

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1291

Introduced by

Representatives Heilman, Kasper, D. Johnston, Nehring, Morton, VanWinkle

Senator Castaneda

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 the prohibition of the employment of unauthorized workers; and to~~
3 ~~provide a penalty for an Act to provide for a legislative management study relating to~~
4 ~~immigration law.~~

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

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

8 ~~—Unauthorized workers - Prohibition - Penalty.~~

9 ~~—1. As used in this section:~~

10 ~~—a. "Business license" means a license, permit, registration, or other authorization~~
11 ~~required by law for a business to operate in the state.~~

12 ~~—b. "Private employer" means a person transacting business in the state, which~~
13 ~~employs one or more individuals.~~

14 ~~—c. "Unauthorized worker" means an unauthorized alien as defined by 8 U.S.C.~~
15 ~~Section 1324a(h)(3).~~

16 ~~—2. A private employer may not willfully hire for employment an unauthorized worker or~~
17 ~~continue to employ an individual who has become an unauthorized worker.~~

18 ~~—3. An alleged violation under this section may be filed by an individual with the attorney~~
19 ~~general and the attorney general may investigate the alleged violation. An alleged~~
20 ~~violation may be referred by the attorney general for prosecution.~~

- 1 ~~4. A person who violates this section is subject to a civil penalty not to exceed:~~
2 ~~a. Two thousand dollars if it is the person's first offense under this section.~~
3 ~~b. Five thousand dollars if it is the person's second offense under this section.~~
4 ~~c. Ten thousand dollars if it is the person's third or subsequent offense under this~~
5 ~~section.~~

6 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - IMMIGRATION LAW.**

- 7 1. During the 2025-26 interim, the legislative management shall consider studying federal
8 jurisdiction over immigration law, illegal immigration, and immigration law in other
9 states. The study must include:
10 a. An overview of federal pre-emption of state or local law related to immigration.
11 b. A survey of the laws of this state and other states regarding individuals living and
12 working in the United States without authorization.
13 c. A review of case law affecting the states' ability to enact laws regarding
14 unauthorized workers.
15 d. Information regarding the manner in which local law enforcement agencies
16 coordinate with federal law enforcement agencies.
17 e. Input from the private sector and pro-business lobbyists, the office of the attorney
18 general, and the secretary of state.
19 2. The legislative management shall report its findings and recommendations, together
20 with any legislation required to implement the recommendations, to the seventieth
21 legislative assembly.