

## **Written testimony on Engrossed House Concurrent Resolution 3003**

### **Madam Chair Roers and State and Local Government Committee Members**

My name is Kevin Herrmann from Beulah, North Dakota. I am representing myself with no association of any political organization or lobbyist.

I stand to oppose Engrossed House Concurrent Resolution 3003.

I find this piece of legislation discouraging of trying to alter Article III “Powers Reserved to the People” section 9 again. Engrossed House Concurrent Resolution 3003 proposed change to the percentage threshold from a majority to 60 percent affecting Article III section 9.

The citizens of North Dakota have always been taught on voting for any issue is a majority of 50+1 as part of democracy. But legislators continue to attack Article III even though the outcome of two constitutional measures that passed previous legislative sessions were defeated in the general election.

The 2020 general election measure Senate Concurrent Resolution 4001 was defeated by the citizens of North Dakota. The 2024 general election measure Senate Concurrent Resolution 4013 was defeated by the citizens of North Dakota. The effort of legislators to keep attacking Article III “Powers Reserved to the People” has been ongoing for many years.

In the 2017 Legislative session, Senate Bill 2135 was passed creating the “Initiated and Referred Measures Study Commission” during the interim before the 2019 legislative session. I attended every meeting of the “Initiated and Referred Measure Study Commission” as a citizen of North Dakota. The reason for creating this commission was due to legislators being upset about the citizens of North Dakota using Article III “Powers Reserved to the People” initiative petition process to be able to get constitutional amendments on the ballot. Such as, in 2016

provided certain rights to victims of crime in this state (Marcy's Law), also on the 2016 ballot - medical marijuana use for defined medical conditions. In 2018, establish a state ethics commission. If in the past legislators would have passed legislative bills such as a state ethics commission and medical marijuana then the citizens of North Dakota would not have taken it upon themselves to utilize the Article III process.

The appointed members of the commission did discuss several draft bills. The legislators took it upon themselves to introduce the draft bills in the 2019 Legislative session which did not pass through the Initiated and Referred Measure Study Commission. One of the legislative bills in 2019 was House Concurrent Resolution 3010, this resolution had the threshold at 60% but was amended on Senate side to 55% and failed in the Senate floor session.

In 2021 legislative session, House Concurrent Resolution 3017 which had a threshold of 55%. The main sponsor had the resolution withdrawn.

I would hear at past committee hearings or past legislative sessions of legislators' displeasure in forcing them to act on legislation that was passed at a primary or general election by the citizens of North Dakota or it was too easy of a process or there was out of state influence.

I have seen out of state influence with campaign contributions toward some candidates on their campaign contributions report. There has always been out of state influences on some legislative bills in every session.

I will give an example that I believe is out of state influence for introducing this legislative bill. In 2019 legislative session, House Bill 1193 passed relating to living wage prohibition for political subdivisions. The reason for House Bill 1193 was individuals in different states petitioning to get a living wage provision on the ballot at their local political subdivision. House Bill 1193 took hourly wage workers constitutional right away to be able to file a petition to a local subdivision.

Another example which was totally out of state influence for introducing a legislative bill was House Bill 1207. House Bill 1207 was related to asbestos liability which affected workers that work around asbestos.

When will legislators accept the defeat of their resolutions in the general elections of 2020 and 2024 toward Article III by the citizens of North Dakota? When will I see no more legislative bills towards Article III “Reserved for the People”?

I am asking House Government and Veterans Affairs committee to give Engrossed House Concurrent Resolution 3003 a DO NOT PASS recommendation.

Kevin Herrmann  
300 Fair St. SW  
Beulah, ND 58523