

2025 SENATE STATE AND LOCAL GOVERNMENT

SCR 4028

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

SCR 4028
3/6/2025

Relating to term limits for the governor, lieutenant governor, statewide elected officials, and members of the legislative assembly and prior years of service for members of the legislative assembly and statewide elected officers; and to cumulative term limits for members of the legislative assembly and the office of governor, and legislative authority, initiative petition processes, and severability; and to provide an effective date.

2:00 p.m. Chair Roers called the hearing to order.

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

Discussion Topics:

- Refine approach to term limits
- Appointed terms not included
- Provide continuity
- Amendment regarding 2 year term

2:00 p.m. Senator Gerhardt, District #34, introduced the bill, explained proposed amendment, answered committee questions and submitted testimony #39300.

2:17 p.m. Kevin Hermann, Beulah ND, testified in opposition and submitted testimony #39088.

Additional written testimony:

Gail Kollman, citizen, submitted testimony in opposition #38645.

Anita Tulip, citizen, submitted testimony in opposition #39018.

2:23 p.m. Chair Roers closed the meeting.

Susan Helbling, Committee Clerk

Hello,

I am writing on Bill 4038 to extend term limits.

The people of ND voted and set the terms on term limits already 2 years ago.

You should not be trying to change what we the people have already voted on.

I strongly oppose changing what the people of ND have leady voted on.

We have spoken.

If you feel someone new that gets elected needs longer to understand the legislative process, then you need to come up with crash course for legislators.

Any time longer serving becomes a lobbyist haven.

March 5, 2025

Dear Chairperson and members of the Senate State and Local Government Committee,

I am writing to you in opposition to SCR 4028. The people voted on this issue in 2022. There is no reason to expect that the voters will change their minds, and you should not be taking it upon yourselves to override their decision. Please vote "Do Not Pass" on SCR 4028.

Thank you for your time.

Written Testimony on Senate Concurrent Resolution 4028

Madam Chair Roers and State and Local Government Committee Members

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

I stand oppose to Senate Concurrent Resolution 4028. This resolution circumvents the wishes of the North Dakota voters in the 2022 general election measure 1 “Term Limits”. In the 2022 general election, the citizens of North Dakota approved measure 1 by 63.4% on November 8th, 2022 on term limits. Supermajority of legislators were upset when the voters of North Dakota took away some of their legislative power because of section 4 of Article XV.

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

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

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

In fact, I am seeing more out of state influenced legislative bills introduced affecting the North Dakota Century Code. As example, 2019 legislative session House Bill 1193 took hourly wage workers constitutional right away to petition a political subdivision to get a living

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

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

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



North Dakota Senate

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Senator Justin Gerhardt

District 34
Mandan, ND 58554
jgerhardt@ndlegis.gov

COMMITTEES:

Education
Energy and Natural Resources

3/6/25

Good afternoon, Madam Chair Roers and members of the committee. For the record, Senator Justin Gerhardt, serving District 34 in Mandan.

Thank you for this opportunity to present Senate Concurrent Resolution 4028 to you today, a measure that aims to refine North Dakota's approach to term limits in a way that keeps faith with the will of the voters while ensuring our state government continues to work for the people.

This resolution proposes term limits of three elected terms for all statewide offices except the governor and lieutenant governor. It also makes clear that appointments to fill vacancies don't count against these limits. When North Dakotans voted to put term limits in place in 2022, they weren't given the option to weigh in on term limits for other statewide officials like the attorney general, tax commissioner, or superintendent of public instruction. This resolution gives them that choice.

And it fixes a real problem with legislative term limits, appointments. Right now, a legislator can serve no more than two terms in a chamber. I'm a prime example of why that's a mistake. In October of 2023, I was appointed to fill out the remaining year of Senator Doug Larson's term, after he died in an airplane accident. I then ran for and was elected in November of 2024 to a four year term. Under the current term limits, I will be termed out at the end of this term, after serving just over 5 years and in only two regular legislative sessions. As I spent time knocking on doors and visiting with constituents this past election cycle, people wanted to know my story, and as I explained this to them, they overwhelmingly let me know that they don't think this is right and it's not how they expected it to work. Let me restate this, I will be termed out after serving in just two regular sessions which is not more than 160 legislative days. Even under the ideal conditions of two full four years terms, legislators will only serve in 4 sessions, which would be 320 working legislative days. Governing takes time to learn. Addressing appointments and increasing to three terms strike a better balance: long enough to get good at the job, but not so long that anyone becomes entrenched.

Main Arguments

1. Experience Matters

North Dakotans deserve public servants who know what they're doing. Our Citizen lead legislature meets for only 80 days every two years. By the time a new legislator gets a handle on the budget process, legislative rules, and the needs of their district, they're already on their way out the door. The same goes for our statewide officials, who manage big agencies and complicated policy areas. Three terms allow elected officials to develop the expertise they need to be effective, while still ensuring turnover in leadership.

2. Three Terms Strikes the Right Balance

Term limits should stop career politicians, not good public servants from doing their jobs. Three terms allow leaders to serve long enough to gain institutional knowledge and contribute effectively, without making public office a lifetime position.

3. Appointments Shouldn't Count Toward Term Limits

An appointment isn't the same as an election. Appointees step into their roles unexpectedly, often in the middle of a term. They haven't had the chance to build relationships with constituents or set their own agenda. The appointment could be for a few months, a year or two, or even possibly a few days. It doesn't make sense to treat an appointment as one of the terms. This resolution aims to ensure only full, elected terms count toward the limit.

4. A Smarter Approach to Legislative Term Limits

Under the current system, I and others like me—appointed and then elected—could serve only two full legislative sessions, while some of my colleagues get twice the time. That's unfair. More importantly, it's bad for North Dakota. A three-term limit gives legislators the time they need to master the legislative process, lead effectively, and mentor newer members.

Addressing Opposition Arguments

1. Does This Measure Override the Voters' Decision on Term Limits?

No. When North Dakotans voted for term limits, they voted for limits on the governor and legislature. They weren't asked about the other statewide offices. This resolution doesn't undo what voters approved—it expands term limits consistently across all offices and gives voters a better option for legislative term limits. They will make the final call at the ballot box.

2. Does Allowing Three Terms Weaken Term Limits?

Not at all. The purpose of term limits is to stop career politicians and ensure fresh

leadership. A three-term limit still guarantees turnover, but it allows elected officials enough time to get good at their jobs before stepping aside. It's a commonsense approach that ensures government remains both accountable and effective.

3. **Does This Resolution Violate Article XV, Section 4 of the Constitution?**

No, it does not. Section 4 of Article XV prohibits the legislature from amending or repealing the current legislative term limits in Section 1. This resolution **doesn't repeal or amend Section 1**—instead, it offers an **alternative framework** for voters to consider. While this proposal may conflict with the current language, it does not violate Section 4's restriction because it does not directly remove or alter the existing limits.

The key point is this: We are not taking anything away from the voters. We are simply presenting them with another choice. If they prefer this alternative, they can adopt it. If not, the current limits remain in place. That's democracy in action.

Conclusion

Madam Chair and members of the committee, this resolution is about making sure North Dakota's government continues to work for its people. It preserves term limits while fixing some real problems. It ensures we don't force out good leaders too soon, while still keeping fresh voices in the mix.

By allowing three terms instead of two, we get the balance right: enough experience to govern well, but not so long that anyone gets too comfortable. By making sure appointments don't count toward limits, we keep things fair. And by offering a **new alternative** rather than repealing, we let the people decide—exactly as it should be. I ask this committee to give this resolution a **“do pass”** recommendation and entrust North Dakotans to make the final decision.

Thank you for your time today and with that I will stand for questions.

AMENDMENT TO SENATE CONCURRENT RESOLUTION NO. 4028

Sixty-ninth Legislative Assembly of North Dakota

Amending the Proposed New Article to the Constitution of North Dakota to Clarify Term Limit Applicability to Partial and Adjusted Terms

SECTION 1. AMENDMENT TO THE PROPOSED NEW ARTICLE

The following provision is added as a new section following Section 3:

Section 4.

"For the purposes of this article, an election to fill a vacancy for less than a full term or an election to a term of fewer than four years due to legislative redistricting shall not be considered an election toward the term limit established for that office."

Renumber the remaining sections accordingly.

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

SCR 4028
3/13/2025

Relating to term limits for the governor, lieutenant governor, statewide elected officials, and members of the legislative assembly and prior years of service for members of the legislative assembly and statewide elected officers; and to cumulative term limits for members of the legislative assembly and the office of governor, and legislative authority, initiative petition processes, and severability; and to provide an effective date.

9:21 a.m. Chair Roers called the hearing to order.

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

Discussion Topics:

- Eliminate section 5
- Prior to election 2022
- Committee Action

9:27 a.m. Senator Barta moved Amendment LC #25.3096.02002.

9:27 a.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

9:30 a.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

Introduced by

SENATE CONCURRENT RESOLUTION NO. 4028

Senators Gerhardt, Hogue, Roers

Representatives Nathe, Brandenburg, Vigesaa

1 A concurrent resolution to create and enact a new article to the Constitution of North Dakota,
2 relating to term limits for the governor, lieutenant governor, statewide elected officials, and
3 members of the legislative assembly and prior years of service for members of the legislative
4 assembly and statewide elected officers; to repeal sections 2, 3, 4, 5, and 6 of article XV of the
5 Constitution of North Dakota, relating to cumulative term limits for members of the legislative
6 assembly and the office of governor, and legislative authority, and initiative petition processes;
7 ~~and severability~~; and to provide an effective date.

8 STATEMENT OF INTENT

9 This measure provides an individual may not be elected more than ~~three times as a member of~~
10 ~~the house of representatives and three times as a member of the senate~~ four complete four-year
11 terms to the legislative assembly. The measure restricts an individual from being elected more
12 than three times as agriculture commissioner, attorney general, auditor, insurance
13 commissioner, public service commissioner, secretary of state, superintendent of public
14 instruction, tax commissioner, or treasurer. The measure prohibits an individual from being
15 elected as the governor or lieutenant governor more than twice. The measure provides that
16 service before the ~~2018~~ 2022 general election may not count toward a term limit established
17 under the measure. The measure repeals conflicting provisions of article XV of the Constitution
18 of North Dakota and a provision prohibiting the legislative assembly from proposing
19 constitutional amendments relating to term limits. The measure provides the changes will take
20 effect on January 1, 2027.

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

1 That the following proposed new article to the Constitution of North Dakota and the repeal
2 of sections 2, 3, 4, 5, and 56 of article XV of the Constitution of North Dakota are agreed to and
3 must be submitted to the qualified electors of North Dakota at the general election to be held in
4 2026, in accordance with section 16 of article IV of the Constitution of North Dakota.

5 **SECTION 1.** A new article to the Constitution of North Dakota is created and enacted as
6 follows:

7 **Section 1.** An individual may not be elected to the office of governor or lieutenant governor
8 more than twice. This provision does not prevent the lieutenant governor from succeeding to the
9 office of governor, nor does it prevent the secretary of state from acting as governor.

10 **Section 2.** An individual may not be elected agriculture commissioner, attorney general,
11 auditor, insurance commissioner, public service commissioner, secretary of state,
12 superintendent of public instruction, tax commissioner, or treasurer more than three times.

13 **Section 3.** Notwithstanding section 1 of article XV of the Constitution of North Dakota, an
14 individual may not be elected to ~~the house of representatives~~ more than ~~three times, nor may~~
15 ~~an individual be elected to the senate more than three times~~ four complete four-year terms in the
16 legislative assembly.

17 **Section 4.** Any prior election as a member of the house of representatives, a member of the
18 senate, the office of governor, lieutenant governor, and a statewide elected office, may not be
19 counted against the election of an individual occurring before the ~~2018~~ 2022 general election. An
20 individual's service by the lieutenant governor in the individual's capacity as president of the
21 senate does not count toward the cumulative amount of time an individual may serve as a
22 member of the senate.

23 ~~**Section 5.** The provisions of this article are severable. If any provision is held to be invalid,~~
24 ~~either on its face or as applied, the application of the remaining provisions of this article are not~~
25 ~~affected.~~

26 **Section 6.5.** If a conflict exists between any provision of this article and any other provision
27 of this constitution, the provisions of this article control.

28 **SECTION 2. REPEAL.** Sections 2, 3, 4, 5, and 6 of article XV of the Constitution of North
29 Dakota are repealed.

30 **SECTION 3. EFFECTIVE DATE.** If approved by the electors, this measure becomes
31 effective on January 1, 2027.

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

SCR 4028
3/13/2025

Relating to term limits for the governor, lieutenant governor, statewide elected officials, and members of the legislative assembly and prior years of service for members of the legislative assembly and statewide elected officers; and to cumulative term limits for members of the legislative assembly and the office of governor, and legislative authority, initiative petition processes, and severability; and to provide an effective date.

10:42 a.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

10:44 a.m. Senator Lee moved Do Not Pass as amended.

10:44 a.m. Senator Castaneda 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

Chair Roers will carry the bill.

10:45 a.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

**REPORT OF STANDING COMMITTEE
SCR 4028**

State and Local Government Committee (Sen. Roers, Chairman) recommends **AMENDMENTS** ([25.3096.02002](#)) and when so amended, recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SCR 4028 was placed on the Sixth order on the calendar. This resolution does not affect workforce development.