This Document can be made available
in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 259

02/10/2025 Authored by Schultz
The bill was read for the first time and referred to the Committee on Workforce, Labor, and Economic Development Finance and Policy

A bill for an act

relating to employment; prohibiting employment of unauthorized individuals; proposing coding for new law in Minnesota Statutes, chapter 181.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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