

Mayor's Column
July 26, 2016

I am an avid follower of politics in general and government operations in particular. Based on the current activity at both the state and federal level, I have reverted to Netflix and North Dakota – an odd combination indeed.

North Dakota may be our last vestige of the Jeffersonian dream of how our American system should work. An unusual state – known for its meteoric ups and downs in just the last 20 years – from dying prairie towns, abandoned farms and a youth exodus to a shale oil boon and a nation leading unemployment rate.

Despite the vagaries of fortune, one constant is the strange and wonderful relationship between North Dakotans and their government.

In most states, with our own sadly leading the pack of late, the state legislature is a model of dysfunction interspersed with indictments.

As a result, a 25% public approval rating for state governments is actually good. The most recent rating for North Dakotan lawmakers was 69% -- and party politics don't seem to matter. Approval is sky high when the chambers are controlled by either Democrats or Republicans.

As a body, they meet only every other year and to paraphrase the majority leader – we're in session four months out of 24 and the other months we go home and live with the rules we made. Maybe Mark Twain had it right when he said, "No man's life, liberty or property are safe when the legislature is in session."

Paid \$17,000 while in session, \$481 a month while home in the district, every legislator must have another job resulting in a cross section of professions and societal roles. There is not a career politician in the bunch. No one is beholden to a special interest group for their only means of employment. Just the ideal Jefferson had in mind.

Meeting in a high rise, not a lofty dome, there are virtually no patronage jobs. Every office requires election.

What is most astonishing is that North Dakota rules guarantee that every bill receives a floor vote, even if it lost in committee. As the Chair of the Appropriations Committee concedes, "I have no power." This is in stark contrast to examples in New York where Sheldon Silver personally quashed initiatives year after year. The most egregious example is New York State's Scaffolding Law. We are the only state in the Union that has a "no fault" negligence policy regarding scaffold construction injuries, adding almost 10% to every major building project. Annually proposed for appeal, it went nowhere since Mr. Silver was Of Counsel to the law firm handling the lion's share of plaintiff claims in New York.

In addition to not only requiring a floor vote, every elected Dakotan legislator is actually required to vote a bill up or down with no provision for abstentions.

Again, this is in stark contrast to practices in many other states where an abstention or "present" vote can help legislators avoid the political fall-out of a no vote. (While an Illinois State Senator, President Obama voted "present" 129 times.)

Unlike the recent legislative session in New York where votes were taken in the dead of night and the three day notice period waived, every floor session and vote in North Dakota is on web cam.

Granted New York is not North Dakota, but there is a lot we can learn from their way of governing. After extensive reading, my take away is that the North Dakota process succeeds because of a common purpose of furthering North Dakota, not furthering individual interests.

They embody the state motto, "Liberty and Union, Now and Forever, One and Inseparable".

As is my custom, I will take a hiatus until Labor Day – my first column will be a progress report on all of the summer projects currently underway.