

Written Testimony on Senate Concurrent Resolution 4028

Madam Chair Roers and State and Local Government Committee Members

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

I stand oppose to Senate Concurrent Resolution 4028. This resolution circumvents the wishes of the North Dakota voters in the 2022 general election measure 1 “Term Limits”. In the 2022 general election, the citizens of North Dakota approved measure 1 by 63.4% on November 8th, 2022 on term limits. Supermajority of legislators were upset 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 the 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.”**

Senate Concurrent Resolution 4028 tells citizens of North Dakota that North Dakota legislators will not honor the wishes of the outcome of the 2022 general election. This resolution is a way for legislators to get back their legislative power over the citizens of North Dakota. In proposing a new article to the North Dakota Constitution, this resolution will leave section 1 of Article XV but repeal sections 2-6 of Article XV avoiding a constitutional violation then increasing the terms for North Dakota Senators and North Dakota House of Representatives.

I listen to comments from legislators making 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 on the sponsoring committee initiative petition for the term limits. Actually, 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**”. The voters of North Dakota knew the term limits measure was meant for the North Dakota legislators not for United States Senator or United States House of Representative.

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 a living

wage provision on a local ballot. In the 2021 legislative session House Bill 1398 took hourly wage workers constitutional right away to file a petition for a family sick leave provision on a ballot to a political subdivision.

Please give Senate Concurrent Resolution 4028 a “DO NOT PASS’ recommendation.

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