

**2023 HOUSE INDUSTRY, BUSINESS AND LABOR**

**HCR 3019**

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Industry, Business and Labor Committee Room JW327C, State Capitol

HCR 3019  
3/08/2023

Relating to prohibiting the legislative assembly from proposing certain amendments to article XV of the Constitution of North Dakota and to provide for application.
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Chairman Louser called the meeting to order 7:59 AM

Members Present: Chairman Louser, Vice Chairman Ostlie, Representatives Boschee, Christy, Dakane, Johnson, Kasper, Koppelman, Ruby, Schauer, Thomas, Tveit, Wagner, Warrey.

### **Discussion Topics:**

- Uneven terms for reelection
- Legal action
- Out of state interests
- Institutional memory
- Statewide office holders
- Appointed officeholders
- Article 5 process
- Constitutionality
- Integrity of work product

### **In favor:**

Representative Jim Kasper, District 46, Fargo, #23015, 23017 and radio commercial played; <https://ndlegis.gov/downloads/bill-history-media-file/68-2023/hibl/hibl-03082023-HCR3019-Kasper.mp3>

Pete Hanebutt, ND Farm Bureau (no written testimony)

### **Opposed:**

Jared Hendrix, Chairperson, ND for Term Limits Sponsoring Committee, #22841

### **Additional written testimony:**

Ken Hermann, Beulah, ND, #22833

Dustin Gawrylow, ND Watchdog Network, #22877

Ann Hoggarth, #23151

Chairman Louser adjourned the meeting 9:58 AM

*Diane Lillis, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Industry, Business and Labor Committee Room JW327C, State Capitol

HCR 3019  
3/08/2023

Relating to prohibiting the legislative assembly from proposing certain amendments to article XV of the Constitution of North Dakota and to provide for application.
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Chairman Louser called the meeting to order 2:15 PM

Members Present: Chairman Louser, Vice Chairman Ostlie, Representatives Boschee, Christy, Dakane, Johnson, Kasper, Koppelman, Ruby, Schauer, Thomas, Tveit, Wagner, Warrey.

### Discussion Topics:

- Consecutive or cumulative years
- Vacated office
- Appointments
- Redistricting
- Office holders

Representative Koppelman moved to adopt amended changes of cumulative to consecutive years.

Representative Thomas seconded.

Roll call vote:

Representatives	Vote
Representative Scott Louser	Y
Representative Mitch Ostlie	Y
Representative Josh Boschee	Y
Representative Josh Christy	Y
Representative Hamida Dakane	N
Representative Jorin Johnson	Y
Representative Jim Kasper	Y
Representative Ben Koppelman	Y
Representative Dan Ruby	AB
Representative Austen Schauer	N
Representative Paul J. Thomas	Y
Representative Bill Tveit	Y
Representative Scott Wagner	Y
Representative Jonathan Warrey	Y

Motion passed 11-2-1

Representative Thomas moved to further amend and adopt LC #23.3033.03001.  
Representative Ostlie seconded.

Roll call vote:

<b>Representatives</b>	<b>Vote</b>
Representative Scott Louser	Y
Representative Mitch Ostlie	Y
Representative Josh Boschee	Y
Representative Josh Christy	Y
Representative Hamida Dakane	Y
Representative Jorin Johnson	Y
Representative Jim Kasper	Y
Representative Ben Koppelman	Y
Representative Dan Ruby	Y
Representative Austen Schauer	N
Representative Paul J. Thomas	Y
Representative Bill Tveit	Y
Representative Scott Wagner	Y
Representative Jonathan Warrey	Y

Motion passed 13-1-0

Representative Koppelman moved a do pass as amended.  
Representative Warrey seconded.

Roll call vote:

<b>Representatives</b>	<b>Vote</b>
Representative Scott Louser	Y
Representative Mitch Ostlie	Y
Representative Josh Boschee	N
Representative Josh Christy	Y
Representative Hamida Dakane	N
Representative Jorin Johnson	Y
Representative Jim Kasper	Y
Representative Ben Koppelman	Y
Representative Dan Ruby	Y
Representative Austen Schauer	N
Representative Paul J. Thomas	Y
Representative Bill Tveit	Y
Representative Scott Wagner	Y
Representative Jonathan Warrey	Y

Motion passed 11-3-0

Representative Kasper will carry the bill.

Chairman Louser adjourned the meeting 3:08 PM

*Diane Lillis, Committee Clerk*

March 8, 2023

AG  
3-8-23  
(1-1)

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3019

Page 1, line 7, replace "cumulative" with "consecutive"

Page 1, line 9, after the first "twelve" insert "consecutive"

Page 1, line 9, replace "cumulative" with "consecutive"

Page 1, line 21, replace "cumulative" with "consecutive"

Page 1, line 24, replace "cumulative" with "consecutive"

Page 1, line 24, after the underscored period insert "A member of the house of representatives elected or appointed to a term of less than four years will be eligible to serve twelve consecutive years following the completion of the partial term."

Page 2, line 1, replace "cumulative" with "consecutive"

Page 2, line 7, replace "cumulative" with "consecutive"

Page 2, line 7, after the period insert "A member of the senate, elected or appointed, to a term of less than four years will be eligible to serve twelve consecutive years following the completion of the partial term."

Page 2, line 10, remove "a"

Page 2, line 11, remove "cumulative"

Page 2, line 11, after "twelve" insert "consecutive"

Page 2, line 17, replace "cumulative" with "consecutive"

Page 2, line 17, after the period insert "An individual who is serving as agriculture commissioner, attorney general, auditor, governor, insurance commissioner, lieutenant governor, public service commissioner, secretary of state, superintendent of public instruction, tax commissioner, or treasurer and elected or appointed to complete a partial term will be eligible to serve twelve consecutive years following the completion of the partial term."

Page 2, line 25, replace "cumulative" with "consecutive"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3019: Industry, Business and Labor Committee (Rep. Louser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HCR 3019 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "cumulative" with "consecutive"

Page 1, line 9, after the first "twelve" insert "consecutive"

Page 1, line 9, replace "cumulative" with "consecutive"

Page 1, line 21, replace "cumulative" with "consecutive"

Page 1, line 24, replace "cumulative" with "consecutive"

Page 1, line 24, after the underscored period insert "A member of the house of representatives elected or appointed to a term of less than four years will be eligible to serve twelve consecutive years following the completion of the partial term."

Page 2, line 1, replace "cumulative" with "consecutive"

Page 2, line 7, replace "cumulative" with "consecutive"

Page 2, line 7, after the period insert "A member of the senate, elected or appointed, to a term of less than four years will be eligible to serve twelve consecutive years following the completion of the partial term."

Page 2, line 10, remove "a"

Page 2, line 11, remove "cumulative"

Page 2, line 11, after "twelve" insert "consecutive"

Page 2, line 17, replace "cumulative" with "consecutive"

Page 2, line 17, after the period insert "An individual who is serving as agriculture commissioner, attorney general, auditor, governor, insurance commissioner, lieutenant governor, public service commissioner, secretary of state, superintendent of public instruction, tax commissioner, or treasurer and elected or appointed to complete a partial term will be eligible to serve twelve consecutive years following the completion of the partial term."

Page 2, line 25, replace "cumulative" with "consecutive"

Renumber accordingly

**2023 SENATE JUDICIARY**

**HCR 3019**

# 2023 SENATE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Peace Garden Room, State Capitol

HCR 3019  
4/3/2023

A bill relating to term limits for members of the legislative assembly and statewide elected officers; and relating to prohibiting the legislative assembly from proposing certain amendments to article XV of the Constitution of North Dakota.
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3:02 PM Chairman Larson opened the meeting.

Chairman Larson and Senators Myrdal, Luick, Estenson, Sickler, Paulson and Braunberger are present.

**Discussion Topics:**

- Constitutional flaws
- Legislative service

3:03 PM Representative Jim Kasper introduced the resolution #27246, 27247, 27248.

3:18 PM Representative Ben Koppleman spoke in favor of the resolution.

3:29 PM Jared Hendrix, Chairman, North Dakotans for Term Limits, testified opposed to the resolution and provided written testimony #27242.

**Additional written testimony:**

Kevin Herrmann #27186

Mitchell Sanderson #27183

3:37 PM Chairman Larson closed the public hearing.

3:37 PM Senator Myrdal moved to Do Pass the resolution.

Motion is seconded by Senator Luick.

3:38 PM Roll call vote was taken.

<b>Senators</b>	<b>Vote</b>
Senator Diane Larson	N
Senator Bob Paulson	Y
Senator Jonathan Sickler	Y
Senator Ryan Braunberger	N
Senator Judy Estenson	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion passes 5-2-0.

Senator Estenson will carry the bill.

This bill does not affect workforce development.

3:48 PM Chairman Larson closed the meeting.

*Rick Schuchard, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HCR 3019, as engrossed: Judiciary Committee (Sen. Larson, Chairman)** recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3019 was placed on the Fourteenth order on the calendar. This resolution does not affect workforce development.

**TESTIMONY**

**HCR 3019**

## Written testimony on House Concurrent Resolution 3019

Chairman Louser and Industry, Business and Labor 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 being ask to conduct business in behalf for Concordia Lutheran Church in Beulah.

I oppose House Concurrent Resolution 3019. This resolution is trying to make changes to Article XV Term Limits. In the November 8<sup>th</sup>, 2022 general election, the citizens of North Dakota approved measure 1 which was about term limits. Now the supermajority of legislators are abusing there so called superior power to change section 1 and section 2 of Article XV to increase the term limit from 8 years to 12 years then after 4 years could be elected again for another 12 years. If the citizens of North Dakota did not want term limits of total of 8 years, the vote outcome would have been different. Section 4 of Article XV is the biggest problem the supermajority of legislators are upset and hate. Section 4 does not allow legislative assembly to alter or repeal the term limitations established in section 1 of this article. The initiative petition of the people under Article III of 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 approved on the ballot. Instead of this resolution, the sponsors of this resolution can get an initiative petition sponsoring committee establish to proceed to gather signatures to get an initiative petition on the ballot.

All elected legislators had to take the oath to protect the North Dakota Constitution but will only protect the constitution when it suits legislators. 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 of the supermajority of legislators making false statements about out of state influence on getting petition measures on the ballot and the citizens of North Dakota do not know what they are doing or 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 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 could be in Article IV, the citizens of North Dakota should be voting on any increase of legislator's daily salary during legislative session and monthly salary. Legislators voting on their own pay is unethical.

I am asking the House Industry, Business and Labor committee to give House Concurrent Resolution 3019 a DO NOT PASS recommendation.

Kevin Herrmann  
300 Fair St. SW  
Beulah, ND 58523

701-873-4163

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

**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).**

From Representative Jim Kasper 3/18/23

HCR 3019

ARTICLE I  
DECLARATION OF RIGHTS

HCR 3020

**Section 1.** All individuals are by nature equally free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property and reputation; pursuing and obtaining safety and happiness; and to keep and bear arms for the defense of their person, family, property, and the state, and for lawful hunting, recreational, and other lawful purposes, which shall not be infringed.

**Section 2.** All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people, and they have a right to alter or reform the same whenever the public good may require.

**Section 3.** The free exercise and enjoyment of religious profession and worship, without discrimination or preference shall be forever guaranteed in this state, and no person shall be rendered incompetent to be a witness or juror on account of his opinion on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state.

**Section 4.** Every man may freely write, speak and publish his opinions on all subjects, being responsible for the abuse of that privilege. In all civil and criminal trials for libel the truth may be given in evidence, and shall be a sufficient defense when the matter is published with good motives and for justifiable ends; and the jury shall have the same power of giving a general verdict as in other cases; and in all indictments or informations for libels the jury shall have the right to determine the law and the facts under the direction of the court as in other cases.

**Section 5.** The citizens have a right, in a peaceable manner, to assemble together for the common good, and to apply to those invested with the powers of government for the redress of grievances, or for other proper purposes, by petition, address or remonstrance.

**Section 6.** Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this state.

**Section 7.** Every citizen of this state shall be free to obtain employment wherever possible, and any person, corporation, or agent thereof, maliciously interfering or hindering in any way, any citizen from obtaining or enjoying employment already obtained, from any other corporation or person, shall be deemed guilty of a misdemeanor.

**Section 8.** The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.

**Section 9.** All courts shall be open, and every man for any injury done him in his lands, goods, person or reputation shall have remedy by due process of law, and right and justice administered without sale, denial or delay. Suits may be brought against the state in such manner, in such courts, and in such cases, as the legislative assembly may, by law, direct.

**Section 10.** Until otherwise provided by law, no person shall, for a felony, be proceeded against criminally, otherwise than by indictment, except in cases arising in the land or naval

# Article I: Declaration of Rights

forces, or in the militia when in actual service in time of war or public danger. In all other cases, offenses shall be prosecuted criminally by indictment or information. The legislative assembly may change, regulate or abolish the grand jury system.

**Section 11.** All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishments be inflicted. Witnesses shall not be unreasonably detained, nor be confined in any room where criminals are actually imprisoned.

**Section 12.** In criminal prosecutions in any court whatever, the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his behalf; and to appear and defend in person and with counsel. No person shall be twice put in jeopardy for the same offense, nor be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law.

**Section 13.** The right of trial by jury shall be secured to all, and remain inviolate. A person accused of a crime for which he may be confined for a period of more than one year has the right of trial by a jury of twelve. The legislative assembly may determine the size of the jury for all other cases, provided that the jury consists of at least six members. All verdicts must be unanimous.

**Section 14.** The privilege of the writ of habeas corpus shall not be suspended unless, when in case of rebellion or invasion, the public safety may require.

**Section 15.** No person shall be imprisoned for debt unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law; or in cases of tort; or where there is strong presumption of fraud.

**Section 16.** Private property shall not be taken or damaged for public use without just compensation having been first made to, or paid into court for the owner, unless the owner chooses to accept annual payments as may be provided for by law. No right of way shall be appropriated to the use of any corporation until full compensation therefor be first made in money or ascertained and paid into court for the owner, unless the owner chooses annual payments as may be provided by law, irrespective of any benefit from any improvement proposed by such corporation. Compensation shall be ascertained by a jury, unless a jury be waived. When the state or any of its departments, agencies or political subdivisions seeks to acquire right of way, it may take possession upon making an offer to purchase and by depositing the amount of such offer with the clerk of the district court of the county wherein the right of way is located. The clerk shall immediately notify the owner of such deposit. The owner may thereupon appeal to the court in the manner provided by law, and may have a jury trial, unless a jury be waived, to determine the damages, which damages the owner may choose to accept in annual payments as may be provided for by law. Annual payments shall not be subject to escalator clauses but may be supplemented by interest earned.

For purposes of this section, a public use or a public purpose does not include public benefits of economic development, including an increase in tax base, tax revenues, employment, or general economic health. Private property shall not be taken for the use of, or ownership by, any private individual or entity, unless that property is necessary for conducting a common carrier or utility business.

# Article I: Declaration of Rights

**Section 17.** Treason against the state shall consist only in levying war against it, adhering to its enemies or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or confession in open court.

**Section 18.** No bill of attainder, ex post facto law, or law impairing the obligations of contracts shall ever be passed.

**Section 19.** The military shall be subordinate to the civil power. No standing army shall be maintained by this state in time of peace, and no soldiers shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner prescribed by law.

\* **Section 20.** To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate.

\* \* **Section 21.** No special privileges or immunities shall ever be granted which may not be altered, revoked or repealed by the legislative assembly; nor shall any citizen or class of citizens be granted privileges or immunities which upon the same terms shall not be granted to all citizens.

**Section 22.** All laws of a general nature shall have a uniform operation.

**Section 23.** The state of North Dakota is an inseparable part of the American union and the Constitution of the United States is the supreme law of the land.

**Section 24.** The provisions of this constitution are mandatory and prohibitory unless, by express words, they are declared to be otherwise.

## **Section 25.**

1. To preserve and protect the right of crime victims to justice, to ensure crime victims a meaningful role throughout the criminal and juvenile justice systems, and to ensure that crime victims' rights and interests are respected and protected by law in a manner no less vigorous than the protections afforded to criminal defendants and delinquent children, all victims shall be entitled to the following rights, beginning at the time of their victimization:
  - a. The right to be treated with fairness and respect for the victim's dignity.
  - b. The right to be free from intimidation, harassment, and abuse.
  - c. The right to be reasonably protected from the accused and any person acting on behalf of the accused.
  - d. The right to have the safety and welfare of the victim and the victim's family considered when setting bail or making release decisions.
  - e. The right to prevent the disclosure of information or records that could be used to locate or harass the victim or the victim's family, or which could disclose confidential or privileged information about the victim, and to be notified of any request for such information or records.
  - f. The right to privacy, which includes the right to refuse an interview, deposition, or other discovery request made by the defendant, the defendant's attorney, or any person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interaction to which the victim consents. Nothing in this section shall abrogate a defendant's sixth amendment rights under the Constitution of the United States nor diminish the state's disclosure obligations to a defendant.

## ARTICLE III POWERS RESERVED TO THE PEOPLE

**Section 1.** While the legislative power of this state shall be vested in a legislative assembly consisting of a senate and a house of representatives, the people reserve the power to propose and enact laws by the initiative, including the call for a constitutional convention; to approve or reject legislative Acts, or parts thereof, by the referendum; to propose and adopt constitutional amendments by the initiative; and to recall certain elected officials. This article is self-executing and all of its provisions are mandatory. Laws may be enacted to facilitate and safeguard, but not to hamper, restrict, or impair these powers.

**Section 2.** A petition to initiate or to refer a measure must be presented to the secretary of state for approval as to form. A request for approval must be presented over the names and signatures of twenty-five or more electors as sponsors, one of whom must be designated as chairman of the sponsoring committee. The secretary of state shall approve the petition for circulation if it is in proper form and contains the names and addresses of the sponsors and the full text of the measure.

The legislative assembly may provide by law for a procedure through which the legislative council may establish an appropriate method for determining the fiscal impact of an initiative measure and for making the information regarding the fiscal impact of the measure available to the public.

**Section 3.** The petition shall be circulated only by electors. They shall swear thereon that the electors who have signed the petition did so in their presence. Each elector signing a petition shall also write in the date of signing and his post-office address. No law shall be enacted limiting the number of copies of a petition. The copies shall become part of the original petition when filed.

**Section 4.** The petition may be submitted to the secretary of state if signed by electors equal in number to two percent of the resident population of the state at the last federal decennial census.

**Section 5.** An initiative petition shall be submitted not less than one hundred twenty days before the statewide election at which the measure is to be voted upon. A referendum petition may be submitted only within ninety days after the filing of the measure with the secretary of state. The submission of a petition shall suspend the operation of any measure enacted by the legislative assembly except emergency measures and appropriation measures for the support and maintenance of state departments and institutions. The submission of a petition against one or more items or parts of any measure shall not prevent the remainder from going into effect. A referred measure may be voted upon at a statewide election or at a special election called by the governor.

**Section 6.** The secretary of state shall pass upon each petition, and if the secretary of state finds it insufficient, the secretary of state shall notify the "committee for the petitioners" and allow twenty days for correction. All decisions of the secretary of state in regard to any petition are subject to review by the supreme court. But if the sufficiency of the petition is being reviewed at the time the ballot is prepared, the secretary of state shall place the measure on the ballot and no subsequent decision shall invalidate the measure if it is at the election approved by a majority of the votes cast thereon. If proceedings are brought against any petition upon any ground, the burden of proof is upon the party attacking it and the

# Article III: Powers Reserved to The People

proceedings must be filed with the supreme court no later than seventy-five days before the date of the statewide election at which the measure is to be voted upon.

**Section 7.** All decisions of the secretary of state in the petition process are subject to review by the supreme court in the exercise of original jurisdiction. A proceeding to review a decision of the secretary of state must be filed with the supreme court no later than seventy-five days before the date of the statewide election at which the measure is to be voted upon. If the decision of the secretary of state is being reviewed at the time the ballot is prepared, the secretary of state shall place the measure on the ballot and no court action shall invalidate the measure if it is approved at the election by a majority of the votes cast thereon.

**Section 8.** If a majority of votes cast upon an initiated or a referred measure are affirmative, it shall be deemed enacted. An initiated or referred measure which is approved shall become law thirty days after the election, and a referred measure which is rejected shall be void immediately. If conflicting measures are approved, the one receiving the highest number of affirmative votes shall be law. 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.

**Section 9.** A constitutional amendment may be proposed by initiative petition. If signed by electors equal in number to four percent of the resident population of the state at the last federal decennial census, the petition may be submitted to the secretary of state. All other provisions relating to initiative measures apply hereto.

**Section 10.** Any elected official of the state, of any county or of any legislative or county commissioner district shall be subject to recall by petition of electors equal in number to twenty-five percent of those who voted at the preceding general election for the office of governor in the state, county, or district in which the official is to be recalled.

The petition shall be filed with the official with whom a petition for nomination to the office in question is filed, who shall call a special election if he finds the petition valid and sufficient. No elector may remove his name from a recall petition.

The name of the official to be recalled shall be placed on the ballot unless he resigns within ten days after the filing of the petition. Other candidates for the office may be nominated in a manner provided by law. When the election results have been officially declared, the candidate receiving the highest number of votes shall be deemed elected for the remainder of the term. No official shall be subject twice to recall during the term for which he was elected.

## ARTICLE IV LEGISLATIVE BRANCH

**Section 1.** The senate must be composed of not less than forty nor more than fifty-four members, and the house of representatives must be composed of not less than eighty nor more than one hundred eight members. These houses are jointly designated as the legislative assembly of the state of North Dakota.

**Section 2.** The legislative assembly shall fix the number of senators and representatives and divide the state into as many senatorial districts of compact and contiguous territory as there are senators. The districts thus ascertained and determined after the 1990 federal decennial census shall continue until the adjournment of the first regular session after each federal decennial census, or until changed by law.

The legislative assembly shall guarantee, as nearly as is practicable, that every elector is equal to every other elector in the state in the power to cast ballots for legislative candidates. A senator and at least two representatives must be apportioned to each senatorial district and be elected at large or from subdistricts from those districts. The legislative assembly may combine two senatorial districts only when a single member senatorial district includes a federal facility or federal installation, containing over two-thirds of the population of a single member senatorial district, and may provide for the election of senators at large and representatives at large or from subdistricts from those districts.

 **Section 3.** The legislative assembly shall establish by law a procedure whereby one-half of the members of the senate and one-half of the members of the house of representatives, as nearly as is practicable, are elected biennially.

**Section 4.** Senators and representatives must be elected for terms of four years.

**Section 5.** Each individual elected or appointed to the legislative assembly must be, on the day of the election or appointment, a qualified elector in the district from which the member was selected and must have been a resident of the state for one year immediately prior to that election. An individual may not serve in the legislative assembly unless the individual lives in the district from which selected.

**Section 6.** While serving in the legislative assembly, no member may hold any full-time appointive state office established by this constitution or designated by law. During the term for which elected, no member of the legislative assembly may be appointed to any full-time office that has been created by the legislative assembly. During the term for which elected, no member of the legislative assembly may be appointed to any full-time office for which the legislative assembly has increased the compensation in an amount greater than the general rate of increase provided to full-time state employees.

**Section 7.** The terms of members of the legislative assembly begin on the first day of December following their election.

The legislative assembly shall meet at the seat of government in the month of December following the election of the members thereof for organizational and orientation purposes as provided by law and shall thereafter recess until twelve noon on the first Tuesday after the third day in January or at such other time as may be prescribed by law but not later than the eleventh day of January.

# Article IV: Legislative Branch

No regular session of the legislative assembly may exceed eighty natural days during the biennium. The organizational meeting of the legislative assembly may not be counted as part of those eighty natural days, nor may days spent in session at the call of the governor or while engaged in impeachment proceedings, be counted. Days spent in regular session need not be consecutive, and the legislative assembly may authorize its committees to meet at any time during the biennium. As used in this section, a "natural day" means a period of twenty-four consecutive hours.

Neither house may recess nor adjourn for more than three days without consent of the other house.

**Section 8.** The house of representatives shall elect one of its members to act as presiding officer at the beginning of each organizational session.

**Section 9.** If any person elected to either house of the legislative assembly shall offer or promise to give his vote or influence, in favor of, or against any measure or proposition pending or proposed to be introduced into the legislative assembly, in consideration, or upon conditions, that any other person elected to the same legislative assembly will give, or will promise or assent to give, his vote or influence in favor of or against any other measure or proposition, pending or proposed to be introduced into such legislative assembly, the person making such offer or promise shall be deemed guilty of solicitation of bribery. If any member of the legislative assembly, shall give his vote or influence for or against any measure or proposition, pending or proposed to be introduced into such legislative assembly, or offer, promise or assent so to do upon condition that any other member will give, promise or assent to give his vote or influence in favor of or against any other such measure or proposition pending or proposed to be introduced into such legislative assembly, or in consideration that any other member hath given his vote or influence, for or against any other measure or proposition in such legislative assembly, he shall be deemed guilty of bribery. And any person, member of the legislative assembly or person elected thereto, who shall be guilty of either such offenses, shall be expelled, and shall not thereafter be eligible to the legislative assembly, and, on the conviction thereof in the civil courts, shall be liable to such further penalty as may be prescribed by law.

**Section 10.** No member of the legislative assembly, expelled for corruption, and no person convicted of bribery, perjury or other infamous crime shall be eligible to the legislative assembly, or to any office in either branch thereof.

**Section 11.** The legislative assembly may provide by law a procedure to fill vacancies occurring in either house of the legislative assembly.

**Section 12.** A majority of the members elected to each house constitutes a quorum. A smaller number may adjourn from day to day and may compel attendance of absent members in a manner, and under a penalty, as may be provided by law.

\* Each house is the judge of the qualifications of its members, but election contests are subject to judicial review as provided by law. If two or more candidates for the same office receive an equal and highest number of votes, the secretary of state shall choose one of them by the toss of a coin.

Each house shall determine its rules of procedure, and may punish its members or other persons for contempt or disorderly behavior in its presence. With the concurrence of two-thirds of its elected members, either house may expel a member.

# Article IV: Legislative Branch

**Section 13.** Each house shall keep a journal of its proceedings, and a recorded vote on any question shall be taken at the request of one-sixth of those members present. No bill may become law except by a recorded vote of a majority of the members elected to each house, and the lieutenant governor is considered a member-elect of the senate when the lieutenant governor votes.

No law may be enacted except by a bill passed by both houses, and no bill may be amended on its passage through either house in a manner which changes its general subject matter. No bill may embrace more than one subject, which must be expressed in its title; but a law violating this provision is invalid only to the extent the subject is not so expressed.

Every bill must be read on two separate natural days, and the readings may be by title only unless a reading at length is demanded by one-fifth of the members present.

No bill may be amended, extended, or incorporated in any other bill by reference to its title only, except in the case of definitions and procedural provisions.

The presiding officer of each house shall sign all bills passed and resolutions adopted by the legislative assembly, and the fact of signing shall be entered at once in the journal.

\* Every law, except as otherwise provided in this section, enacted by the legislative assembly during its eighty natural meeting days takes effect on August first after its filing with the secretary of state, or if filed on or after August first and before January first of the following year ninety days after its filing, or on a subsequent date if specified in the law unless, by a vote of two-thirds of the members elected to each house, the legislative assembly declares it an emergency measure and includes the declaration in the Act. Every appropriation measure for support and maintenance of state departments and institutions and every tax measure that changes tax rates enacted by the legislative assembly take effect on July first after its filing with the secretary of state or on a subsequent date if specified in the law unless, by a vote of two-thirds of the members elected to each house, the legislative assembly declares it an emergency measure and includes the declaration in the Act. An emergency measure takes effect upon its filing with the secretary of state or on a date specified in the measure. Every law enacted by a special session of the legislative assembly takes effect on a date specified in the Act.

\* The legislative assembly shall enact all laws necessary to carry into effect the provisions of this constitution. Except as otherwise provided in this constitution, no local or special laws may be enacted, nor may the legislative assembly indirectly enact special or local laws by the partial repeal of a general law but laws repealing local or special laws may be enacted.

**Section 14.** All sessions of the legislative assembly, including the committee of the whole and meetings of legislative committees, must be open and public.

**Section 15.** Members of the legislative assembly are immune from arrest during their attendance at the sessions, and in going to or returning from the sessions, except in cases of felony. Members of the legislative assembly may not be questioned in any other place for any words used in any speech or debate in legislative proceedings.

\* \* **Section 16.** Any amendment to this constitution may be proposed in either house of the legislative assembly, and if agreed to upon a roll call by a majority of the members elected to each house, must be submitted to the electors and if a majority of the votes cast thereon are in the affirmative, the amendment is a part of this constitution.

Article IV TERM Limits only REFERENCE

## 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.

Article XV - Term Limits  
only References Article IV section 16  
of No. Dakota Constitution

23.3033.03000

3/8/2023

Sixty-eighth  
Legislative Assembly  
of North Dakota

**HOUSE CONCURRENT RESOLUTION NO. 3019**

Introduced by

*TERM LIMITS*

Representatives Kasper, Dockter, Koppelman, Lefor, Louser, Rohr, D. Ruby, Steiner, Vetter  
Senators Luick, Myrdal, Paulson

1 A concurrent resolution to amend and reenact sections 1 and 2 of article XV of the Constitution  
2 of North Dakota, relating to term limits for members of the legislative assembly and statewide  
3 elected officers; to repeal section 4 of article XV of the Constitution of North Dakota, relating to  
4 prohibiting the legislative assembly from proposing certain amendments to article XV of the  
5 Constitution of North Dakota; and to provide for application.

**STATEMENT OF INTENT**

6  
7 This measure provides an individual may not serve more than twelve cumulative years in either  
8 the house of representatives or the senate until after four years have elapsed since reaching  
9 twelve years of service in that chamber. The measure also places twelve cumulative year term  
10 limits on statewide elected executive branch officers. The measure repeals a provision  
11 prohibiting the legislative assembly from proposing constitutional amendments relating to term  
12 limits.

**BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE  
13 SENATE CONCURRING THEREIN:**

*Primary election of 2024*

14  
15 That the following proposed amendments to sections 1, 2, and 4 of article XV of the  
16 Constitution of North Dakota are agreed to and must be submitted to the qualified electors of  
17 North Dakota at the primary election to be held in June of 2024, in accordance with section 16  
18 of article IV of the Constitution of North Dakota.

**SECTION 1. AMENDMENT.** Section 1 of article XV of the Constitution of North Dakota is

19 amended and reenacted as follows:

20  
21 **Section 1.** An Upon serving twelve cumulative years as a member of the house of  
22 representatives, an individual shall may not serve as a member of the house of representatives  
23 for a cumulative period of time amounting to more than eight years. An until at least four years  
24 have passed, at which time the individual may serve another twelve cumulative years.

1 ~~Upon serving twelve cumulative years as a member of the senate, an individual shall~~may not  
2 ~~serve as a member of the senate for a cumulative period of time amounting to more than eight-~~  
3 ~~years. An individual shall not be eligible to serve a full or remaining term as member of the~~  
4 ~~house of representatives or the senate if serving the full or remaining term would cause the~~  
5 ~~individual to serve for a cumulative period of time amounting to more than eight years in that~~  
6 ~~respective house~~until at least four years have passed, at which time the individual may serve  
7 ~~another twelve cumulative years.~~

8 **SECTION 2. AMENDMENT.** Section 2 of article XV of the Constitution of North Dakota is  
9 amended and reenacted as follows:

10 **Section 2.** An individual ~~shall~~may not be elected to the office of ~~serve more than a~~  
11 ~~cumulative twelve years as agriculture commissioner, attorney general, auditor, governor more-~~  
12 ~~than twice. This provision shall not prevent the lieutenant governor from succeeding to the office-~~  
13 ~~of governor, nor prevent the secretary of state from acting as governor, insurance~~  
14 ~~commissioner, lieutenant governor, public service commissioner, secretary of state,~~  
15 ~~superintendent of public instruction, tax commissioner, or treasurer unless at least four years~~  
16 ~~have passed after having completed twelve years of service. After four years have passed, the~~  
17 ~~individual may serve another twelve cumulative years in the office.~~

18 **SECTION 3. REPEAL.** Section 4 of article XV of the Constitution of North Dakota is  
19 repealed.

20 **SECTION 4. APPLICATION.** Any service in the senate or the house of representatives  
21 before December 1, 2024, for any member elected or reelected in 2024; any service in the  
22 senate or the house of representatives before December 1, 2026, for any member elected or  
23 reelected at the general election in 2026; any service as a statewide elected official, except as  
24 the governor or lieutenant governor, before January 1, 2025; and any service as the governor or  
25 lieutenant governor before December 15, 2024, may not be counted toward cumulative years of  
26 service in that office.

Hello Everyone,

It has come to my attention that even though the people voted in favor of term limits, there is an attempt by you, our elected legislators and Governor to overturn that vote. HCR 3019 will be heard TOMORROW, March 8th at 8am before the House IBL committee. This is unconstitutional and total hypocrisy on the part of anyone working to take the peoples vote away. We will not give up this fight. Stop this now and do what you were elected to do - take care of the people! Not your own ambitions or agenda. In my life I have never seen such disgusting behavior as I have seen in the past 2.5 years. How do you sleep at night? Or do you? With almost 1000 bills in one session, no time to read the bills you are voting on, why aren't you saying STOP! And do what we ask of you? When did you turn against us? When did you lose your way, your focus, the reason you ran for office?

Do the right thing and agree with term limits! Not career politicians! And do not tell me it takes 'years' to learn. If it does, you should not have run for office! I am doing what I am doing for free because I care about this country and where it is headed! Do NOT attempt to educate me!!!

Thank you.

Ann

**HCR 3019**  
**(TERM LIMITS)**

**The Power Lies in the PROPLE!**

The people voted on Term Limits and voted overwhelmingly for it. This is in good part due to our elected officials not working for the people and working for a failed government that does NOT represent the people!

**A media campaign is being worked on to expose all who sponsored, supported and voted for this ANTI-PEOPLE resolution.**

**I strongly suggest this bill be defeated and never taken up again.**

We The People have had it with this corporate government that screws the people at most every turn.

We The People run this government and the government bows to the will of the people.

**If this bill is not defeated it WILL meet legal challenges to keep it off the ballot!**

## **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 8<sup>th</sup>, 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.

Kevin Herrmann  
300 Fair St. SW  
Beulah, ND 58523  
701-873-4163

## Opposition to HCR 3019

Madam Chair Larson & members of the Senate Judiciary 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 writing 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 6 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 undermines the wishes of these voters.

The term limits measure included language that prohibits the legislature from altering or abolishing legislative term limits because of a clear conflict of interest. Article XV - Section 4 of the North Dakota state constitution reads: “...*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 [legislative term limits] of this article.*”

Legislators take an oath to the North Dakota constitution, yet this resolution is unconstitutional and a flagrant disregard of the will of the voters. If allowed to go forward, and if it survives a legal challenge, this proposal would put the issue again before voters, who will almost certainly reject it.

### **Do you have to support term limits to oppose HCR 3019?**

No. Whether or not you supported the term limits measure has no bearing on the constitutional merits of this resolution. HCR 3019 is unconstitutional.

### **Doesn't the legislature have the ability to amend the state constitution?**

**Yes, but with limitations.** Article IV, Section 16 reads: “*Any amendment to this constitution may be proposed in either house of the legislative assembly, and if agreed to upon a roll call by a majority of the members elected to each house, must be submitted to the electors and if a majority of the votes cast thereon are in the affirmative, the amendment is a part of this constitution.*”

**Limitation #1** - Article III, Section 8 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."*

**Limitation #2** - Article XV, Section 4 reads: *"...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..."* The legislature is restricted from the act of **proposal** itself, regardless of the  $\frac{2}{3}$  threshold it may achieve in a legislative chamber.

### **Doesn't HCR 3019 only alter – and not abolish – term limits?**

It allows up to 48 years between both chambers, which is effectively *not* term limits. To reiterate, Article XV, Section 4 forbids the legislature from altering them.

### **Can the legislature term limit other statewide officials?**

Yes, Section 4 only prohibits alterations to legislative term limits. For example, HCR 3019 could be amended to only propose to apply the same 2-term limits to statewide officials that was already applied by voters to the office of governor.

### **Is there *any* way for the legislature to alter legislative term limits?**

The only way would be to remove all of the language of this proposal with the exception of striking Article XV, Section 4, which prohibits the legislature from altering legislative term limits. If that were enacted by the voters, then the legislature could propose changing the legislative term limits in Section 1 during the next session.

### **What are other examples in the constitution that restrict legislative authority?**

- 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.”*

### **Does Article XV Term Limits violate the privileges and immunities clause?**

No. Article I, Section 21 reads: *“No special privileges or immunities shall ever be granted which may not be altered, revoked or repealed by the legislative assembly; nor shall any citizen or class of citizens be granted privileges or immunities which upon the same terms shall not be granted to all citizens.”*

Legislators have the same rights as all citizens. The rights prescribed in Article III for the initiative petition of the people allows the ability to collect signatures and put forward a ballot measure. The sponsors of this bill could go out and do the hard work to collect signatures to undo term limits if they so choose.

### **How does HCR 3019 differ from other proposals like the sports betting amendment this session?**

Article XI, Section 25, which prohibits gambling (with exceptions) only refers to the authority of the legislature to enact laws – i.e. statutes. HCR 3002 proposes sports betting, and such a proposal is within the legal authority of Article IV. Contrarily, the Term Limits Article XV, Section 4 prohibits the legislature from proposing an amendment to alter legislative term limits. There is no such prohibition on the legislature’s power to propose amendments to the gambling provisions of the state constitution.

### **Did voters understand what they were voting on?**

The ballot language clearly indicated what this measure was about:

<https://vip.sos.nd.gov/PDFs/Measures%20Info/2022%20General/Official%20Ballot%20Language%20Constitutional%20Measure%20No%201.pdf>

Furthermore, if we are arguing that we are not sure that voters knew what they were voting on, the same logic applies to legislators. Voters might have a certain expectation of a legislator's voting record, or simply not have enough information to know where a candidate stands on any number of issues that are important to them. Such disconnect between voter’s expectations and voting records does not delegitimize their elections.

### **Weren’t there fraudulent signatures submitted for the term limits measure?**

A record 46,000 signatures from North Dakotans were turned in to place term limits on

the ballot. Some signatures were thrown out due to various technical errors, which is similar to every other ballot measure. However, in addition to these, the Secretary of State unilaterally claimed, without clear evidence and solely on the basis of himself as a handwriting expert, that several petition packets had different looking signatures. He assumed this was fraud, and then arbitrarily assumed he could not trust 14,697-some signatures that were contained within packets notarized by the same notary.

No investigation or interviews were conducted, and no recourse or corrective action was considered by the Secretary's office. Despite this, his office admitted that all of these signatures had been reviewed line by line and were determined to be otherwise valid electors. Through months of investigation, neither the Secretary, nor the Attorney General or any law enforcement entity has produced a single person who claims that their signature was illegally placed on the petitions without their consent. Recently, the Ward County State's Attorney declined prosecution on signature fraud due to a lack of evidence. The Secretary of State's attempt to unconstitutionally deny the rights of over thousands of electors, without precedent or clear authority, was rebuked in a unanimous decision by the ND State Supreme Court.

For more information, please review the ND Supreme Court opinion by Justice Tufte:  
<https://www.ndcourts.gov/supreme-court/opinion/2022ND168>

Thank you all for your time. Contact me any time 701-712-1487.

Respectfully,

Jared Hendrix

## ARTICLE I DECLARATION OF RIGHTS

**Section 1.** All individuals are by nature equally free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property and reputation; pursuing and obtaining safety and happiness; and to keep and bear arms for the defense of their person, family, property, and the state, and for lawful hunting, recreational, and other lawful purposes, which shall not be infringed.

**Section 2.** All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people, and they have a right to alter or reform the same whenever the public good may require.

**Section 3.** The free exercise and enjoyment of religious profession and worship, without discrimination or preference shall be forever guaranteed in this state, and no person shall be rendered incompetent to be a witness or juror on account of his opinion on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state.

**Section 4.** Every man may freely write, speak and publish his opinions on all subjects, being responsible for the abuse of that privilege. In all civil and criminal trials for libel the truth may be given in evidence, and shall be a sufficient defense when the matter is published with good motives and for justifiable ends; and the jury shall have the same power of giving a general verdict as in other cases; and in all indictments or informations for libels the jury shall have the right to determine the law and the facts under the direction of the court as in other cases.

**Section 5.** The citizens have a right, in a peaceable manner, to assemble together for the common good, and to apply to those invested with the powers of government for the redress of grievances, or for other proper purposes, by petition, address or remonstrance.

**Section 6.** Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this state.

**Section 7.** Every citizen of this state shall be free to obtain employment wherever possible, and any person, corporation, or agent thereof, maliciously interfering or hindering in any way, any citizen from obtaining or enjoying employment already obtained, from any other corporation or person, shall be deemed guilty of a misdemeanor.

**Section 8.** The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.

**Section 9.** All courts shall be open, and every man for any injury done him in his lands, goods, person or reputation shall have remedy by due process of law, and right and justice administered without sale, denial or delay. Suits may be brought against the state in such manner, in such courts, and in such cases, as the legislative assembly may, by law, direct.

**Section 10.** Until otherwise provided by law, no person shall, for a felony, be proceeded against criminally, otherwise than by indictment, except in cases arising in the land or naval

forces, or in the militia when in actual service in time of war or public danger. In all other cases, offenses shall be prosecuted criminally by indictment or information. The legislative assembly may change, regulate or abolish the grand jury system.

**Section 11.** All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishments be inflicted. Witnesses shall not be unreasonably detained, nor be confined in any room where criminals are actually imprisoned.

**Section 12.** In criminal prosecutions in any court whatever, the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his behalf; and to appear and defend in person and with counsel. No person shall be twice put in jeopardy for the same offense, nor be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law.

**Section 13.** The right of trial by jury shall be secured to all, and remain inviolate. A person accused of a crime for which he may be confined for a period of more than one year has the right of trial by a jury of twelve. The legislative assembly may determine the size of the jury for all other cases, provided that the jury consists of at least six members. All verdicts must be unanimous.

**Section 14.** The privilege of the writ of habeas corpus shall not be suspended unless, when in case of rebellion or invasion, the public safety may require.

**Section 15.** No person shall be imprisoned for debt unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law; or in cases of tort; or where there is strong presumption of fraud.

**Section 16.** Private property shall not be taken or damaged for public use without just compensation having been first made to, or paid into court for the owner, unless the owner chooses to accept annual payments as may be provided for by law. No right of way shall be appropriated to the use of any corporation until full compensation therefor be first made in money or ascertained and paid into court for the owner, unless the owner chooses annual payments as may be provided by law, irrespective of any benefit from any improvement proposed by such corporation. Compensation shall be ascertained by a jury, unless a jury be waived. When the state or any of its departments, agencies or political subdivisions seeks to acquire right of way, it may take possession upon making an offer to purchase and by depositing the amount of such offer with the clerk of the district court of the county wherein the right of way is located. The clerk shall immediately notify the owner of such deposit. The owner may thereupon appeal to the court in the manner provided by law, and may have a jury trial, unless a jury be waived, to determine the damages, which damages the owner may choose to accept in annual payments as may be provided for by law. Annual payments shall not be subject to escalator clauses but may be supplemented by interest earned.

For purposes of this section, a public use or a public purpose does not include public benefits of economic development, including an increase in tax base, tax revenues, employment, or general economic health. Private property shall not be taken for the use of, or ownership by, any private individual or entity, unless that property is necessary for conducting a common carrier or utility business.

**Section 17.** Treason against the state shall consist only in levying war against it, adhering to its enemies or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or confession in open court.

**Section 18.** No bill of attainder, ex post facto law, or law impairing the obligations of contracts shall ever be passed.

**Section 19.** The military shall be subordinate to the civil power. No standing army shall be maintained by this state in time of peace, and no soldiers shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner prescribed by law.

**Section 20.** To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate.

**Section 21.** No special privileges or immunities shall ever be granted which may not be altered, revoked or repealed by the legislative assembly; nor shall any citizen or class of citizens be granted privileges or immunities which upon the same terms shall not be granted to all citizens.

**Section 22.** All laws of a general nature shall have a uniform operation.

**Section 23.** The state of North Dakota is an inseparable part of the American union and the Constitution of the United States is the supreme law of the land.

**Section 24.** The provisions of this constitution are mandatory and prohibitory unless, by express words, they are declared to be otherwise.

**Section 25.**

1. To preserve and protect the right of crime victims to justice, to ensure crime victims a meaningful role throughout the criminal and juvenile justice systems, and to ensure that crime victims' rights and interests are respected and protected by law in a manner no less vigorous than the protections afforded to criminal defendants and delinquent children, all victims shall be entitled to the following rights, beginning at the time of their victimization:
  - a. The right to be treated with fairness and respect for the victim's dignity.
  - b. The right to be free from intimidation, harassment, and abuse.
  - c. The right to be reasonably protected from the accused and any person acting on behalf of the accused.
  - d. The right to have the safety and welfare of the victim and the victim's family considered when setting bail or making release decisions.
  - e. The right to prevent the disclosure of information or records that could be used to locate or harass the victim or the victim's family, or which could disclose confidential or privileged information about the victim, and to be notified of any request for such information or records.
  - f. The right to privacy, which includes the right to refuse an interview, deposition, or other discovery request made by the defendant, the defendant's attorney, or any person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interaction to which the victim consents. Nothing in this section shall abrogate a defendant's sixth amendment rights under the Constitution of the United States nor diminish the state's disclosure obligations to a defendant.

- g. The right to reasonable, accurate, and timely notice of, and to be present at, all proceedings involving the criminal or delinquent conduct, including release, plea, sentencing, adjudication, and disposition, and any proceeding during which a right of the victim is implicated.
  - h. The right to be promptly notified of any release or escape of the accused.
  - i. The right to be heard in any proceeding involving release, plea, sentencing, adjudication, disposition, or parole, and any proceeding during which a right of the victim is implicated.
  - j. The right, upon request, to confer with the attorney for the government.
  - k. The right to provide information regarding the impact of the offender's conduct on the victim and the victim's family to the individual responsible for conducting any presentence or disposition investigation or compiling any presentence investigation report or recommendation regarding, and to have any such information considered in any sentencing or disposition recommendations.
  - l. The right, upon request, to receive a copy of any report or record relevant to the exercise of a victim's right, except for those portions made confidential by law or unless a court determines disclosure would substantially interfere with the investigation of a case, and to receive a copy of any presentence report or plan of disposition when available to the defendant or delinquent child.
  - m. The right, upon request, to the prompt return of the victim's property when no longer needed as evidence in the case.
  - n. The right to full and timely restitution in every case and from each offender for all losses suffered by the victim as a result of the criminal or delinquent conduct. All monies and property collected from any person who has been ordered to make restitution shall be first applied to the restitution owed to the victim before paying any amounts owed to the government.
  - o. The right to proceedings free from unreasonable delay, and to a prompt and final conclusion of the case and any related post-judgment proceedings.
  - p. The right, upon request, to be informed of the conviction, adjudication, sentence, disposition, place, and time of incarceration, detention, or other disposition of the offender, any scheduled release date of the offender, and the release of or the escape by the offender from custody or commitment.
  - q. The right, upon request, to be informed in a timely manner of all post-judgment processes and procedures, to participate in such processes and procedures, to provide information to the release authority to be considered before any release decision is made, and to be notified of any release decision regarding the offender. The parole authority shall extend the right to be heard to any person harmed by the offender.
  - r. The right, upon request, to be informed in a timely manner of any pardon, commutation, reprieve, or expungement procedures, to provide information to the governor, the court, any pardon board, and other authority in these procedures, and to have that information considered before a decision is made, and to be notified of such decision in advance of any release of the offender.
  - s. The right to be informed of these rights, and to be informed that victims can seek the advice of an attorney with respect to their rights. This information shall be made available to the general public and provided to all crime victims in what is referred to as a Marsy's card.
2. The victim, the retained attorney of the victim, a lawful representative of the victim, or the attorney for the government upon request of the victim may assert and seek enforcement of the rights enumerated in this section and any other right afforded to a victim by law in any trial or appellate court, or before any other authority with jurisdiction over the case, as a matter of right. The court or other authority with jurisdiction shall act promptly on such a request, ensuring that no right is deprived

without due process of law, and affording a remedy by due course of law for the violation of any right. The reasons for any decision regarding disposition of a victim's right shall be clearly stated on the record.

3. The granting of these rights to victims shall not be construed to deny or disparage other rights possessed by victims. All provisions of this section apply throughout criminal and juvenile justice processes and are self-enabling. This section does not create any cause of action for damages against the state, any political subdivision of the state, any officer, employee, or agent of the state or of any of its political subdivisions, or any officer or employee of the court.
4. As used in this section, a "victim" is a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act or against whom the crime or delinquent act is committed. If a victim is deceased, incompetent, incapacitated, or a minor, the victim's spouse, parent, grandparent, child, sibling, grandchild, or guardian, and any person with a relationship to the victim that is substantially similar to a listed relationship, may also exercise these rights. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim.

**ARTICLE III**  
**POWERS RESERVED TO THE PEOPLE**

**Section 1.** While the legislative power of this state shall be vested in a legislative assembly consisting of a senate and a house of representatives, the people reserve the power to propose and enact laws by the initiative, including the call for a constitutional convention; to approve or reject legislative Acts, or parts thereof, by the referendum; to propose and adopt constitutional amendments by the initiative; and to recall certain elected officials. This article is self-executing and all of its provisions are mandatory. Laws may be enacted to facilitate and safeguard, but not to hamper, restrict, or impair these powers.

**Section 2.** A petition to initiate or to refer a measure must be presented to the secretary of state for approval as to form. A request for approval must be presented over the names and signatures of twenty-five or more electors as sponsors, one of whom must be designated as chairman of the sponsoring committee. The secretary of state shall approve the petition for circulation if it is in proper form and contains the names and addresses of the sponsors and the full text of the measure.

The legislative assembly may provide by law for a procedure through which the legislative council may establish an appropriate method for determining the fiscal impact of an initiative measure and for making the information regarding the fiscal impact of the measure available to the public.

**Section 3.** The petition shall be circulated only by electors. They shall swear thereon that the electors who have signed the petition did so in their presence. Each elector signing a petition shall also write in the date of signing and his post-office address. No law shall be enacted limiting the number of copies of a petition. The copies shall become part of the original petition when filed.

**Section 4.** The petition may be submitted to the secretary of state if signed by electors equal in number to two percent of the resident population of the state at the last federal decennial census.

**Section 5.** An initiative petition shall be submitted not less than one hundred twenty days before the statewide election at which the measure is to be voted upon. A referendum petition may be submitted only within ninety days after the filing of the measure with the secretary of state. The submission of a petition shall suspend the operation of any measure enacted by the legislative assembly except emergency measures and appropriation measures for the support and maintenance of state departments and institutions. The submission of a petition against one or more items or parts of any measure shall not prevent the remainder from going into effect. A referred measure may be voted upon at a statewide election or at a special election called by the governor.

**Section 6.** The secretary of state shall pass upon each petition, and if the secretary of state finds it insufficient, the secretary of state shall notify the "committee for the petitioners" and allow twenty days for correction. All decisions of the secretary of state in regard to any petition are subject to review by the supreme court. But if the sufficiency of the petition is being reviewed at the time the ballot is prepared, the secretary of state shall place the measure on the ballot and no subsequent decision shall invalidate the measure if it is at the election approved by a majority of the votes cast thereon. If proceedings are brought against any petition upon any ground, the burden of proof is upon the party attacking it and the

proceedings must be filed with the supreme court no later than seventy-five days before the date of the statewide election at which the measure is to be voted upon.

**Section 7.** All decisions of the secretary of state in the petition process are subject to review by the supreme court in the exercise of original jurisdiction. A proceeding to review a decision of the secretary of state must be filed with the supreme court no later than seventy-five days before the date of the statewide election at which the measure is to be voted upon. If the decision of the secretary of state is being reviewed at the time the ballot is prepared, the secretary of state shall place the measure on the ballot and no court action shall invalidate the measure if it is approved at the election by a majority of the votes cast thereon.

**Section 8.** If a majority of votes cast upon an initiated or a referred measure are affirmative, it shall be deemed enacted. An initiated or referred measure which is approved shall become law thirty days after the election, and a referred measure which is rejected shall be void immediately. If conflicting measures are approved, the one receiving the highest number of affirmative votes shall be law. 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.

**Section 9.** A constitutional amendment may be proposed by initiative petition. If signed by electors equal in number to four percent of the resident population of the state at the last federal decennial census, the petition may be submitted to the secretary of state. All other provisions relating to initiative measures apply hereto.

**Section 10.** Any elected official of the state, of any county or of any legislative or county commissioner district shall be subject to recall by petition of electors equal in number to twenty-five percent of those who voted at the preceding general election for the office of governor in the state, county, or district in which the official is to be recalled.

The petition shall be filed with the official with whom a petition for nomination to the office in question is filed, who shall call a special election if he finds the petition valid and sufficient. No elector may remove his name from a recall petition.

The name of the official to be recalled shall be placed on the ballot unless he resigns within ten days after the filing of the petition. Other candidates for the office may be nominated in a manner provided by law. When the election results have been officially declared, the candidate receiving the highest number of votes shall be deemed elected for the remainder of the term. No official shall be subject twice to recall during the term for which he was elected.

## ARTICLE IV LEGISLATIVE BRANCH

**Section 1.** The senate must be composed of not less than forty nor more than fifty-four members, and the house of representatives must be composed of not less than eighty nor more than one hundred eight members. These houses are jointly designated as the legislative assembly of the state of North Dakota.

**Section 2.** The legislative assembly shall fix the number of senators and representatives and divide the state into as many senatorial districts of compact and contiguous territory as there are senators. The districts thus ascertained and determined after the 1990 federal decennial census shall continue until the adjournment of the first regular session after each federal decennial census, or until changed by law.

The legislative assembly shall guarantee, as nearly as is practicable, that every elector is equal to every other elector in the state in the power to cast ballots for legislative candidates. A senator and at least two representatives must be apportioned to each senatorial district and be elected at large or from subdistricts from those districts. The legislative assembly may combine two senatorial districts only when a single member senatorial district includes a federal facility or federal installation, containing over two-thirds of the population of a single member senatorial district, and may provide for the election of senators at large and representatives at large or from subdistricts from those districts.

**Section 3.** The legislative assembly shall establish by law a procedure whereby one-half of the members of the senate and one-half of the members of the house of representatives, as nearly as is practicable, are elected biennially.

**Section 4.** Senators and representatives must be elected for terms of four years.

**Section 5.** Each individual elected or appointed to the legislative assembly must be, on the day of the election or appointment, a qualified elector in the district from which the member was selected and must have been a resident of the state for one year immediately prior to that election. An individual may not serve in the legislative assembly unless the individual lives in the district from which selected.

**Section 6.** While serving in the legislative assembly, no member may hold any full-time appointive state office established by this constitution or designated by law. During the term for which elected, no member of the legislative assembly may be appointed to any full-time office that has been created by the legislative assembly. During the term for which elected, no member of the legislative assembly may be appointed to any full-time office for which the legislative assembly has increased the compensation in an amount greater than the general rate of increase provided to full-time state employees.

**Section 7.** The terms of members of the legislative assembly begin on the first day of December following their election.

The legislative assembly shall meet at the seat of government in the month of December following the election of the members thereof for organizational and orientation purposes as provided by law and shall thereafter recess until twelve noon on the first Tuesday after the third day in January or at such other time as may be prescribed by law but not later than the eleventh day of January.

No regular session of the legislative assembly may exceed eighty natural days during the biennium. The organizational meeting of the legislative assembly may not be counted as part of those eighty natural days, nor may days spent in session at the call of the governor or while engaged in impeachment proceedings, be counted. Days spent in regular session need not be consecutive, and the legislative assembly may authorize its committees to meet at any time during the biennium. As used in this section, a "natural day" means a period of twenty-four consecutive hours.

Neither house may recess nor adjourn for more than three days without consent of the other house.

**Section 8.** The house of representatives shall elect one of its members to act as presiding officer at the beginning of each organizational session.

**Section 9.** If any person elected to either house of the legislative assembly shall offer or promise to give his vote or influence, in favor of, or against any measure or proposition pending or proposed to be introduced into the legislative assembly, in consideration, or upon conditions, that any other person elected to the same legislative assembly will give, or will promise or assent to give, his vote or influence in favor of or against any other measure or proposition, pending or proposed to be introduced into such legislative assembly, the person making such offer or promise shall be deemed guilty of solicitation of bribery. If any member of the legislative assembly, shall give his vote or influence for or against any measure or proposition, pending or proposed to be introduced into such legislative assembly, or offer, promise or assent so to do upon condition that any other member will give, promise or assent to give his vote or influence in favor of or against any other such measure or proposition pending or proposed to be introduced into such legislative assembly, or in consideration that any other member hath given his vote or influence, for or against any other measure or proposition in such legislative assembly, he shall be deemed guilty of bribery. And any person, member of the legislative assembly or person elected thereto, who shall be guilty of either such offenses, shall be expelled, and shall not thereafter be eligible to the legislative assembly, and, on the conviction thereof in the civil courts, shall be liable to such further penalty as may be prescribed by law.

**Section 10.** No member of the legislative assembly, expelled for corruption, and no person convicted of bribery, perjury or other infamous crime shall be eligible to the legislative assembly, or to any office in either branch thereof.

**Section 11.** The legislative assembly may provide by law a procedure to fill vacancies occurring in either house of the legislative assembly.

**Section 12.** A majority of the members elected to each house constitutes a quorum. A smaller number may adjourn from day to day and may compel attendance of absent members in a manner, and under a penalty, as may be provided by law.

Each house is the judge of the qualifications of its members, but election contests are subject to judicial review as provided by law. If two or more candidates for the same office receive an equal and highest number of votes, the secretary of state shall choose one of them by the toss of a coin.

Each house shall determine its rules of procedure, and may punish its members or other persons for contempt or disorderly behavior in its presence. With the concurrence of two-thirds of its elected members, either house may expel a member.

**Section 13.** Each house shall keep a journal of its proceedings, and a recorded vote on any question shall be taken at the request of one-sixth of those members present. No bill may become law except by a recorded vote of a majority of the members elected to each house, and the lieutenant governor is considered a member-elect of the senate when the lieutenant governor votes.

No law may be enacted except by a bill passed by both houses, and no bill may be amended on its passage through either house in a manner which changes its general subject matter. No bill may embrace more than one subject, which must be expressed in its title; but a law violating this provision is invalid only to the extent the subject is not so expressed.

Every bill must be read on two separate natural days, and the readings may be by title only unless a reading at length is demanded by one-fifth of the members present.

No bill may be amended, extended, or incorporated in any other bill by reference to its title only, except in the case of definitions and procedural provisions.

The presiding officer of each house shall sign all bills passed and resolutions adopted by the legislative assembly, and the fact of signing shall be entered at once in the journal.

Every law, except as otherwise provided in this section, enacted by the legislative assembly during its eighty natural meeting days takes effect on August first after its filing with the secretary of state, or if filed on or after August first and before January first of the following year ninety days after its filing, or on a subsequent date if specified in the law unless, by a vote of two-thirds of the members elected to each house, the legislative assembly declares it an emergency measure and includes the declaration in the Act. Every appropriation measure for support and maintenance of state departments and institutions and every tax measure that changes tax rates enacted by the legislative assembly take effect on July first after its filing with the secretary of state or on a subsequent date if specified in the law unless, by a vote of two-thirds of the members elected to each house, the legislative assembly declares it an emergency measure and includes the declaration in the Act. An emergency measure takes effect upon its filing with the secretary of state or on a date specified in the measure. Every law enacted by a special session of the legislative assembly takes effect on a date specified in the Act.

The legislative assembly shall enact all laws necessary to carry into effect the provisions of this constitution. Except as otherwise provided in this constitution, no local or special laws may be enacted, nor may the legislative assembly indirectly enact special or local laws by the partial repeal of a general law but laws repealing local or special laws may be enacted.

**Section 14.** All sessions of the legislative assembly, including the committee of the whole and meetings of legislative committees, must be open and public.

**Section 15.** Members of the legislative assembly are immune from arrest during their attendance at the sessions, and in going to or returning from the sessions, except in cases of felony. Members of the legislative assembly may not be questioned in any other place for any words used in any speech or debate in legislative proceedings.

**Section 16.** Any amendment to this constitution may be proposed in either house of the legislative assembly, and if agreed to upon a roll call by a majority of the members elected to each house, must be submitted to the electors and if a majority of the votes cast thereon are in the affirmative, the amendment is a part of this constitution.

**Sections 17 and 18. Repealed.**

**Section 19. Renumbered.**

**Sections 20 to 46. Repealed.**

## 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.

[jmkasper@amg-nd.com](mailto:jmkasper@amg-nd.com)

**To:** jkasper@ndlegis.gov; Jim Kasper  
**Subject:** TURNOVER IN ND LEGISLATURE SINCE 2001---FROM JIM KASPER---MONDAY APRIL 3, 2023

CHART SHOWS TURNOVER OF ND LEGISLATORS SINCE THE 2001 LEGISLATIVE SESSION THROUGH THE 2021 SESSION

I asked Legislative Council to prepare this chart. It shows the names of Incumbent Legislators, their Legislative Chamber, political party, and the year that the incumbent left the House or Senate, either by being defeated or by choosing not to run for re-election.

Following are some interesting statistics:

1. From the 2001 to the 2007 Legislative sessions, an eight year period of Legislative service, 86 Legislators left office or were defeated. That equals a Turnover percentage of 61%.
2. From the 2009 to 2015 Legislative sessions, the second eight year period of Legislative service, 90 Legislators left office or were defeated. That equals a turnover percentage of 64%.
3. From the 2017 to 2023 Legislative sessions, the third eight year period of Legislative service, at least 98 Legislators left or are leaving office. That is a turnover percentage of 70%. Because the election has not yet been held, the possibility exists that this number could be greater, as some incumbents could be defeated on November 8th.

**Representative Jim Kasper**  
 North Dakota House of Representatives  
 District 46, Fargo  
 Chairman Government & Veterans Affairs Committee  
 Chairman Special House Committee on Ethics  
 Member Industry, Business & Labor Committee  
 Business Phone: 701-232-6250  
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Representative Kasper,

As per your request, please find below a list of Legislative Assembly members not returning for the next regular legislative session for the years 2001 through 2021, along with a designation of each member's party and chamber.

Year Not Returning	Party	Chamber	Legislator
2001	Democrat	House of Representatives (6)	Serenus Hoffner
			Deb Lundgren
			Shirley Meyer

			Robert E. "Bob" Nowatzki
			Wanda Rose
			Bob Stenonowicz
		Senate (5)	Judy L. DeMers
			Meyer Kinnoin
			Marv Mutzenberger
			Rolland W. Redlin
			Vern Thompson
	Republican	House of Representatives (8)	Jack Dalrymple
			John Dorso
			William E. Gorder
			Albert "Mick" Grosz
			Dale L. Henegar
			Stacey L. Mickelson
			Jim Poolman
			Gerald O. Sveen
		Senate (4)	Lawrence L. "Pete" Naaden
			Harvey Sand
			Rod St. Aubyn
			Wayne Stenehjerm
2003	Democrat	House of Representatives (5)	Audrey B. Cleary
			Howard Grumbo
			Robert Huether
			Doug Lemieux
			John Mahoney
		Senate (4)	Jerry Kelsh
			Kenneth Kroeplin
			Deb Mathern
			Steven W. Tomac
	Republican	House of Representatives (11)	James Boehm
			Mike D. Brandenburg
			Curtis E. Brekke
			Rex R. Byerly
			Rachael Disrud
			G. Jane Gunter
			Roxanne Jensen
			Myron Koppang
			Edward H. Lloyd
			Bill Pietsch
			Dennis Renner
		Senate (3)	Gary J. Nelson
			Terry M. Wanzek
			Darlene Watne
2005	Democrat	House of Representatives (4)	Arden C. Anderson
			Bruce Eckre
			Carol A. Niemeyer
			Lonny B. Winrich
		Senate (3)	Linda Christenson
			Ronald Nichols
			Michael Polovitz
	Republican	House of Representatives (10)	Byron Clark
			Mike Grosz
			Frank Klein
			Mary K. Nester
			JoAnn Rodenbiker
			Dale C. Severson

			Wayne W. Tieman
			Amy Warnke
			Janet Wentz
			Ray H. Wikenheiser
2007	Democrat	Senate (2)	Michael A. Every
			April Fairfield
	Republican	House of Representatives (12)	LeRoy G. Bernstein
			Tom Brusegaard
			Bill Devlin
			Pat Galvin
			Ronald A. Iverson
			Andrew G. Maragos
			Eugene Nicholas
			Mike Norland
			Earl Rennerfeldt
			Sally M. Sandvig
			Margaret Sitte
			Mike Timm
		Senate (9)	Richard L. Brown
			Duaine C. Espegard
			Ed Kringstad
			Duane Mutch
			Randy A. Schobinger
			John O. Syverson
			Russell T. Thane
			John T. Traynor
			Thomas L. Trenbeath
2009	Democrat	House of Representatives (3)	Ole Aarsvold
			Pam Guleson
			Dorvan Solberg
		Senate (2)	Joel C. Heitkamp
			Harvey D. Tallackson
	Republican	House of Representatives (8)	Ron Carlisle
			Dawn Marie Charging
			Donald D. Dietrich
			C. B. Haas
			Gil Herbel
			Daryl Lies
			Mark S. Owens
			Clara Sue Price
		Senate (3)	Nicholas P. Hacker
			Ben Tollefson
			Herbert Urlacher
2011	Democrat	House of Representatives (14)	Merle Boucher
			Kari L. Conrad
			Mary Ekstrom
			Rod Froelich
			Chris Griffin
			Jim Kerzman
			Lee Myxter
			Louis Pinkerton
			Louise Potter
			Arlo Schmidt
			Jasper J. Schneider
			Elwood Thorpe
			Benjamin A. Vig

			Lisa Wolf
		Senate (11)	Arden C. Anderson
			JoNell A. Bakke
			Arthur H. Behm
			Tom Fiebiger
			Robert M. Horne
			Terryl L. Jacobs
			Aaron Krauter
			Elroy N. Lindaas
			Jim Pomeroy
			Tracy Potter
			Tom Seymour
	Republican	House of Representatives (4)	Rick Berg
			Darrell D. Nottestad
			Ken Svedjan
			Francis J. Wald
2013	Democrat	House of Representatives (9)	Tom Conklin
			Lyle Hanson
			Lee Kaldor
			Robert Kilichowski
			Joe Kroeber
			Ralph Metcalf
			Shirley Meyer
			Phillip Mueller
			Lonny B. Winrich
		Senate (1)	Ryan M. Taylor
	Republican	House of Representatives (8)	Donald L. Clark
			Stacey Dahl
			Duane DeKrey
			RaeAnn G. Kelsch
			Joyce Kingsbury
			Vonnie Pietsch
			Dave Weiler
			Dwight Wrangham
		Senate (9)	Randel Christmann
			Tom Fischer
			Layton Freborg
			Dave Nething
			George D. Nodland
			Curtis Olafson
			Jim Roers
			Bob Stenehjem
			Gerry Uglen
2015	Democrat	House of Representatives (4)	Ed Gruchalla
			Scot Kelsh
			Clark Williams
			Steven L. Zaiser
	Republican	House of Representatives (9)	David Drovdal
			Bette Grande
			Joe Heilman
			Brenda Heller
			Nancy Johnson
			Curtiss Kreun
			John Wall
			Margaret Wall
			Alon Wieland

		Senate (5)	John Andrist
			Spencer Berry
			Tony Grindberg
			Stanley W. Lyson
			Margaret Sitte
2017	Democrat	House of Representatives (12)	Bill Amerman
			Eliot Glassheim
			Jessica Haak
			Ben Hanson
			Bob Hunskor
			Jerry Kelsh
			Gail Mooney
			Naomi Muscha
			Kenton Onstad
			Kylie Overson
			Marie Strinden
			Kris Wallman
		Senate (7)	Tyler Axness
			Philip M. Murphy
			David O'Connell
			Mac Schneider
			George Sinner
			Connie Triplett
			John M. Warner
	Republican	House of Representatives (13)	Wesley R. Belter
			Mark A. Dosch
			Alan Fehr
			Robert Frantsvog
			Glen Froseth
			Kathy Hawken
			Curt Hofstad
			Matthew M. Klein
			William E. Kretschmar
			Alex Looyesen
			Peter F. Silbernagel
			Robert J. Skarphol
			Blair Thoreson
		Senate (3)	Ron Carlisle
			Tim Flakoll
			Joe Miller
2019	Democrat	House of Representatives (1)	Lois Delmore
		Senate (1)	Carolyn C. Nelson
	Republican	House of Representatives (10)	Rich S. Becker
			Randy Boehning
			Roger Brabandt
			Al Carlson
			Andrew G. Maragos
			Bill Oliver
			Christopher D. Olson
			Jay Seibel
			Roscoe Streyle
			Gary R. Sukut
		Senate (6)	Kelly M. Armstrong
			Bill L. Bowman
			Tom Campbell
			Jonathan Casper

			Ralph Kilzer
			Lonnie J. Laffen
2021	Democrat	House of Representatives (2)	Matt Eidson
			Richard G. Holman
		Senate (3)	Jim Dotzenrod
			John Grabinger
			Larry J. Robinson
	Republican	House of Representatives (7)	Thomas Beadle
			Jake G. Blum
			Jim Grueneich
			Craig Johnson
			Daniel Johnston
			Vernon Laning
			Aaron McWilliams
		Senate (2)	Dwight Cook
			Gary A. Lee

Thank You,  
 Kylah E. Aull  
 Manager, Library and Records  
 North Dakota Legislative Council

**Kasper, Jim M.**

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**From:** Kasper, Jim M.  
**Sent:** Monday, April 3, 2023 9:53 AM  
**To:** Kasper, Jim M.  
**Subject:** FW: PRESENTATION TO SENATE JUDICIARY COMMITTEE----HCR 3019---MONDAY APRIL 4, 2023, 2:30 PM

HCR 3019 TERM LIMITS CONSTITUTIONAL AMENDMENT MONDAY, APRIL 4, 2023, FROM REPRESENTATIVE JIM KASPER DISTRICT 46 FARGO

CHAIRMAN LARSON AND MEMBERS OF THE SENATE JUDICIARY COMMITTEE:

FOR THE RECORD, MY NAME IS REPRESENTATIVE JIM KASPER, DISTRICT 46 IN FARGO.

1. IT IS MY PLEASURE TO INTRODUCE HCR 3019, WHICH IS A CONCURRENT RESOLUTION TO AMEND ARTICLE 15 OF THE NORTH DAKOTA CONSTITUTION AND ASK THE VOTERS OF THE STATE OF NORTH DAKOTA TO REPEAL ARTICLE 15 OF THE ND CONSTITUTION AND REPLACE IT WITH THE TERMS OF HCR 3019. IF THE SENATE VOTES IN FAVOR OF HCR 3019, THIS RESOLUTION WILL APPEAR ON THE PRIMARY BALLOT IN JUNE OF 2024, FOR THE VOTERS OF NORTH DAKOTA TO DECIDE IF THEY WANT TO STAY WITH THE CURRENT TERM LIMIT MEASURE THAT WAS PASSED IN NOVEMBER OF 2022, OR REPEAL AND REPLACE IT WITH THE NEW TERM LIMIT LANGUAGE OF HCR 3019.
2. THE CURRENT ARTICLE 15 IMPOSES AN 8 YEAR LIFETIME TERM LIMIT THAT A PERSON CAN SERVE IN EITHER THE HOUSE OR THE SENATE. IT DOES NOT COUNT THE TIME THAT A SITTING LEGISLATOR HAS SERVED BEFORE JANAUARY 1, 2023. IT ALSO ALLOWS A PERSON TO SERVE A MAXIMUM OF 8 YEARS IN ONE CHAMBER AND CAN ALSO SERVE 8 YEARS IN THE OTHER CHAMBER. ONCE A PERSON SERVES THOSE EIGHT YEARS, HE/SHE IS BANNED FOR THE REMAINDER OF THAT PERSON’S LIFE FROM EVER SERVING AGAIN IN EITHER THE HOUSE OR THE SENATE.
3. CURRENT ARTICLE 15 ALSO STATES THAT A PERSON CANNOT BE ELECTED TO THE OFFICE OF GOVERNOR MORE THAN TWICE AFTER JANAUARY 1, 2023. THIS RESTRICTION WILL ALLOW OUR CURRENT GOVERNOR TO RUN TWICE IN THE FUTURE, IF HE CHOOSES TO DO SO. THERE ARE NO TERM LIMITS IMPOSED ON ANY OF THE OTHER STATEWIDE OFFICE HOLDERS, SUCH AS ATTORNEY GENERAL, SECRETARY OF STATE, ETC.
4. CURRENT ARTICLE 15 HAS A NUMBER OF POTENTIAL CONSTITUTIONAL FLAWS, ACCORDING TO CONSTITUTIONAL ATTORNEYS I HAVE VISITED WITH. IN THE CURRENT TERM LIMIT LAW, IN SECTION 1 OF ARTICLE 15, IT STATES AS FOLLOWS:
5. “AN INDIVIDUAL SHALL NOT BE ELIGILBLE 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”
6. WHAT THIS CLAUSE IN ARTICLE 15 DOES IS TREAT LEGISLATORS UNEQUALLY, DEPENDING UPON WHEN ONES CURRENT TERM BEGAN. AS AN EXAMPLE, I SERVE IN DISTRICT 46. I WAS ELECTED IN 2020 AND AM IN THE MIDDLE OF MY 4 YEAR TERM IN OFFICE. IF I CHOOSE TO RUN AGAIN IN 2024, AND WERE TO BE RE-ELECTED, AT THE END OF THIS TERM IN 2028, I WILL HAVE SERVED FOR 6 YEARS FROM THE Efective DATE OF ARTICLE 15,

WHICH WAS JANUARY 1, 2023. SO, IN 2028, SHOULD I DESIRE TO RUN AGAIN FOR THE HOUSE, I WOULD BE PROHIBITED FROM RUNNING, ACCORDING TO ARTICLE 15, BECAUSE SHOULD I RUN AND BE RE-ELECTED IN 2028, THE END OF THAT TERM, WHICH WOULD BE 2032, WOULD MEAN I WOULD HAVE SERVED FOR 10 YEARS. ARTICLE 15 PROHIBITS SERVING MORE THAN 8 YEARS FROM ITS EFFECTIVE DATE. SO, LEGISLATORS LIKE ME, WHO SERVE IN EVEN NUMBERED DISTRICTS ARE ACTUALLY TERM LIMITED TO SERVING 6 YEARS.

7. ON THE OTHER HAND, THOSE LEGISLATORS WHO SERVE IN ODD NUMBERED DISTRICTS, AND WERE JUST ELECTED, WILL BE ABLE TO COMPLETE THEIR CURRENT TERM, WHICH WILL END IN 2026, AND THEY CAN RUN AGAIN FOR ANOTHER 4 YEAR TERM IF THEY CHOOSE. THEREFORE, ALL LEGISLATORS SERVING IN ODD NUMBERED DISTRICTS HAVE THE ABILITY TO SERVE A FULL 8 YEARS IN THEIR CURRENT CHAMBER. CONSTITUTIONAL ATTORNEYS BELIEVE ARTICLE 15 HAS A HUGE CONSTITUTIONAL FLAW IN IT AS IT TREATS CURRENT LEGISLATORS UNEQUALLY, DEPENDING ON WHETHER YOU SERVE IN AN EVEN OR AN ODD NUMBERED DISTRICT. OUR NORTH DAKOTA CONSTITUTION REQUIRES EQUAL TREATMENT UNDER THE LAW FOR ALL NORTH DAKOTANS.
8. OUR NORTH DAKOTA CONSTITUTION, IN ARTICLE 1, DECLARATION OF RIGHTS, IN SECTION 21 AND 22 STATES AS FOLLOWS:
9. "SECTION 21: NO SPECIAL PRIVILEGES OR IMMUNITIES SHALL EVER BE GRANTED WHICH MAY NOT BE ALTERED, REVOKED OR REPEALED BY THE LEGISLATIVE ASSEMBLY; NOR SHALL ANY CITIZEN OR CLASS OF CITIZENS BE GRANTED PRIVILEGES OR IMMUNITIES WHICH UPON THE SAME TERMS SHALL NOT BE GRANTED TO ALL CITIZENS."
10. "SECTION 22 STATES: ALL LAWS OF A GENERAL NATURE SHALL HAVE A UNIFORM OPERATION."
11. THE CONSTITUTION OF NORTH DAKOTA CLEARLY GUARANTEES EACH CITIZEN EQUAL RIGHTS IN ARTICLE 1 OF SECTION 21 AND SECTION 22. THE TERM LIMITS ARTICLE 15 CLEARLY CONFLICTS WITH THE EQUAL PROTECTION CLAUSES IN SECTION 21 AND SECTION 22 OF ARTICLE 1.
12. TERM LIMITS CURRENT ARTICLE 15 ALSO HAS ANOTHER POTENTIAL CONSTITUTIONAL FLAW IN ITS SECTION 4 OF ARTICLE 15, WHICH STATES:
13. TERM LIMITS ARTICLE 15, 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."(WHAT IS IMPORTANT TO NOTE IS THAT THE TERM LIMITS MEASURE DID NOT REPEAL ARTICLE 4, SECTION 16 OF THE NORTH DAKOTA CONSTITUTION.)
14. TERM LIMITS ARTICLE 15 ATTEMPTS TO OVERRIDE AND NULLIFY OUR CURRENT CONSTITUTION IN ARTICLE IV, SECTION 16, WHICH STATES:
15. "ARTICLE IV, SECTION 16: "ANY AMENDMENTS TO THIS CONSTITUTION MAY BE PROPOSED IN EITHER HOUSE OF THE LEGISLATIVE ASSEMBLY, AND IF AGREED TO UPON A ROLL CALL BY A MAJORITY OF THE MEMBERS ELECTED TO EACH HOUSE, MUST BE SUBMITTED TO THE ELECTORS AND IF A MAJORITY OF THE VOTES CAST THEREON ARE IN THE AFFIRMATIVE, THE AMENDMENT IS A PART OF THIS CONSTITUTION."
16. CLEARLY, THE SUPPORTERS OF ARTICLE 15 FAILED TO REPEAL ARTICLE 4, SECTION 16 OF OUR CONSTITUTION. THEY ALSO FAILED TO CONSIDER THE REMAINDER OF THE GUARANTEES AND POWERS OF THE LEGISLATIVE BRANCH THAT ARE DELEGATED TO THE LEGISLATIVE BRANCH IN THE OTHER ARTICLES OF THE CONSTITUTION

OF THE STATE OF NORTH DAKOTA. AS A RESULT, THE TERM LIMIT CLAUSE CREATES AN ADDITIONAL CONFLICT WITH THE NORTH DAKOTA CONSTITUTION REGARDING THE POWERS DELEGATED TO THE LEGISLATIVE BRANCH.

17. THE OUT OF STATE GROUP THAT FUNDED THE EFFORT TO PUT THE TERM LIMITS AMENDMENT ON THE NORTH DAKOTA BALLOT, FAILED TO CONSIDER THE FACT THAT OUR NORTH DAKOTA CONSTITUTION PROVIDES THREE CO-EQUAL BRANCHES OF GOVERNMENT, THE EXECUTIVE BRANCH, THE LEGISLATIVE BRANCH AND THE JUDICIAL BRANCH. IT IS OBVIOUS THAT THE TERM LIMIT SUPPORTERS ATTEMPTED TO WRITE A SELF-SERVING AMENDMENT TO LIMIT THE POWERS OF THE LEGISLATIVE BRANCH. BUT THEY FAILED TO ADDRESS THE OTHER CONSTITUTIONAL GUARANTEES AND POWERS OF THE LEGISLATIVE BRANCH IN OUR CONSTITUTION.
18. ANOTHER AREA OF THE POWERS OF THE LEGISLATIVE BRANCH IN OUR CONSTITUTION THAT THE TERM LIMIT PEOPLE FAILED TO CONSIDER AND ADDRESS ARE THE ADDITIONAL POWERS BESTOWED UPON THE LEGISLATIVE BRANCH IN ARTICLE IV SECTION 13, IN THE CONSTITUTION. IN SECTION 13 OF ARTICLE IV, THE CONSTITUTION STATES: "THE LEGISLATIVE ASSEMBLY SHALL ENACT ALL LAWS NECESSARY TO CARRY INTO EFFECT THE PROVISIONS OF THIS CONSTITUTION."
19. THE TERM LIMIT SECTION 4 OF THEIR AMENDMENT IN ARTICLE 15 ONLY PROHIBITS LEGISLATIVE POWERS IN ARTICLE IV SECTION 16 OF THE CURRENT NORTH DAKOTA CONSTITUTION. THE TERM LIMIT LANGUAGE COMPLETELY OVERLOOKED AND IGNORED THE POWERS OF THE LEGISLATURE BRANCH IN ARTICLE IV SECTION 13 OF OUR CONSTITUTION, AS WELL AS ALL OTHER PARTS OF THE ND CONSTITUTION DEALING WITH THE POWERS OF THE LEGISLATURE.
20. THERE IS AN ADDITIONAL CONSTITUTIONAL CONFLICT THE TERM LIMIT LANGUAGE CREATES. THE TERM LIMIT AMENDMENT ADDRESSES TWO SEPARATE ISSUES. THE FIRST ISSUE IS IN SECTION 1 OF THE TERM LIMIT ARTICLE WHICH PROVIDES FOR AN 8 YEAR TERM LIMIT FOR THE HOUSE AND THE SENATE. SO, THE ISSUE HERE IS LIMITING TERMS OF OFFICE FOR INDIVIDUALS.
21. THE SECOND ISSUE IN SECTION 4 ATTEMPTS TO LIMIT THE POWER AND SCOPE OF THE LEGISLATURE BY LIMITING THE ABILITY OF THE LEGISLATURE TO PROPOSE A CONSTITUTIONAL AMENDMENT FOR THE PEOPLE TO VOTE ON TO REPEAL OR AMEND THE TERM LIMITATIONS ESTABLISHED IN ARTICLE 15. THIS PORTION OF THE TERM LIMITS LANGUAGE DIRECTLY CONFLICTS WITH THE CONSTITUTIONAL POWERS OF THE LEGISLATURE TO PROPOSE AND ENACT LEGISLATION. IT IS A DIRECT ATTACK ON THE POWERS OF THE LEGISLATIVE ASSEMBLY TO DRAFT LEGISLATION.

#### HCR 3019 KEY POINTS AND FACTS

22. HCR 3019 WILL REPEAL THE CURRENT ARTICLE 15 TERM LIMITS AMENDMENT AND ITS DEEPLY FLAWED LANGUAGE AND REPLACE IT WITH THE FOLLOWING LANGUAGE:
  1. AN INDIVIDUAL COULD SERVE 12 CONSECUTIVE YEARS AS A MEMBER OF THE HOUSE OR SENATE.
  2. A PERSON MAY NOT SERVE AFTER 12 CONSECUTIVE YEARS IN THE HOUSE OR SENATE, IN THAT SAME CHAMBER, UNTIL AT LEAST 4 YEARS HAVE PASSED, AT WHICH TIME THE INDIVIDUAL MAY SERVE ANOTHER 12 CONSECUTIVE YEARS.
  3. A MEMBER OF THE HOUSE OR SENATE APPOINTED OR ELECTED TO A TERM OF LESS THAN 4 YEARS WILL BE ELIGIBLE TO SERVE 12 CONSECUTIVE YEARS FOLLOWING THE COMPLETION OF THE PARTIAL TERM.
  4. AN INDIVIDUAL COULD SERVE 12 CONSECUTIVE YEARS IN ONE CHAMBER AND IMMEDIATELY BE ABLE TO SERVE 12 ADDITIONAL CONSECUTIVE YEARS IN THE OTHER CHAMBER, WITHOUT SITTING OUT 4 YEARS.
  5. HCR 3019 IMPOSES TERM LIMITS OF NOT MORE THAN 12 CONSECUTIVE YEARS ON THE OTHER STATEWIDE OFFICES OF AGRICULTURE COMMISSIONER, ATTORNEY GENERAL, AUDITOR, GOVERNOR, INSURANCE COMMISSIONER, LIEUTENANT GOVERNOR, PUBLIC SERVICE COMMISSIONER, SECRETARY OF STATE, SUPERINTENDENT OF PUBLIC INSTRUCTION, TAX COMMISSIONER, OR TREASURER UNLESS AT LEAST FOUR YEARS HAVE PASSED AFTER HAVING COMPLETED 12 YEARS OF CONSECUTIVE SERVICE. AN INDIVIDUAL ELECTED

OR APPOINTED TO COMPLETE A PARTIAL TERM WILL BE ELIGIBLE TO SERVE 12 CONSECUTIVE YEARS FOLLOWING THE COMPLETION OF THE PARTIAL TERM.

## CONCLUDING REMARKS AND OBSERVATIONS

23. HCR 3019 WILL ALLOW THE PEOPLE OF NORTH DAKOTA TO RECONSIDER WHETHER OR NOT THEY WANT TO KEEP THE CURRENT 8 YEAR LIFETIME LIMIT FOR AN INDIVIDUAL TO SERVE THE PEOPLE OF OUR STATE IN THE LEGISLATURE, OR TO REPLACE THE TERM LIMIT LANGUAGE WITH A MORE REASONABLE APPROACH TO TERM LIMITS. AS A PART TIME LEGISLATURE, MEETING ONLY UP TO 80 DAYS EVERY OTHER YEAR, THE CURRENT 8 YEAR LIFETIME LIMIT IS UNREASONABLE AND UNWORKABLE. THE PEOPLE WHO PUSHED THE PASSAGE OF ARTICLE 15 LAST YEAR USED MISLEADING METHODS TO GET THE MEASURE PASSED. MANY OF OUR CITIZENS THOUGHT THEY WERE TERM LIMITING CONGRESS. I HAVE TALKED TO NUMEROUS PEOPLE WHO HAVE STATED THEY WERE MISINFORMED ON WHAT THE MEASURE DID.
24. PLEASE REFER TO THE CHART IN YOUR PACKET OF INFORMATION. IT PROVIDES DATA COMPILED BY LEGISLATIVE COUNCIL ON THE TURNOVER OF THE ND LEGISLATURE FROM THE 2001 TO 2021 LEGISLATIVE SESSIONS. NOTICE THAT THE 8 YEAR PERIOD OF TIME FROM 2001 TO 2007 SHOWS THAT 86 LEGISLATORS LEFT OFFICE OR WERE DEFEATED. THAT WAS A 61% TURNOVER PERCENTAGE. FROM 2009 TO 2015, NINETY LEGISLATORS LEFT OFFICE FOR A TURNOVER RATE OF 64%. AND FROM 2017 TO 2023 AT LEAST 98 LEGISLATORS LEFT OFFICE, FOR A TURNOVER RATE OF 70%.
25. LET ME POSE A HYPOTHETICAL SCENARIO TO YOU. SUPPOSE YOU ARE A BUSINESS OWNER AND HAVE 141 EMPLOYEES ON YOUR PAYROLL. ALL OF THESE EMPLOYEES ARE A VALUABLE PART OF YOUR BUSINESS SUCCESS. THEY ARE HAPPY WORKING FOR YOUR COMPANY AND YOU ARE HAPPY THEY ARE THERE. MOST WILL AGREE THAT THE MOST VALUABLE ASSET ANY BUSINESS HAS IS ITS EMPLOYEES. LET'S FURTHER ASSUME THAT A NEW LAW IS PASSED THAT REQUIRES YOU TO FIRE 100% OF YOUR EMPLOYEES EVERY EIGHT YEARS AND YOU MUST REPLACE THESE VALUABLE PEOPLE WITH ENTIRELY NEW EMPLOYEES. AND YOU CAN NEVER, EVER HIRE THESE PEOPLE BACK AGAIN.
26. WHAT KIND OF DEVASTATION WOULD THIS KIND OF LAW BRING TO YOUR BUSINESS AND ITS SUCCESS??? I SUBMIT THAT THIS IS EXACTLY WHAT ARTICLE 15 DOES TO THE STATE OF NORTH DAKOTA. IN 8 YEARS, 100% OF THE CURRENT MEMBERS OF THE NORTH DAKOTA LEGISLATURE WILL BE FIRED AND CAN NEVER COME BACK, REGARDLESS OF THEIR POTENTIAL VALUE TO OUR STATE. 100% OF ALL CURRENT LEGISLATORS WILL BE FIRED IN 8 YEARS DUE TO THE INTERFERENCE WITH OUR NORTH DAKOTA CONSTITUTION BY AN OUT OF STATE GROUP OF MEDDLERS AND MILLIONAIRES. THEY DON'T LIVE HERE. THEY HAD NO REASON TO IMPOSE THEIR TERM LIMITS IN NORTH DAKOTA EXCEPT THEY WANTED TO.
27. I SINCERELY BELIEVE THAT WE HAVE NO IDEA HOW NEGATIVELY AFFECTED THE PEOPLE OF NORTH DAKOTA AND OUR GOVERNMENT PROCESSES WILL BE IF WE ALLOW THE CURRENT TERM LIMIT LAW TO CONTINUE TO BE THE LAW IN NORTH DAKOTA.
28. LET'S TAKE OUR STATE BACK FROM THESE INTERLOPERS. PASS HCR 3019 AND LET THE PEOPLE OF NORTH DAKOTA HAVE THE OPPORTUNITY TO CORRECT THE TREMENDOUS FLAWS AND CONFLICTS WITHIN OUR CONSTITUTION THAT THE CURRENT TERM LIMITS LAW WILL HAVE ON NORTH DAKOTA AND OUR WAY OF LIFE. LET'S NOT ALLOW TO STAND A LAW THAT A WELL FUNDED OUT OF STATE GROUP, WHO DOESN'T LIVE IN NORTH DAKOTA AND WHO COULD CARE LESS WHAT THEIR TERM LIMITS MEASURE WILL DO TO THE FUTURE OF OUR GREAT STATE, HAS IMPOSED ON OUR CITIZENS. PASS HCR 3019 AND LET'S TAKE OUR STATE BACK.

THANK YOU, CHAIRMAN LARSON AND COMMITTEE MEMBERS. I WILL BE HAPPY TO ANSWER ANY QUESTIONS.

**Representative Jim Kasper**

North Dakota House of Representatives

District 46, Fargo

Chairman Government & Veterans Affairs Committee

Chairman Special House Committee on Ethics

Member Industry, Business & Labor Committee

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