

Fifty-seventh  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1317

Introduced by

Representatives Ekstrom, Glassheim, Jensen

Senators Kelsh, C. Nelson, O'Connell

1 A BILL for an Act to create and enact a new subsection to section 15-10-17 of the North Dakota  
2 Century Code, relating to the creation of a division of immigration within the state board of  
3 higher education; and to amend and reenact section 4-01-20 of the North Dakota Century Code  
4 and section 43 of Senate Bill No. 2032, relating to creation of a division of immigration within  
5 the department of commerce.

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

7 **SECTION 1. AMENDMENT.** Section 4-01-20 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **4-01-20. ~~Commissioner~~ Division of immigration to preserve records of**  
10 **commissioner of immigration.** All papers, writings, documents, books, records, files, and all  
11 other papers of whatever nature, used by or in connection with the office of commissioner of  
12 immigration, must be preserved by the ~~commissioner of agriculture~~ division of immigration.

13 **SECTION 2.** If Senate Bill No. 2032 does not become effective, a new subsection to  
14 section 15-10-17 of the 1999 Supplement to the North Dakota Century Code is created and  
15 enacted as follows:

16 To establish and maintain a division of immigration to encourage and promote the  
17 permanent settlement and improvement of all sections of the state. The division  
18 shall advertise the state and collect, classify, and distribute facts, statistics,  
19 pictures, and general information with reference to government and education;  
20 social, industrial, and agricultural conditions; natural resources; opportunities and  
21 advantages offered by the state as a place to live, especially its great advantages  
22 for grain and stock raising and dairying; and to attract foreign and domestic  
23 immigrants, settlers, investors, and industrial and economic development.

1           **SECTION 3.** Section 43 of Senate Bill No. 2032, as approved by the fifty-seventh  
2 legislative assembly, is amended and reenacted as follows:

3           **Definitions.** In this chapter, unless the context or subject matter otherwise requires:

- 4           1. "Cabinet" means the North Dakota commerce cabinet.
- 5           2. "Commissioner" means the commissioner of commerce.
- 6           3. "Department" means the department of commerce.
- 7           4. "Division" means the division of immigration.
- 8           5. "Foundation" means the North Dakota economic development foundation.

9           **Department of commerce - Divisions.** The North Dakota department of commerce is  
10 created. All records, materials, supplies, and equipment used by the division of community  
11 services, department of economic development and finance, ~~and~~ the department of tourism,  
12 and the agriculture commissioner as they relate to the commissioner of immigration are  
13 transferred to the department.

- 14           1. The department must consist of:
  - 15           a. A division of community services;
  - 16           b. A division of economic development and finance;
  - 17           c. A division of tourism;
  - 18           d. A division of international trade;
  - 19           e. A division of workforce development; ~~and~~
  - 20           f. A division of immigration; and
  - 21           g. Any division the commissioner determines necessary to carry out this chapter.
- 22           2. Each division director serves at the will of the commissioner and receives a salary  
23 set by the commissioner within the limits of legislative appropriations.

24           **Commissioner of commerce - Duties.** With the advice and counsel of the North  
25 Dakota development foundation, the governor shall appoint a commissioner to supervise,  
26 control, and administer the department. The commissioner serves at the pleasure of the  
27 governor and receives a salary set by the governor within the limits of legislative appropriations.  
28 The commissioner:

- 29           1. Shall file an oath of office in the usual form before commencing to perform the  
30 duties of the commissioner;
- 31           2. Shall serve as chairman of the cabinet;

3. Shall prepare the cabinet's list identifying economic development moneys included in budget requests of cabinet agencies;
4. Shall appoint directors to administer each of the department divisions;
5. Shall appoint personnel as may be determined necessary to carry out the duties of the department;
6. Shall manage the operations of the department and oversee each of the divisions;
7. Shall assume central responsibilities to develop, implement, and coordinate a working network of commerce service providers;
8. Shall coordinate the department's services with commerce-related services of other state agencies;
9. Shall advise and cooperate with departments and agencies of the federal government and of other states; private businesses, agricultural organizations, and associations; ~~and~~ research institutions; and with any individual or other private or public entity;
10. May enter contracts upon terms and conditions as determined by the commissioner to be reasonable and to effectuate the purposes of this chapter;
11. Shall report between the first and tenth legislative days of each regular legislative session to a standing committee of each house of the legislative assembly as determined by the legislative council and shall report annually to the foundation on the department's goals and objectives since the last report, on the department's goals and objectives for the period until the next report, on the department's long-term goals and objectives, and summarizing the department's activities and measurable results occurring since the last report;
12. Shall adopt rules necessary to implement this chapter; ~~and~~
13. Shall establish and maintain a division of immigration to encourage and promote the permanent settlement and improvement of all sections of the state. The division shall advertise the state and collect, classify, and distribute facts, statistics, pictures, and general information with reference to government and education; social, industrial, and agricultural conditions; natural resources; opportunities and advantages offered by the state as a place to live, especially its great advantages

for grain and stock raising and dairying; and to attract foreign and domestic  
immigrants, settlers, investors, and industrial and economic development.

14. May take any actions necessary and proper to implement this chapter.

**North Dakota economic development foundation - Executive committee -**

**Purpose.** The North Dakota economic development foundation is created.

1. The foundation is composed of a minimum of fifteen and a maximum of thirty members appointed by the governor for two-year terms, except the governor shall appoint approximately one-half of the initial foundation members to one-year terms in order to initiate a cycle of staggered terms. Appointment of the foundation members must ensure a cross section of business and economic development representation.
2. The foundation members shall elect an executive committee with a minimum of five and a maximum of nine foundation members. The executive committee members shall elect a chairman, vice chairman, and a secretary.
3. The purpose of the foundation is to:
  - a. Provide the governor advice and counsel in selecting the commissioner;
  - b. Serve in an advisory role to the commissioner, including counsel in the development of the division of economic development and finance's strategic plan;
  - c. Monitor economic development activities and initiatives of the department;  
and
  - d. Set accountability measurements for the department.
4. The foundation shall seek funding for administrative expenses from private sector sources and shall seek and distribute private sector funds for use in commerce-related activities in the state.

**Compensation and reimbursement of foundation members.** The foundation may establish the level of compensation to which a foundation member is entitled. A foundation member is entitled to reimbursement for mileage and expenses as provided for state officers.

**Commerce cabinet.** The North Dakota commerce cabinet is created. The cabinet is composed of the executive heads, or other authorized representatives, of the state board for vocational and technical education, the state board of higher education, the Bank of North

1 Dakota, the department of agriculture, the workers compensation bureau, and of any other state  
2 agency appointed by the commissioner. The commissioner is the chairman of the cabinet and  
3 shall determine which agencies are members of the cabinet. The cabinet shall:

- 4 1. Coordinate and communicate economic development efforts of the agencies  
5 represented.
- 6 2. Meet a minimum of four times and a maximum of twelve times each year.
- 7 3. Develop and make available before each regular session of the legislative  
8 assembly a list that identifies economic development moneys included in budget  
9 requests of cabinet agencies.

10 **Cooperation with other agencies or private entities to jointly publish or mail**  
11 **publications.** The department may cooperate with other state agencies or with a private entity  
12 for the purpose of jointly publishing or distributing information or publications as provided in  
13 section 54-06-04.3.