

## **SCR 4013 - Testimony by Dustin Gawrylow, ND Watchdog Network (#266)**

Mr. Chairman and Members of the Committee,

I will not make this about term limits - it is an emotional issue, and in fact when the supporters of that measure asked me, I suggested 16 years anyway you want it.

My opposition to this resolution is the flagrant way it scoffs at the constitutional provision locking the legislature out.

### **HCR 3019 Attempts To Violate Constitution To Repeal and Replace Term Limits**

**Measure 1 approved by voters in November 2022 locked the legislature out of being able to amend the provisions in Measure 1. HCR 3019 ignores that fact completely.**

The North Dakota Watchdog Network did not take a strong stance either way on Measure 1 last fall. There are good aspects, as well as some problems that will be created by term limits - like the lack of long-term knowledge among legislators who already have problems "understanding the system" when they first get elected.

## ARTICLE XV TERM LIMITS

**Section 1.** An individual shall not serve as a member of the house of representatives for a cumulative period of time amounting to more than eight years. An individual shall not serve as a member of the senate for a cumulative period of time amounting to more than eight years. An individual shall not be eligible to serve a full or remaining term as member of the house of representatives or the senate if serving the full or remaining term would cause the individual to serve for a cumulative period of time amounting to more than eight years in that respective house.

**Section 2.** An individual shall not be elected to the office of governor more than twice. This provision shall not prevent the lieutenant governor from succeeding to the office of governor, nor prevent the secretary of state from acting as governor.

**Section 3.** The limitations established by this article shall have prospective effect only, and service as a member of the house of representatives, service as a member of the senate, and prior election to the office of governor shall not be counted against any service or election, respectively, of any individual that occurs after the effective date of this amendment. Service by the lieutenant governor in his capacity as president of the senate shall not count toward the cumulative amount of time an individual may serve as a member of the senate.

**Section 4.** Notwithstanding the legislative assembly's authority to propose amendments to this constitution under article IV, section 16 thereof, 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 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 5.** This amendment shall be effective on the first day of January immediately following approval by voters.

**Section 6.** The provisions of this article are severable, and if any provision is held to be invalid, either on its face or as applied, the remaining provisions and their application shall not be affected thereby. In any case of a conflict between any provision of this article and any other provision of this constitution, the provisions of this article shall control.

**Section 4 of Article XV is the big issue with regard to [HCR 3019](#), because it specifically prohibits the legislature from using its power to place measures on the ballot with regard to term limits.**

**Section 4.** Notwithstanding the legislative assembly's authority to propose amendments to this constitution under article IV, section 16 thereof, 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 the term limitations established in section 1 of this article is reserved to initiative petition of the people under article III of this constitution.

**Absent this provision, there would be nothing wrong with [HCR 3019](#). the legislature would have the power to do this. It probably would not be politically wise, but it would be constitution/legal.**

### **What HCR 3019 wants to do?**

**[HCR 3019](#), if it were legally initiated by The People using a petition, would change the limit of 8 years per chamber lifetime to 12 years consecutive with 4 years out of office. It would also add a 12 year term limit to all state-wide officials as well (which should have been in Measure 1 last fall).**