

Sixtieth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2417

Introduced by

Senators Christmann, Klein, Wardner

1 A BILL for an Act to create and enact a new section to chapter 34-05 of the North Dakota  
2 Century Code, relating to employment verification for North Dakota employers; and to provide a  
3 penalty.

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

5 **SECTION 1.** A new section to chapter 34-05 of the North Dakota Century Code is  
6 created and enacted as follows:

7 **Employment verification requirements - Penalty.**

- 8 1. As used in this section, unless the context otherwise requires:
- 9 a. "Commissioner" means the labor commissioner.
- 10 b. "Employer" means a person that transacts business in this state; which at any  
11 time employs more than five individuals in this state to perform services of  
12 any nature; and which has control of the payment of wages for the services or  
13 is the officer, agent, or employee of the person having control of the payment  
14 of wages for the services.
- 15 c. "Unauthorized alien" has the same meaning as set forth in 8 U.S.C.  
16 1324a(h)(3).
- 17 2. Effective for all new hires taking place after July 30, 2007, within twenty days after  
18 hiring a new employee who will work in this state, an employer shall affirm and  
19 document that the employer examined the legal work status of the newly hired  
20 employee and retained file copies of the documents required by 8 U.S.C. 1324a,  
21 did not alter or falsify the employee's identification documents, and did not  
22 knowingly hire an unauthorized alien. For the term of employment of each  
23 employee who will work in this state after July 30, 2007, the employer shall keep a

1           written or electronic copy of the affirmation and documentation and of the  
2           documents required by 8 U.S.C. 1324a.

- 3           3. If the commissioner is notified or made aware an employer has one or more  
4           employees in this state who has been deported or arrested for being an  
5           unauthorized alien, the commissioner shall request the employer to submit  
6           documentation to the commissioner demonstrating the employer is in compliance  
7           with the employment verification requirements specified in 8 U.S.C. 1324a(b) and  
8           documentation the employer has complied with the requirements of subsection 2.  
9           The commissioner shall investigate and determine whether there is probable  
10          cause to believe that there has been a violation of this section. If there is probable  
11          cause, the commissioner shall institute an action to impose the penalties provided  
12          by this section.
- 13          4. An employer that intentionally fails to submit the documentation required by this  
14          section or which intentionally submits false or fraudulent documentation is subject  
15          to a penalty of not more than one thousand dollars for each employee for which  
16          documentation was not submitted or for which false or fraudulent documentation  
17          was submitted.