

**SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION**

S.F. No. 691

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DATE
01/27/2025

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Introduction and first reading
Referred to Labor

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to employment; prohibiting employment of unauthorized individuals;
1.3 proposing coding for new law in Minnesota Statutes, chapter 181.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **[181.995] EMPLOYMENT OF UNAUTHORIZED INDIVIDUALS.**

1.6 Subdivision 1. Definitions. (a) For purposes of this section, the terms defined in this
1.7 subdivision have the meanings given.

1.8 (b) "Commissioner" means the commissioner of labor and industry.

1.9 (c) "Employee" means a person who performs services for hire in Minnesota for an
1.10 employer. Employee does not include an independent contractor.

1.11 (d) "Employer" means a person or entity that employs one or more employees in
1.12 Minnesota and includes the state and any political subdivision of the state.

1.13 (e) "License" means any permit, registration, certification, or other form of approval
1.14 authorized by statute or rule to be issued by the state or a political subdivision of the state
1.15 as a condition of doing business in Minnesota.

1.16 (f) "Unauthorized individual" means an individual who does not have the legal right or
1.17 authorization under federal law to work in the United States as described in United States
1.18 Code, title 8, section 1324a(h)(3).

1.19 Subd. 2. Prohibition. No employer shall knowingly employ an unauthorized individual
1.20 as an employee.

2.1 Subd. 3. **Investigations.** The commissioner shall investigate possible violations of this
2.2 section whenever the commissioner has cause to believe that a violation has occurred, either
2.3 on the basis of a report of a suspected violation or on the basis of any other credible
2.4 information, including violations found during the course of an investigation.

2.5 Subd. 4. **Enforcement; penalty.** (a) Upon a violation of this section, the commissioner
2.6 shall:

2.7 (1) order the employer to terminate the employment of all unauthorized individuals; and

2.8 (2) direct the applicable agencies to suspend all licenses held by the employer for up to
2.9 14 business days.

2.10 (b) The commissioner may issue a penalty to the employer of not less than \$1,000 and
2.11 not more than \$10,000 per violation of this section.

2.12 (c) In determining the length of a license suspension and the amount of any penalty, the
2.13 commissioner shall consider any prior misconduct by the employer, the duration of the
2.14 violation, the number of unauthorized individuals employed by the employer, and other
2.15 relevant factors.

2.16 (d) For the purposes of this section, proof of verifying the employment authorization of
2.17 an employee through the e-verify program creates a rebuttable presumption that an employer
2.18 did not knowingly employ an unauthorized individual.