

# Post-session Analysis of North Dakota's 61st Legislative Assembly

By Lynn Bergman

Voting records of North Dakota House and Senate members were examined for specific bills that best revealed philosophical leanings of individual legislators. Based on their votes, legislators accumulated points, the higher the points the more characteristic of the traditional, constitutional conservative viewpoint of limited government, moral order, personal responsibility, and societal freedom. Those bills were:

Bill	Senate Vote Description	"Correct" Vote
HB 1268	Sales Tax Exemption for Clothing	Yea
HB 1347	Prohibit Use of Public Resources on Ballot Measures	Yea
HB 1350	Funding for "Great Plains Applied Energy Research Center"	Nay
SB 2018	Provide Online "Searchable Database of State Expenditures"	Yea
HB 1398	Provide for a Public Vote on Quasi-public Buildings Projects	Yea
HB 1434	Public funding to higher education for endowed chair positions	Nay
HB 1572	Outlaw Abortion in North Dakota	Yea
SB 2184	Removes Excise Tax on Motor Vehicle Manufacturer Rebates	Yea
SB 2201	Provides Tax Exemptions for Disabled Veterans	Yea
SB 2212	"English Learner" Grants to Regional Education Associations	Nay
SB 2368	Double the Allowable Mill Levy for Soil Conservation Districts	Nay
HCR 3054*	Place "Legacy Fund" Measure on Ballot ; would transfer 30% of oil & gas revenue to a "Legacy Fund" for future generations	Yea

\*Note: Two separate Senate votes are tabulated to "double weight" this important ballot measure.

Below is a short description of each of these significant bills. As you examine the lists of bills, jot down how you would vote on each. Then count the number of your answers that agree with the "correct" votes; that is your "score". Remember, even staunch conservatives will disagree on a few issues. If you score 9 or more House correct votes or 8 or more Senate correct votes, you may consider yourself a "conservative". As your score falls lower, you increasingly reveal a socialistic tendency that may cause you to re-examine your views in light of the failure of the Soviet Union's "economy" and "government" after a 70 year test period!

**HB 1268** would have provided a sales and use tax exemption for clothing, offering Red River Valley retailers in North Dakota a "level playing field" with Minnesota retailers. HB 1268 passed the House by over a 2:1 margin only to be resoundingly defeated in the Senate due to the influence of big spending municipal oligarchs (supported by North Dakota League of Cities, North Dakota Association of Counties, North Dakota Education Association, and North Dakota Recreation and Park Association) that were concerned about reduced tax revenues. Senator Potter was the lone "Yea" vote in the Senate. Correct House and Senate vote, Yea.

**HB 1324** would have provided \$100 million in state economic stimulus payments to taxpayers and reduced income tax rates for individuals, estates, and trusts. HB 1324 "passed" (after an improper "suspension of the rules" that require a 2/3 majority to raid \$100 Million from the Permanent Oil Tax Trust Fund) the House by a margin of 53 Yeas to 40 Nays but, in the senate, became a vehicle for implementation of tax simplification and revenue allocation. The bill subsequently signed by the Governor provided no immediate economic stimulus

and near zero net tax relief; instead, it was "massaged" to implement portions of the Governor's proposal that was defeated earlier in the House. Correct initial House vote, Yea.

**HB 1335** would have provided an income tax deduction for taxpayers who provide home education for their children. The bill failed in the House by a margin of 37 Yeas and 57 Nays. Those who voted against it cited their duty to "support public education", ignoring the fact that home-schooled children perform better than their public school counterparts in virtually all areas and at all lev-

els, offering much needed competition that tends to stimulate improved levels of excellence in public schools. Correct House vote, Yea.

**HB 1347** would have prohibited the use of state or political subdivision services or property for political purposes by proponents and opponents of ballot measures. The prohibition currently applies to candidates for public office. HB 1347 passed the house by over a 2:1 margin only to be defeated in the Senate by 41 Nays to 5 Yeas after an impassioned speech by big spending Senator Nething imploring his colleagues to defeat the bill. To the 41 Senators that voted Nay, it is perfectly legitimate to use state resources (paper, computers, public employee time, gasoline, etc.) to defeat measures that could

Bill	House Vote Description	“Correct” Vote
HB 1268	Sales Tax Exemption for Clothing	Yea
HB 1324	\$100 million income tax reduction for individuals, estates, and trusts	Yea
HB 1335	Income Tax Deduction for Parents of Home Schooled Children	Yea
HB 1347	Prohibit Use of Public Resources on Ballot Measures	Yea
HB 1350	Funding for “Great Plains Applied Energy Research Center”	Nay
HB 1377	Provide Online “Searchable Database of State Expenditures”	Yea
HB 1390	Eliminate economic damage limit in health care malpractice lawsuits	Nay
HB 1398	Provide for a Public Vote on Quasi-public Buildings Projects	Yea
HB 1434	Public funding to higher education for endowed chair positions	Nay
HB 1473	Allow voters to initiate a vote on local budgets	Yea
HB 1521	Reduce the state sales and use tax rate from 5% to 4.5%	Yea
HB 1572	Outlaw Abortion in North Dakota	Yea
SB 2212	“English Learner” Grants to Regional Education Associations	Nay
SB 2368	Double the Allowable Mill Levy for Soil Conservation Districts	Nay
HCR 3054*	Place “Legacy Fund” Measure on Ballot; would transfer 30% of oil & gas revenue to a “Legacy Fund” for future generations	Yea

\*Note: Two separate Senate votes are tabulated to “double weight” this important ballot measure.

affect state revenues. Correct House and Senate vote, Yea.

**HB 1350** provided a grant toward construction of a “Great Plains Applied Energy Research Center”, a facility largely redundant to the self-supporting Energy and Environmental Research Center (EERC) at UND! This was perhaps the most outrageous “pork barrel spending” bill of the session, resulting from geographical envy in combination with a large state ending fund balance. It was first rejected by the House with 46 Yeas, 47 Nays, and 1 Absent. Upon reconsideration on the same day, it passed the house with 68 Yeas, 25 Nays, and 1 Absent. The Senate passed the bill with 29 Yeas and 18 Nays. Correct House votes and Senate vote, Nay.

**HB 1377** provided for the establishment of a searchable database of state expenditures. A fiscally conservative no-brainer, the bill passed the House with 67 Yeas, 25 Nays, and 2 Absent, well over a two-thirds margin! Senators, however, were generally displeased with a bill that would reveal any excessive

or unwarranted spending by the State of North Dakota; the bill was subsequently relegated to a “study” by a unanimous Senate vote (the words “Obedient Sheep” come to mind). Due to considerable public pressure by fiscal conservative activists, the bill resurrect itself as part of the Commerce Department’s budget, SB 2018. Correct House vote, Yea.

**SB 2018**, the Commerce Department appropriation, includes a provision for the establishment of a searchable database of state expenditures. Senators Behm and Krauter, voted against the appropriation, likely in opposition to the searchable database provision. Taxpayers from their districts

may wish to substantiate the reasons that each voted against the appropriation. Correct Senate vote, Yea.

**HB 1390** would have eliminated the \$0.5 Million limit for non-economic damage awards in health care malpractice lawsuits (damages arising from pain; suffering; inconvenience; physical impairment; disfigurement; mental anguish; emotional distress; fear of injury, loss or illness; loss of society and companionship; loss of consortium; injury to reputation; humiliation; and other non-pecuniary damages). A compromise amendment also failed (42 Yeas to 52 Nays) that would have increased allowable non-economic damages from half a million to one million dollars. The bill failed in the House by a vote of 31 Yeas and 63 Nays. Correct House vote, Nay.

**HB 1398** required voter approval of public building projects funded through a building authority or other “indirect” means. The bill passed the House 61 Yeas to 33 Nays. It lost in the Senate 20 Yeas to 27 Nays. Once again, the influence of local entity big spenders (supported by North Dakota League of Cities, North Dakota Association of Counties, North Dakota Education Association, and North Dakota Recreation

**ND did not get along with outgoing Manitoba Premier Gary Doer -- there is cautious optimism about his replacement, centrist Greg Selinger.**

## Senate Votes (21 Democrats + 26 Republicans = 47 Senators)

Democrat Legislators	Score	Republican Legislators	Score
		<b>6 A's (10,11 Correct of 13 Votes)</b>	
		Senator Jerry Klein (R)	11
		Senator Joe Miller (R)	11
		Senator Dwight Cook (R)	11
		Senator Dick Dever (R)	10
		Senator George Nodland (R)	10
		Senator David Hogue (R)	10
		<b>8 B's (9 Correct of 13 Votes)</b>	
		Senator Stanley W. Lyson (R)	9
		Senator Dave Oehlke (R)	9
		Senator Terry M. Wanzek (R)	9
		Senator Bob Stenchjem (R)	9
		Senator Randel Christmann (R)	9
		Senator Rich Wardner (R)	9
		Senator Bill Bowman (R)	9
		Senator Ralph L. Kilzer (R)	9
		<b>5 C's (8 Correct of 13 Votes)</b>	
<b>1 C (8 Correct of 13 Votes)</b>		Senator John M. Andrist (R)	8
Senator Constance Triplett (D)	8	Senator Layton W. Freborg (R)	8
		Senator Curtis Olafson (R)	8
		Senator Dave Nething (R)	8
		Senator Robert S. Erbele (R)	8
		<b>5 D's (6,7 Correct of 13 Votes)</b>	
<b>9 D's (6,7 Correct of 13 Votes)</b>		Senator Judy Lee (R)	7
Senator Larry J. Robinson (D)	7	Senator Gary A. Lee (R)	7
		Senator Tom Fischer (R)	7
Senator Robert M. Horne (D)	6	Senator Tony Grindberg (R)	6
Senator John M. Warner (D)	6	Senator Tim Flakoll (R)	6
Senator David O'Connell (D)	6		
Senator Ryan M. Taylor (D)	6		
Senator Arden C. Anderson (D)	6		
Senator Jim Pomeroy (D)	6		
Senator Tracy Potter (D)	6		
Senator Mac Schneider (D)	6		
		<b>2 F's (5 or less Correct of 13 Votes)</b>	
<b>11 F's (5 or less Correct of 13 Votes)</b>		Senator Karen K. Krebsbach (R)	4
Senator Richard Marcellais (D)	5		
Senator Elroy N. Lindaas (D)	5		
Senator Joan Heckaman (D)	5		
Senator Jim Dotzenrod (D)	5		
Senator Aaron Krauter (D)	5		
Senator Tom Seymour (D)	4	Senator Ray Holmberg (R)	3
Senator Tim Mathern (D)	4		
Senator JoNell A. Bakke (D)	4		
Senator Arthur H. Behm (D)	3		
Senator Carolyn Nelson (D)	3		
Senator Tom Fiebiger (D)	2		

and Park Association) was at work in the Senate. We expect this bill will be revisited during the next session after one or more of these “murky, back door, public/private” entities go broke, leaving taxpayers with the tab due to the irresponsible actions of their local elected officials. Correct House and Senate vote, Yea.

**HB 1434** would appropriate \$10 million to higher education institutions to fund endowed chair positions, as long as the appropriated amounts are matched 1:1 by non-public funding sources. The bill passed the house with 78 Yeas, 16 Nays after amending the amount to \$0.5 million. The Senate defeated the bill with a 14 Yeas, 33 Nays. This bill was a bad idea to begin with but was likely defeated by the big-spending Senate due to its emaciated appropriation. At a UND outreach function in the Minneapolis area just prior to the session, the President of UND suggested that donations to higher education by Minnesota resident alumni of North Dakota institutions would soon be matched 1:1 by the State due to North Dakota's huge ending fund balance. An investigative reporter (if any still exist) might ask which arrogant politician(s) may have given such assurance to the President of UND? Correct House and Senate vote, Nay.

**HB 1473** would have allowed voters to initiate a vote on the budgets of cities, counties and school districts. The House vote was 36 Yeas, 57 Nays, 1 absent. Once again, the influence of the North Dakota League of Cities, North Dakota Association of Counties, North Dakota Education Association, and North Dakota Recreation and Park Association represented an insurmountable obstacle to this needed budgeting reform at the local level. Correct house vote, Yea.

**HB 1521** would have reduced the state sales and use tax rate from 5% to 4.5%, leaving \$65 million per year (\$130 million per biennium) in the pockets of taxpayers. The House voted to defeat the bill with 44 Yeas, 47 Nays, 3 Absent. This was perhaps the most disappointing loss of the session because several so-called House “fiscal conservatives” voted against this bill, perhaps selfishly, in order to create a more favorable environment for corporate tax relief. These legislators were reminded by conservative activists that true fiscal conservatives embrace ALL REASONABLE tax reduction

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legislation! Correct House vote, Yea.

**HB 1572** defined an individual, a person, when the context indicates that a reference to an individual is intended, or a human being to include any organism with the genome of Homo Sapiens. This bill would have effectively criminalized abortion of a fetus in North Dakota. It passed the House with 51 Yeas, 41 Nays, 2 Absent. It failed in the Senate with 16 Yeas, 29 Nays, 2 Absent. Because it would very likely have been appealed to the Supreme Court of the United States and thus could have resulted in criminalizing abortion throughout the United States, the bill was defeated. 41 Representatives and 29 Senators lacked the courage to do what is right and had a plethora of excuses provided to them by liberals (including, sadly, two Catholic clergy) that came out of the woodwork to attack this bill. The clergy and healthcare “professionals” that opposed this bill may well have been “coat-hangered” (referring to back alley abortions) by the supporters of “professionals that work the streets” into doing so. For the record, the “coat hanger warning” has resulted in a million times more doctor-provided abortions than its use in the “dark abysses” of our largest cities ever represented. Correct House and Senate vote, Yea.

**SB 2184** excludes motor vehicle manufacturers’ incentives or discounts from motor vehicle excise taxes. This bill passed the Senate with 31 Yeas, 15 Nays and 1 Absent and was passed unanimously in the House. Try as one may, one cannot understand the audacity of legislators believing they may tax money saved (not spent) by the taxpayer! Correct Senate vote, Yea.

**SB 2201** provides tax exemptions for disabled veterans. The initial Senate floor vote was 29 Yeas, 17 Nays and 1 Absent. Freedom is not free; we can NEVER do enough to repay those who defend our freedom! Correct Senate vote, Yea.

**SB 2212** appropriated \$40,000 (reduced from initial \$200,000 by a House amendment) to the Superintendent of Public Instruction to provide an English learner grant to a regional education association. The amended final bill passed unanimously in the House with 89 Yeas, 0 Nays, 5 Absent and passed the Senate with 25 Yeas, 21 Nays, 1 Absent. Despite the reduction of the appropriation from \$200,000 to \$40,000, perhaps the critical flaw in this bill is the provision for a grant to a regional education association. These “multiple school district” associations, cooperatives, consortiums, JPAs, or what-

ever one wishes to call them, were set up to create efficiencies that arise from sharing of costs and services. It is a very poor precedent to provide subsidies to multiple districts that have banded together for efficiency purposes. Immigrants and/or their local sponsors should pay the full cost of special English lessons in order to have the “buy-in” that insures their children will successfully master the English language and subsequently learn and understand America’s rich history. Correct House and Senate vote, Nay.

**SB 2368** increased the allowable mill levy for soil conservation districts from 1 mill to 2 mills. The House vote was 49 Yeas, 44 Nays, 1 Absent. The senate vote was 26 Yeas and 21 Nays. Doubling allowable taxes at any level is outrageous. Correct House and Senate vote, Nay.

**HCR 3054** places a constitutional measure on the 2010 general election ballot. The measure, if accepted by voters, would transfer 30% of the total revenue derived from taxes on oil and gas production or extraction to a “Legacy Fund”. Principal and earnings of the Legacy Fund could not be expended until after June 30, 2017. An expenditure of principal after that date would require a two-thirds vote of both houses. And no more than 15% of the principal may be expended per biennium. The purpose of the measure is obvious; it provides a continuing revenue stream to our descendants long after oil and gas resources are exhausted. Debate on HCR 3054 centered on details of the plan. Initial votes in each chamber garnered less “Yea” votes than the conference committee’s final version. This is a clear indicator that some legislators (16 in the House, 9 in the Senate, shaded pink in the tabulations) from both parties were “Johnny Come Lately” supporters of the “legacy fund” concept. We should actually have more respect for those who consistently opposed this concept “on principle” than those highly manipulative legislators who jumped on the bandwagon late for expedience purposes. For the above reasons and because this may be the most important legislation of the session to our grandchildren and great grandchildren, we have included both votes in the House and both votes in the Senate in our tabulation. Correct initial and final House and initial and final Senate votes, Yea.

**SB 2199** is the “property tax relief” bill with no “property tax reform” elements! Suffice it to say that this is the most irresponsible piece of legislation to be passed in the history of North Dakota politics. Time will prove that, because it is not

“Experience is that marvellous thing that enables you recognize a mistake when you make it again.”

- F. P. Jones

sustainable, it will result in extremely painful correction measures by future lawmakers, and in the interim will only pad the pockets of the “education oligarchy”. This bill was so embraced by incumbent politicians bent on re-election that my advice to voters can only be to vote for any challengers that have the courage to step into the arena of politics in North Dakota! We are sorrowfully in need of legislators that prioritize service to the taxpayers over self-interest in the pay and benefits they receive through re-election. Because those opposed to the bill only wished to spend MORE of the taxpayers’ money, SB 2199 was not considered to be worthy of inclusion in this analysis. The bill is amply reflective of the political self-interest based “groupthink” that pervaded the halls at the expense of local entity government reforms that could have made a difference in the lives of North Dakota taxpayers!

### No Reform of Laws that Favor Incumbents

Perhaps no bill better exemplifies the “unwillingness to reform” of the 2009 legislative session than House Bill 1180. House Bill 1180 initially provided that “a public facility used for early voting may not be used for any political event or political purpose during the time the facility is being used as an early voting precinct”. A subsequent House amendment added the qualifier “unless a location established as an early voting precinct is an establishment (that is) open to routine activity attended by the public for purposes other than voting”. After the amended bill passing unanimously (93 Yeas, 0 Nays, 1 Absent) in the House, the Senate soundly defeated it with 9 Yeas and 38 Nays. So BOTH political parties may now CONTINUE the practice of holding a political rally (featuring a presidential candidate, if desired) at the same location as an early voting precinct, including the overt funneling of political rally participants to the early voting location within the same facility...

This follows an all too familiar pattern of one party publicly challenging a particular “abuse” by the other party, only to seemingly “forget” the abuse when in legislative session, when law could be put

## House Vote (36 Democrats + 58 Republicans = 94) Representatives

Democrat Legislators	Score	Republican Legislators	Score
		<b>11 A's (13,14 Correct of 16 Votes)</b>	
		Representative Randy Boehning (R)	14
		Representative Michael R. Nathe (R)	14
		Representative Dave Weiler (R)	14
		Representative Blair Thoreson (R)	14
		Representative Jim Kasper (R)	14
		Representative Kim Koppelman (R)	13
		Representative Chet Pollert (R)	13
		Representative Brenda Heller (R)	13
		Representative Mike Schatz (R)	13
		Representative Francis J. Wald (R)	13
		Representative Bette Grande (R)	13
		<b>21 B's (11,12 Correct of 16 Votes)</b>	
		Representative Bob Skarphol (R)	12
		Representative Glen Froseth (R)	12
		Representative Jeff Delzer (R)	12
		Representative Dwight Wrangham (R)	12
		Representative Wesley R. Belter (R)	12
		Representative Craig Headland (R)	12
		Representative Mark A. Dosch (R)	12
		Representative Lisa Meier (R)	12
		Representative Gary Kreidt (R)	12
		Representative Karen Karls (R)	12
		Representative Stacey Dahl (R)	12
		Representative Patrick R. Hatlestad (R)	11
		Representative David Monson (R)	11
		Representative Don Vigesaa (R)	11
		Representative Mike Brandenburg (R)	11
		Representative Larry Bellew (R)	11
		Representative Dan J. Ruby (R)	11
		Representative David Drovdal (R)	11
		Representative Keith Kempenich (R)	11
		Representative Donald L. Clark (R)	11
		Representative Rick Berg (R)	11
		<b>9 C's (9,10 Correct of 16 Votes)</b>	
		Representative Gary Sukut (R)	10
		Representative Alon Wieland (R)	10
		Representative Duane L. DeKrey (R)	10
		Representative Gerry Uglem (R)	10
		Representative Al Carlson (R)	10
		Representative David S. Rust (R)	9
		Representative Chuck Damschen (R)	9
		Representative Ken Svedjan (R)	9
		Representative Lawrence R. Klemin (R)	9
Representative Tracy Boe (D)	9		
		<b>1 C (9,10 Correct of 16 Votes)</b>	

**The Microsoft CEO says Fargo is the company's third-largest presence in the U.S. -- the company has 1,500 personnel in Fargo and is considered one of the most important businesses in ND.**

Democrat Legislators	Score	Republican Legislators	Score
<b>5 D's (7,8 Correct of 16 Votes)</b>		<b>13 D's (7,8 Correct of 16 Votes)</b>	
Representative Rodney J. Froelich (D)	8	Representative Dennis Johnson (R)	8
		Representative Joyce Kingsbury (R)	8
		Representative Vonnie Pietsch (R)	8
		Representative John D. Wall (R)	8
		Representative Todd Porter (R)	8
		Representative Bob Martinson (R)	8
		Representative Matthew M. Klein (R)	8
		Representative George J. Keiser (R)	8
Representative Lyle Hanson (D)	7	Representative Robin Weisz (R)	7
Representative Louise Potter (D)	7	Representative Curt Hofstad (R)	7
Representative Chris Griffin (D)	7	Representative William Kretschmar (R)	7
Representative Jerry Kelsh (D)	7	Representative Rae Ann G. Kelsch (R)	7
		Representative Robert Frantsvog (R)	7
<b>30 F's (6 or less of 16 Votes)</b>		<b>4 F's (6 or less of 16 Votes)</b>	
Representative Elwood Thorpe (D)	6		
Representative Bob Hunsakor (D)	6		
Representative Arlo Schmidt (D)	6		
Representative Merle Boucher (D)	6		
Representative Scot Kelsh (D)	6		
Representative Jasper Schneider (D)	6		
Representative Benjamin A. Vig (D)	6		
Representative Clark Williams (D)	6		
Representative Shirley Meyer (D)	6		
Representative Corey Mock (D)	6		
Representative Tom Conklin (D)	5	Representative Jon Nelson (R)	5
Representative Louis Pinkerton (D)	5	Representative Darrell D. Nottestad (R)	5
Representative Joe Kroeber (D)	5		
Representative Richard G. Holman (D)	5		
Representative Lee Kaldor (D)	5		
Representative Ralph Metcalf (D)	5		
Representative Phillip Mueller (D)	5		
Representative Bill Amerman (D)	5		
Representative Edmund Gruchalla (D)	5		
Representative Kari L. Conrad (D)	4		
Representative Lisa Wolf (D)	4		
Representative Kenton Onstad (D)	4		
Representative Eliot Glassheim (D)	4		
Representative Lonny Winrich (D)	4		
Representative Steve Zaiser (D)	4		
Representative Lee Myxter (D)	4		
Representative Lois Delmore (D)	4		
Representative Robert Kilichowski (D)	3		
Representative Mary Ekstrom (D)	2	Representative Nancy Johnson (R)	2
Representative James Kerzman (D)	2	Representative Kathy Hawken (R)	2

in place to end the “abuse”. Examples of necessary reforms that will likely not be implemented, except through the wholesale replacement of incumbent legislators by voters at district caucuses and polling places throughout North Dakota, include:

#### Prohibit Publicly Funded “Politician Name Recognition” Campaigns

- Prohibit any video or audio of an elected official in any publicly funded advertisements (use un-elected agency management or professional voices/actors).

#### Discourage Early Resignations from Public Office and Subsequent Political Appointments

- Provide that, if an incumbent elected official leaves office for any reason other than such incumbent’s death, the Governor must appoint a member of such incumbent’s opposing party to fill the vacancy until the next regularly scheduled election determines a permanent replacement.

#### Prohibit Publicly Funded Public Agency “Self Promotion” and “Gifting”

- Prohibit “marketing expenditures” by all North Dakota state agencies, except those expenditures whose clear and unquestionable purpose is to promote Public Health, Public Safety, Public Transportation Infrastructure, or Tourism. And limit marketing to newspaper, radio, television, and online messages (no “trinkets” or other small “gifts”) that make North Dakotans aware of information directly related to these four main areas where use of public funds for “marketing” meets three measurable criteria; is highly effective, clearly in the public interest, and provides no physical “goods” or patronizing “services” to anyone.

Although the economy is good, the number of families in Grand Forks needing social services is rising steeply. Much of the increase is attributed to out of state people who have entered the area looking for work.

Prohibit Use of Public Resources to Support or Oppose Ballot Measures

- Current law prohibits of the use of public resources in support or opposition to Candidates; the law needs to be expanded to cover ballot measures.

These four reforms would serve well to eliminate the current institutional bias supporting incumbents, probably the very reason that they have not been enacted into law...

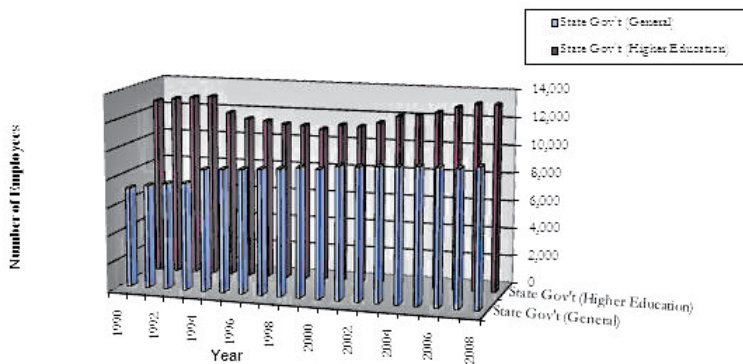
**Why were N.D. state employees given back to back annual raises of 5%?**

The common argument given for such state employee pay raises is "A rising tide lifts all ships". Another explanation is "More government is a form of economic development". This subject warrants a voluminous separate analysis.

Taxpayers need to ask the following questions:

- What is the turnover rate of state employees, not counting retirements? Normally, turnover must exceed 8% to be considered a problem.
- If a chief executive of a private company gave across-the-board back-to-back 5% pay raises (11.025% raise over two years) to all employees during a period where inflation could be expected to be negative, would the stockholders support such executive?
- Do these raises represent a guaranteed state government funding crisis in the future?
- Will taxes have to be increased in the future or will pay be cut?
- Will the tax increase proposals come at a time of economic downturn?
- Would higher taxes during economic

Growth in the Number of State Government Employees in North Dakota



economic tough times help or retard an economic revival?

**What's the Problem with General Fund State of North Dakota Spending?**

While state spending has more than doubled during the administrations of our current Governor, much of the spending was on so-called "one-time" projects that may reasonably be funded during good economic times. The long term cost of these one-time projects is the most obvious question that should be of concern to taxpayers. The year over year increase in the number of state employees, however, is a much better barometer of the "degree" to which state government spending is "out-of-control".

From 1990 through 2008, the number of "general" state employees increased from 7100 to 9900, an increase of 39.4% or about 2.19% per year. During the same 18 year period, North Dakota general fund per capita (inflation-adjusted) spending increased from about \$2,600 to \$3,600, an increase of 38.5% or about 2.14% per year. The troublesome aspect of this consistent growth in both inflation-adjusted spending and number of general state government employees is that the population increase has remained almost non-existent at 0.04% per year throughout the same 18 year period!

In the real world of business, leaders demand the innovations that create efficiencies and actually reduce the number of employees needed to produce a given output. We need elected leaders with perseverance to stop the cancerous government employee growth that will

eventually kill each and every individual element of our private economy. 2.2% annual growth in state government may seem like a low number but eventually leads to the same end as the Soviet Union experienced...

**The Solution: District Caucuses, Active Involvement**

Presenting the problem of self-interested legislators bent on re-election and the burgeoning size of government at all levels would be to no avail without at least a suggested solution. The solution suggested herein is relatively simple:

1. Attend the district caucuses of your favored political party to have a voice in who becomes the candidates for office in that district; incumbents do not always have to return to elected office!
2. If you really wish to make a difference, bring along from two to five dozen friends that can nominate and elect you to replace your district's Senator (or Senator candidate) or one of your district's two Representatives (or Representative candidates).
3. If you can't rally that many friends on caucus night, bring those you can. There are many stories of candidates who gained their district's endorsement with only a few people in attendance.
4. Become active in or contribute to one of the following organizations interested in limiting the growth of government:

**North Dakota Taxpayers Association**  
701-290-9331  
dgawrylow@ndtaxpayers.com

**Citizens for Responsible Government:**  
701-471-9014  
C4rgnd@bis.midco.net

**North Dakota Policy Council**  
701-223-8155

And send in your \$20 annual subscription to the Dakota Beacon, North Dakota's monthly journal of politics, economics, science and culture, for a variety of information and opinion.

The party district caucuses in North Dakota will be held in January, 2010. Be watching your party's website for dates and times for the caucuses in the forty-seven legislative districts in North Dakota. Get active, become involved. I know that even one person can make a huge difference; imagine how much we can throttle the cancerous growth of government at all levels if hundreds or thousands of citizens get involved!



Lynn Bergman was born and raised in Grand Forks, receiving his Civil Engineering degree from UND. He worked as a municipal engineer in four cities (Grand Forks, Bismarck, Yuma, Arizona, and Colorado

Springs, Colorado) over a period of almost 20 years. He then worked for a mining company in North Dakota for another 15 years, retiring in 1998. Development and demonstration of Portland-pozzolan cement and optimally durable concrete has been one of his life's passions. Political activism is another interest and he is a Director of "Citizens for Responsible Government", an organization devoted to fiscal responsibility in government. He is President of DuraCement, LLC and is employed part-time by a regional engineering firm.

The table of actual votes on particular bills will be available at:

[www.dakotabeacon.com](http://www.dakotabeacon.com)



**“Honest criticism is hard to take, particularly from a relative, a friend, an acquaintance, or a stranger.”**

**- Franklin P. Jones**