

February 5, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### 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 willfully hire for employment an unauthorized worker or  
16 continue to employ an individual, ~~knowing the individual who~~ has become an  
17 unauthorized worker.

18 3. ~~The labor commissioner shall investigate an~~ An alleged violation under this section  
19 may be filed by an individual with the attorney general and the attorney general may  
20 investigate the alleged violation. ~~If the labor commissioner finds evidence of a~~

1 ~~violation, the labor commissioner shall refer the~~ An alleged violation to the ~~may be~~  
2 referred by the attorney general for prosecution.

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

4 a. ~~Five~~Two thousand dollars ~~and the suspension of the person's business license~~  
5 ~~until the unauthorized worker's employment is terminated,~~ if it is the person's first  
6 offense under this section.

7 b. ~~Ten~~Five thousand dollars ~~and the suspension of the person's business license for~~  
8 ~~six months,~~ if it is the person's second offense under this section.

9 c. ~~Thirty~~Ten thousand dollars ~~and the permanent revocation of the person's~~  
10 ~~business license,~~ if it is the person's third or subsequent offense under this  
11 section.