

2023 SENATE STATE AND LOCAL GOVERNMENT

SCR 4018

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SCR 4018
3/2/2023

To consider studying the feasibility and desirability of implementing a paid family leave program in the state, including consideration of eligibility requirements, application uses, employer participation, and cost and benefit structures for a paid family leave program.

2:30 PM Chair Roers opened the hearing. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Duration of time
- State funding
- Various qualities
- Options for employers and employees

Sen Cleary, Dist 35, bill sponsor and testified in support with no written testimony.

Janelle Moos, ND AARP, Bismarck, ND in support #21712, #21986.

Arik Spencer, Greater ND Chamber, testified opposed #21811.

Additional written testimony:

Thomas Stromme, Fargo, ND in support #21718

Natalie Dvorak, Moorhead, MN, in support #21601

Dana Bacon, Dir of State Government Affairs, Washington, DC, in support #21566

3:00 PM Chair Roers closed the hearing.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SCR 4018
3/3/2023

To consider studying the feasibility and desirability of implementing a paid family leave program in the state, including consideration of possible eligibility requirements, applicable uses, employer participation, and cost and benefit structures for a paid family leave program.

9:16 AM Chair Roers opened committee work. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Bill review
- Extra expense for employers
- Duration an issue

Committee recommended more information is needed to vote.

9:28 AM Chair Roers adjourned the meeting.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SCR 4018
3/16/2023

Directing the Legislative Management to consider studying the feasibility and desirability of implementing a paid family leave program in the state, including consideration of possible eligibility requirements, applicable uses, employer participation, and cost and benefit.

1:54 PM Chair Roers opened committee work. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Committee action

Sen Estenson moved a DO NOT PASS.

Sen Barta seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	N
Senator Sean Cleary	N
Senator Judy Estenson	Y
Senator Judy Lee	N

VOTE: YES – 3 NO – 3 Absent – 0 Motion FAILED

Sen Cleary moved pass out of committee WITHOUT COMMITTEE RECOMMENDATION.

Sen Barta seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Sean Cleary	Y
Senator Judy Estenson	Y
Senator Judy Lee	Y

VOTE: YES – 6 NO – 0 Absent – 0 Motion PASSED

Sen Lee will carry the bill.

1:53 PM Chair Roers adjourned the meeting.

Pam Dever, Committee Clerk

REPORT OF STANDING COMMITTEE

SCR 4018: State and Local Government Committee (Sen. K. Roers, Chairman)
recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION**
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4018 was placed on the
Eleventh order on the calendar. This resolution does not affect workforce
development.

TESTIMONY

SCR 4018



March 1, 2023

The Honorable Kristin Roers
Chair, Senate State and Local Government Committee
600 E Boulevard Ave.
State Capitol
Bismarck, ND 58505

Re: Senate Concurrent Resolution No. 4018

Dear Chair Roers and members of the Committee:

The Leukemia & Lymphoma Society (LLS) appreciates the opportunity to comment on SCR 4018, which considers a study on the feasibility and desirability of paid family medical leave. We thank Senators Cleary and Hogan and Representatives Christy, Hanson, and Ista for their work on this issue.

LLS supports the intent of the legislation and urges your committee to strengthen it by doing the following:

- Rather than considering a study, the legislation could instruct Legislative Management to conduct such a study. The legislative process offers ample opportunity for lawmakers to consider the need for this study, so further consideration should not be necessary and could cause delay.
- Ensure the study evaluates a comprehensive paid family and medical leave benefit. The components of such a study should include: the ability to use leave for oneself or a family member; protection from job loss; meaningful wage replacement; and coverage for the greatest possible number of employees, including those at small employers.

The mission of LLS is to cure leukemia, lymphoma, Hodgkin's disease, and myeloma and improve the quality of life of people living with blood cancer, and their families. Paid family and medical leave helps patients like those we represent pursue medical treatment earlier. It helps them manage that treatment without fearing job loss or financial disaster. It helps the parents of children with cancer focus on their child's care.

Without access to job-protected paid family and medical leave, cancer patients and caregivers can face crushing choices between their physical and emotional health and well-being. A 2021 American Cancer Society Cancer Action Network survey found that half of cancer patients, a third of cancer survivors,

Office of Public Policy

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www.LLS.org

and roughly half of caregivers experienced financial hardship resulting from lack of paid leave access.ⁱ In another study, 59% of colorectal cancer patients without paid leave had to leave their jobs after a cancer diagnosis and suffered long-term economic consequences.ⁱⁱ

For cancer patients of color (who are more likely to experience severe medical illness because of disparities in insurance coverage status, access to healthy food, and exposure to environmental pollutants), not having paid leave can be life-threatening.ⁱⁱⁱ

Comprehensive paid family and leave policies would help to relieve these pressures. These policies would allow workers to pursue medical treatment earlier, both for themselves and their family members, and manage treatment without worrying about maintaining their employment to afford such medical treatment.^{iv} Across the whole population, access to paid leave is associated with decreased all-cause mortality rates.^v

We urge the committee to amend SCR 4018 to require a study on a comprehensive paid family and medical leave benefit that includes robust job protections, meaningful wage replacement, the ability to use leave for oneself or family members, and coverage for the greatest possible number of employees, including those at small employers. These are crucial elements to include when considering a strong paid leave program.

Thank you again for your deliberation on this critical healthcare issue. Please contact me at dana.bacon@lls.org or 612.308.0479 for further information on our position on this issue.

Sincerely,



Dana Bacon
Senior Director, State Government Affairs
The Leukemia & Lymphoma Society

ⁱ American Cancer Society Cancer Action Network. (n.d.). Paid Leave is an Important Component of Cancer Care for Working Patients, Survivors and Caregivers. *Fightcancer.Org*. Retrieved September 10, 2021, from <https://www.fightcancer.org/sites/default/files/Paid%20Leave%20External%20Factsheet%20Final%2010-23-20.pdf>

ⁱⁱ Ibid.

ⁱⁱⁱ Romig K, Bryant K. A National Paid Leave Program Would Help Workers, Families. *Center on Budget and Policy Priorities*. April 27, 2021. <https://www.cbpp.org/research/economy/a-national-paid-leave-program-would-help-workers-families>

^{iv} Boesch D. Quick Facts on Paid Family and Medical Leave. *Center for American Progress*. February 5, 2021. <https://www.americanprogress.org/issues/women/news/2021/02/05/495504/quick-facts-paid-family-medical-leave/>

^v Paid Sick Leave Laws. *County Health Rankings & Roadmaps*. June 3, 2020. <https://www.countyhealthrankings.org/take-action-to-improve-health/what-works-for-health/strategies/paid-sick-leave-laws>

To whom it may concern,

My name is Dr. Natalie Dvorak, and I am a general pediatrician in the Fargo/Moorhead area. I was born and raised in Grand Forks, and I graduated University of North Dakota Medical School. I practice in Moorhead and Fargo. I am writing in support of a paid family medical leave study for the health and wellness of all my North Dakota patients and their families.

As a pediatrician, I am a physician for newborns through young adults. A large part of my day to day is seeing newborns and infants. I see firsthand the struggles faced by my patients and their families due to lack of paid family medical leave. Anyone who is a parent knows that taking care of a child is one of the most important and challenging experiences in one's life. In this letter, I will tell you the health benefits of paid family medical leave.

Most of the research conducted on this matter is regarding paid maternity leave. Paid maternity leave has several health benefits for mom's and infants. It is associated with lower infant mortality. In North Dakota, we care about the lives of babies. It increases breastfeeding duration and improves maternal and infant bonding. Breastmilk is the best nutrition for an infant, and it helps protect them from infections. Breastfeeding has benefits for mothers too including lowering the risk of ovarian and breast cancer, decreasing bleeding after delivery, and helps with weight loss. Breastfeeding is incredibly demanding on a mother and takes 4-6 weeks to establish. Therefore a mother returning to work in that amount of time is very unlikely to be able to exclusively breastfeed their infant.

Mothers that receive paid maternity leave are more likely to bring their children to doctors' visits for immunizations and preventative medical care. We all know that immunizations prevent serious infections. I made the referral to a cardiologist for severe heart disease at a well child visit, which likely prevented this child from needing a heart transplant. Lastly, paid maternity leave is associated with reduced maternal stress and reduced risk of postpartum depression and anxiety.

Many people may think that employers already provide paid family leave; however, this is just not true in my experience. It is not uncommon for me to hear moms returning to work within in 2-6 weeks. Most of the dads I see take only 1-2 weeks off. Infants less than three months are at elevated risk of contracting serious infectious illnesses. I have taken care of so many infants that are critically ill from RSV that was contracted through daycare.

Lastly, I recently had a baby. My maternity leave was unpaid time off. I am fortunate to have a job that allows me financial security; however, growing my family has significant financial implications as I am the major bread winner for my family. These days it is very common for women to be major financial contributors for their families.

I urge you all today to support SCR 4018 for the health and wellness of our children, our most precious ND residents, and their families.

Sincerely,

Dr. Natalie Dvorak

Pediatrician

Sanford Health



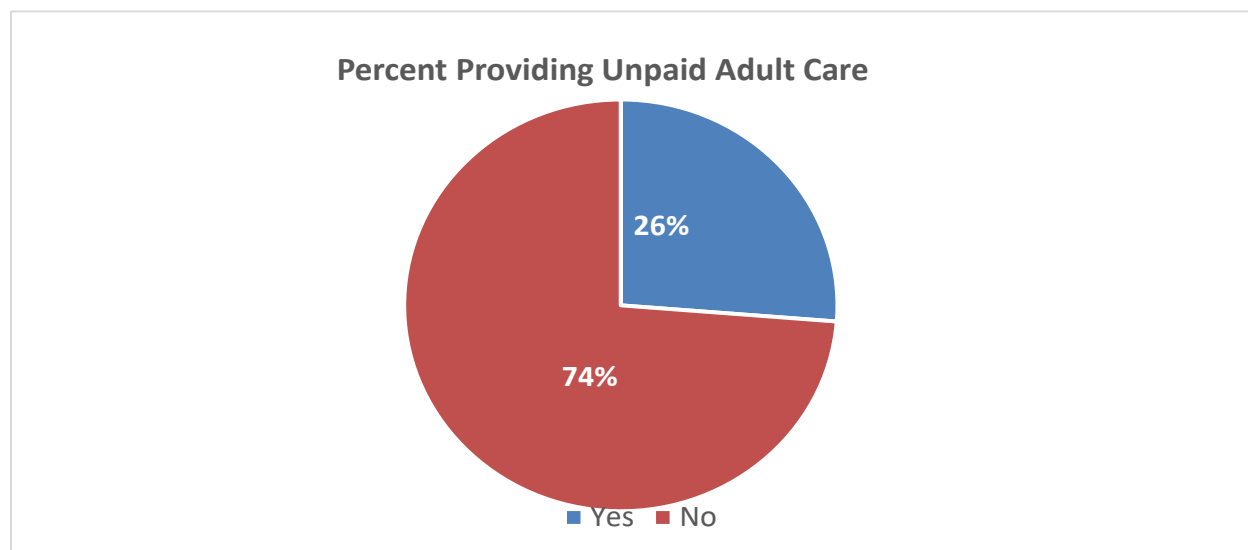
SCR 4018
March 2, 2023
Senate State and Local Government Committee
Janelle Moos, AARP ND – jmoos@arp.org

Chair Roers and Members of the Committee, my name is Janelle Moos, Associate State Director for Advocacy with AARP North Dakota. We are here to provide support for Senate Concurrent Resolution (SCR) 4018.

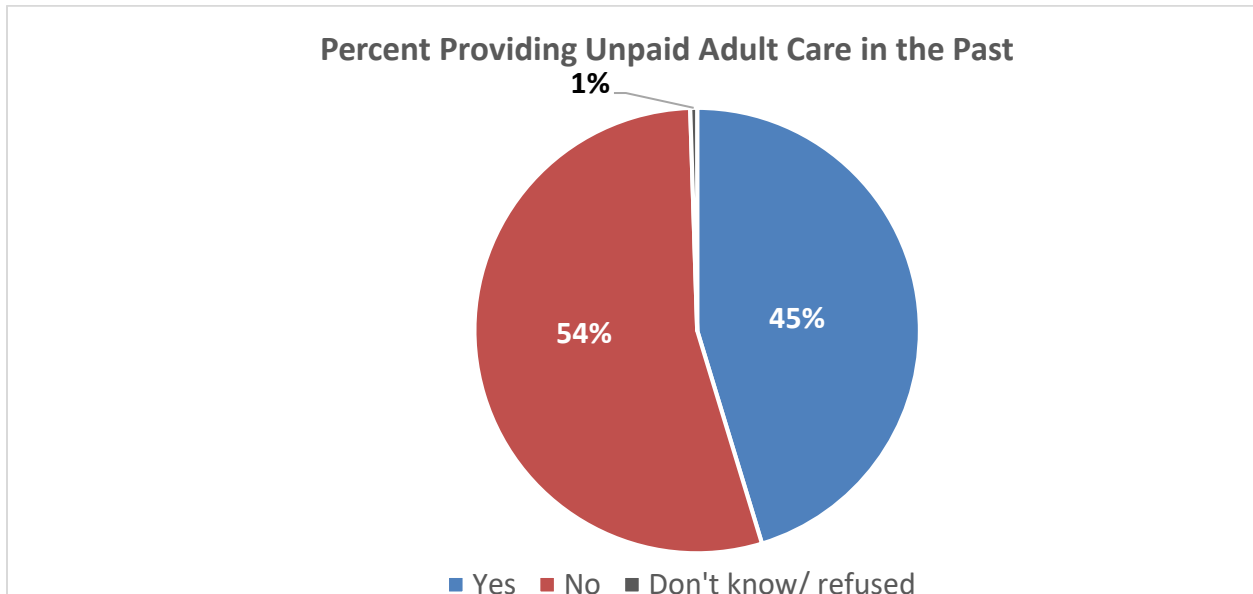
As many of you know we at AARP North Dakota have been working for several sessions now trying to provide much needed support for the state’s unpaid family caregivers. These are people who care for their loved ones at home – keeping them out of hospitals and nursing homes.

By doing so, these estimated 68,000 caregivers save the state more than \$980 million by providing 57 million hours of FREE health care and other work so their loved ones can stay at home.

In AARP’s 2020 survey of North Dakota adults, in the past two years, one quarter (26%) of North Dakota residents age 45+ are currently providing unpaid help to an adult relative or friend.



In addition, almost half (45%) of North Dakota residents age 45+ who are not currently unpaid caregivers have provided this type of help in the past.



In a 2017 survey of North Dakota caregivers care primarily for their parents (64%) and spouses (18%) – they assist with transportation (89%), finances (64%), household chores (87%) and shopping (87%). They also perform a number of medical tasks including overseeing medication (63%) and other complex nursing tasks like wound care and injections (56%).

As it relates to the provisions outlined in SCR 4018 – 68 percent of current and former caregivers say they work(ed) while also performing the caregiving duties. Of those who said they work(ed) – 72 percent of them said they had taken some time off from work and 28 percent said they had to take extended leave to care for their loved one. Then we have those who left full time jobs for part time ones so they could also provide care (15%) and those who quit work entirely (12%).

According to a new report from Harvard Business School (*The Caring Company: How employers can help employees manage their caregiving responsibilities – while reducing costs and increasing productivity*) released in 2019 – almost a third of workers – including many senior executives – say their careers have been adversely affected by caregiving obligations. And close to one-third of the employees surveyed in this study say they had voluntarily left a job during their career due to caregiving responsibilities.

It's these caregivers, the ones who work or could be working, who can truly benefit from paid family leave programs.

AARP strongly supported the federal Family and Medical Leave Act in 1993. That act provides

patients with serious medical conditions and family members caring for them up to 12 weeks of time off with guarantees to maintain insurance and retain a similar job when they return. At the state level, AARP supports laws that provide paid leave – similar those laws that could be studied during the interim under SCR 4018.

Thank you for your thoughtful work on this bill. We encourage a do pass on SCR 4018.

Madam Chair Roers and Members of the Committee,

My name is Thomas Stromme, I am a resident of Fargo and a lifelong North Dakotan. I work in banking and hear firsthand from my clients about the challenges they are facing and the need for workforce and childcare solutions. I am testifying today to urge your support of a proposal for a study to investigate the impact of implementing a Paid Family Leave program in North Dakota.

When the original paid family leave program bill was introduced in the House, I heard valid questions and concerns about the bill, some of which I am skeptical of myself. For instance, legislators questioned the impact on small businesses and their employees, the financial solvency of the program, and the impact that Paid Family Leave programs have had in other states. Legislators also sought clarification about the tax benefits available to businesses who might opt to cover enrollment costs for their employees.

These concerns support the need for a study to be conducted so that you, as legislators, have the ability to understand the impact that Paid Family Leave would have on both employers and employees, particularly on small businesses.

The legislature has placed a high priority on workforce and childcare issues this session, and several bills to close these gaps are progressing forward. But these proposals will not entirely solve the enormous challenges we face, and two years from now, the legislature will be taking on these issues again. By implementing a study now, we can continue to make incremental progress in the interim towards understanding the best levers to pull in order to support businesses looking to recruit and retain employees across the state. This study will allow lawmakers to weigh Paid Family Leave against other mechanisms for addressing the challenges we face.

I respectfully ask you to support the proposal for a study related to the impact of implementing a Paid Family Leave program in North Dakota. We need this study to ensure that North Dakota is looking at all possible solutions to make informed decisions on critical workforce and childcare issues.

Thank you.

Features of State Paid Family Leave Programs

State	Timeline ^a	Voluntary or Mandatory Participation	Social or Private Insurance	Parental	Family Caregiving	Personal Medical	Military Care	Domestic Violence	Total Paid Leave Avail. in One Year
California	Enacted 2002, effective 2004	Mandatory	Social Insurance	8 weeks	8 weeks	52 weeks ^b	8 weeks	None	8 weeks
New Jersey	Enacted 2008, effective 2009	Mandatory	Social Insurance	12 weeks	12 weeks	26 weeks ^b	None	None	12 weeks
Rhode Island	Enacted 2013, effective 2014	Mandatory	Social Insurance	5 weeks (6 weeks in 2023)	5 weeks (6 weeks in 2023)	30 weeks ^b	None	1 week ^c	30 weeks
New York	Enacted 2016, effective 2018	Mandatory	Private Insurance	12 weeks	12 weeks	26 weeks ^b	12 weeks	None	12 weeks
District of Columbia	Enacted 2017, effective 2020	Mandatory	Social Insurance	12 weeks	12 weeks	12 weeks	None	None	12 weeks ^d
Washington	Enacted 2017, effective 2019/2020	Mandatory	Social Insurance	12 weeks	12 weeks	12 weeks	12 weeks	None	16 weeks ^d
Massachusetts	Enacted 2018, effective 2019/2021	Mandatory	Social Insurance	12 weeks	12 weeks	20 weeks	12 - 26 weeks	None	26 weeks
Connecticut	Enacted 2019, effective 2021/2022	Mandatory	Social Insurance	12 weeks	12 weeks	12 weeks	12 weeks	12 days	12 weeks ^d
Oregon	Enacted 2019, effective 2023	Mandatory	Social Insurance	12 weeks	12 weeks	12 weeks	None	12 weeks	12 weeks ^d
Colorado	Enacted 2020, effective 2023/2024	Mandatory	Social Insurance	12 weeks	12 weeks	12 weeks	12 weeks	12 weeks	12 weeks ^d
New Hampshire	Enacted 2021,	Voluntary	Private Insurance ^e	6 or 12 weeks ^f	6 or 12 weeks ^f	6 or 12 weeks ^{f,g}	6 or 12 weeks ^f	None	6 or 12 weeks ^f

	effective 2023								
Maryland	Enacted 2022, effective 2023/2025	Mandatory	Social Insurance	12 weeks	12 weeks	12 weeks	12 weeks	None	12-24 weeks ^h
Virginia	Enacted 2022, effective 2022	Voluntary	Private Insurance	Set by insurer	Set by insurer	Set by insurer	Set by insurer	None	Set by insurer
Delaware	Enacted 2022, effective 2025/2026	Mandatory	Social Insurance	12 weeks	one period of leave of up to 6 weeks in any 24-month period			None	12 weeks

- a) Multiple effective dates denote effective dates for premiums/benefits.
- b) Medical coverage is provided through the state's disability insurance program.
- c) Employers of 18+ employees must provide 1 hour of sick/safe leave for every 35 hours worked. They must offer up to 40 hours if accrued but can choose to offer more.
- d) 2-4 additional weeks of prenatal leave are available under some circumstances.
- e) New Hampshire Granite State Family Leave Plan provides the option for employer-based plan or an individual based plan if an employer does not opt-in.
- f) Duration dependent on the insurance plan.
- g) Personal medical leave is only provided if the employer does not provide an equivalent short-term disability plan
- h) Leave-takers can take up to 24 weeks of leave in one year if they are eligible for both parental and personal medical leave during that year.

State	Wage Replacement Rate (AWW = leave taker's base period avg weekly wage; SAWW = statewide avg weekly wage)	Max Weekly Benefit (SAWW = statewide avg weekly wages)	Self-employed can opt i ?	Job Protection
California	\$50 minimum benefit if highest quarterly earnings (HQE) <\$929 70% of AWW if HQE \$929-5,999 60% of AWW if HQE >\$5,999i	\$1,357	Yes	No
New Jersey	85% of AWW ^l	\$993 (0.7x SAWW)	No	No
Rhode Island	60% of AWW in highest-paid quarter	\$978	No	Yes
New York	67% of AWW	\$1,068.36 (0.67x SAWW)	Yes	Yes
District of Columbia	90% of AWW up to 1.5x DC minimum wage (\$912) + 50% of AWW \$912-1,468.40	\$1,099 (indexed to inflation)	Yes	No
Washington	100% of AWW up to \$100 + 90% of AWW \$100-0.5x SAWW + 50% of AWW >0.5x SAWW	\$1,327 (0.9x SAWW)	Yes	No
Massachusetts	80% of AWW up to 0.5x SAWW + 50% of AWW >0.5x SAWW	\$1,084.31 (0.64x SAWW)	Yes	Yes
Connecticut	95% of AWW up to 40x CT minimum wage (\$520) + 60% of AWW >40x CT min wage	\$780 (60x CT min wage)	Yes	No
Oregon	100% of AWW up to 0.65x SAWW + 50% of AWW >0.65x SAWW	\$1,446 (1.2x SAWW)	Yes	Yes
Colorado	90% of AWW up to 0.5x SAWW + 50% of AWW >0.5x SAWW	\$1,100 (0.9x SAWW after 2024)	Yes	Yes, if employed by current employer for 180+ days
New Hampshire	60% of AWW	\$1,696 ^k	Yes	No
Maryland	90% of AWW up to 0.65x SAWW + 50% of AWW >0.65x SAWW	\$1,000 (indexed to inflation after 2025)	Yes	Yes
Virginia	Determined by private insurer	N/A	Yes	No
Delaware	80% of AWW	\$900 (indexed to inflation after 2026)	No	Yes

- i) In 9/2022, California enacted legislation increasing its PFL replacement rates, effective 1/1/2025.
- j) New Jersey's AWW is calculated as a worker's base year earnings divided by the number of weeks in which the worker earned at least \$240.
- k) Capped at the Social Security Taxable Wage as amended, \$147,000 in 2022.

State	Eligibility Requirement (Wages or Tenure in One-Year Base Period)	Payroll Deduction Rate	Cap on Income Subject to Payroll Deduction	Who pays the premium? ¹
California	\$300	1.2% (combined PFL and disability)	\$145,600	Employee
New Jersey	20 weeks of work earning at least \$240 weekly -OR- \$12,000	0.14%	\$151,900	Employee
Rhode Island	\$14,700 -OR- total wages ≥\$4,900 AND \$2,450 in one quarter AND total wages ≥1.5x highest quarter of earnings	1.10%	\$81,500	Employee
New York	With a single employer: 26 consecutive weeks of full-time (20+ hours) employment -OR- 175 part-time working days	0.511%	\$82,918	Employee ^m
District of Columbia	Any income in one base period quarter	0.26%	None	Employer
Washington	820 hours of work	0.60%	\$147,000	<u>Employee:</u> 26.78% <u>Employer:</u> 73.22% ^o
Massachusetts	\$5,700 -AND- 30x benefit amount	0.68% (.56% medical + .12% family)	None	<u>Employee:</u> 0.344% <u>Employer:</u> 0.336%
Connecticut	\$2,325 in highest-earning quarter	0.50%	\$147,000	Employee
Oregon	\$1,000	1.00%	\$132,900	<u>Employee:</u> 60% <u>Employer:</u> 40% ^o
Colorado	\$2,500	.9% (2023)	\$161,700 (2023, estimated)	<u>Employee:</u> 50% <u>Employer:</u> 50% ^o
New Hampshire	Employer plan: None Individual plan: TBD	TBD	\$147,000	Employer- Employee split ^m
Maryland	680 hours of work	TBD	\$168,600 (2025, estimated)	Employer- Employee split TBD ^o
Virginia	Determined by private insurer	TBD	TBD	Employer- Employee split TBD ^m
Delaware	Tenure with employer of ≥12 months -AND-	0.8% (2025-2026) (.4% medical + .08% family + .32% parental)	None	Employee: 50% Employer: 50% ^m

	≥1,250 hours of work in last 12 months ⁱ			
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l) Employers of fewer than 10 employees and businesses closed for ≥30 consecutive days per year are entirely exempt from Delaware's PFL law; their employees are not eligible for paid leave. Employers with 10 to 24 employees are only subject to the parental leave provisions of the PFL law.

m) Employer can choose to cover part/all of the employee portion.

o) In Washington, Massachusetts, Oregon, Colorado, and Maryland, employers of up to 50, 25, 25, 10, and 15 employees, respectively, are exempt from paying the employer portion of the payroll tax.

From: [Roers, Kristin](#)
To: [Wolf, Lynn](#)
Subject: Fwd: Paid Leave Resources- SCR 4018
Date: Friday, March 3, 2023 9:21:52 AM
Attachments: [image001.jpg](#)

Senator Kristin Roers
District 27 - North Dakota
kroers@ndlegis.gov
701-566-0340

From: Moos, Janelle <jmoos@aarp.org>
Sent: Friday, March 3, 2023 8:46:07 AM
To: Senator Kristin Roers <kroers@nd.gov>; Barta, Jeff <jbarta@ndlegis.gov>; Cleary, Sean <scleary@ndlegis.gov>; Estenson, Judy <jestenson@ndlegis.gov>; jlee@nd.gov <jlee@nd.gov>; Braunberger, Ryan <rbraunberger@ndlegis.gov>
Subject: Paid Leave Resources- SCR 4018

Good morning Chair Roers and Members of the Committee,

Hope you are well. I reached out to our Government Affairs office to see if we had resources that could help answer Senator Barta's question about what other states have paid family leave and the cost benefit analysis of paid family leave programs.

Below is a quick summary of what they shared with me. I hope it is helpful.

The TN fact sheet from A Better Balance really speaks to keeping workers in the workforce as a result of paid leave. Not all the burden needs to fall on the employer; as the chart from ABB shows, some states have different splits when it comes to who pays what (employer vs employee) – some states have the employee paying the full cost, some are split down the middle, etc.

Fact Sheet from A Better Balance on TN paid leave (highlights the case for fiscal savings to the state as well as the business case, employee retention, etc.):

<https://www.abetterbalance.org/resources/fact-sheet-paid-family-leave-good-business-tennessee/>

Information from Institute for Women's Policy Research: <https://iwpr.org/iwpr-issues/esme/paid-family-leave-vital-benefits-at-an-affordable-cost/>

Chart from A Better Balance: <https://www.abetterbalance.org/resources/paid-family-leave-laws-chart/>

Please don't hesitate to reach out if you have questions or need additional information. Thank you.

Have a nice weekend!

Janelle

Janelle Moos | AARP North Dakota | Associate State Director- Advocacy

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