

# North Dakota Chamber of Commerce **2011 Legislative Review**



## *How They Voted*

How did legislators vote on the key issues that affect your business?



# North Dakota Chamber's 2011 Legislative Voting Review

By Andy Peterson

North Dakota Chamber President & CEO

The North Dakota Chamber of Commerce is pleased to present our *2011 How They Voted Legislative Review*.

The laws enacted during every session have a significant impact on the state's business community. During this session, the North Dakota Chamber tracked more than 100 bills and resolutions with the potential to affect businesses. This report includes an overview of 15 bills used to gauge legislators' support on business issues.

This report's cover shows Governor Jack Dalrymple signing HB 1047, the North Dakota tax relief package, which provides \$342 million in property tax relief, \$120 million in individual income tax relief, \$25 million in corporate income tax reductions, and \$2.15 million in financial institutions tax reductions. We worked hard on the passage of this bill, and it will make a big difference in our state's business climate.

The individuals pictured with Governor Dalrymple in the front cover photo are identified on the back page. Looking over their work and standing as a constant reminder of integrity in state government is the statue of Governor John Burke near the entrance of the State Capitol. Known as "Honest John," Burke is remembered for his efforts to end corruption in state government during his three terms in office beginning in 1907. Burke was also Treasurer of the United States and a justice on the North Dakota Supreme Court.

The legacy of Governor Burke, and the many other legislators and public officials who have served, remind us of the important role we all have in making North Dakota the best place in the country to live, work and do business. The North Dakota Chamber's primary mission is advocating for proactive business policies and regulations. Tracking how legislators vote and informing members of the business community of these voting records is a key component of that process.

## Reading the Results

The tables in this publication outline each legislator's votes on key business issues and how each vote aligned with the North Dakota Chamber's position on the measure. Those votes that positively aligned with the North Dakota Chamber's position received a blue plus (+) in the tables. Votes opposed to the Chamber's position received a minus (-). The votes in which a legislator was absent (AB) are not included in the computation of the legislator's overall percentage of support.

Legislators could earn a ranking from 0 to 100 percent for the total favorable votes on 15 bills for House members and 11 for Senate members. In the event more than one vote took place, we compiled the results based on the final vote.



## Methodology

Only bills on which the North Dakota Chamber took a clear position are included in *How They Voted*. These positions are marked by a **'thumbs up'** (support) or a **'thumbs down'** (oppose) in the bill chart. Positions are guided by the North Dakota Chamber's Legislative Policy Statements and Guidelines distributed to legislators at the beginning of the session.

No determination was made of any particular legislator's vote prior to the final identification of the 15 bills chosen for publication. The survey is a representation of those votes where the best interests of business required an individual commitment on each legislator's behalf.

## Taxation

**North Dakota  
Tax Relief Package**  
HB 1047



Provides nearly \$490 million in tax relief, including \$120 million in individual income tax relief, \$25 million in corporate tax relief, \$2.15 million in financial institutions tax relief, and \$342 million in property tax relief.  
**Passed**

**Sales and Use Tax  
Exemption**  
HB 1424



Expands the compensation for businesses collecting and remitting sales tax.  
**Passed**

**Sales and Use Tax  
Exemption for Thrift  
Stores**  
SB 2137



Created a sales tax exemption for sales made by nonprofit used merchandise stores, which compete directly with for-profit secondhand stores.  
**Failed**

**Tax Exemption for  
Telecommunications  
Infrastructure  
Development**  
SB 2171



Extends the sales and use tax exemption for equipment used in telecommunications infrastructure development for an additional 18 months.  
**Passed**

## WSI/Unemployment Insurance

**Permanent Partial  
Impairment (PPI)**  
HB 1055



Requires WSI to use the 6th edition of the American Medical Association guidelines to assess physical impairment, reduces the threshold for percentage of whole body impairment to qualify for an award to 14 percent, increases permanent partial impairment awards within the 14 – 25 percent impairment levels, and increases the PPI benefit rate to 35 percent.  
**Passed**

**Mental Injury Benefits**  
SB 2093



Provided a benefit limited to \$15,000 or six months of payments to victims of violent crimes that sustain mental injury from a mental stimulus.  
**Failed**

## Transportation Infrastructure

**Department of  
Transportation  
Appropriation**  
HB 1012



The total appropriation of \$1.5 billion for the North Dakota Department of Transportation includes \$371 million to repair state and local roads in oil producing counties and \$60 million in funding for local roads outside of oil producing counties.  
**Passed**

**Allocation of Motor  
Vehicle Excise Tax  
Collections**  
HB 1043



Placed 100 percent of the motor vehicle excise tax in the Highway Tax Distribution Fund.  
**Failed**

## General Business

**Defined Contribution Retirement Plan for State Employees**  
HB 1228



Changed the retirement programs for state employees from a defined benefit program to a defined contribution program.  
**Failed**

**Employer's Prohibition of Firearm Possession**  
HB 1438



Prohibits business owners from restricting the possession of a legally owned firearm if the firearm is locked inside or locked to a private motor vehicle in a parking lot.  
**Passed**

**Legislative Management to Contract for Recovery Audits**  
HB 1448



Required Legislative Management to contract on behalf of the state with a firm to perform recovery audits for the previous four fiscal years. Compensation for the firm would be a percentage of the amount recovered.  
**Failed**

## Economic Development

**Income Tax Credits for Purchases of Manufacturing Machinery**  
SB 2055



Created two new income tax credits for purchases of machinery and equipment used to automate the manufacturing process and for qualified expenditures related to lean manufacturing.  
**Failed**

**Department of Commerce Appropriation**  
HB 2057



Includes \$12 million for the Centers of Excellence program, \$1.5 million for Workforce Enhancement Grants, \$1 million for startup stage technology businesses, \$3.1 million for child care service provider grants, and \$750,000 for tourism infrastructure grants.  
**Passed**

## Natural Resources

**Indemnity Agreements in Oil and Gas Production Contracts**  
HB 1166














Voided indemnity agreements in oil and gas production contracts, which are commonly used in the industry.  
**Failed**

## Legal Reform















**Landowner Immunity for Injuries to Trespassers**  
HB 1452



Declares a landowner is not liable for injury to a trespasser except in the instance the landowner purposefully harms the trespasser or neglects conditions on the property known to cause injury.  
**Passed**

SENATE													% Fav
ND Chamber Position		HB	HB	HB	HB	HB	HB	SB	SB	SB	SB	SB	
Representative	District	1012	1047	1055	1424	1438	1452	2055	2057	2093	2137	2171	Fav
John Andrist	2	+	+	+	+	-	+	+	+	-	+	+	82%
Spencer Berry	27	+	+	+	+	-	+	+	+	-	-	+	73%
Bill Bowman	39	+	+	+	+	-	+	+	+	-	+	+	82%
Randy Burckhard	5	+	+	+	+	-	+	+	+	-	-	+	73%
Randel Christmann	33	+	+	+	+	-	+	-	-	-	+	+	64%
Dwight Cook	34	+	+	+	+	-	+	-	+	-	+	+	73%
Dick Dever	32	+	+	+	+	-	+	+	+	-	+	+	82%
Jim Dotzenrod	26	+	+	+	+	-	+	-	+	-	-	+	64%
Robert Erbele	28	+	+	+	+	-	+	+	+	-	+	+	82%
Tom Fischer	46	+	+	+	+	-	+	+	+	-	-	+	73%
Tim Flakoll	44	+	+	+	+	-	+	+	+	-	+	+	82%
Layton Freborg	8	+	+	+	+	-	+	+	+	-	+	+	82%
Tony Grindberg	41	+	+	+	+	-	+	+	+	-	+	+	82%
Joan Heckaman	23	+	+	-	+	-	+	+	+	-	-	+	64%
David Hogue	38	+	+	+	+	-	+	+	-	-	-	+	64%
Ray Holmberg	17	+	+	+	+	-	+	+	+	-	+	+	82%
Ralph Kilzer	47	+	+	+	+	-	+	+	+	-	+	+	82%
Jerry Klein	14	+	+	+	+	-	+	+	+	-	+	+	82%
Karen Krebsbach	40	AB	+	+	+	-	+	+	+	-	+	+	80%
Lonnie Laffen	43	+	+	+	+	-	+	+	+	-	-	+	73%
Oley Larsen	3	+	+	+	+	-	+	-	-	-	-	+	55%
Gary Lee	22	+	+	+	+	-	+	+	+	-	+	+	82%
Judy Lee	13	+	+	+	+	+	+	+	+	-	-	+	82%
Larry Luick	25	+	+	+	+	-	+	-	+	-	-	+	64%
Stanley Lyson	1	+	+	+	+	-	+	+	+	-	-	+	73%
Richard Marcellais	9	+	-	-	+	+	+	+	+	-	-	+	64%
Tim Mathern	11	+	-	-	+	+	+	+	+	+	-	+	73%
Joe Miller	16	+	+	+	+	-	+	+	-	-	-	+	64%
Philip Murphy	20	+	+	-	+	-	+	+	+	-	-	+	64%
Carolyn Nelson	21	+	+	-	+	+	+	+	+	-	-	+	73%
Dave Nething	12	+	+	+	+	-	+	AB	+	-	AB	+	78%
George Nodland	36	+	+	+	+	-	+	+	+	-	-	+	73%
David O'Connell	6	+	+	-	+	-	+	+	+	-	-	+	64%
Dave Oehlke	15	+	+	+	+	+	+	-	+	-	-	+	73%
Curtis Olafson	10	+	+	+	+	AB	+	+	+	-	-	+	80%
Larry Robinson	24	+	+	-	+	-	+	+	+	AB	-	+	70%
Donald Schaible	31	+	+	+	+	-	+	-	+	-	+	+	73%
Mac Schneider	42	+	+	-	+	-	+	+	+	+	-	+	73%
Margaret Sitte	35	+	+	+	+	-	+	+	-	-	-	+	64%
Ronald Sorvaag	45	+	+	+	+	-	+	+	+	-	+	+	82%
Bob Stenehjem	30	+	+	+	+	-	+	-	-	-	+	+	64%
Ryan Taylor	7	+	+	-	+	-	+	+	+	-	-	+	64%
Constance Triplett	18	+	-	-	+	-	+	+	+	-	-	+	55%
Gerald Uglem	19	+	+	AB	+	-	+	+	+	-	+	+	80%
Terry Wanzek	29	+	+	+	+	-	+	+	+	-	+	+	82%
Rich Wardner	37	+	+	+	+	-	+	+	+	-	+	+	82%
John Warner	4	+	+	-	+	-	+	+	-	-	-	+	55%

HOUSE																	
ND Chamber Position		👍	👍	👍	👍	👎	👍	👍	👎	👎	👍	👍	👎	👎	👍	% Fav	
Representative	District	HB 1012	HB 1043	HB 1047	HB 1055	HB 1166	HB 1228	HB 1424	HB 1438	HB 1448	HB 1452	SB 2055	SB 2057	SB 2093	SB 2137	SB 2171	
Bill Amerman	26	+	+	+	-	-	-	+	+	+	AB	-	+	-	-	+	57%
Dick Anderson	7	+	-	+	+	+	-	-	-	+	+	-	+	+	+	+	67%
Thomas Beadle	27	+	-	+	+	+	+	+	-	+	+	+	+	+	-	-	73%
Larry Bellew	38	+	-	AB	+	+	+	AB	-	-	+	-	-	+	-	+	54%
Wesley Belter	22	+	-	+	+	+	+	+	-	+	+	AB	-	+	+	AB	77%
Tracy Boe	9	AB	-	+	+	+	-	+	-	+	-	+	+	-	+	+	64%
Randy Boehning	27	+	-	+	+	+	+	+	-	-	+	AB	+	+	+	+	79%
Roger Brabandt	5	+	-	+	+	+	+	+	-	+	+	-	-	+	+	+	73%
Michael Brandenburg	28	+	-	+	+	+	+	+	-	+	+	-	+	+	+	+	80%
Al Carlson	41	+	-	+	+	+	+	+	-	+	+	-	+	+	+	+	80%
Donald Clark	44	+	-	+	+	+	+	+	-	-	+	+	+	+	+	+	80%
Tom Conklin	4	AB	-	+	+	-	-	-	-	+	+	AB	+	-	-	+	46%
Stacey Dahl	42	+	-	+	+	+	-	+	+	+	+	AB	+	+	+	+	86%
Chuck Damschen	10	+	-	+	+	+	-	+	-	+	+	-	+	+	-	+	67%
Duane DeKrey	14	+	-	+	+	-	+	+	-	+	+	-	+	+	+	+	73%
Lois Delmore	43	+	-	+	+	+	-	+	-	+	-	+	+	-	-	+	60%
Jeff Delzer	8	+	-	+	+	+	+	+	-	+	+	-	-	+	+	+	73%
William Devlin	23	+	-	+	+	+	+	+	-	+	+	-	AB	+	+	+	79%
Mark Dosch	32	+	-	+	+	-	+	+	-	-	+	-	+	+	+	+	67%
David Drovdal	39	+	-	+	+	-	+	+	-	+	+	-	+	+	+	+	73%
Robert Frantsvog	40	+	-	+	+	-	-	+	-	+	+	+	+	+	-	-	60%
Glen Froseth	6	+	-	+	+	+	+	+	+	+	+	-	+	+	AB	+	86%
Eliot Glassheim	18	+	AB	+	+	AB	-	-	+	+	+	+	+	-	-	+	69%
Bette Grande	41	+	-	+	+	+	+	+	-	+	+	-	+	+	-	+	73%
Ed Gruchalla	45	+	-	+	+	+	-	-	-	+	+	+	+	-	-	+	60%
Ron Guggisberg	11	+	-	+	+	-	-	-	-	+	+	+	+	-	-	+	53%
Lyle Hanson	12	+	-	+	+	+	-	-	-	+	+	+	AB	-	-	+	57%
Patrick Hatlestad	1	AB	-	+	+	-	+	+	-	+	+	-	+	+	+	+	71%
Kathy Hawken	46	+	-	+	+	+	-	+	-	+	+	+	+	+	-	+	73%
Craig Headland	29	+	-	+	+	+	+	+	-	-	+	-	-	AB	+	+	64%
Joe Heilman	45	+	-	+	+	+	+	+	-	+	+	+	+	-	+	+	80%
Brenda Heller	33	+	-	+	+	-	+	+	-	+	+	-	-	+	+	+	67%
Curt Hofstad	15	+	-	+	+	+	+	+	-	+	+	-	+	+	+	+	80%
Kathy Hogan	21	+	+	+	+	-	-	-	+	+	-	-	AB	-	-	-	43%
Richard Holman	20	+	-	+	+	+	-	-	+	+	+	+	+	-	-	+	67%
Bob Hunskor	6	+	-	+	+	-	-	-	-	+	+	+	+	-	-	+	53%
Dennis Johnson	15	+	-	+	+	+	+	+	-	+	+	-	+	AB	+	+	79%
Nancy Johnson	37	+	-	+	+	+	-	+	+	+	+	+	+	+	-	+	80%
Lee Kaldor	20	+	-	-	-	-	-	-	-	+	+	+	-	-	-	+	33%
Karen Karls	35	+	-	+	+	+	-	+	-	+	+	-	+	+	+	+	73%
Jim Kasper	46	+	-	+	+	+	+	+	-	-	+	-	+	+	+	+	73%
George Keiser	47	+	-	+	+	-	AB	+	-	+	+	+	+	+	+	AB	77%
RaeAnn Kelsch	34	+	-	+	+	+	-	-	-	+	+	+	+	+	-	+	73%
Jerry Kelsh	26	+	+	+	+	+	-	+	-	+	+	+	+	-	-	+	73%
Scot Kelsh	11	+	-	+	+	+	-	-	-	+	+	+	AB	-	-	+	57%
Keith Kempenich	39	+	-	+	+	+	+	+	-	-	AB	-	+	+	+	+	71%
Robert Kilichowski	16	+	+	+	+	-	-	+	-	+	-	+	+	AB	-	+	64%

ND Chamber	Position															% Fav
		HB 1012	HB 1043	HB 1047	HB 1055	HB 1166	HB 1228	HB 1424	HB 1438	HB 1448	HB 1452	SB 2055	SB 2057	SB 2093	SB 2137	
Joyce Kingsbury	16	+	+	+	+	AB	-	+	+	+	+	-	+	+	+	86%
Matthew Klein	40	+	-	+	+	-	+	+	-	+	+	AB	+	+	+	79%
Lawrence Klemin	47	+	-	AB	+	-	-	+	+	+	+	-	+	+	+	69%
Kim Koppelman	13	+	-	+	+	-	+	+	-	AB	+	-	AB	+	+	69%
Gary Kreidt	33	+	-	+	+	-	+	+	-	+	+	-	-	+	+	67%
William Kretschmar	28	+	-	+	+	+	-	+	+	+	+	+	+	-	-	73%
Curt Kreun	43	+	-	+	+	+	+	+	-	+	+	+	+	+	+	80%
Joe Kroeber	12	+	-	+	-	+	-	-	-	+	+	+	+	-	-	47%
Scott Louser	5	+	-	+	+	AB	+	+	-	+	+	-	-	+	+	71%
Andrew Maragos	3	+	-	+	+	+	-	+	-	-	+	-	+	-	-	53%
Bob Martinson	35	+	-	+	+	+	-	+	-	+	+	-	+	+	+	73%
Lisa Meier	32	+	-	+	+	-	-	+	-	-	+	-	+	+	+	60%
Ralph Metcalf	24	+	-	+	+	+	-	+	-	+	+	+	+	-	-	67%
Shirley Meyer	36	+	-	+	+	+	-	+	-	+	+	+	+	-	-	67%
Corey Mock	42	+	-	+	+	+	-	+	-	+	-	+	+	-	-	60%
David Monson	10	+	-	+	+	-	-	+	-	+	+	-	+	-	-	60%
Phillip Mueller	24	+	-	AB	-	+	-	-	-	+	+	+	+	AB	-	54%
Mike Nathe	30	+	-	+	+	+	+	+	-	-	+	-	-	+	+	67%
Jon Nelson	7	+	-	+	+	+	-	-	-	+	+	+	+	+	+	73%
Marvin Nelson	9	+	AB	-	+	+	-	-	-	+	+	+	+	-	-	57%
Kenton Onstad	4	+	-	+	+	-	-	-	+	+	+	+	+	-	-	60%
Mark Owens	17	+	-	+	AB	+	-	+	-	+	+	-	AB	+	AB	64%
Gary Paur	19	+	-	+	+	+	+	+	-	-	+	+	-	+	+	73%
Vonnie Pietsch	22	+	-	+	+	-	+	+	-	+	+	-	+	+	+	73%
Chet Pollert	29	+	-	+	AB	+	+	+	-	+	+	-	-	+	+	71%
Todd Porter	34	+	-	+	+	+	-	+	-	+	+	+	-	+	-	67%
Karen Rohr	31	+	-	+	+	+	+	+	-	+	AB	-	-	+	+	71%
Dan Ruby	38	+	-	+	+	+	+	+	-	-	+	-	-	+	+	60%
David Rust	2	+	-	+	+	AB	-	+	-	+	+	-	+	+	+	71%
Mark Sanford	17	+	-	+	+	+	-	+	-	+	+	-	+	+	+	73%
Mike Schatz	36	+	-	+	+	+	+	+	-	+	+	-	-	+	-	67%
James Schmidt	31	+	-	+	+	+	+	+	-	+	+	-	+	+	+	80%
Bob Skarphol	2	+	-	+	AB	+	+	+	-	+	+	-	+	+	+	79%
Vicky Steiner	37	+	-	+	+	-	+	+	-	+	+	+	-	+	+	73%
Roscoe Streyle	3	+	-	+	+	+	+	+	-	+	+	-	-	+	+	73%
Gary Sukut	1	+	-	+	+	-	+	+	+	-	-	+	+	+	+	73%
Blair Thoreson	44	+	-	+	+	+	+	+	-	-	AB	-	+	+	+	71%
Wayne Trottier	19	+	-	+	+	+	+	-	-	-	+	-	+	+	+	67%
Don Vigesaa	23	+	-	+	+	+	+	+	-	+	+	-	+	+	+	80%
John Wall	25	+	-	+	+	-	-	+	-	+	+	-	+	+	+	67%
Dave Weiler	30	+	-	+	+	+	+	+	-	-	+	-	AB	+	+	71%
Robin Weisz	14	+	-	+	+	-	+	+	-	+	+	-	+	+	+	73%
Alon Wieland	13	+	-	+	+	+	+	+	-	+	+	-	+	+	+	80%
Clark Williams	25	+	-	+	+	-	-	+	-	+	+	+	+	-	-	60%
Lonny Winrich	18	+	-	+	-	+	-	+	-	+	+	+	+	-	-	60%
Dwight Wrangham	8	+	-	+	AB	+	+	+	-	-	+	-	-	+	+	64%
Steven Zaiser	21	+	-	-	+	+	-	-	-	+	+	+	+	-	-	53%

# Recognizing the Business Champions

By Andy Peterson

North Dakota Chamber President & CEO

Every North Dakota legislator who supported business issues during the 62nd Legislative Session deserves the thanks of the North Dakota Chamber of Commerce. These supporters are too numerous to name here, but a few of the session's top business champions are due some recognition.

The Legislature's majority leaders, Representative Al Carlson and Senator Bob Stenehjem, deserve our appreciation for supporting reductions in individual and corporate income tax. Fair, sustainable and measurable tax relief was one of our main objectives during this Legislative Session. The leadership of these individuals was instrumental in making this happen for the taxpayers, small businesses and corporations operating in North Dakota.

Without their help, tax reduction – in a time of surplus – would not have been accomplished.

Representatives Craig Headland, Wesley Belter, Jim Kasper, and George Keiser and Senators Dwight Cook, Jerry Klein, and Tony Grindberg are other champions. They understood our policy objectives and worked to bring them to fruition. Representative Headland championed corporate income tax reduction, and Representative Kasper pushed for individual income tax relief. Representative Keiser and Senator Klein, as chairs of the Industry, Business and Labor Committees, supported our positions on Workforce Safety and general business issues. In the face of intense political opposition, Senator Grindberg led the way on Centers of Excellence and higher education. Representative Belter and Senator Cook should be thanked as well for steering tax relief through their committees and final passage through their respective chambers.



Rep. Al Carlson



Rep. Craig Headland



Rep. Wesley Belter



Rep. Jim Kasper



Rep. George Keiser



Sen. Bob Stenehjem



Sen. Dwight Cook



Sen. Jerry Klein



Sen. Tony Grindberg



NORTH DAKOTA CHAMBER OF COMMERCE

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On the cover: Pictured at the April 27, 2011, signing of HB 1047, the North Dakota tax relief package, are from left: Andy Peterson, Rep. Belter, Rep. Carlson, Sen. Stenehjem, Interim Commerce Commissioner Paul Govig, Sen. Cook, Rep. Headland, Sen. Miller, Rep. Kasper, Tax Commissioner Fong, and Sen. Hogue.