

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

17 employ an individual, ~~knowing the individual that~~ has become an unauthorized worker.

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

21 ~~labor commissioner finds evidence of a violation, the labor commissioner shall refer~~

22 ~~the~~ An alleged violation ~~to the~~ may be referred by the attorney general for prosecution.

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

21 a. Five Two 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

offense under this section.

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