

**2023 SENATE INDUSTRY AND BUSINESS**

**SB 2142**

# 2023 SENATE STANDING COMMITTEE MINUTES

## Industry and Business Committee Fort Union Room, State Capitol

SB 2142  
1/10/2023

Relating to the creation of an office of health care immigration; to provide an appropriation; and to provide for a report.
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11:00 AM Chairman D. Larsen called the meeting to order.

Members Present: Chairman Larsen, Vice Chairman, Kessel, Senator Barta, Senator Boehm, and Senator Klein.

### Discussion Topics:

- Funds
- Job shortages
- Recruitment
- Workforce challenges

11:00 AM Senator Tim Mathern introduced SB 2142 and gave verbal testimony in favor.

11:07 AM Senator K. Roers gave verbal testimony in favor of SB 2142.

11:21 AM Shelly Peterson, President of the North Dakota Long Care Association, testified in favor. #12762

11:35 AM Tim Blasl, President, North Dakota Hospital Association, testified in favor. #12709

11:44 AM Bonnie Vangerud, Vice Chairman, North Dakota Organization of Nurse Leaders, testified in favor. #12697

11:47 AM Celestine Olale, Nurse Supervisor from Fargo testified verbally via video in favor.

11:50 AM Claire Ness, Deputy Attorney General, Office of the Attorney General, testified on behalf of the Attorney General neutrally. #12763

### Additional Written Testimony:

Sherri Miller, BSN, RN on behalf of the ND Nurses Association #12728

12:02 PM Chairman D. Larsen closed the hearing and adjourned the meeting on SB 2142.

*Brenda Cook, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

## Industry and Business Committee Fort Union Room, State Capitol

SB 2142  
1/23/2023

A bill relating to the creation of an office of health care immigration; to provide an appropriation; and to provide for a report.
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10:50 AM Chairman D. Larsen opened the meeting.

**Members present:** Chairman Larsen, Vice Chairman Kessel, Senator Barta, Senator Boehm, Senator Klein

**Discussion Topics:**

- Possible amendments

10:52 AM **Chairman Larsen** passed out three possible amendments for committee discussion. (#28076, #28077, #28078).

11:30 AM **Chairman Larsen** adjourned the meeting.

*Brenda Cook, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

## Industry and Business Committee Fort Union Room, State Capitol

SB 2142  
1/23/2023

A bill relating to the creation of an office of health care immigration; to provide an appropriation; and to provide for a report.
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2:32 PM Chairman D. Larsen called the committee work meeting to order. Members present: Chairman D. Larsen, Vice Chairman Kessel, Senator Barta, Senator Klein, Senator Boehm.

### **Discussion Topics:**

- Immigration health care
- Worker shortages

2:32 PM Sue Swanson, Immigration Attorney, testified remotely. No written testimony.

3:00 PM Chairman D. Larsen closed the committee work on SB 2142.

*Brenda Cook, Committee Clerk*



# 2023 SENATE STANDING COMMITTEE MINUTES

## Industry and Business Committee Fort Union Room, State Capitol

SB 2142  
1/31/2023

A bill relating to the creation of an office of health care immigration; to provide for a report.

9:40 AM Chairman D. Larsen called the meeting to order. Members present: Chairman D. Larsen, Vice Chairman Kessel, Senator Barta, Senator Klein, Senator Boehm.

### Discussion Topics:

- Funding
- Staffing
- Private enterprise

Committee discussion

9:53 PM Chairman D. Larsen adjourned the meeting.

*Brenda Cook, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

## Industry and Business Committee Fort Union Room, State Capitol

SB 2142  
2/1/2023

A bill relating to the creation of an office of health care immigration; to provide an appropriation; and to provide for a report.
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11:30 AM Chairman D. Larsen called the meeting to order. Members present: Chairman D. Larsen, Vice Chairman Kessel, Senator Barta, Senator Klein, Senator Boehm.

### **Discussion Topics:**

- Potential alternatives
- Federal Immigration System
- Companies' payment and investment

11:41 AM Katie Howe, Director, North Dakota Department of Commerce, verbally explained portions of SB 2142 to the commission.

12:08 PM Chairman D. Larsen adjourned the meeting.

*Brenda Cook, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

## Industry and Business Committee Fort Union Room, State Capitol

SB 2142  
2/1/2023

A bill relating to the creation of an office of immigration; to provide an appropriation; and to provide for a report.

2:35 PM Chairman D. Larsen called the meeting to order. Members present: Chairman D. Larsen, Vice Chairman Kessel, Senator Barta, Senator Klein, Senator Boehm.

### Discussion Topics:

- Amendment
- Committee action

2:35 PM Chairman D. Larsen presented the amendment LC 23.0680.01004. #27307

2:35 PM Senator Klein moved to adopt the amendment LC 23.0680.01004. #27307

2:36 PM Senator Kessel seconded.

Roll call vote:

Senators	Vote
Senator Doug Larsen	Y
Senator Greg Kessel	Y
Senator Jeff Barta	Y
Senator Keith Boehm	N
Senator Jerry Klein	Y

Motion passed: 4-1-0

2:37 PM Senator Klein moved to DO PASS AS AMENDED for SB 2142

2:37 PM Senator Barta seconded.

Roll call vote:

Senators	Vote
Senator Doug Larsen	Y
Senator Greg Kessel	Y
Senator Jeff Barta	Y
Senator Keith Boehm	N
Senator Jerry Klein	Y

Motion passed: 4-1-0

Chairman D. Larsen will carry the bill.

2:38 PM Chairman D. Larsen closed the meeting.

*Brenda Cook, Committee Clerk*

February 1, 2023

*DR*  
*172*  
*2-1-2023*

PROPOSED AMENDMENTS TO SENATE BILL NO. 2142

- Page 1, line 2, remove "health care"
- Page 1, line 7, remove "health care "
- Page 1, line 8, remove "health care"
- Page 1, line 9, remove "health care"
- Page 1, line 11, remove "health care"
- Page 1, line 11, remove "in health care"
- Page 1, line 12, remove "facilities"
- Page 1, line 13, remove "working in a health care facility"
- Page 1, line 16, replace "health care facilities" with "employers"
- Page 1, line 19, remove "health care immigrated and other"
- Page 1, line 22, remove "health care"
- Page 1, line 23, remove "in"
- Page 1, line 24, remove "health care facilities"
- Page 2, line 3, remove "health care"
- Page 2, line 4, remove the first "health care"
- Page 2, line 4, remove the second "health care"
- Page 2, line 6, remove "health care"
- Page 2, line 8, remove "**HEALTH**"
- Page 2, line 9, remove "**CARE**"
- Page 2, line 11, replace "\$536,257" with "\$242,500"
- Page 2, line 13, replace "\$536,257" with "\$242,500"
- Page 2, line 15, remove "health care"
- Page 2, line 16, replace "five" with "one"
- Page 2, line 17, replace "positions" with "position"
- Page 2, line 17, remove "health care"
- Page 2, line 17, remove ", including one attorney, one"
- Page 2, line 18, remove "administrative assistant, and three nurse positions"
- Page 2, line 19, remove "health care"
- Page 2, line 19, remove the second "health"

Page 2, line 20, replace "care facilities" with "employers"

Page 2, line 20, remove "health care"

Page 2, line 21, replace "\$536,257" with "\$242,500"

Page 2, after line 22, insert:

**"SECTION 3. LEGISLATIVE MANAGEMENT STUDY - IMMIGRATION - BUDGET SECTION REPORT - REPORT TO SIXTY-NINTH LEGISLATIVE ASSEMBLY.** During the 2023-24 interim, the legislative management shall study the immigration needs in the state. The study must include input from the department of commerce regarding the implementation of the office of immigration, the number of immigrants assisted, efficiencies gained in helping immigrant individuals with the immigration process, collaborative efforts with businesses, the status of the immigration communication system, the status of developing a fee system to defray the administrative costs of the office, and other immigration needs in the state. The study must be completed by July 1, 2024. The interim committee assigned the responsibility for this study shall provide a recommendation regarding the current and future immigration needs of the state and the role of the office of immigration to the budget section. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly

DR  
2/2  
2-1-2023

**REPORT OF STANDING COMMITTEE**

**SB 2142: Industry and Business Committee (Sen. Larsen, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2142 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 2, remove "health care"

Page 1, line 7, remove "**health care** "

Page 1, line 8, remove "health care"

Page 1, line 9, remove "health care"

Page 1, line 11, remove "health care"

Page 1, line 11, remove "in health care"

Page 1, line 12, remove "facilities"

Page 1, line 13, remove "working in a health care facility"

Page 1, line 16, replace "health care facilities" with "employers"

Page 1, line 19, remove "health care immigrated and other"

Page 1, line 22, remove "health care"

Page 1, line 23, remove "in"

Page 1, line 24, remove "health care facilities"

Page 2, line 3, remove "health care"

Page 2, line 4, remove the first "health care"

Page 2, line 4, remove the second "health care"

Page 2, line 6, remove "health care"

Page 2, line 8, remove "**HEALTH**"

Page 2, line 9, remove "**CARE**"

Page 2, line 11, replace "\$536,257" with "\$242,500"

Page 2, line 13, replace "\$536,257" with "\$242,500"

Page 2, line 15, remove "health care"

Page 2, line 16, replace "five" with "one"

Page 2, line 17, replace "positions" with "position"

Page 2, line 17, remove "health care"

Page 2, line 17, remove ", including one attorney, one"

Page 2, line 18, remove "administrative assistant, and three nurse positions"

Page 2, line 19, remove "health care"

Page 2, line 19, remove the second "health"

Page 2, line 20, replace "care facilities" with "employers"

Page 2, line 20, remove "health care"

Page 2, line 21, replace "\$536,257" with "\$242,500"

Page 2, after line 22, insert:

**"SECTION 3. LEGISLATIVE MANAGEMENT STUDY - IMMIGRATION - BUDGET SECTION REPORT - REPORT TO SIXTY-NINTH LEGISLATIVE ASSEMBLY.** During the 2023-24 interim, the legislative management shall study the immigration needs in the state. The study must include input from the department of commerce regarding the implementation of the office of immigration, the number of immigrants assisted, efficiencies gained in helping immigrant individuals with the immigration process, collaborative efforts with businesses, the status of the immigration communication system, the status of developing a fee system to defray the administrative costs of the office, and other immigration needs in the state. The study must be completed by July 1, 2024. The interim committee assigned the responsibility for this study shall provide a recommendation regarding the current and future immigration needs of the state and the role of the office of immigration to the budget section. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly

**2023 SENATE APPROPRIATIONS**

**SB 2142**



# 2023 SENATE STANDING COMMITTEE MINUTES

## Appropriations Committee Roughrider Room, State Capitol

SB 2142  
2/13/2023

Relating to the creation of an office of immigration; to provide an appropriation.

**10:34 Chairman Bekkedahl** opened the meeting.

Members present: **Senators Bekkedahl, Krebsbach, Burckhard, Davison, Dever, Dwyer, Erbele, Kreun, Meyer, Roers, Schaible, Sorvaag, Vedaa, Wanzek, Rust, and Mathern.**

### Discussion Topics:

- Committee Action

**10:58 AM Senator Mathern** introduced the bill.

**10:58 AM Senator Roers** moved DO PASS.

**10:58 AM Senator Kreun** seconded.

**10:58 AM** Roll call vote.

Senators	Vote
Senator Brad Bekkedahl	Y
Senator Karen K. Krebsbach	Y
Senator Randy A. Burckhard	Y
Senator Kyle Davison	Y
Senator Dick Dever	Y
Senator Michael Dwyer	Y
Senator Robert Erbele	Y
Senator Curt Kreun	Y
Senator Tim Mathern	Y
Senator Scott Meyer	Y
Senator Jim P. Roers	Y
Senator Donald Schaible	Y
Senator Ronald Sorvaag	Y
Senator Shawn Vedaa	Y
Senator Terry M. Wanzek	Y
Senator David S. Rust	Y

Passed 16-0-0

Senator Larsen will carry the bill.

**11:00 AM Senator Bekkedahl** closed the meeting.

Peter Gualandri on behalf of *Kathleen Hall, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**SB 2142, as engrossed: Appropriations Committee (Sen. Bekkedahl, Chairman)** recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2142 was placed on the Eleventh order on the calendar. This bill affects workforce development.

**2023 HOUSE FINANCE AND TAXATION**

**SB 2142**

# 2023 HOUSE STANDING COMMITTEE MINUTES

Finance and Taxation Committee  
Room JW327E, State Capitol

SB 2142  
3/13/2023

A bill relating to the creation of an office of immigration.

**Chairman Headland** opened the hearing at 10:40AM.

**Members present:** Chairman Headland, Vice Chairman Hagert, Representative Anderson, Representative Bosch, Representative Dockter, Representative Fisher, Representative Hatlestad, Representative Motschenbacher, Representative Olson, Representative Steiner, Representative Toman, Representative Finley-DeVille, and Representative Ista. Members absent: Representative Grueneich.

**Discussion Topics:**

- Immigration to North Dakota
- Recruitment for out of country employees
- Department of Commerce
- Long term care facilities
- Hospital workers shortage and recruitment

**Senator Roers** verbally introduced the bill in support.

**Shelly Peterson, President of the North Dakota Long Term Care Association**, testified in support (#23802).

**Melissa Hauer, General Counsel and Vice President for the North Dakota Hospital Association**, testified in support (#23910).

**Andrea Pfennig, Director of Government Affairs with the Greater North Dakota Chamber**, testified in support (#25954).

**Holly Triska Dally, State Refugee Coordinator with the North Dakota Department of Health and Human Services**, testified in support (#24374).

**Bonnie Vangerud, Vice Chairperson for the North Dakota Organization of Nurse Leaders**, testified in support (#23912).

**Shannon Full, President and CEO for the Fargo Moorhead West Fargo Chamber of Commerce**, testified in support (#24037).

**Additional written testimony:**

Sherri Miller, Executive Director with North Dakota Nurses Association, testimony in support #24148.

House Finance and Taxation Committee  
SB 2142  
March 13, 2023  
Page 2

Mitchell Sanderson, testimony in opposition #23706.

**Vice Chairman Hagert** closed the hearing at 11:19AM.

*Mary Brucker, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

Finance and Taxation Committee  
Room JW327E, State Capitol

SB 2142  
3/22/2023

A bill relating to the creation of an office of immigration.

**Chairman Headland** opened the meeting at 9:12AM.

**Members present:** Chairman Headland, Vice Chairman Hagert, Representative Anderson, Representative Bosch, Representative Dockter, Representative Fisher, Representative Grueneich, Representative Hatlestad, Representative Motschenbacher, Representative Olson, Representative Steiner, Representative Finley-DeVille, and Representative Ista. Members absent: Representative Toman.

**Discussion Topics:**

- Proposed amendment 23.0680.02001
- Business recruitment
- Immigration integration
- Committee vote

**Chairman Headland** distributed a proposed amendment 23.0680.02001 (#26326).

**Katie Ralston Howe, Director of Workforce Development with the North Dakota Department of Commerce**, explained the amendment and answered questions from the committee.

**Representative Olson** moved the amendment 23.0680.02001.

**Representative Bosch** seconded the motion.

**Roll call vote:**

Representatives	Vote
Representative Craig Headland	Y
Representative Jared Hagert	Y
Representative Dick Anderson	Y
Representative Glenn Bosch	Y
Representative Jason Dockter	Y
Representative Lisa Finley-DeVille	Y
Representative Jay Fisher	Y
Representative Jim Grueneich	Y
Representative Patrick Hatlestad	Y
Representative Zachary Ista	Y
Representative Mike Motschenbacher	Y
Representative Jeremy Olson	Y
Representative Vicky Steiner	Y
Representative Nathan Toman	AB

**Motion carried 13-0-1**

**Representative Steiner** moved to further amend by adding “legal” in front of all words of immigration, immigrant, and immigrants.

**Representative Olson** seconded the motion.

**Representative Steiner** withdrew her motion.

**Representative Steiner** moved to further amend by adding “legal” in front of immigration, therefore reading “Office of Legal Immigration”.

**Representative Olson** seconded the motion.

**Roll call vote:**

<b>Representatives</b>	<b>Vote</b>
Representative Craig Headland	Y
Representative Jared Hagert	Y
Representative Dick Anderson	Y
Representative Glenn Bosch	Y
Representative Jason Dockter	Y
Representative Lisa Finley-DeVille	AB
Representative Jay Fisher	Y
Representative Jim Grueneich	Y
Representative Patrick Hatlestad	Y
Representative Zachary Ista	Y
Representative Mike Motschenbacher	Y
Representative Jeremy Olson	Y
Representative Vicky Steiner	Y
Representative Nathan Toman	AB

**Motion carried 12-0-2**

**Representative Olson** moved a Do Pass as Amended and Rerefer to Appropriations.

**Representative Ista** seconded the motion.

**Roll call vote:**

<b>Representatives</b>	<b>Vote</b>
Representative Craig Headland	Y
Representative Jared Hagert	Y
Representative Dick Anderson	Y
Representative Glenn Bosch	Y
Representative Jason Dockter	Y
Representative Lisa Finley-DeVille	AB
Representative Jay Fisher	Y
Representative Jim Grueneich	Y
Representative Patrick Hatlestad	Y

Representative Zachary Ista	Y
Representative Mike Motschenbacher	Y
Representative Jeremy Olson	Y
Representative Vicky Steiner	N
Representative Nathan Toman	AB

**Motion carried 11-1-2**

**Representative Ista is the bill carrier.**

**Chairman Headland** adjourned at 9:45AM.

*Mary Brucker, Committee Clerk*



March 22, 2023

OR  
172  
3-22-23

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2142

Page 1, line 2, after "of" insert "legal"

Page 1, line 7, after "of" insert "legal"

Page 1, line 7, remove "**- Fees**"

Page 1, line 8, after "of" insert "legal"

Page 1, line 9, after "of" insert "legal"

Page 1, line 9, replace "and shall" with ". The office of legal immigration"

Page 1, remove lines 10 through 24

Page 2, replace lines 1 through 4 with:

- "1. Shall develop and implement a statewide strategy to support businesses in recruiting and retaining foreign labor, including immigrants already in the United States and integration of immigrants into the state to promote economic opportunities for immigrant communities.
2. Shall advise and make recommendations to the governor, legislative assembly, and state agencies regarding immigrant integration and foreign labor issues.
3. Shall develop a pilot program to support businesses pursuing or employing legal immigrants and to support communities to develop immigration integration plans and activities.
4. May contract with other state agencies to develop and administer programs or services related to immigration integration and access to basic needs that promote entrance and movement throughout the workforce.
5. May contract with an organization with expertise related to the goals of the office of legal immigration."

Page 2, line 5, after "OF" insert "LEGAL"

Page 2, line 7, remove "**- ONE-TIME FUNDING**"

Page 2, line 8, replace "\$242,500" with "\$485,000"

Page 2, line 9, remove "and out of any moneys in the economic development"

Page 2, remove line 10

Page 2, line 11, remove "sum as may be necessary,"

Page 2, line 12, after "of" insert "legal"

Page 2, line 13, replace "one" with "two"

DR  
272  
3-22-23

Page 2, line 13, replace "position" with "positions"

Page 2, line 14, after "of" insert "legal"

Page 2, line 16, after "of" insert "legal"

Page 2, line 16, remove "The \$242,500 appropriation from the general"

Page 2, remove line 17

Page 2, line 18, replace "**LEGISLATIVE MANAGEMENT**" with "**DEPARTMENT OF COMMERCE**"

Page 2, line 18, remove "**BUDGET**"

Page 2, line 19, remove "**SECTION REPORT -**"

Page 2, line 20, replace "legislative management" with "department of commerce"

Page 2, line 20, after "shall" insert "conduct a"

Page 2, line 20, remove "the immigration needs in the state. The"

Page 2, replace lines 21 through 28 with "to determine immigration opportunities in the state, goals of the office of legal immigration, performance indicators to measure progress and success of immigration goals, and a structure for a pilot program to support businesses and communities pursuing legal immigration, and to develop a fee-based system for services to be implemented in the 2025-27 biennium. The study must include input from employers in the state. The department of commerce"

Page 2, line 29, remove ", together with any legislation required to"

Page 2, line 30, remove "implement the recommendations,"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2142, as engrossed: Finance and Taxation Committee (Rep. Headland, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed SB 2142 was placed on the Sixth order on the calendar.

Page 1, line 2, after "of" insert "legal"

Page 1, line 7, after "of" insert "legal"

Page 1, line 7, remove "- Fees"

Page 1, line 8, after "of" insert "legal"

Page 1, line 9, after "of" insert "legal"

Page 1, line 9, replace "and shall" with ". The office of legal immigration"

Page 1, remove lines 10 through 24

Page 2, replace lines 1 through 4 with:

1. Shall develop and implement a statewide strategy to support businesses in recruiting and retaining foreign labor, including immigrants already in the United States and integration of immigrants into the state to promote economic opportunities for immigrant communities.
2. Shall advise and make recommendations to the governor, legislative assembly, and state agencies regarding immigrant integration and foreign labor issues.
3. Shall develop a pilot program to support businesses pursuing or employing legal immigrants and to support communities to develop immigration integration plans and activities.
4. May contract with other state agencies to develop and administer programs or services related to immigration integration and access to basic needs that promote entrance and movement throughout the workforce.
5. May contract with an organization with expertise related to the goals of the office of legal immigration."

Page 2, line 5, after "OF" insert "LEGAL"

Page 2, line 7, remove "- ONE-TIME FUNDING"

Page 2, line 8, replace "\$242,500" with "\$485,000"

Page 2, line 9, remove "and out of any moneys in the economic development"

Page 2, remove line 10

Page 2, line 11, remove "sum as may be necessary,"

Page 2, line 12, after "of" insert "legal"

Page 2, line 13, replace "one" with "two"

Page 2, line 13, replace "position" with "positions"

Page 2, line 14, after "of" insert "legal"

Page 2, line 16, after "of" insert "legal"

Page 2, line 16, remove "The \$242,500 appropriation from the general"

Page 2, remove line 17

Page 2, line 18, replace "**LEGISLATIVE MANAGEMENT**" with "**DEPARTMENT OF COMMERCE**"

Page 2, line 18, remove "**BUDGET**"

Page 2, line 19, remove "**SECTION REPORT -**"

Page 2, line 20, replace "legislative management" with "department of commerce"

Page 2, line 20, after "shall" insert "conduct a"

Page 2, line 20, remove "the immigration needs in the state. The"

Page 2, replace lines 21 through 28 with "to determine immigration opportunities in the state, goals of the office of legal immigration, performance indicators to measure progress and success of immigration goals, and a structure for a pilot program to support businesses and communities pursuing legal immigration, and to develop a fee-based system for services to be implemented in the 2025-27 biennium. The study must include input from employers in the state. The department of commerce"

Page 2, line 29, remove ", together with any legislation required to"

Page 2, line 30, remove "implement the recommendations,"

Renumber accordingly

**2023 HOUSE APPROPRIATIONS**

**SB 2142**

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Appropriations Committee**  
Brynhild Haugland Room, State Capitol

SB 2142  
4/5/2023

Relating to the creation of an office of legal immigration; to provide an appropriation; and to provide for a report.
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**8:43 AM Chairman Vigesaa** Called the meeting to order and roll call was taken-

**All Members Present;** Chairman Vigesaa, Representative Kempenich, Representative B. Anderson, Representative Bellew, Representative Brandenburg, Representative Hanson, Representative Kreidt, Representative Martinson, Representative Mitskog, Representative Meier, Representative Mock, Representative Monson, Representative Nathe, Representative J. Nelson, Representative O'Brien, Representative Pyle, Representative Richter, Representative Sanford, Representative Schatz, Representative Schobinger, Representative Strinden, Representative G. Stemen and Representative Swiontek.

## **Discussion Topics:**

- Department of Commerce
- FTEs
- Workforce Shortages

**Representative Headland-** Introduces the bill and its purpose.

**Katie Ralston Howe- Director, Workforce Division- Department of Commerce-** Answers questions for the committee.

**Ron Ness- President NDPC-** Answers questions for the committee.

**Additional written testimony:** Greater North Dakota Chamber #27288

**9:09 AM Chairman Vigesaa** Closed the meeting for SB 2142

**Representative Meier** Move for a Do Pass

**Representative Brandenburg-** Seconds the motion.

Committee Discussion- Roll call vote-

<b>Representatives</b>	<b>Vote</b>
Representative Don Vigesaa	Y
Representative Keith Kempenich	Y
Representative Bert Anderson	Y
Representative Larry Bellew	Y
Representative Mike Brandenburg	Y
Representative Karla Rose Hanson	Y
Representative Gary Kreidt	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative Corey Mock	Y
Representative David Monson	N
Representative Mike Nathe	Y
Representative Jon O. Nelson	Y
Representative Emily O'Brien	Y
Representative Brandy Pyle	Y
Representative David Richter	Y
Representative Mark Sanford	Y
Representative Mike Schatz	N
Representative Randy A. Schobinger	N
Representative Greg Stemen	Y
Representative Michelle Strinden	Y
Representative Steve Swiontek	Y

**Motion Carries 20-3-0 Representative Ista will carry the bill**

**9:24 AM Chairman Vigesaa** Closed the meeting for SB 2142

*Risa Berube, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**SB 2142, as engrossed and amended: Appropriations Committee (Rep. Vigesaa, Chairman)** recommends **DO PASS** (20 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2142, as amended, was placed on the Fourteenth order on the calendar.



**TESTIMONY**

**SB 2142**

**Testimony on SB 2142**  
**Senate Industry and Business Committee**  
**January 10, 2023**

Good morning, Senator Larsen and members of the Senate Industry and Business Committee. My name is Bonnie Vangerud, Vice Chair of the North Dakota Organization of Nurse Leaders. NDONL represents both critical access as well as acute care hospitals across North Dakota. We are here to support SB 2142 which serves to create a healthcare Office of Immigration. We appreciate Senator Mathern as well as other bill co-sponsors in bringing this issue forward.

First, we are supportive of having the bill amended to reflect an Office of Immigration that serves all businesses in North Dakota, not just solely healthcare. Currently, there are numerous shortages of healthcare workers throughout the state ND. As a result hospitals, long-term care facilities, clinics, etc. are utilizing international staff to fill full-time positions.

SB 2142 has been drafted to create an Immigration office to help healthcare organizations throughout the state to:

- Recruit international staff
- Expedite the immigration process and placement
- Support international staff with financial, legal, and immigration-related applications, forms, or other communication in order to stay in ND

- Assist international staff with basic housing, food, and other essential services once they arrive in the state
- Develop a communication system for international staff to share community resources and assistance
- Develop a fee system to sustain the function of this office.

Vibra Hospital in Fargo, 68% of their registered nursing staff is international nurses. We wouldn't be able to care for our patients if not for them; so to the international nurses we are truly grateful! However, what I know is that it takes a long time for these staff to get to the United States and in their positions, for example I interviewed a nurse in early 2017 and she arrived in 2021. So I am envisioning this office to help expedite getting staff to ND sooner, quicker and faster.

I also know one of our nurses had to return to Africa in order to interview at the embassy so he could bring his family here. He left at the beginning of April and he has not returned to Fargo and we do not know when this will happen. So I am hopeful that this office would be able to help others like him be prepared with all the necessary paper work etc. so that it would be a smooth process. So he has been gone for 38 weeks, typically our staff work 3 – 12 hour shifts per week. So as a result we have had to find someone to cover approximately 1,368 hours, and each shift these staff care for approximately 5 patients or 570 patient days. Which is a lot to try and fill in a 31 bed hospital.

Now I would like to introduce you to Celestine Olale, she is a Registered Nurse from Kenya, Africa. She will share her journey to the United States and how this office could have positively impacted her.

Thank you again for the opportunity to testify. I would be happy to answer any questions.

Bonnie Vangerud, Vice Chair  
North Dakota Organization of Nurse Leaders  
5225 23<sup>rd</sup> Ave. South  
7<sup>th</sup> Floor  
Fargo, ND 58104  
(701)793-8437



**2023 Senate Bill 2142**  
**Senate Industry and Business Committee**  
**Senator Doug Larsen, Chairman**  
**January 10, 2023**

Chairman Larsen and members of the Senate Industry and Business Committee, I am Tim Blasl, President of the North Dakota Hospital Association (NDHA). I testify in support of Senate Bill 2142 and ask that you give the bill a **Do Pass** recommendation.

Hospitals support this bill because it helps with the number one challenge: workforce.

Hospitals work with immigration offices, attorneys, and vendors to recruit international staff. It is my understanding that the cost to recruit ranges from \$10,000 - \$20,000 per individual, depending on the country. Not all hospitals, however, can afford to recruit nurses, lab techs, and rad techs in this way. We believe a state office of immigration would make this process more affordable. We also believe having one entity in the state to coordinate the overall process would be extremely helpful.

Hospitals also support other parts of the bill. We like the idea of assisting immigrants with accessing housing, food, and other essential services. It is our responsibility to help make this a successful transition so that workers not only come to North Dakota but want to make it their permanent home.

To give you an idea of the hospital workforce challenge, NDHA conducted a hospital nursing survey last summer which showed there were 1,326 nurse openings throughout the state. And hospitals had to contract with staffing agencies for another 717 nurses. In the end, hospitals have over 2,000 nurse openings.

I do not have the magical answer to fill all these openings but having a state immigration office that is active in promoting workers is part of the answer.

Please give the bill a Do Pass recommendation. Thank you for the opportunity to testify. I would be glad to answer any questions.

Respectfully Submitted,

Tim Blasl, President  
North Dakota Hospital Association



✧ 1912-2023 ✧  
1515 Burnt Boat Drive  
Suite C #325  
Bismarck, ND 58503  
701-335-6376

Senate Bill 2142 – IN SUPPORT

January 10, 2023

Chairman Larsen and Members of the Senate Industry and Business Committee:

On behalf of the North Dakota Nurses Association, I am writing this letter in support of SB 2142, relating to the creation of an office of healthcare immigration; to provide an appropriation; and to provide for a report.

The North Dakota Nurses Association is the only professional organization representing all nurses in North Dakota. Our mission is to advance the nursing profession by promoting the professional development of nurses, fostering high standards of nursing practice, promoting the safety and well-being of nurses in the workplace, and advocating on healthcare issues affecting nurses and the public.

There is a shortage of direct care staff including those we represent – nurses - throughout the State of North Dakota. Healthcare facilities are trying to meet patient demand with limited success. Travel agencies are charging rates that are not financially sustainable, and administrators are searching for solutions that will stabilize the situation.

One solution has been to recruit international nurses. Bringing in international nurses is costly and time consuming, though, and the process often takes years to bring in one individual. To strategize and implement processes to support and overcome international recruitment challenges in healthcare, an office of healthcare immigration would streamline the entire process. It could reduce much of the “red tape” and ultimately, assist with a solution to North Dakota’s staffing shortages.

We urge you to support SB 2142.

Sincerely,

Sherri Miller, BSN, RN  
Executive Director  
North Dakota Nurses Association

**Testimony on SB 2142**  
**Senate Industry and Business Committee**  
**January 10, 2023**

Good afternoon, Senator Larsen and members of the Senate Industry and Business Committee. My name is Shelly Peterson, President of the North Dakota Long Term Care Association. We represent 192 assisted living, basic care, and skilled nursing facilities in North Dakota. We are here to support SB 2142 which serves to create a healthcare Office of Immigration. We appreciate Senator Mathern as well as other bill co-sponsors in bringing this issue forward.

First, we are supportive of having the bill amended to reflect an Office of Immigration that serves all businesses in North Dakota, not just solely healthcare. Secondly, we envision the Office of Immigration to be self-sufficient, to operate on fee's paid by businesses to secure international staff. However, one-time funding to establish the office and secure staff will be necessary. Today, long term care facilities have staff from all over the world, from many African countries, Jamaica, the Philippines, Bosnia, and Serbia, to just name a few. They fill many positions, providing outstanding care, a strong work ethic and a strong desire to be part of the community.

They are here legally and we wish we could secure many more. They are a value to facilities, families, and residents. The process to get them to the United States and North Dakota is extensive and expensive. Facilities have paid up to \$50,000 per person to get one person to their skilled nursing facility. Generally, that gives us a three year work commitment.



However, we have been successful with them loving our facilities and residents and they make the decision to stay for years. They bring their families and thus all of North Dakota benefits.

We have been told there are over 1.5 million visas that are unused and available. Imagine for a moment if North Dakota's Office of Immigration would become the very best state at processing Visas and expanding our workforce to meet everyone's workforce needs? Think how this could make North Dakota prosper even more. For long term care, having sufficient employees to meet the needs of residents would be a Godsend.

Let me talk for a moment about our workforce challenges. Our workforce crisis is the worse it has ever been. Our labor crisis was here before the pandemic but has escalated beyond what we ever imagined possible.

The top issue facing nursing facilities is workforce. Fifty percent of nursing facilities stopped admissions in 2022 because of lack of staff. Long term care facilities have few if any applicants for job openings. Ninety percent of nursing facilities used contract staff in 2022. Contract staff are meant to be temporary, but we, out of necessity have come to depend on them long term. The cost of contract staff has escalated beyond our ability to pay for them. On 1-1-23 nursing facilities received about a 3.75% increase in their rates, our cost to operate is much higher. Seventy percent of our cost to operate is staff and benefits.

Between January 2021 and July 2022, five nursing facilities and one basic care closed. In 2024, two additional nursing facilities have announced plans to close their nursing facility and only operate their critical access hospitals. In 2023, I anticipate additional closures. See Appendix A which shows the facility closures.

A year ago, 57% of nursing facilities reported operating at a loss. Today, 60% are operating at a loss. Contract nursing hours have more than doubled and the cost has escalated as the demand increased. Look at Appendix B, the 2011 – 2022 History on Contract Nursing Dollars Spent.

Appendix C is the North Dakota Skilled Nursing Jobs Report. While some health care industries have returned or surpassed pre-pandemic staffing levels, nursing facilities are still experiencing substantial job losses alongside rising wage costs and increasing agency staff use. By June 2021 we lost 13.1% of our workforce, in June 2022 that climbed to 15.3%.

Appendix D shows our 2022 Turnover Rates. So you can see we are in trouble. If we can't secure our own staff and significantly decrease our dependence on contract staff, our financial viability will never return and more facilities will close.

We believe an Office of Immigration could help to expedite and coordinate the visa/immigration process for placement of international nurses, CNA's, housekeepers, (and their families), at our nursing homes and hospitals and other business struggling to survive. Let's be the best state at knowing and understanding the process of getting legal immigrants to our state. All businesses in North Dakota could be helped through this office.

Long term care facilities have always been committed to providing the best quality of care. We have always valued having sufficient staff to care for residents. We have been one of the best states for assuring residents have sufficient staff to care for them. But we are slipping and we need your help. We ask for your support of SB 2142 and create an Office of Immigration.

Thank you again for the opportunity to testify. I would be happy to answer any questions.

Shelly Peterson, President  
North Dakota Long Term Care Association  
1900 North 11<sup>th</sup> Street  
Bismarck, ND 58501  
(701) 222-0660

Long Term Care Facility Closures  
Updated January 2023

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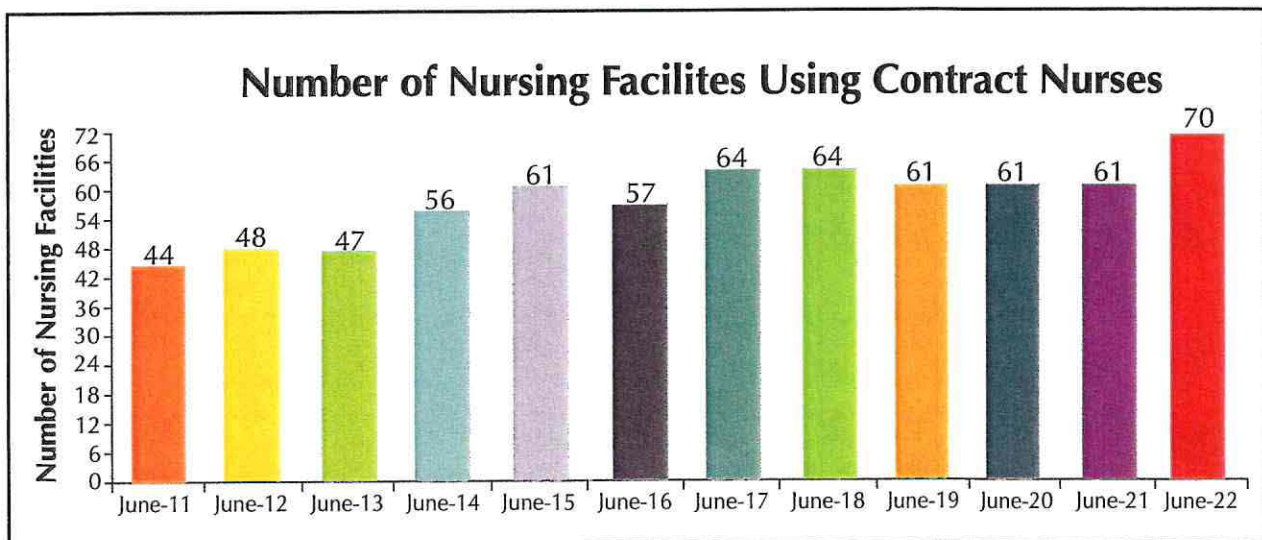
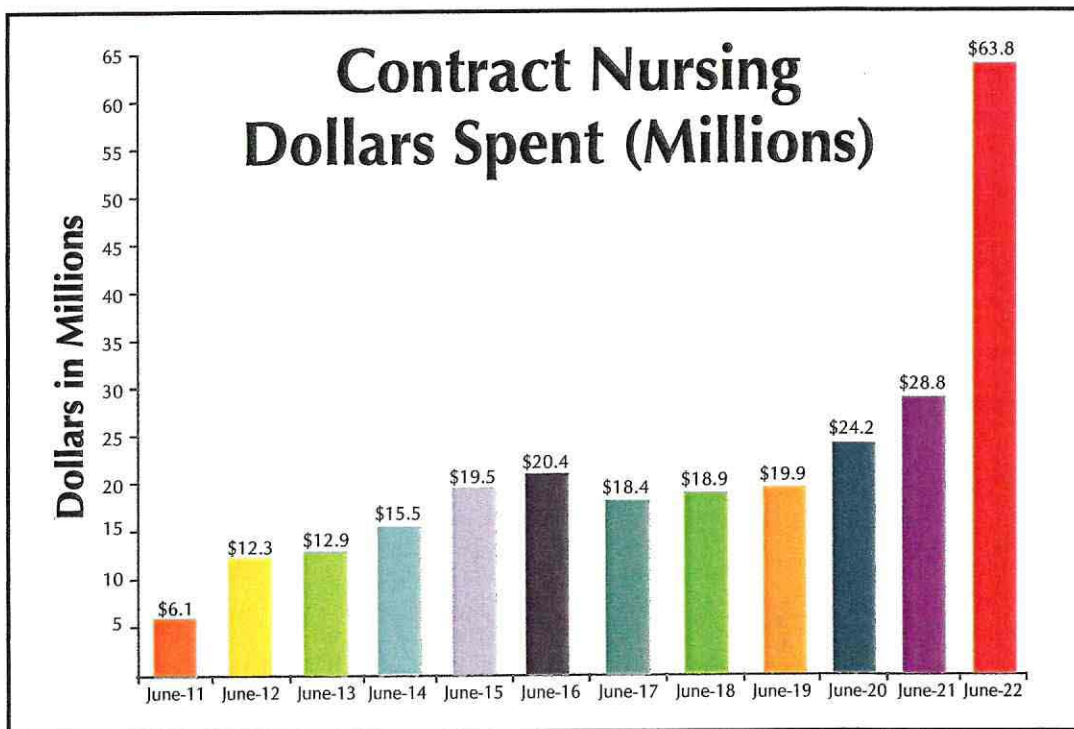


2011-2022

# Nursing Facilities

## Contract Nursing In Nursing Facilities

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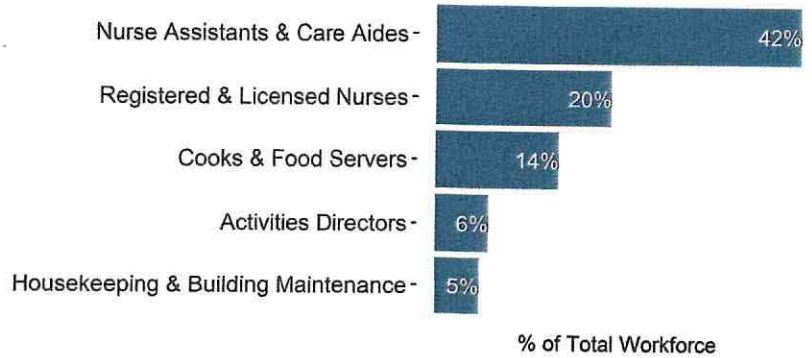




## Skilled Nursing Workforce

# 7,205 Employees

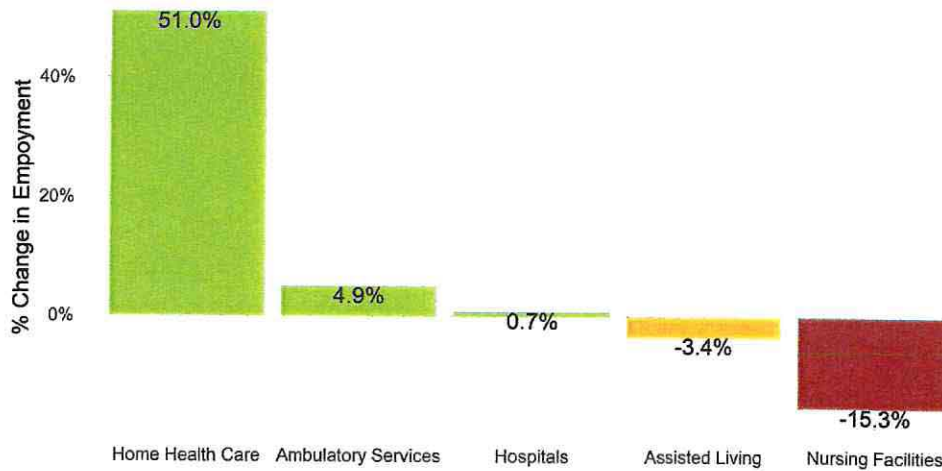
### Top 5 Occupations



## Impact of COVID

While some health care industries have reached or surpassed pre-pandemic staffing levels, long term care facilities are still experiencing substantial job losses alongside rising wage costs and increasing agency staff use.

Percent Change in Employment by Health Care Sector  
Feb 2020 - Jun 2022



**10.4%**  
Increase in Average Weekly  
Wage: Mar'20 - Jun'22

**2.1x**  
Increase in Agency Nurse Staff  
Hours: Q4'19 - Q2'22

Sources: Bureau of Labor Statistics, Quarterly Census of Employment and Wages (Jun 2022) and Occupational Employment and Wage Statistics (May 2021) for NAICS Industries 623 and 6231. CMS Payroll Based Journal (2019-2022)

# Nursing Facility Facts

## Nursing Facility WORKFORCE

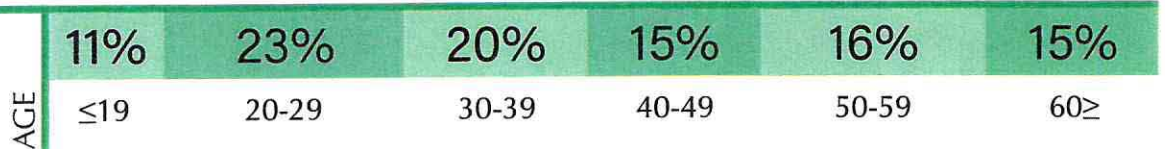


- The top issue facing nursing facilities is workforce.
- In July 2022, the midpoint CNA wage was \$19.71.
- 50% of nursing facilities stopped admissions in 2022 because of lack of staff.
- 90% of nursing facilities used contract agency staff in 2022.
- During the pandemic nursing facilities lost 15.3% of their staff and they have not returned.
- In the past year, contract nursing costs have more than doubled from the previous 12 months, spending \$63.8 million compared to \$28.8 million.
- Thirty-one percent of the workforce is age 50 or older, with the oldest employee being 90.
- During the pandemic, five nursing facilities closed and 60% of those remaining are operating at a loss.

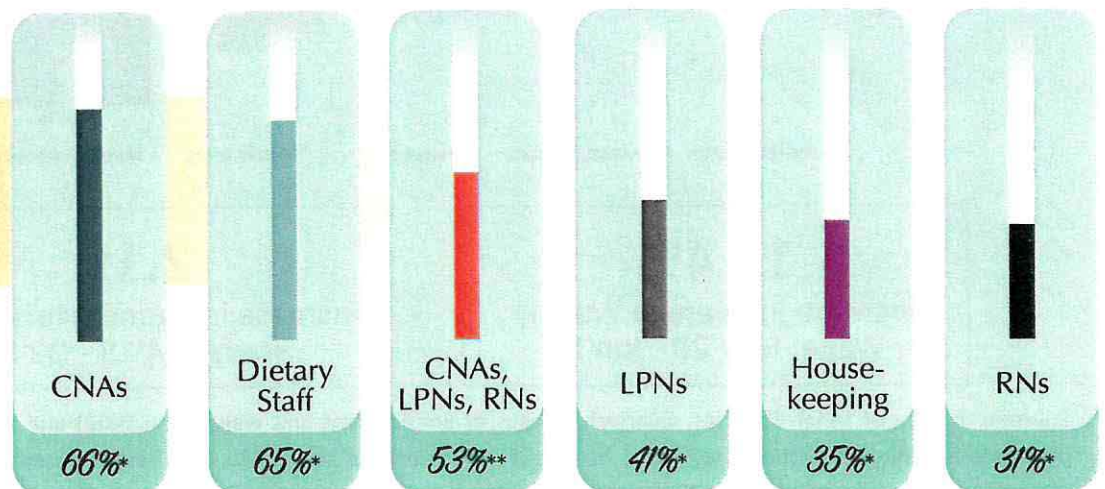


### Age of Nursing Facility Workforce

n=5677



### 2022 Nursing Facility Staff Turnover



\*NDLTCA Survey  
\*\*CMS PBJ Reporting



# NDLTCA Member Survey on Workforce Shortage Crisis & The Impact of COVID-19 In Long Term Care Facilities

North Dakota's long term care facilities have been in the epicenter of the COVID-19 pandemic, which exacerbated an already serious workforce shortage. The North Dakota Long Term Care Association recently surveyed its members and received concerning responses showing just how seriously workforce shortages are crippling the ability of long term care facilities to meet the needs of residents.

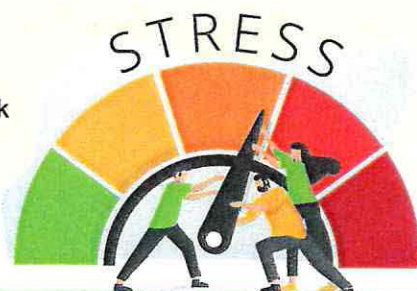
**Eighty-Nine percent** of facilities are reporting a **shortage** of staff members to fill a shift. Virtually all facilities, (96%), are asking staff to work overtime or take extra shifts.

The **costs to fight the pandemic** have left the majority of **long term care facilities struggling**, with **57%** operating at a loss today.

**THE SURVEY RESULTS** **74%** of long term care facilities say their workforce situation **has gotten worse** since 2020.

How North Dakota Long Term Care Association members are trying to address these workforce challenges

- 79%** working to hire new staff
- 70%** increasing pay to staff
- 56%** offering bonuses to staff who work overtime/double shifts
- 54%** hiring contract staff



## In the Past 60 Days

**96%** have asked staff to work overtime or take extra shifts

**89%** do not have sufficient staff to fill shifts

**57%** have turned to agency staff to fill shifts



When asked about their current staffing situation, North Dakota Long Term Care Members responded:

**79%** ranked it concerning to crisis

**\*34%** concerning, beginning to have numerous open shifts

**\*24%** disconcerting, few applicants and we need more staff

**\*21%** crisis, numerous open shifts and few qualified applicants or no applicants



**Members indicated the following positions that are vacant or are recruiting to fill:**

- 88% CNA or direct caregiver
- 70% Dietary Staff
- 52% RN
- 51% LPN
- 49% Housekeeping
- 24% Activities
- 24% Other support staff (e.g., maintenance, office)
- 10% Director of Nursing
- 6% Rehab Staff
- 6% Social Workers
- 4% Infection Preventionist
- 2% Administrators

**In 2020, what was the primary reason staff members left their job?**

- #1 Quit
- #2 Burn out/Stress of job
- #3 Retirement

**78%** felt directly or indirectly the reason related to staff losses was due to **COVID-19**



When asked to rank steps that would **help them improve** their ability to **recruit and retain staff**, over three quarters of members cited higher **reimbursement** as the **BEST** way to retain staff.

They ranked measures as follows:

- #1 Higher reimbursement to offer better pay and benefits
- #2 Less regulations and/or paperwork
- #3 Improved perception of working in the profession
- #4 Improving the workplace culture/environment
- #5 Reinstatement of the temporary nurse aid program
- #6 More training programs at local schools and higher institutions
- #7 Career ladder programs

We need your help! Get vaccinated and apply for a job in a long term care facility – You will make a difference!



1900 N 11th Street, Bismarck, ND 58501  
701-222-0660 | [www.ndltca.org](http://www.ndltca.org)

SENATE INDUSTRY AND BUSINESS  
1/10/23

TESTIMONY OF CLAIRE NESS  
OFFICE OF ATTORNEY GENERAL  
SENATE BILL NO. 2142

Mr. Chairman, members of the Committee.

I am Claire Ness, Deputy Attorney General, and I appear on behalf of the Attorney General.

Senate Bill 2142 creates a new office of health care immigration within the Department of Commerce. One of the services this new office will provide is legal services. The bill asks for one FTE for an attorney to be housed in the new office.

The Attorney General is the constitutionally designated official with authority over the legal affairs of the state and is the head of the state's legal department. N.D. Const. Art. 5, § 2; *State v. Hagerty*, 580 N.W.2d 139 (1998). The Office of Attorney General employs Assistant Attorneys General who represent state agencies, boards, and commissions. Pursuant to North Dakota Century Code Section 54-12-08, a state agency may not employ legal counsel without a written appointment by the Attorney General. A few state agencies have in-house counsel, but those limited situations are set forth in statute and those attorneys are appointed Special Assistant Attorneys General (SAAGs) by the Attorney General.

There are two issues with the bill from the perspective of our office. The first is that an attorney may not be employed and housed in the Department of Commerce without the authorization of the Attorney General. The Department of

Commerce is already represented by an Assistant Attorney General in our office. Moreover, this office strongly opposes increasing the number of attorneys representing the state's interests in other executive branch entities. Doing so creates the risk of having the state inadvertently filing or arguing opposing or inconsistent legal arguments, expending unnecessary legal resources, competing for the same legal talent, and having lawyers represent the state outside the supervision of the chief legal officer of the state even though the chief legal officer has responsibility for their representation.

The second issue this office wishes to bring to your attention is – regardless of where an attorney is housed – an attorney employed by a state agency cannot provide legal advice to private citizens. The legal advice provided by the Office of Attorney General and its assistants and special assistants is to state-created agencies, boards, commissions, and committees only.

I appreciate your attention to these issues and welcome any questions you have.



**SB 2142****(Immigrants)**

There should be **NO** government = taxpayer money going to any illegals, immigrants, refugees!

These people should follow the same laws and rules our grandparents had to when they came to America.

If you have no money, no skills health issues and do not speak the language you were turned away.

This bill will give taxpayer money to non-US citizens that we the American people do not get and that is unacceptable!

I want free legal and housing too! This is not practical just like if I went to Afghanistan and wanted all this fee money it would never happen - one might even end up dead for daring to demand such ridiculous BS!

**This is a hard NO** – we do not want this and do not need this.

How about give this money to the ND residents that are already here if you are do damn willing to spend **OUR** money!

**Testimony on SB 2142**  
**House Finance and Taxation Committee**  
**March 13, 2023**

Good morning, Chairman Headland and members of the House Finance and Taxation Committee. My name is Shelly Peterson, President of the North Dakota Long Term Care Association. We represent 192 assisted living, basic care, and skilled nursing facilities in North Dakota. We are here to support SB 2142 which serves to create a Office of Immigration.

Regarding the appropriations, we envision the Office of Immigration to be self-sufficient, to operate on fees paid by businesses to secure international staff. However, one-time funding to establish the office and secure staff is necessary. The bill calls for one FTE to get the Office of Immigration started. To be successful we believe additional FTE's may be necessary, as what we are asking them to do is significant.

Today, long term care facilities have staff from all over the world, from many African countries, Jamaica, the Philippines, Bosnia, and Serbia, to just name a few. They fill many positions, providing outstanding care, a strong work ethic and a strong desire to be part of the community. They all entered the country legally and are outstanding individuals.

We wish we could secure many more. They are a value to facilities, families, and residents. The process to get them to the United States and North Dakota is extensive and expensive. Facilities have paid up to \$50,000 per person to get one person to their skilled nursing facility. Generally, that gives us a three year work commitment. However, we

have been successful with them loving our facilities and residents and they make the decision to stay for years. They bring their families and thus all of North Dakota benefits.

We have been told there are over 1.5 million visas that are unused and available. Imagine for a moment if North Dakota's Office of Immigration would become the very best state at securing these visas and expanding our workforce to meet everyone's workforce needs? Think how this could make North Dakota prosper even more. For long term care, having sufficient employees to meet the needs of residents would be a Godsend.

Let me talk for a moment about our workforce challenges. Our workforce crisis is the worse it has ever been. Our labor crisis was here before the pandemic but has escalated beyond what we ever imagined possible.

The top issue facing nursing facilities is workforce. Fifty percent of nursing facilities stopped admissions in 2022 because of lack of staff. Long term care facilities have few if any applicants for job openings. Ninety percent of nursing facilities used contract staff in 2022. Contract staff are meant to be temporary, but we, out of necessity have come to depend on them long term. The cost of contract staff has escalated beyond our ability to pay for them.

Between January 2021 and July 2022, five nursing facilities and two basic care closed. In 2024, two additional nursing facilities have announced plans to close their nursing facility and only operate their critical access hospitals. In 2023, I anticipate additional closures. See Appendix A which shows the facility closures.

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doubled and the cost has escalated as the demand increased. Look at Appendix B, the 2011 – 2022 History on Contract Nursing Dollars Spent.

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Long term care facilities have always been committed to providing the best quality of care. We have always valued having sufficient staff to care for residents. We have been one of the best states for assuring residents have sufficient staff to care for them. But we are slipping and we need your help. We ask for your support of SB 2142 and create an Office of Immigration.

Thank you again for the opportunity to testify. I would be happy to answer any questions.

**Shelly Peterson, President  
North Dakota Long Term Care Association  
1900 North 11<sup>th</sup> Street  
Bismarck, ND 58501  
(701) 222-0660**



**Long Term Care Facility Closures  
Updated January 2023**

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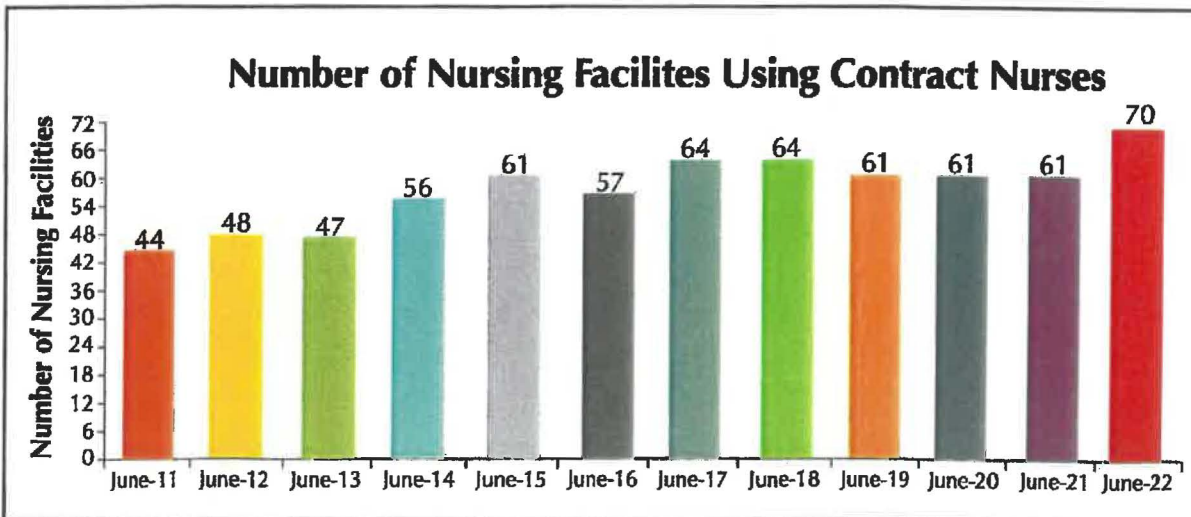
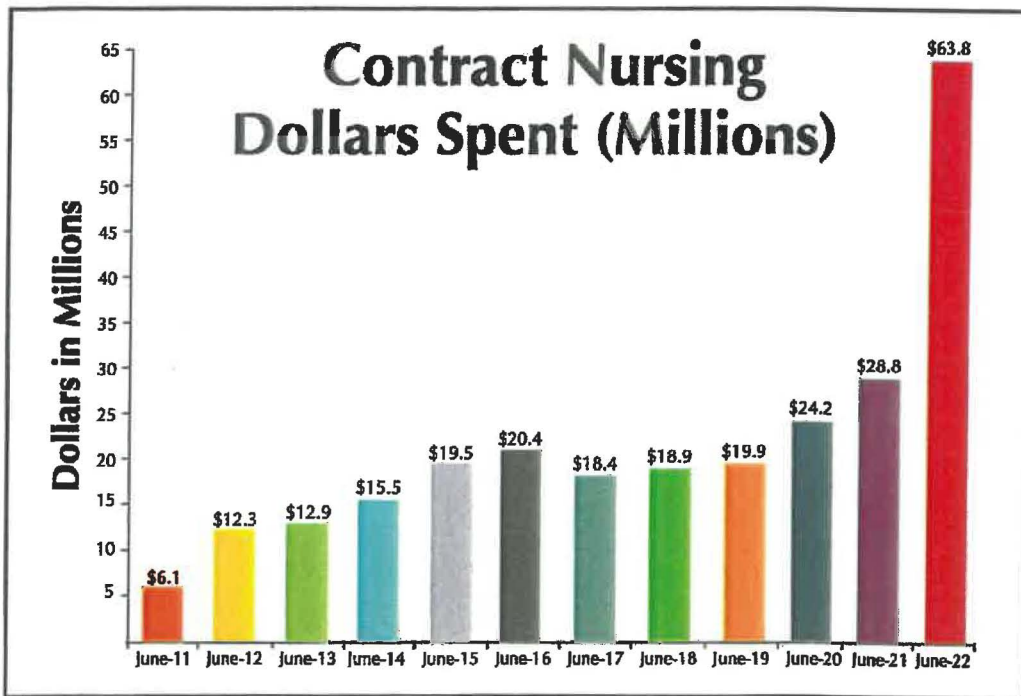


2011-2022

# Nursing Facilities

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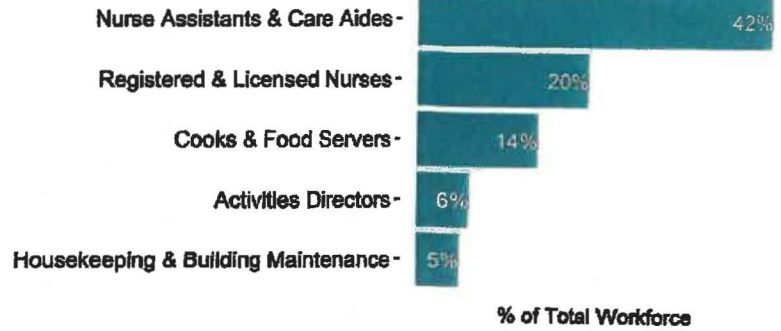




## Skilled Nursing Workforce

# 7,205 Employees

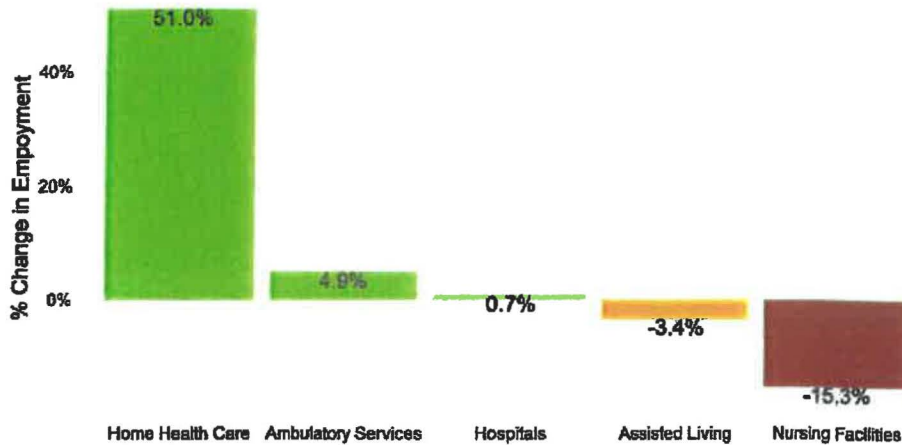
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# Nursing Facility Facts

## Nursing Facility WORKFORCE

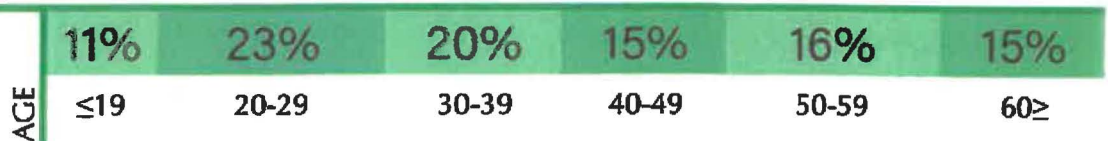


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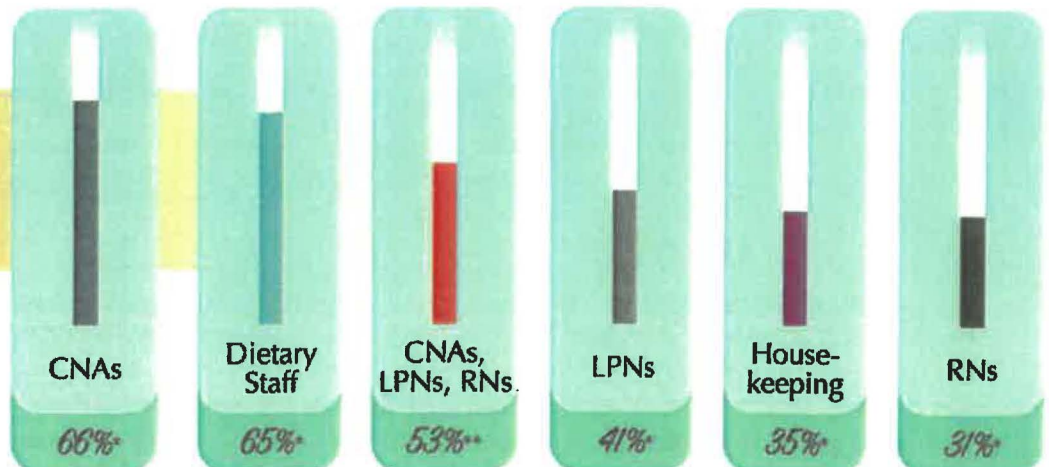


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n=5677



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- #4 Improving the workplace culture/environment
- #5 Reinstatement of the temporary nurse aid program
- #6 More training programs at local schools and higher institutions
- #7 Career ladder programs

We need your help! Get vaccinated and apply for a job in a long term care facility – You will make a difference!



1900 N 11th Street, Bismarck, ND 58501  
701-222-0660 | www.ndltca.org







**2023 Senate Bill 2142**  
**House Finance and Taxation Committee**  
**Representative Craig Headland, Chairman**  
**March 13, 2023**

Chairman Headland and members of the House Finance and Taxation Committee, I am Melissa Hauer, General Counsel/Vice President of the North Dakota Hospital Association (NDHA). NDHA represents hospitals and health care systems across the state. I am here to testify in support of Senate Bill 2142. We ask that you give this bill a **Do Pass** recommendation.

Hospitals are here today in support of this bill because it would help with our number one challenge: workforce. Hospitals across the state already employ workers from other countries. Physicians, nurses, lab techs, phlebotomists, housekeepers, and other workers come to the U.S. legally from all over the world, such as from the Philippines, India, Canada, Greece, and Jordan, just to name a few. Hospitals still struggle, however, to fill open positions. It was a challenge before the COVID-19 pandemic and remains so now. To give you an idea of the workforce challenge in nursing alone, NDHA conducted a hospital survey last summer which showed there were 1,326 hospital nurse openings throughout the state. And hospitals had to contract with staffing agencies for another 717 nurses. In total, hospitals have over 2,000 nurse openings.

Workers from other countries have the potential to ease this workforce challenge but getting those workers here isn't without its own challenges. Hospitals work with immigration offices, attorneys, and vendors to recruit international staff. It is my understanding that the cost to recruit ranges from \$10,000 - \$50,000 per individual, depending on the country. Not all hospitals, however, can afford to recruit workers this way. We believe a state office of immigration would make this process more efficient and affordable. We also believe having one entity in the state to coordinate the overall process would be extremely helpful.

Hospitals also support other parts of the bill. We like the idea of assisting immigrants with accessing housing, food, and other essential services. It is our responsibility to help make this a successful

transition so that workers not only come to North Dakota but want to make it their permanent home.

We do not have the magical answer to fill all these openings but having a state immigration office that is active in promoting the state to potential workers, assisting employers with the immigration process, and helping the workers get to North Dakota and stay is part of the answer.

Please give the bill a Do Pass recommendation. Thank you for the opportunity to testify. I would be happy to respond to any questions.

Respectfully Submitted,

Melissa Hauer, General Counsel/Vice President  
North Dakota Hospital Association



**Testimony on SB 2142**  
**House Finance and Taxation Committee**  
**March 13, 2023**

Good morning, Representative Headland and members of the House Finance and Taxation Committee. My name is Bonnie Vangerud, Vice Chair of the North Dakota Organization of Nurse Leaders. NDONL represents both critical access as well as acute care hospitals across North Dakota. We are here to support SB 2142 which serves to create an Office of Immigration.

Currently, there are numerous shortages of all industries not just healthcare throughout the state ND. However, as a result hospitals, long-term care facilities, clinics, etc. are utilizing international staff to fill full-time positions.

SB 2142 has been drafted to create an Immigration office to help all industries throughout the state to:

- Recruit international staff
- Expedite the immigration process and placement
- Support international staff with financial, legal, and immigration-related applications, forms, or other communication in order to stay in ND
- Assist international staff with basic housing, food, and other essential services once they arrive in the state
- Develop a communication system for international staff to share community resources and assistance
- Develop a fee system to sustain the function of this office.

At the hospital I work at in Fargo, 68% of their registered nursing staff are international nurses. We wouldn't be able to care for our patients if not for them; so we are eternally grateful for the international nurses! However, what I know is, that it takes a long time for these staff to get to the United States and in their positions, for example I interviewed a nurse in early 2017 and she arrived in 2021. So I am envisioning this office to help expedite getting staff to ND sooner, quicker and faster.

I also know one of our nurses had to return to Africa in order to interview at the embassy so he could bring his family here. He left at the beginning of April 2022 and he has not returned to Fargo and we do not know when this will happen. I am hopeful that this office would be able to help others like him be prepared with all the necessary paper work etc. so that it would be a smooth process.

I envision this office to have a 2-3 FTE's to get his office up and running. With the immense staffing needs in all industry throughout the state of ND this team will need to be very dynamic, creative and energetic.

Thank you again for the opportunity to testify. I would be happy to answer any questions.

Bonnie Vangerud, Vice Chair  
North Dakota Office of Nurse Leaders  
5225 23<sup>rd</sup> Ave. South  
7<sup>th</sup> Floor  
Fargo, ND 58104  
(701)793-8437



## FMWF Chamber Letter of Support for SB 2142

March 13<sup>th</sup>, 2023

Chair Headland and members of the House Finance and Taxation Committee,

For the record, my name is Shannon Full, and I have the pleasure of serving as the President and CEO of the Fargo Moorhead West Fargo (FMWF) Chamber of Commerce. The Chamber's mission is to be a catalyst for economic growth and prosperity for businesses, members, and the greater community. On behalf of our over 1,900 members, I respectfully offer testimony in support of Senate Bill 2142, with a request.

As you know, every state across the United States is competing to attract, develop, and retain workforce, hoping to fill thousands of open jobs. According to the latest federal Job Openings and Labor Report, the national average was nearly 1.9 job openings per available worker. In December of 2022, a U.S. Chamber study categorized North Dakota in the “most severe” workforce shortage category with 2.2 job openings per available worker. These statistics go to show that much of this workforce shortage is a numbers issue, we simply do not have enough capable individuals to fill the number of open jobs. Our state must effectively compete on a global scale for workforce to fill our thousands of open jobs. To do this, both the public and private sectors must work together to identify creative, innovative, and multi-pronged solutions. We believe legal immigration and refugee resettlement are pivotal to addressing this crisis and are one of the prongs that are part of a comprehensive solution.

Many of our business and industry leaders throughout our region have shared their desire to look beyond our nation’s borders to fill their open jobs but are all too often faced with several challenges. For example, many businesses do not have immigration experts on staff, nor do they have access to the necessary information, resources, and legal services in their communities to assist in the hiring of immigrants or refugees. Due to this lack of resources, The FMWF Chamber and many other organizations throughout the state of North Dakota have asked for the establishment of an Office of Immigration to provide businesses with the much-needed resources to attract, retain, and develop talent from across the globe. It is critical that these services be strategically placed throughout our state to ensure accessibility in regions with high workforce needs.

Additionally, I must emphasize the importance of not only the attraction of workforce but also the retention and development of these individuals. When these individuals move to North Dakota we must also focus our attention on retention strategies, to ensure these folks are properly acclimated and become well-rooted in our communities. As it relates to development, many of these individuals from outside the US possess several skills or a strong desire to develop a new set of skills. Whether it be through post-secondary, credentialing, or on-the-job training, we must ensure we are equipping these individuals with skills to best prepare them for their future careers.

Lastly, as the legislature is considering the establishment of this office, I respectfully ask that the total number of authorized full-time employees be increased to 3 FTEs. Simply put, one person could not fulfill the varying immigration needs across the state in a practical manner. Sustainable staffing levels ensure that the Department of Commerce can effectively and efficiently meet the unique business needs that exist across the State of North Dakota, as it relates to immigration. I would also recommend that those FTEs be strategically located throughout the state to ensure high availability of access to these individuals by the businesses that most need their assistance.

The workforce crisis our country is facing is complex and cannot be solved unilaterally. It is cyclical in nature and requires a great deal of creativity and innovation. Our state has the opportunity to lead the nation by establishing a strategic path forward that addresses the challenges faced by businesses and communities, as it relates to immigration and refugee resettlement. On behalf of our members, I would like to thank the committee for their time and consideration this morning. I will now stand for any questions.

Respectfully,

A handwritten signature in blue ink that reads "Shannon Full". The signature is fluid and cursive, with the first name "Shannon" written in a larger, more prominent script than the last name "Full".

Shannon Full  
President/CEO  
FMWF Chamber of Commerce  
[sfull@fmwfchamber.com](mailto:sfull@fmwfchamber.com)



✧ 1912-2023 ✧  
1515 Burnt Boat Drive  
Suite C #325  
Bismarck, ND 58503  
701-335-6376

Testimony in Support of SB 2142  
House Finance and Taxation Committee

March 13, 2023

Chairman Headland, Vice Chairman Hagert, and Members of the House Finance and Taxation Committee:

My name is Sherri Miller, and I am the Executive Director of the North Dakota Nurses Association (NDNA). Please consider this as testimony in support of SB 2142, relating to the creation of an office of immigration.

NDNA is the only professional organization representing all nurses in North Dakota. Our mission is to advance the nursing profession by promoting the professional development of nurses, fostering high standards of nursing practice, promoting the safety and well-being of nurses in the workplace, and advocating on healthcare issues affecting nurses and the public.

There is a shortage of direct care staff including those we represent – nurses - throughout the State of North Dakota. Healthcare facilities are trying to meet patient demand with limited success. Travel agencies are charging rates that are not financially sustainable, and administrators are searching for solutions that will stabilize the situation.

One solution has been to recruit international nurses. Bringing in international nurses is costly and time consuming, though, and the process often takes years to bring in one individual. To strategize and implement processes to support and overcome international recruitment challenges in healthcare, an office of healthcare immigration would streamline the entire process. It could reduce much of the “red tape” and ultimately, assist with a solution to North Dakota’s staffing shortages.

We respectfully ask that you pass SB 2142.

Sincerely,

Sherri Miller, BSN, RN  
Executive Director  
North Dakota Nurses Association

March 13, 2023

*2023 Senate Bill 2142  
Chairman Headland  
Finance and Taxation Committee*

Chairman Headland and Members of the Finance and Taxation Committee, my name is Holly Triska-Dally, I serve as the State Refugee Coordinator for the ND Department of Health and Human Services. The purpose of my testimony is to provide a national overview of three things 1) shifting demographics in the United States, 2) the underutilization of immigrant talent, and 3) the Office of New Americans (ONA) State network.

**Demographic Shift:**

The Baby Boomers, the largest ever generation, 73 million people born following WWII and 1964 are reaching retirement age. They comprise the bulk of all available skilled labor and their absence is hugely impactful in numerical terms. A surge in Baby Boomer retirements occurred during the pandemic, bringing the total for retired Baby Boomers to 30 million. By 2030, all Baby Boomers will be age 65 or older<sup>1</sup>.

The decline in birth rates that began in the 1960s now has decades of steam behind it. In 1965 the average woman had 3.5 children, today she has 1.6 children. We are well below a replacement birthrate of 2.1. Yesterday's fewer children leads to today's few young workers leads to tomorrow's few mature workers.<sup>2</sup>

Many strategies should be taken to increase the Civilian Labor Force Participation Rate. However, based on increased retirees and decreased births it is hard to envision a workforce solution that does not involve immigration.

**Underutilization of Immigrant Talent:**

According to a recent study published by the Migration Policy Institute, more than 2 million college-educated immigrants are either unemployed or underemployed, representing 17% of the total college educated workforce in the U.S.<sup>3</sup> Unemployment and underemployment of this group results in approximately \$39.4 billion in foregone earnings and \$10.2 billion in unrealized tax revenues annually. The Pew Research Center projects that by 2065 immigrants and their children will make up 36% of the total U.S. population and will account for 88% of population growth.<sup>4</sup> An estimated 47.4% of the foreign-born population who arrived in the United States from 2010 to 2019 had a bachelor's degree or higher, compared to 36.3% of native-born Americans.<sup>5</sup> More than 5.3 million students, or nearly 30

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<sup>1</sup> [By 2030, All Baby Boomers Will Be Age 65 or Older \(census.gov\)](https://www.census.gov/newsroom/releases/stories/immigration.html)

<sup>2</sup> Zeihan, Peter, 2022, *The End of the World is Just the Beginning*, Section I: History Speeds Up, HarpersCollins Publishers

<sup>3</sup> [Research: Leaving Money on the Table: The Persistence of Immigrant Underemployment | migrationpolicy.org](https://www.migrationpolicy.org/research/leaving-money-table-persiste)

<sup>4</sup> [Modern Immigration Wave Brings 59 Million to U.S. | Pew Research Center](https://www.pewresearch.org/immigration/2022/05/11/modern-immigration-wave-brings-59-million-to-u-s/)

<sup>5</sup> [U.S. Census Bureau Releases New Educational Attainment Data](https://www.census.gov/newsroom/releases/stories/immigration.html)





GREATER NORTH DAKOTA CHAMBER  
 SB 2142  
 House Finance & Taxation Committee  
 Chairman Craig Headland  
 March 13, 2023

Mr. Chairman and members of the Committee, my name is Andrea Pfennig with the Greater North Dakota Chamber. GNDC is North Dakota's largest statewide business advocacy organization, with membership represented by small and large businesses, local chambers, and trade and industry associations across the state. We stand in **support** of SB 2142 **with amendments**.

Recently, GNDC partnered with the NDSU Challey Institute for Global Innovation and Growth to complete a survey about the business climate in North Dakota. The survey found that 62% of respondents felt the number one factor holding businesses back is difficulty attracting and retaining qualified workers. The ability to have access to a skilled workforce is a critical issue for our members. As a result, one of our policy positions is to support workforce readiness opportunities for transitioning populations. SB 2142 would establish an Office of Immigration and we support this concept. We hope that consideration will be given to establishing expertise at the state level to advise North Dakota businesses on immigration policy. When we tried to explore this issue over the interim, we were unable to find a resource at the state level that could provide basic statistics.

This is a complex issue, especially for smaller businesses. Having a state led resource for companies that wish to pursue this avenue in meeting their workforce needs would be beneficial to the business community.

The bill includes the development of a fee system to be assessed to each business benefiting from employment of immigrant workers as a result of assistance provided. However, without clearly defined benefits the business community would be receiving, development of a fee structure at this juncture may be premature.

We are in support of practical solutions that remove barriers to entering the workforce such as training and strategies to address language barriers. We would be happy to help identify solutions from the business community's perspective as this concept moves forward.

Because of that, we hope you will consider the following changes to the bill:

- Inclusion of collaboration with private sector businesses and nonprofit organizations to identify barriers in hiring immigrants and refugees and develop solutions.
- Establishment of a State led resource to North Dakota businesses regarding immigration policy and recruitment of immigrant workers.
- Funding to contract additional services and expertise to address any knowledge gaps in the state's current resources.
- Inclusion of matching grants for North Dakota businesses to address barriers to employing immigrant workers.

Thank you for your consideration.

23.0680.02001  
Title.

Prepared by the Legislative Council staff for  
Representative Headland  
March 21, 2023

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2142

Page 1, line 7, remove "**- Fees**"

Page 1, line 9, replace "and shall" with ". The office of immigration"

Page 1, remove lines 10 through 24

Page 2, replace lines 1 through 4 with:

- "1. Shall develop and implement a statewide strategy to support businesses in recruiting and retaining foreign labor, including immigrants already in the United States and integration of immigrants into the state to promote economic opportunities for immigrant communities.
2. Shall advise and make recommendations to the governor, legislative assembly, and state agencies regarding immigrant integration and foreign labor issues.
3. Shall develop a pilot program to support businesses pursuing or employing legal immigrants and to support communities to develop immigration integration plans and activities.
4. May contract with other state agencies to develop and administer programs or services related to immigration integration and access to basic needs that promote entrance and movement throughout the workforce.
5. May contract with an organization with expertise related to the goals of the office of immigration."

Page 2, line 7, remove "**- ONE-TIME FUNDING**"

Page 2, line 8, replace "\$242,500" with "\$485,000"

Page 2, line 9, remove "and out of any moneys in the economic development"

Page 2, remove line 10

Page 2, line 11, remove "sum as may be necessary,"

Page 2, line 13, replace "one" with "two"

Page 2, line 13, replace "position" with "positions"

Page 2, line 16, remove "The \$242,500 appropriation from the general"

Page 2, remove line 17

Page 2, line 18, replace "**LEGISLATIVE MANAGEMENT**" with "**DEPARTMENT OF COMMERCE**"

Page 2, line 18, remove "**BUDGET**"

Page 2, line 19, remove "**SECTION REPORT -**"



Sixty-eighth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2142

Introduced by

Senators Mathern, K. Roers, Sorvaag

Representatives Ista, Meier, Mitskog

1 A BILL for an Act to create and enact a new section to chapter 54-60 of the North Dakota  
2 Century Code, relating to the creation of an office of immigration; to provide an appropriation;  
3 and to provide for a report.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 54-60 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Office of immigration - Duties -- Fees.**

8 There is created an office of immigration within the department of commerce. Employees of  
9 the office of immigration report to the commissioner ~~and shall.~~ The office of immigration:

10 ~~1. Coordinate and expedite the immigration process and placement of international~~  
11 ~~workers immigrating to North Dakota for employment.~~

12 ~~2. Support recently immigrated individuals by assisting with any financial, legal, housing,~~  
13 ~~or other immigration-related applications, forms, or communications necessary to~~  
14 ~~provide for successful immigration to the state.~~

15 ~~3. Collaborate with employers to establish a system to assist immigrants with accessing~~  
16 ~~basic housing, food, and other essential services necessary to provide for successful~~  
17 ~~immigration to the state.~~

18 ~~4. Create a communication system among immigrated individuals to provide a network~~  
19 ~~for immigrants to share community resources and provide immigration process~~  
20 ~~assistance.~~

21 ~~5. Provide outreach services to current and potential immigrants to encourage additional~~  
22 ~~individuals to immigrate to North Dakota for employment.~~

23 ~~6. Develop guidelines and procedures for a fee system to be assessed to each business~~  
24 ~~benefiting from employment of immigrant workers as a result of assistance provided~~

1 2023-25 biennium. ~~The \$242,500 appropriation from the general fund in this section is~~  
2 ~~considered a one-time funding item.~~

3 **SECTION 3. ~~LEGISLATIVE MANAGEMENT~~DEPARTMENT OF COMMERCE STUDY -**  
4 **IMMIGRATION - ~~BUDGET SECTION REPORT~~ - REPORT TO SIXTY-NINTH LEGISLATIVE**

5 **ASSEMBLY.** During the 2023-24 interim, the ~~legislative management~~department of commerce  
6 shall conduct a study ~~the immigration needs in the state.~~ The study must include input from the  
7 ~~department of commerce regarding the implementation of the office of immigration, the number~~  
8 ~~of immigrants assisted, efficiencies gained in helping immigrant individuals with the immigration~~  
9 ~~process, collaborative efforts with businesses, the status of the immigration communication~~  
10 ~~system, the status of developing a fee system to defray the administrative costs of the office,~~  
11 ~~and other immigration needs in the state. The study must be completed by July 1, 2024. The~~  
12 ~~interim committee assigned the responsibility for this study shall provide a recommendation~~  
13 ~~regarding the current and future immigration needs of the state and the role of the office of~~  
14 ~~immigration to the budget section. The legislative management~~to determine immigration  
15 opportunities in the state, goals of the office of immigration, performance indicators to measure  
16 progress and success of immigration goals, and a structure for a pilot program to support  
17 businesses and communities pursuing legal immigration, and to develop a fee-based system for  
18 services to be implemented in the 2025-27 biennium. The study must include input from  
19 employers in the state. The department of commerce shall report its findings and  
20 recommendations, ~~together with any legislation required to implement the recommendations,~~ to  
21 the sixty-ninth legislative assembly.





## SB 2142: Office of Legal Immigration

### What it does:

- Establishes an Office of Legal Immigration within the Department of Commerce
  - Develop a statewide strategy to support businesses in recruiting and retaining foreign labor.
  - Make recommendations to the governor, legislative assembly, and state agencies regarding immigrant integration and foreign labor issues.
- This provides a resource to businesses trying to address workforce needs by employing immigrants.
- Includes \$485,000 for 2 FTEs for the 2023-2025 biennium.

### Why it matters:

1. More than 2 million college-educated immigrants in the workforce are either unemployed or underemployed, representing 17% of the total college educated workforce in the US.
2. Unemployment and underemployment of this group results in approximately \$39.4 billion in foregone earnings and \$10.2 billion in unrealized tax revenues annually.
3. More than 44.9 million immigrants live in the US (13.7% of total population).
4. In 2021, Immigrants and their US born children numbered approximately 84.8 million people. Per Research Center projects that the immigrant origin share will rise to 36% of the total US population by 2065.
5. Births per woman in the U.S. have fallen from 3.5 in 1965 to 1.6 in 2021; a replacement birthrate is 2.1. We have a declining population and will need immigrants to fill workforce shortages for years to come.
6. 17 states have established Offices for New Americans. The goal is to create more inclusive communities and build consensus for developing immigrant untapped talent – they recruit immigrant talent nationwide.
7. Over 4% of workers in the ND labor force are immigrants.
8. In GNDC's recent business climate survey conducted by the NDSU Challey Institute, 62.6% of respondents indicated that attracting and retaining qualified workers is the most important factor negatively affecting their organization's performance.
9. ND's February 2023 not seasonally adjusted unemployment rate was 2.6%. The U.S. rate was 3.6%.
10. ND had a total of 17,111 open and available online job openings in February 2023, a change of +9.3 percent (+1,460) from the prior month.

23.0680.01004

Sixty-eighth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2142**

Introduced by

Senators Mathern, K. Roers, Sorvaag

Representatives Ista, Meier, Mitskog

1 A BILL for an Act to create and enact a new section to chapter 54-60 of the North Dakota  
2 Century Code, relating to the creation of an office of ~~health-care~~ immigration; to provide an  
3 appropriation; and to provide for a report.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 54-60 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Office of ~~health-care~~ immigration - Duties - Fees.**

8 There is created an office of ~~health-care~~ immigration within the department of commerce.

9 Employees of the office of ~~health-care~~ immigration report to the commissioner and shall:

10 1. Coordinate and expedite the immigration process and placement of international  
11 ~~health-care~~ workers immigrating to North Dakota for employment ~~in health-care~~  
12 ~~facilities.~~

13 2. Support recently immigrated individuals ~~working in a health-care facility~~ by assisting  
14 with any financial, legal, housing, or other immigration-related applications, forms, or  
15 communications necessary to provide for successful immigration to the state.

16 3. Collaborate with ~~health-care facilities~~ ~~employers~~ to establish a system to assist  
17 immigrants with accessing basic housing, food, and other essential services  
18 necessary to provide for successful immigration to the state.

19 4. Create a communication system among ~~health-care immigrated and other~~ immigrated  
20 individuals to provide a network for immigrants to share community resources and  
21 provide immigration process assistance.

22 5. Provide outreach services to current and potential ~~health-care~~ immigrants to  
23 encourage additional individuals to immigrate to North Dakota for employment ~~in~~  
24 ~~health-care facilities.~~

1       6. Develop guidelines and procedures for a fee system to be assessed to each business  
2       benefiting from employment of immigrant workers as a result of assistance provided  
3       by the office of ~~health care~~ immigration to offset administrative costs of the office of  
4       ~~health care~~ immigration by July 1, 2025. Revenue collected from ~~health care~~  
5       immigration assistance fees and any interest earned on these moneys must be  
6       deposited in the economic development fund for the benefit of the office of ~~health care~~  
7       immigration, subject to legislative appropriations.

8       **SECTION 2. APPROPRIATION - DEPARTMENT OF COMMERCE - OFFICE OF ~~HEALTH~~**  
9       **~~CARE~~ IMMIGRATION - FULL-TIME EQUIVALENT POSITIONS - REPORT TO SIXTY-NINTH**  
10      **LEGISLATIVE ASSEMBLY - ONE-TIME FUNDING.** There is appropriated out of any moneys in  
11      the general fund in the state treasury, not otherwise appropriated, the sum of  
12      ~~\$536,257~~\$242,500, or so much of the sum as may be necessary, and out of any moneys in the  
13      economic development fund in the state treasury, not otherwise appropriated, the sum of  
14      ~~\$536,257~~\$242,500, or so much of the sum as may be necessary, to the department of  
15      commerce for the purpose of providing salaries and benefits for office of ~~health care~~  
16      immigration staff, for the biennium beginning July 1, 2023, and ending June 30, 2025. The  
17      department of commerce is authorized ~~five~~one full-time equivalent ~~positions~~position to  
18      administer the office of ~~health care~~ immigration, ~~including one attorney, one administrative~~  
19      ~~assistant, and three nurse positions.~~ The department of commerce shall report to the sixty-ninth  
20      legislative assembly regarding the number of ~~health care~~ immigrants and ~~health care~~  
21      ~~facilities~~employers assisted through the office of ~~health care~~ immigration during the 2023-25  
22      biennium. The ~~\$536,257~~\$242,500 appropriation from the general fund in this section is  
23      considered a one-time funding item.

24      **SECTION 3. LEGISLATIVE MANAGEMENT STUDY - IMMIGRATION - BUDGET**  
25      **SECTION REPORT - REPORT TO SIXTY-NINTH LEGISLATIVE ASSEMBLY.** During the  
26      2023-24 interim, the legislative management shall study the immigration needs in the state. The  
27      study must include input from the department of commerce regarding the implementation of the  
28      office of immigration, the number of immigrants assisted, efficiencies gained in helping  
29      immigrant individuals with the immigration process, collaborative efforts with businesses, the  
30      status of the immigration communication system, the status of developing a fee system to  
31      defray the administrative costs of the office, and other immigration needs in the state. The study

1 must be completed by July 1, 2024. The interim committee assigned the responsibility for this  
2 study shall provide a recommendation regarding the current and future immigration needs of the  
3 state and the role of the office of immigration to the budget section. The legislative management  
4 shall report its findings and recommendations, together with any legislation required to  
5 implement the recommendations, to the sixty-ninth legislative assembly.

23.0680.01001

Sixty-eighth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2142**

Introduced by

Senators Mathern, K. Roers, Sorvaag

Representatives Ista, Meier, Mitskog

1 A BILL for an Act to create and enact a new section to chapter 54-60 of the North Dakota  
2 Century Code, relating to the creation of an office of health care immigration; to provide ~~an~~  
3 ~~appropriation~~for a legislative management study; and to provide for a report.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 54-60 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Office of health care immigration - Duties - Fees.**

8 There is created an office of health care immigration within the department of commerce.

9 Employees of the office of health care immigration report to the commissioner and shall:

- 10 1. Coordinate and expedite the immigration process and placement of international
- 11 health care workers immigrating to North Dakota for employment in health care
- 12 facilities.
- 13 2. Support recently immigrated individuals working in a health care facility by assisting
- 14 with any financial, legal, housing, or other immigration-related applications, forms, or
- 15 communications necessary to provide for successful immigration to the state.
- 16 3. Collaborate with health care facilities to establish a system to assist immigrants with
- 17 accessing basic housing, food, and other essential services necessary to provide for
- 18 successful immigration to the state.
- 19 4. Create a communication system among health care immigrated and other immigrated
- 20 individuals to provide a network for immigrants to share community resources and
- 21 provide immigration process assistance.
- 22 5. Provide outreach services to current and potential health care immigrants to
- 23 encourage additional individuals to immigrate to North Dakota for employment in
- 24 health care facilities.



1       6. Develop guidelines and procedures for a fee system to be assessed to each business  
2       benefiting from employment of immigrant workers as a result of assistance provided  
3       by the office of health care immigration to offset administrative costs of the office of  
4       health care immigration by July 1, 2025. Revenue collected from health care  
5       immigration assistance fees and any interest earned on these moneys must be  
6       deposited in the economic development fund for the benefit of the office of health care  
7       immigration, subject to legislative appropriations.

8       ~~—SECTION 2. APPROPRIATION -- DEPARTMENT OF COMMERCE -- OFFICE OF HEALTH~~  
9       ~~CARE IMMIGRATION -- FULL-TIME EQUIVALENT POSITIONS -- REPORT TO SIXTY-NINTH~~  
10       ~~LEGISLATIVE ASSEMBLY -- ONE-TIME FUNDING.~~ There is appropriated out of any moneys in  
11       the general fund in the state treasury, not otherwise appropriated, the sum of \$536,257, or so  
12       much of the sum as may be necessary, and out of any moneys in the economic development  
13       fund in the state treasury, not otherwise appropriated, the sum of \$536,257, or so much of the  
14       sum as may be necessary, to the department of commerce for the purpose of providing salaries  
15       and benefits for office of health care immigration staff, for the biennium beginning July 1, 2023,  
16       and ending June 30, 2025. The department of commerce is authorized five full-time equivalent  
17       positions to administer the office of health care immigration, including one attorney, one  
18       administrative assistant, and three nurse positions. The department of commerce shall report to  
19       the sixty-ninth legislative assembly regarding the number of health care immigrants and health  
20       care facilities assisted through the office of health care immigration during the 2023-25  
21       biennium. The \$536,257 appropriation from the general fund in this section is considered a  
22       one-time funding item.

23       **SECTION 2. LEGISLATIVE MANAGEMENT STUDY - HEALTH CARE IMMIGRATION -**  
24       **REPORT TO SIXTY-NINTH LEGISLATIVE ASSEMBLY.** During the 2023-24 interim, the  
25       legislative management shall consider studying health care immigration needs in the state. The  
26       study must include input from the department of commerce regarding the implementation of the  
27       office of health care immigration, the number of health care immigrants assisted, efficiencies  
28       gained in helping immigrant individuals with the immigration process, collaborative efforts with  
29       health care facilities and other health care organizations, the status of the immigration  
30       communication system, the status of developing a fee system to defray the administrative costs  
31       of the office, and other health care immigration needs in the state. The legislative management

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- 1 shall report its findings and recommendations, together with any legislation required to
- 2 implement the recommendations, to the sixty-ninth legislative assembly.

23.0680.01002

Sixty-eighth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2142**

Introduced by

Senators Mathern, K. Roers, Sorvaag

Representatives Ista, Meier, Mitskog

1 A BILL for an Act to create and enact a new section to chapter 54-60 of the North Dakota  
2 Century Code, relating to the creation of ~~an office of health care immigration~~ a division of  
3 immigration assistance; to amend and reenact section 54-60-02 of the North Dakota Century  
4 Code, relating to divisions of the department of commerce; to provide an appropriation; and to  
5 provide for a report.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1.** A new section to chapter 54-60 of the North Dakota Century Code is created  
8 and enacted as follows:

9 ~~**Office of health care immigration - Duties - Fees.**~~

10 ~~There is created an office of health care immigration within the department of commerce.~~

11 ~~Employees of the office of health care immigration report to the commissioner and shall:~~

12 ~~1. Coordinate and expedite the immigration process and placement of international~~  
13 ~~health care workers immigrating to North Dakota for employment in health care~~  
14 ~~facilities.~~

15 ~~2. Support recently immigrated individuals working in a health care facility by assisting~~  
16 ~~with any financial, legal, housing, or other immigration-related applications, forms, or~~  
17 ~~communications necessary to provide for successful immigration to the state.~~

18 ~~3. Collaborate with health care facilities to establish a system to assist immigrants with~~  
19 ~~accessing basic housing, food, and other essential services necessary to provide for~~  
20 ~~successful immigration to the state.~~

21 ~~4. Create a communication system among health care immigrated and other immigrated~~  
22 ~~individuals to provide a network for immigrants to share community resources and~~  
23 ~~provide immigration process assistance.~~

1 ~~5. Provide outreach services to current and potential health care immigrants to~~  
2 ~~encourage additional individuals to immigrate to North Dakota for employment in~~  
3 ~~health care facilities.~~

4 ~~6. Develop guidelines and procedures for a fee system to be assessed to each business~~  
5 ~~benefiting from employment of immigrant workers as a result of assistance provided~~  
6 ~~by the office of health care immigration to offset administrative costs of the office of~~  
7 ~~health care immigration by July 1, 2025. Revenue collected from health care~~  
8 ~~immigration assistance fees and any interest earned on these moneys must be~~  
9 ~~deposited in the economic development fund for the benefit of the office of health care~~  
10 ~~immigration, subject to legislative appropriations.~~

11 **Division of immigration assistance**

12 There is created a division of immigration assistance in the department of commerce. The  
13 division of immigration assistance shall assist:

- 14 1. Individuals residing in North Dakota that recently immigrated to the state and  
15 individuals considering immigrating to the state for work or education related  
16 purposes; and  
17 2. North Dakota businesses attempting to attract and retain immigrant workers.

18 **SECTION 2. AMENDMENT.** Section 54-60-02 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20 **54-60-02. Department of commerce - Divisions.**

21 The North Dakota department of commerce is created.

22 1. The department must consist of:

- 23 a. A division of community services;  
24 b. A division of economic development and finance;  
25 c. A division of tourism;  
26 d. A division of workforce development;  
27 e. A division of immigration assistance; and

28 ~~e.f.~~ Any division or office the commissioner determines necessary to carry out this  
29 chapter.

30 2. The commissioner shall appoint the director of each division of the department. Each  
31 director appointed by the commissioner serves at the pleasure of the commissioner

1 and is entitled to receive a salary set by the commissioner within the limits of  
2 legislative appropriations.

3 **SECTION 3. APPROPRIATION - DEPARTMENT OF COMMERCE - OFFICE OF HEALTH-**  
4 **CARE IMMIGRATION DIVISION OF IMMIGRATION ASSISTANCE OPERATIONS -**  
5 **FULL-TIME EQUIVALENT POSITIONS -- REPORT TO SIXTY-NINTH LEGISLATIVE-**  
6 **ASSEMBLY -- ONE-TIME FUNDING.** There is appropriated out of any moneys in the general  
7 fund in the state treasury, not otherwise appropriated, the sum of ~~\$536,257, or so much of the~~  
8 ~~sum as may be necessary, and out of any moneys in the economic development fund in the~~  
9 ~~state treasury, not otherwise appropriated, the sum of \$536,257~~ \$2,036,541, or so much of the  
10 sum as may be necessary, to the department of commerce, of which \$1,036,541 is for the  
11 purpose of providing salaries and benefits for ~~office of health care immigration~~ division of  
12 immigration assistance staff and \$1,000,000 is for the purpose of contracting with a third-party  
13 vendor to assist the division of immigration assistance with services required in section 1 of this  
14 Act, for the biennium beginning July 1, 2023, and ending June 30, 2025. The department of  
15 commerce is authorized five full-time equivalent positions to administer the ~~office of health care-~~  
16 ~~immigration, including one attorney, one administrative assistant, and three nurse positions. The~~  
17 ~~department of commerce shall report to the sixty-ninth legislative assembly regarding the~~  
18 ~~number of health care immigrants and health care facilities assisted through the office of health-~~  
19 ~~care immigration during the 2023-25 biennium. The \$536,257 appropriation from the general-~~  
20 ~~fund in this section is considered a one-time funding item~~ division of immigration assistance.

21 **SECTION 4. APPROPRIATION - DEPARTMENT OF COMMERCE - IMMIGRATION**  
22 **ASSISTANCE GRANT PROGRAM - MATCHING FUNDS REQUIREMENT - REPORT TO**  
23 **SIXTY-NINTH LEGISLATIVE ASSEMBLY.** There is appropriated out of any moneys in the  
24 general fund in the state treasury, not otherwise appropriated, the sum of \$5,000,000, or so  
25 much of the sum as may be necessary, to the department of commerce for the purpose of  
26 providing grants to North Dakota businesses to attract and retain immigrant workers, for the  
27 biennium beginning July 1, 2023, and ending June 30, 2025. The department of commerce may  
28 spend the funds appropriated in this section only to the extent the organization has secured  
29 matching funds from nonstate sources on a dollar-for-dollar basis. The department of commerce  
30 shall report to the sixty-ninth legislative assembly regarding the number of North Dakota

- 1 businesses assisted and number of workers added as a result of grants provided by the division
- 2 of immigrant assistance during the 2023-25 biennium.

23.0680.01003

Sixty-eighth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2142**

Introduced by

Senators Mathern, K. Roers, Sorvaag

Representatives Ista, Meier, Mitskog

1 A BILL for an Act to create and enact a new section to chapter 54-60 of the North Dakota  
2 Century Code, relating to the creation of an office of health care immigration; to provide ~~an a~~  
3 contingent appropriation; to provide for a legislative management study; and to provide for a  
4 report.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** A new section to chapter 54-60 of the North Dakota Century Code is created  
7 and enacted as follows:

8 **Office of health care immigration - Duties - Fees.**

9 There is created an office of health care immigration within the department of commerce.

10 Employees of the office of health care immigration report to the commissioner and shall:

- 11 1. Coordinate and expedite the immigration process and placement of international
- 12 health care workers immigrating to North Dakota for employment in health care
- 13 facilities.
- 14 2. Support recently immigrated individuals working in a health care facility by assisting
- 15 with any financial, legal, housing, or other immigration-related applications, forms, or
- 16 communications necessary to provide for successful immigration to the state.
- 17 3. Collaborate with health care facilities to establish a system to assist immigrants with
- 18 accessing basic housing, food, and other essential services necessary to provide for
- 19 successful immigration to the state.
- 20 4. Create a communication system among health care immigrated and other immigrated
- 21 individuals to provide a network for immigrants to share community resources and
- 22 provide immigration process assistance.



1       5. Provide outreach services to current and potential health care immigrants to  
2       encourage additional individuals to immigrate to North Dakota for employment in  
3       health care facilities.

4       6. Develop guidelines and procedures for a fee system to be assessed to each business  
5       benefiting from employment of immigrant workers as a result of assistance provided  
6       by the office of health care immigration to offset administrative costs of the office of  
7       health care immigration by July 1, 2025. Revenue collected from health care  
8       immigration assistance fees and any interest earned on these moneys must be  
9       deposited in the economic development fund for the benefit of the office of health care  
10       immigration, subject to legislative appropriations.

11       **SECTION 2. CONTINGENT APPROPRIATION - DEPARTMENT OF COMMERCE -**  
12       **OFFICE OF HEALTH CARE IMMIGRATION - FULL-TIME EQUIVALENT POSITIONS -**  
13       **BUDGET SECTION APPROVAL - REPORT TO SIXTY-NINTH LEGISLATIVE ASSEMBLY -**

14       **ONE-TIME FUNDING.** There is appropriated out of any moneys in the general fund in the state  
15       treasury, not otherwise appropriated, the sum of \$536,257, or so much of the sum as may be  
16       necessary, and out of any moneys in the economic development fund in the state treasury, not  
17       otherwise appropriated, the sum of \$536,257, or so much of the sum as may be necessary, to  
18       the department of commerce for the purpose of providing salaries and benefits for office of  
19       health care immigration staff, for the biennium beginning July 1, 2023, and ending June 30,  
20       2025. The department of commerce is authorized five full-time equivalent positions to  
21       administer the office of health care immigration, ~~including one attorney, one administrative-~~  
22       ~~assistant, and three nurse positions.~~ The funding appropriated in this section may be spent only  
23       to the extent approval is received from the budget section. When evaluating the potential  
24       approval to spend funds appropriated in this section, the budget section shall consider the  
25       requirements of subsection 5 of section 54-35-02.9, the recommendation provided pursuant to  
26       section 3 of this Act, the current and future immigration needs in the state, and the potential  
27       effect the services of the office of health care immigration will have on these needs. The  
28       department of commerce shall report to the sixty-ninth legislative assembly regarding the  
29       number of health care immigrants and health care facilities assisted through the office of health  
30       care immigration during the 2023-25 biennium. The \$536,257 appropriation from the general  
31       fund in this section is considered a one-time funding item.

**SECTION 3. LEGISLATIVE MANAGEMENT STUDY - HEALTH CARE IMMIGRATION -  
BUDGET SECTION REPORT - REPORT TO SIXTY-NINTH LEGISLATIVE ASSEMBLY.**

During the 2023-24 interim, the legislative management shall consider studying health care immigration needs in the state. The study must include input from the department of commerce regarding the implementation of the office of health care immigration, the number of health care immigrants assisted, efficiencies gained in helping immigrant individuals with the immigration process, collaborative efforts with health care facilities and other health care organizations, the status of the immigration communication system, the status of developing a fee system to defray the administrative costs of the office, and other health care immigration needs in the state. The study must be completed by July 1, 2024. The interim committee assigned the responsibility for this study shall provide a recommendation regarding the current and future immigration needs in the state and the role of the office of health care immigration to the budget section. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly.