a mandate prohibition on regulating family sick leave on political subdivisions which took away the hourly wage workers constitutional right to file a petition to a political subdivision.

I have heard too often the supermajority of legislators making false statements about out of state influence in getting petition measures on the ballot and the citizens of North Dakota did not know what they were voting on. There was no out of state addresses listed of the sponsoring committee members for the term limits initiative petition. Actually, there were 2 current North Dakota legislators and 5 past North Dakota legislators on the term limit sponsoring committee. In fact, the 2022 general election wording on the ballot for term limits was straight forward saying "Relating to Term Limits of the Governor and Legislature". The voters of North Dakota knew the term limits measure was meant for the North Dakota legislators not United States Senator or United States House of Representatives.

In this 2023 legislative session, there has been more out of state influenced legislative bills introduced compared to past legislative sessions. Why does out of state influence have more influence than citizens of North Dakota?

The taxpayers of North Dakota are paying your legislative session daily salary, monthly salary and free health insurance to follow the North Dakota constitution and not alter or repeal any part of the North Dakota constitution. If there is any change to the North Dakota constitution it should be in Article IV, the citizens of North Dakota should vote on any increase of legislator's daily salary during the legislative session and monthly salary. Legislators voting on their own pay is unethical.

I am asking the Senate Judiciary committee to give Engrossed House Concurrent Resolution 3019 a DO NOT PASS recommendation.

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