



# North Dakota House of Representatives

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## Representative Matthew Heilman

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## COMMITTEES:

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Chairman Warrey and members of the Industry, Business and Labor Committee,

My name is Matt Heilman, and I am a state representative from North Dakota's seventh legislative district in Bismarck. I am bringing HB 1291 forward because people who do not have legal status should not be taking jobs from those who are legal.

This bill prohibits an employer from knowingly employing an unauthorized worker. The word "knowing" is key here and can be found on page one line sixteen. The labor commissioner shall investigate a violation of this section if an individual reports that a private employer is violating this section. If the labor commissioner finds evidence of a violation, the labor commissioner shall refer the alleged violation to the Attorney General for prosecution. The penalties are listed in the bill on page one line twenty through page two line four.

You may be asking yourself, is this not already a crime? Yes, it is a federal crime to knowingly hire an unauthorized worker under 8 U.S. Code § 1324a. However, states cannot enforce federal laws. To my knowledge, North Dakota does not have any specific laws prohibiting the employment of unauthorized workers. We saw under the Biden administration that many existing laws were not being enforced surrounding this issue. There is no guarantee that this will not happen again. It is time for the states to take matters into their own hands and address this topic.

The Supreme Court ruled in 2011 that Arizona's SB 1070 allows states to revoke business licenses for hiring illegals. The Supreme Court in that case also ruled states can mandate E-Verify. Multiple states have now mandated E-Verify. I am also surprised that there is no fiscal note requiring an FTE. This is because during the last session when I introduced E-Verify, HB 1527, the Labor Commission said it would require two new FTEs. Although this bill has nothing to do with E-Verify, I would be in support of new FTEs to ensure that unauthorized workers are not working in North Dakota.

I do have an amendment to clarify a question someone had about this bill. The question I received was if someone has three unauthorized workers employed, does that count for one offense or are they at the third offense already? This piece of legislation is a commonsense bill and I hope we can pass it with flying colors. Mr. Chairman and members of the committee, I respectfully ask for a do pass recommendation and I will stand for any questions you may have.