

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.

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 created
6 and enacted as follows:

7 **Unauthorized workers - Prohibition - Penalty.**

8 1. As used in this section:

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

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

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

15 2. A private employer may not hire for employment an unauthorized worker or continue to
16 employ an individual, knowing the individual has become an unauthorized worker.

17 3. The labor commissioner shall investigate an alleged violation under this section. If the
18 labor commissioner finds evidence of a violation, the labor commissioner shall refer
19 the alleged violation to the attorney general for prosecution.

20 4. A person who violates this section is subject to a civil penalty not to exceed:

21 a. Five thousand dollars and the suspension of the person's business license until
22 the unauthorized worker's employment is terminated, if it is the person's first
23 offense under this section.

- 1 b. Ten thousand dollars and the suspension of the person's business license for six
- 2 months, if it is the person's second offense under this section.
- 3 c. Thirty thousand dollars and the permanent revocation of the person's business
- 4 license, if it is the person's third offense under this section.