

2025 SENATE STATE AND LOCAL GOVERNMENT

SCR 4008

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SCR 4008
2/20/2025

Relating to term limits for members of the legislative assembly; and to prohibiting the legislative assembly from proposing certain amendments to article XV of the Constitution of North Dakota.

9:46 a.m. Chair Roers called the hearing to order.

Members Present: Chairman Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Preserve framework
- Will of the people
- Reserved powers

9:47 a.m. Scott Tillman, Chief Operations Officer U.S. Term Limits, testified in opposition and submitted testimony #38153.

10:00 a.m. Eric Winters, Attorney, U.S. Term Limits Foundation, testified in opposition and submitted testimony #38150.

10:05 a.m. Lanny Kenner, District 7, testified in opposition and submitted testimony #38146.

10:07 a.m. Dustin Gawrylow, ND Watchdog Network, testified in opposition and submitted testimony #38047.

Additional written testimony:

Kathrin Volochenko, Treasurer Nonpartisan League, submitted testimony in opposition #38129.

Kevin Hermann, citizen, submitted testimony in opposition #38099.

10:13 a.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

LEGISLATIVE BILL TRACKING

SCR 4008: Overturning The Will Of The People

Legislators will have another opportunity to unconstitutionally overturn the will of the people on term limits



DUSTIN GAWRYLOW

JAN 30, 2025 · PAID



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Does your vote really matter?

We know the legislature wants to make it harder for citizens to set the terms and conditions for their government and for their elected officials.

SCR 4008 seeks to overturn amendment the term limits that the voters approved in 2022 by increasing the term limit from two-terms to three-terms.

Beyond that, it seeks to repeal the provision voters approved to prohibit the legislature proposing any changes to the amendment themselves - and requiring all changes to originate from the people using the petition process.

This was attempted in the 2023 legislative session as well:



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

DUSTIN GAWRYLOW • FEBRUARY 22, 2023

[Read full story →](#)



HCR 3019 House Floor Debate on Term Limits

DUSTIN GAWRYLOW • MARCH 14, 2023

[Read full story →](#)

For a review of what 2022's Measure 1 actually did, [here is the entirety of the new article in the constitution created by the voters in November 2022:](#)

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 SCR 4008 as it was with [HCR 3019](#) in 20, 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 SCR 4008 or [HCR 3019](#) in 2023. the legislature would have the power to do this. It probably would not be politically wise, but it would be constitution/legal.

What Parts Of the Constitution Are Sacred And Which Are Not?

Legislators say they need the voters to make it harder for voters to change the constitution because it is sacred.



Is The Whole Constitution "Sacred", Or Just Some Of It?

DUSTIN GAWRYLOW • JAN 16

[Read full story](#) →

But yet, they cherry-pick what parts they respect and what parts they do not.

Treating the constitution as if it is is a buffet is not holding it sacred.

It's treating it like a dog's chew toy.



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Discussion about this post

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.



DUSTIN GAWRYLOW

FEB 22, 2023 · PAID



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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.

For a review of what Measure 1 actually did, [here is the entirety of the new article in the constitution created by the voters in November 2022:](#)

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 intitiated 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).

23.3033.03000

Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE CONCURRENT RESOLUTION NO. 3019

Introduced by

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.

6 STATEMENT OF INTENT

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.

13 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE 14 SENATE CONCURRING THEREIN:

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.

19 **SECTION 1. AMENDMENT.** Section 1 of article XV of the Constitution of North Dakota is
20 amended and reenacted as follows:

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.

The Unconstitutionality of HCR 3019 Illustrates A Benefit of HCR 3031

Yesterday, I wrote about a constitutional measure to modernize the initiated measure process as well as give legislators some of the protections they want to be added to the constitutional amendment process. ([That resolution has been given a number today, HCR 3031.](#))



North Dakota's Watchdog Update

Press Release: Constitutional Amendment Introduced To Modernize Initiated Measures

Pro-Grassroots Constitutional Amendment Also Addresses Long-Standing Concerns By Legislators By Raising The Bar On Passage Of Future Constitutional Measures, Without Disenfranchising Citizens Of The Powers Reserved To The People In Article III Of The State Constitution...

[Read more](#)

2 years ago · 3 likes · 2 comments · Dustin Gawrylow

One of the benefits of an electronic petition system is that it will make it easier for legislators themselves to propose amendments that don't pass the legislative process - without having a large budget for a paid signature effort.

This same approach would make it easier for legislators to personally lead constitutional change efforts in their role as private citizens.

HCR 3019 is clearly unconstitutional. If the legislature places it on the ballot, it will likely fail, but if it were to pass would lead to a lawsuit challenging the provision the voters approved in Measure 1 last fall.

There will also likely be a natural understanding of the negative aspects to term limits when they start to actually affect the legislative process. That won't really happen for at least a decade. A premature effort to unconstitutionally repeal term limits now may lead to a more difficult process down the road.

The legislature should hold its ammo and follow the will of the people on this one, and streamline the process for citizens and themselves.



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Written Testimony on Senate Concurrent Resolution 4008

Madam Chair Roers and State and Local Government Committee Members

My name is Kevin Herrmann, 300 Fair St. SW, Beulah, ND. I am an independent North Dakota citizen. I am not a lobbyist.

I stand oppose to Senate Concurrent Resolution 4008. 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 63.4% on November 8th, 2022 which was about term limits. Supermajority of legislators were upset when the voters of North Dakota took away some of their legislative power.

Article XV section 4 states **"Notwithstanding the legislative assembly's authority to propose amendments to the constitution under Article IV section 16 thereof, the legislative assembly shall not have authority to propose an amendment on this constitution to alter or repeal the term limitations established in section 1 of this article. The authority to propose an amendment to this constitution to alter or repeal the term limitations established in section 1 of this article is reserved to initiative petition of the people under Article III of this constitution."**

Section 4 of Article XV makes this Senate Concurrent Resolution 4008 an unconstitutional resolution. The sponsor of this resolution needs to follow Article III initiative petition process just like any other citizen of North Dakota to make changes to section 1 of Article XV in this resolution.

I do not agree with the propose change in section 1 of Article XV in this resolution.

In 2023 legislative session, House Concurrent Resolution 3019 pertain to make word changing in section 1 and repeal section 4 as this resolution. House Concurrent Resolution 3019 was defeated in the Senate.

I have heard too often from legislators making false statements about out of state influence in getting petition measures on the ballot and citizens of North Dakota did not know what they were voting on. There was no out of state addresses listed on the sponsoring committee initiative petition for the term limits. Actually, there were 5 current North Dakota legislators and 4 former North Dakota legislators on the term limit sponsoring committee. In fact, the 2022 general election wording on the ballot for term limits (measure 1) was straight forward saying “**Relating to Term Limits of the Governor and Legislature**”. The voters of North Dakota knew the term limits measure was meant for the North Dakota legislators not United States Senator or United States House of Representative as some North Dakota legislators claim.

In fact, I am seeing more out of state influenced legislative bills introduced affecting the North Dakota Century Code. As example, 2019 legislative session House Bill 1193 took hourly wage workers constitutional right away to petition a political subdivision to get living wage provision on a local ballot. In 2021 legislative session House Bill 1398 took hourly wage workers constitutional right away to file a petition for family sick leave provision to a political subdivision.

All elected legislators took the oath of office to follow the North Dakota Constitution just as citizens of North Dakota have to follow the North Dakota Constitution.

Please give Senate Concurrent Resolution 4008 a “DO NOT PASS” recommendation.

Kevin Herrmann
701-873-4163

Greetings Mr.or Madam Chair, members of the Committee, I'm Kathrin Volochenko of the **Nonpartisan League**

I request that this committee bring **SCR 4008** to the floor with a **"Do Not Pass"** recommendation.

Here's an excerpt from the North Dakota Constitution, the section that this bill is asking to be repealed:

"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."

And yet this bill is attempting to do exactly that, as stated in the following excerpt on page one lines one through four:

"A concurrent resolution to amend and reenact section 1 of article XV of the Constitution of North Dakota, relating to term limits for members of the legislative assembly; and to repeal section 4 of article XV of the Constitution of North Dakota, relating to prohibiting the legislative assembly from proposing certain amendments to article XV of the Constitution of North Dakota."

This bill is asking to extend the current term limits that were voted on and approved by the people of North Dakota on initiative petition number one on November 8th, 2022, from two four-year terms to three four-year terms.

"SECTION 1. AMENDMENT. Section 1 of article XV of the Constitution of North Dakota is amended and reenacted as follows:

Section 1. An individual ~~shall~~ may not serve more than three complete four-year terms as a member of the house of representatives ~~for a cumulative period of time amounting to more than eight years.~~ An individual ~~shall~~ may not serve more than three complete four-year terms 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 individual's service as a member of the house of representatives or the senate if serving the full or remaining during a term would cause the individual to serve for a cumulative period of time amounting to more than eight years in that respective house that is less than four years does not count toward the term limit for a member of the house of representatives or the senate under this section."~~

This is in direct violation of the state constitution and the rights of all North Dakota citizens.

It's bills such as this that beg the question that they are introduced to test the constituents' ability to see if we are "paying attention".

Once again I respectfully urge this committee to recommend a **"Do Not Pass"** for **SCR 4008**.

Thank you for your time.

Lanny Kenner
District 7

Good morning chairwoman Roers and committee members.

I am requesting NO votes on SCR 4008 and the reasons are:

1. The citizens of North Dakota have spoken when they voted in term limits in 2022 which passed with almost a super majority of over 63% of the votes.
2. The only way to change term limits now is by initiated measure.
3. The citizens have spoken and by trying to change it this way is like a slap in the face to the citizens of North Dakota and the North Dakota Constitution!
4. This 69th legislative session is the worst I've seen. Townships, counties and the North Dakota citizens have lost more rights this session than any session I have seen. It looks like some have been in the legislature far too long and have forgotten who they work for. The citizens of North Dakota are your bosses not your slaves!
5. I think it's really sad term limits had to be put in place but it was a necessary thing to do.

SCR 4008 should be rejected with unanimous NO votes.

Thank you, Lanny Kenner

Testimony relating to SCR 4008

North Dakota Senate State and Local Government Committee

To the Chairman and members of the committee,

My name is Eric Winters, I am an attorney specializing in election law and uses of the initiative process. Although my practice is in Oregon, a state with an active initiative system, I also have clients who seek advice about related questions in other initiative states. I am here today at the request of my client, US Term Limits Foundation who asked me share my analysis of the following questions:

1. Can the North Dakota Legislative Assembly propose amendments to the North Dakota Constitution that, if enacted, would alter or repeal their term limits?

No. but the question requires a little overview. North Dakota provides two methods for amending its constitution. Although those methods are contained in separate articles of the ND Constitution, they mirror each other in several respects. Art. III, sec. 1 provides the people with the initiative authority to directly propose and adopt amendments (sixteen states reserve this direct authority to electors, two state reserve indirectly with sub-steps that include the legislative assembly). Alternatively, Art. IV, sec. 16 provides the legislative assembly with the direct authority to propose amendments, while also leaving enactments to popular vote. Forty-nine states have some form of legislative referral for amendments (Delaware authorizes its legislature to amend its constitution without a popular vote).

Although the people of North Dakota hold the sole authority to enact amendments to the ND Constitution, both the legislature (in Art. IV, sec. 16) and the people (in Art. III, sec 1) each hold a separate authority to propose amendments. Both of North Dakota's amendment methods involves two basic steps: the first step is the proposal of an amendment, the second step is its submission voters. The second step cannot occur unless the first is completed successfully.

Proposing an amendment by initiative contains several sub-steps:

- A) sponsorship by twenty-five electors,
- B) a circulation of approved forms by sworn electors, and,
- C) submitting a sufficient number of signatures 120 days before the election.

If any of these sub-steps fails to occur, an initiative does successfully propose an amendment for enactment.

The amendment proposal process in Art. IV, sec. 16 (hereinafter called the “legislative referral” process) in North Dakota also includes a distinct proposal phase. To complete it, the legislative assembly must “agree” to the proposal “upon a roll call of a majority of the members elected to each house”. Although the proposal is not required to originate in a specific house, it must pass with a majority of each before submission “to the electors”. If one house fails to support the proposal with a majority of its members, it makes no difference whether two-thirds of the entire assembly supported it. Obtaining a separate majority among the members of each house is specific mandatory sub-step for proposing all legislative referrals.

This exercise in recognizing the separate sub-steps in the proposal processes does lead to a point. The subject matter limitation language in Art. XV, sec 4 refers to both amendment methods to avoid confusion. It specifically cites each them by article and section using language common to both. In doing so, it harmonizes the language common to the proposal phases within the separate sections. The integrated language bars specific subject matter for proposals by legislature referral while doubly reserving that same subject matter for proposals by initiative.

On its face, Art. XV, sec. 4 removes the authority of the legislative assembly “to propose an amendment to this constitution to alter or repeal the term limitations established in section 1 of this article” while further reserving that same authority “to the initiative petition of the people.” Prior to the enactment of term limits, the legislative assembly and the people held co-equal power to propose constitutional amendments. The purpose limiting legislative referral authority is not expressly declared in Art. XV, sec. 4, but it is not difficult to read between the lines.

The people of North Dakota collected and submitted many thousands of signatures over many months to propose term limits for legislative candidates and did not want to leave those limits subject to proposals to lengthen or repeal them by the very people subject to those limits. Instead, they entrusted this narrow slice of proposal authority to the method that requires a measure of popular support before going to the voters.

State legislators may still propose changes to their term limits by the initiative process like every other voter, but Art. XV, sec 4 makes it clear that they cannot use their special legislative referral authority to propose amendments to alter or repeal their own term limits.

2. Does the introduction of SCR 4008 violate Art. XV, sec 4? What about approval from both houses?

Maybe and Yes.

SCR 4008 proposes to send to the voters a measure to amend Art. XV, sec 1 to effect changes that would increase the term limitations for members of each house from eight years to twelve years. This question is not complicated, a term limitation is inarguably “altered” when increased from eight to twelve years, it should not matter whether the changes are characterized as a “resolution to amend and reenact” the relevant portions. The language of Art. XV, sec 4 relates to the actual changes proposed rather than the nomenclature used when describing such changes.

In a bit of an ironic twist, the second section of SCR 4008 attempts to repeal Art. XV, sec. 4 – the same section that otherwise bars any term limits amendments by the legislature (which is the purpose of the first section). It goes without saying that even if SCR 4008 were to be presented to voters without legal review, the enactment of second section would not retroactively save invalid proposals within the first section.

Although the current draft of SCR 4008 (as of 2/19/25) introduced by Senator Dwyer would (if enacted) alter the term limits in Art. XV, sec 1, it is unclear whether the step of introducing it or hearing testimony about it would be considered exercise of “the legislative assembly’s authority to propose amendments” as neither is an identifiable sub-step of the proposal stage for legislative referrals. On the other hand, in so much as individual legislative authority possessed by each member of legislature is derived from the collective authority of the legislative branch under Art. IV, the subject matter bar in Art. XV, sec 1 may also bar the advancement of restricted subject matter through legislative processes.

However, if both houses of the legislature were to individually pass SCR 4008, the completion of those sub-steps would propose an amendment to the voters by a clearly unauthorized method.

Thank you for your consideration of my comments today,

Eric Winters

Eric C. Winters, OSB #983790

Referenced Constitutional Provisions:

ND Constitution Art. 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 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. (emphasis added).*

Art. 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. (emphasis added).

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....

....

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. (emphasis added).

Art. IV Legislative Branch

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. (emphasis added).

Testimony in Opposition of SCR 4008

North Dakota Senate State and Local Government Committee

Good Morning Mr. Chairman and members of the committee,

My name is Scott Tillman and I am the Chief Operations Officer for U.S. Term Limits. Thank you for allowing me the opportunity to testify today in opposition to SCR 4008, an attempt to circumvent voter approved term limits, term limits that will not affect anyone for years. Our real interest is to get a Term Limits Article V convention call in North Dakota.

Passing a resolution for term limits on congress is the driving reason behind U.S. Term Limits activities in North Dakota. We want a convention call. The reason we supported North Dakota state term limits is because the failure of the 2021 term limits article V resolution showed the disconnect between North Dakota legislators and their constituents. If we don't pass we'll continue our efforts in North Dakota. Once we pass our efforts will be in other states to pass congressional term limits resolutions.

It is unconstitutional by the very language SCR 4008 proposes to change, the legislature is prohibited from sending these types of changes back to voters. Section 4 of the 2022 term limits amendment acknowledges the conflict of interest legislators have in meddling with voter approved term limits, and made it a constitutional requirement that any change to legislative term limits need to come through a citizen initiative. I asked, Eric Winters an attorney specializing in elections and constitutional law to testify today about this.

The people of North Dakota overwhelmingly support term limits, And U.S. Term Limits will continue our efforts in North Dakota until an Article V Term Limits resolution is passed, as the people of North Dakota want. In 2022 North Dakota voters overwhelmingly approved of a state legislative term limits. This is not a partisan issue; it is a matter of representing the will of the people.

In closing, I urge this committee honor the choice of voters from only 2 years ago and oppose SCR 4008.

Thank you for your time and consideration.

Respectfully,

Scott Tillman

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SCR 4008
2/20/2025

Relating to term limits for members of the legislative assembly; and to prohibiting the legislative assembly from proposing certain amendments to article XV of the Constitution of North Dakota.

3:07 p.m. Chair Roers called the hearing to order.

Members Present: Chairman Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Budget knowledge
- Quality of work
- Institutional knowledge

3:07 p.m. Senator Dwyer, District 47, introduced the bill and submitted testimony #38250.

3:21 p.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

GENERAL FUND APPROPRIATIONS

Biennium, 2011-13 to 2025-27



2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

SCR 4008
2/21/2025

Relating to term limits for members of the legislative assembly; and to prohibiting the legislative assembly from proposing certain amendments to article XV of the Constitution of North Dakota.

10:37 a.m. Chair Roers called the hearing to order.

Members Present: Chairman Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Effective date
- Updating language
- Legislative terms

10:37 a.m. Chair Roers introduced possible language for an amendment.

10:47 a.m. Senator Walen moved Amendment with an effective date, legislative terms and repealer clause.

10:47 a.m. Senator Barta seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Judy Lee	Y
Senator Chuck Walen	Y

Motion Passed 6-0-0

10:52 a.m. Senator Barta moved Do Pass as amended.

10:52 a.m. Senator Walen seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	N
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Judy Lee	Y
Senator Chuck Walen	Y

Motion Passed 5-1-0

Senator Roers will carry the bill.

10:54 a.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

Reconsidered on 2/24/25.

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

SCR 4008
2/24/2025

Relating to term limits for members of the legislative assembly; and to prohibiting the legislative assembly from proposing certain amendments to article XV of the Constitution of North Dakota.

1:39 p.m. Chair Roers called the hearing to order.

Members Present: Chairman Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Committee Action

1:41 p.m. Senator Walen moved to reconsider passing SCR 4008 as amended on 2/21/2025.

1:41 p.m. Senator Barta seconded the motion.

1:41 p.m. Voice vote - Motion Passed.

1:45 p.m. Senator Lee moved Amendment LC #23.3066.01001.

1:45 p.m. Senator Walen seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Judy Lee	Y
Senator Chuck Walen	Y

Motion Passed 6-0-0

1:46 p.m. Senator Barta moved Do Pass as amended.

1:46 p.m. Senator Walen seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	N
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Judy Lee	Y
Senator Chuck Walen	Y

Senate State and Local Government Committee
SCR 4008
2/24/2025
Page 2

Motion Passed 5-1-0

Senator Roers will carry the bill.

1:47 p.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

PROPOSED AMENDMENTS TO

2-24-25

JB 1062

Introduced by

SENATE CONCURRENT RESOLUTION NO. 4008

Senator Dwyer

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

STATEMENT OF INTENT

7 This measure provides an individual may not serve more than ~~three~~four complete ~~four-year~~
8 terms in the legislative assembly. The measure also repeals the provision prohibiting the
9 legislative assembly from proposing constitutional amendments relating to term limits.

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

12 That the following proposed amendment to section 1 of article XV and repeal of section 4 of
13 article XV of the Constitution of North Dakota are agreed to and must be submitted to the
14 qualified electors of North Dakota at the general election to be held in November of 2026, in
15 accordance with section 16 of article IV of the Constitution of North Dakota.

SECTION 1. AMENDMENT. Section 1 of article XV of the Constitution of North Dakota is
amended and reenacted as follows:

Section 1. An individual ~~shall~~may not serve more than threefour complete four-year terms
as a member of the ~~house of representatives~~ for a cumulative period of time amounting to more
than eight years. ~~An individual shall may not serve more than three complete four-year terms as~~
~~a member of the senate~~ for a cumulative period of time amounting to more than eight
years~~legislative assembly~~. An individual shall not be eligible to serve a full or remaining

1 ~~term~~individual's service as a member of the ~~house of representatives or the senate~~ if serving
2 ~~the full or remaining~~legislative assembly during a term would cause the individual to serve for a
3 ~~cumulative period of time amounting to more than eight years in that respective house~~that is
4 less than four years does not count toward the term limit for a member of the house of
5 representatives or the senate under this section.

6 **SECTION 2. REPEAL.** Section 4 of article XV of the Constitution of North Dakota is
7 repealed.

8 **SECTION 3. APPLICATION.** If approved by the electors, this measure will apply to
9 individuals elected to the legislative assembly after January 1, 2023.

**REPORT OF STANDING COMMITTEE
SCR 4008**

State and Local Government Committee (Sen. Roers, Chairman) recommends **AMENDMENTS** ([25.3066.01001](#)) and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT OR EXCUSED AND NOT VOTING). SCR 4008 was placed on the Sixth order on the calendar. This resolution does not affect workforce development.

2025 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SCR 4008

2025 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

SCR 4008
3/27/2025

Relating to prohibiting the legislative assembly from proposing certain amendments to article XV of the Constitution of North Dakota, and to provide for an application.

3:33 p.m. Chairman Schauer opened the hearing.

Members present: Chairman Schauer, Vice Chairman Satrom, Representatives Bahl, TJ Brown, Grindberg, Karls, McLeod, Rohr, Schneider, Steiner, VanWinkle, Vetter, Wolff
Members absent: Representative C. Brown

Discussion Topics:

- Constitutional issues
- Experience for legislators

3:33 p.m. Senator Dwyer, district 47, introduced the resolution.

3:48 p.m. Kevin Hermann, private citizen, testified in opposition and submitted testimony, #44239.

4:03 p.m. Representative VanWinkle, District 3, testified in opposition.

4:09 p.m. Vice-Chairman Satrom moved a Do Pass.

4:09 p.m. Representative McCleod seconded the motion.

Representatives	Vote
Representative Austen Schauer	Y
Representative Bernie Satrom	Y
Representative Landon Bahl	N
Representative Collette Brown	AB
Representative Timothy Brown	N
Representative Karen Grindberg	N
Representative Karen Karls	Y
Representative Carrie McLeod	Y
Representative Karen M. Rohr	N
Representative Mary Schneider	N
Representative Vicky Steiner	N
Representative Lori VanWinkle	N
Representative Steve Vetter	N
Representative Christina Wolff	N

4:15 p.m. Motion failed 4-9-1.

4:16 p.m. Representative VanWinkle moved a Do Not Pass.

4:16 p.m. Representative Wolff seconded the motion.

Representatives	Vote
Representative Austen Schauer	N
Representative Bernie Satrom	N
Representative Landon Bahl	Y
Representative Collette Brown	AB
Representative Timothy Brown	Y
Representative Karen Grindberg	N
Representative Karen Karls	N
Representative Carrie McLeod	N
Representative Karen M. Rohr	Y
Representative Mary Schneider	Y
Representative Vicky Steiner	Y
Representative Lori VanWinkle	Y
Representative Steve Vetter	Y
Representative Christina Wolff	Y

4:17 p.m. Motion passed 8-5-1.

Representative VanWinkle will carry the bill.

4:18 p.m. Chairman Schauer adjourned the meeting.

Jackson Toman, Committee Clerk

**REPORT OF STANDING COMMITTEE
ENGROSSED SCR 4008 ([25.3066.02000](#))**

Government and Veterans Affairs Committee (Rep. Schauer, Chairman) recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). SCR 4008 was placed on the Fourteenth order on the calendar.

Written Testimony on Engrossed Senate Concurrent Resolution 4008

Chairman Schauer and Government and Veterans Affairs Committee Members

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

I stand oppose to Engrossed Senate Concurrent Resolution 4008. 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 63.4% on November 8th, 2022 which was about term limits. Supermajority of legislators were unhappy when the voters of North Dakota took away some of their legislative power because of section 4 of Article XV.

Article XV section 4 states **"Notwithstanding the legislative assembly's authority to propose amendments to the constitution under Article IV section 16 thereof, the legislative assembly shall not have authority to propose an amendment on this constitution to alter or repeal the term limitations established in section 1 of this article. The authority to propose an amendment to this constitution to alter or repeal the term limitations established in section 1 of this article is reserved to initiative petition of the people under Article III of this constitution."**

Section 4 of Article XV makes this Engrossed Senate Concurrent Resolution 4008 an unconstitutional resolution. Instead of ND legislators going against the 63.4% in favor of term limits, the North Dakota legislators can follow section 4 of Article XV. I would imagine there is enough legislators to form a sponsoring committee then present an initiative measure petition to North Dakota Secretary of state to get approved then get enough signatures on the initiative measure petition for it to be place on the ballot.

In 2023 legislative session, House Concurrent Resolution 3019 pertain to make word changing in section 1 and repeal section 4. House Concurrent Resolution 3019 was defeated in the Senate.

There were 5 current North Dakota legislators and 4 former North Dakota legislators on the term limit sponsoring committee. In fact, the 2022 general election wording on the ballot for term limits (measure 1) was straight forward saying “**Relating to Term Limits of the Governor and Legislature**”. There is a difference between legislature compare to United States Senator and United States House of Representative.

I listen from legislators making statements about out of state influence in different forms of support to get petitions on the ballot and citizens of North Dakota did not understand the meaning of the measure.

In fact, I am seeing more out of state influenced legislative bills introduced affecting the North Dakota Century Code. As example, 2019 legislative session House Bill 1193 took hourly wage workers constitutional right away to petition a political subdivision to get living wage provision on a local ballot. In 2021 legislative session House Bill 1398 took hourly wage workers constitutional right away to file a petition for family sick leave provision to a political subdivision. So out of state influence has been ongoing in the state of North Dakota.

Please give Engrossed Senate Concurrent Resolution 4008 a “DO NOT PASS’ recommendation.

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