

- 1.1 moves to amend H.F. No. 4355, the first engrossment, as follows:
- 1.2 Page 1, line 22, after the period, insert "If an appropriation in this act is enacted more
1.3 than once during the 2022 regular session, the appropriation is to be given effect only once."
- 1.4 Page 2, line 5, delete "2020" and insert "2022" and delete "2021" and insert "2023"
- 1.5 Page 3, line 25, delete everything after the period
- 1.6 Page 3, delete lines 26 to 32
- 1.7 Page 3, line 33, delete "growth."
- 1.8 Page 18, line 3, delete "EXPIRATION" and insert "REVIEW"
- 1.9 Page 18, delete lines 4 to 20 and insert:
- 1.10 "The commissioner of employment and economic development shall annually create a
1.11 list of reports that were mandated by law at least three years prior to the date of the list and
1.12 which no longer serve a useful purpose. This list, along with suggested legislation for
1.13 eliminating the listed reports, shall be submitted no later than January 15 each year, beginning
1.14 in 2023, to the legislative committees with jurisdiction over employment and economic
1.15 development for the consideration of the legislature."
- 1.16 Page 45, line 25, delete "\$15,000,000" and insert "\$5,000,000"
- 1.17 Page 45, line 27, delete "\$10,000,000" and insert "\$3,500,000"
- 1.18 Page 45, line 29, delete "\$2,500,000" and insert "\$1,000,000"
- 1.19 Page 46, line 1, delete "\$2,500,000" and insert "\$1,000,000"
- 1.20 Page 46, after line 28, insert:

2.1 "ARTICLE 3

2.2 UNEMPLOYMENT POLICY

2.3 Section 1. Minnesota Statutes 2020, section 268.069, subdivision 1, is amended to read:

2.4 Subdivision 1. **Requirements.** The commissioner must pay unemployment benefits
2.5 from the trust fund to an applicant who has met each of the following requirements:

2.6 (1) the applicant has filed an application for unemployment benefits and established a
2.7 benefit account in accordance with section 268.07;

2.8 (2) the applicant has not been held ineligible for unemployment benefits under section
2.9 268.095 because of a quit or discharge;

2.10 (3) the applicant has met all of the ongoing eligibility requirements under section 268.085;
2.11 and

2.12 (4) the applicant does not have an outstanding overpayment of unemployment benefits,
2.13 including any penalties or interest; ~~and.~~

2.14 ~~(5) the applicant has not been held ineligible for unemployment benefits under section~~
2.15 ~~268.183.~~

2.16 Sec. 2. Minnesota Statutes 2021 Supplement, section 268.085, subdivision 2, is amended
2.17 to read:

2.18 Subd. 2. **Not eligible.** An applicant is ineligible for unemployment benefits for any week:

2.19 (1) that occurs before the effective date of a benefit account;

2.20 ~~(2) that the applicant, at any time during the week, has an outstanding misrepresentation~~
2.21 ~~overpayment balance under section 268.18, subdivision 2, including any penalties and~~
2.22 ~~interest;~~

2.23 ~~(3)~~ (2) that the applicant is incarcerated or performing court-ordered community service.
2.24 The applicant's weekly unemployment benefit amount is reduced by one-fifth for each day
2.25 the applicant is incarcerated or performing court-ordered community service;

2.26 ~~(4)~~ (3) that the applicant fails or refuses to provide information on an issue of ineligibility
2.27 required under section 268.101;

2.28 ~~(5)~~ (4) that the applicant is performing services 32 hours or more, in employment, covered
2.29 employment, noncovered employment, volunteer work, or self-employment regardless of
2.30 the amount of any earnings; or

3.1 ~~(6)~~ (5) with respect to which the applicant has filed an application for unemployment
3.2 benefits under any federal law or the law of any other state. If the appropriate agency finally
3.3 determines that the applicant is not entitled to establish a benefit account under federal law
3.4 or the law of any other state, this clause does not apply.

3.5 Sec. 3. Minnesota Statutes 2020, section 268.101, subdivision 1, is amended to read:

3.6 Subdivision 1. **Notification.** (a) In an application for unemployment benefits, each
3.7 applicant must report the name and the reason for no longer working for the applicant's
3.8 most recent employer, as well as the names of all employers and the reasons for no longer
3.9 working for all employers during the six calendar months before the date of the application.
3.10 If the reason reported for no longer working for any of those employers is other than a layoff
3.11 because of lack of work, that raises an issue of ineligibility that the department must
3.12 determine. An applicant must report any offers of employment refused during the eight
3.13 calendar weeks before the date of the application for unemployment benefits and the name
3.14 of the employer that made the offer. An applicant's failure to report the name of an employer,
3.15 or giving an incorrect reason for no longer working for an employer, or failing to disclose
3.16 an offer of employment that was refused, is a violation of section ~~268.183~~ 268.18.

3.17 In an application, the applicant must also provide all information necessary to determine
3.18 the applicant's eligibility for unemployment benefits under this chapter. If the applicant fails
3.19 or refuses to provide information necessary to determine the applicant's eligibility for
3.20 unemployment benefits, the applicant is ineligible for unemployment benefits under section
3.21 268.085, subdivision 2, until the applicant provides this required information.

3.22 (b) Upon establishment of a benefit account under section 268.07, subdivision 2, the
3.23 commissioner must notify, by mail or electronic transmission, all employers the applicant
3.24 was required to report on the application and all base period employers and determined
3.25 successors to those employers under section 268.051, subdivision 4, in order to provide the
3.26 employer an opportunity to raise, in a manner and format prescribed by the commissioner,
3.27 any issue of ineligibility. An employer must be informed of the effect that failure to raise
3.28 an issue of ineligibility as a result of a quit or discharge of the applicant, as provided for
3.29 under subdivision 2, paragraph (b), may have on the employer under section 268.047.

3.30 (c) Each applicant must report any employment, and loss of employment, and offers of
3.31 employment refused, during those weeks the applicant filed continued requests for
3.32 unemployment benefits under section 268.0865. Each applicant who stops filing continued
3.33 requests during the benefit year and later begins filing continued requests during that same
3.34 benefit year must report the name of any employer the applicant worked for during the

4.1 period between the filing of continued requests and the reason the applicant stopped working
4.2 for the employer. The applicant must report any offers of employment refused during the
4.3 period between the filing of continued requests for unemployment benefits. Those employers
4.4 from which the applicant has reported a loss of employment under this paragraph must be
4.5 notified by mail or electronic transmission and provided an opportunity to raise, in a manner
4.6 prescribed by the commissioner, any issue of ineligibility. An employer must be informed
4.7 of the effect that failure to raise an issue of ineligibility as a result of a quit or a discharge
4.8 of the applicant may have on the employer under section 268.047.

4.9 (d) The purpose for requiring the applicant to report the name of employers and the
4.10 reason for no longer working for those employers, or offers of employment refused, under
4.11 paragraphs (a) and (c) is for the commissioner to obtain information from an applicant
4.12 raising all issues that may result in the applicant being ineligible for unemployment benefits
4.13 under section 268.095, because of a quit or discharge, or the applicant being ineligible for
4.14 unemployment benefits under section 268.085, subdivision 13c. If the reason given by the
4.15 applicant for no longer working for an employer is other than a layoff because of lack of
4.16 work, that raises an issue of ineligibility and the applicant is required, as part of the
4.17 determination process under subdivision 2, paragraph (a), to state all the facts about the
4.18 cause for no longer working for the employer, if known. If the applicant fails or refuses to
4.19 provide any required information, the applicant is ineligible for unemployment benefits
4.20 under section 268.085, subdivision 2, until the applicant provides this required information.

4.21 Sec. 4. Minnesota Statutes 2020, section 268.101, subdivision 2, is amended to read:

4.22 Subd. 2. **Determination.** (a) The commissioner must determine any issue of ineligibility
4.23 raised by information required from an applicant under subdivision 1, paragraph (a) or (c),
4.24 and send to the applicant and any involved employer, by mail or electronic transmission, a
4.25 document titled a determination of eligibility or a determination of ineligibility, as is
4.26 appropriate. The determination on an issue of ineligibility as a result of a quit or a discharge
4.27 of the applicant must state the effect on the employer under section 268.047. A determination
4.28 must be made in accordance with this paragraph even if a notified employer has not raised
4.29 the issue of ineligibility.

4.30 (b) The commissioner must determine any issue of ineligibility raised by an employer
4.31 and send to the applicant and that employer, by mail or electronic transmission, a document
4.32 titled a determination of eligibility or a determination of ineligibility as is appropriate. The
4.33 determination on an issue of ineligibility as a result of a quit or discharge of the applicant
4.34 must state the effect on the employer under section 268.047.

5.1 If a base period employer:

5.2 (1) was not the applicant's most recent employer before the application for unemployment
5.3 benefits;

5.4 (2) did not employ the applicant during the six calendar months before the application
5.5 for unemployment benefits; and

5.6 (3) did not raise an issue of ineligibility as a result of a quit or discharge of the applicant
5.7 within ten calendar days of notification under subdivision 1, paragraph (b);

5.8 then any exception under section 268.047, subdivisions 2 and 3, begins the Sunday two
5.9 weeks following the week that the issue of ineligibility as a result of a quit or discharge of
5.10 the applicant was raised by the employer.

5.11 A communication from an employer must specifically set out why the applicant should
5.12 be determined ineligible for unemployment benefits for that communication to be considered
5.13 to have raised an issue of ineligibility for purposes of this section. A statement of "protest"
5.14 or a similar term without more information does not constitute raising an issue of ineligibility
5.15 for purposes of this section.

5.16 (c) Subject to section 268.031, an issue of ineligibility is determined based upon that
5.17 information required of an applicant, any information that may be obtained from an applicant
5.18 or employer, and information from any other source.

5.19 (d) Regardless of the requirements of this subdivision, the commissioner is not required
5.20 to send to an applicant a copy of the determination where the applicant has satisfied a period
5.21 of ineligibility because of a quit or a discharge under section 268.095, subdivision 10.

5.22 (e) The department is authorized to issue a determination on an issue of ineligibility
5.23 within 24 months from the establishment of a benefit account based upon information from
5.24 any source, even if the issue of ineligibility was not raised by the applicant or an employer.

5.25 ~~If an applicant obtained unemployment benefits through misrepresentation under section~~
5.26 ~~268.18, subdivision 2, the department is authorized to issue a determination of ineligibility~~
5.27 ~~within 48 months of the establishment of the benefit account.~~

5.28 If the department has filed an intervention in a worker's compensation matter under
5.29 section 176.361, the department is authorized to issue a determination of ineligibility within
5.30 48 months of the establishment of the benefit account.

5.31 (f) A determination of eligibility or determination of ineligibility is final unless an appeal
5.32 is filed by the applicant or employer within ~~20~~ 60 calendar days after sending. The

6.1 determination must contain a prominent statement indicating the consequences of not
6.2 appealing. Proceedings on the appeal are conducted in accordance with section 268.105.

6.3 (g) An issue of ineligibility required to be determined under this section includes any
6.4 question regarding the denial or allowing of unemployment benefits under this chapter
6.5 except for issues under section 268.07. An issue of ineligibility for purposes of this section
6.6 includes any question of effect on an employer under section 268.047.

6.7 Sec. 5. Minnesota Statutes 2020, section 268.19, subdivision 1, is amended to read:

6.8 Subdivision 1. **Use of data.** (a) Except as provided by this section, data gathered from
6.9 any person under the administration of the Minnesota Unemployment Insurance Law are
6.10 private data on individuals or nonpublic data not on individuals as defined in section 13.02,
6.11 subdivisions 9 and 12, and may not be disclosed except according to a district court order
6.12 or section 13.05. A subpoena is not considered a district court order. These data may be
6.13 disseminated to and used by the following agencies without the consent of the subject of
6.14 the data:

6.15 (1) state and federal agencies specifically authorized access to the data by state or federal
6.16 law;

6.17 (2) any agency of any other state or any federal agency charged with the administration
6.18 of an unemployment insurance program;

6.19 (3) any agency responsible for the maintenance of a system of public employment offices
6.20 for the purpose of assisting individuals in obtaining employment;

6.21 (4) the public authority responsible for child support in Minnesota or any other state in
6.22 accordance with section 256.978;

6.23 (5) human rights agencies within Minnesota that have enforcement powers;

6.24 (6) the Department of Revenue to the extent necessary for its duties under Minnesota
6.25 laws;

6.26 (7) public and private agencies responsible for administering publicly financed assistance
6.27 programs for the purpose of monitoring the eligibility of the program's recipients;

6.28 (8) the Department of Labor and Industry and the Commerce Fraud Bureau in the
6.29 Department of Commerce for uses consistent with the administration of their duties under
6.30 Minnesota law;

6.31 (9) the Department of Human Services and the Office of Inspector General and its agents
6.32 within the Department of Human Services, including county fraud investigators, for

7.1 investigations related to recipient or provider fraud and employees of providers when the
7.2 provider is suspected of committing public assistance fraud;

7.3 (10) local and state welfare agencies for monitoring the eligibility of the data subject
7.4 for assistance programs, or for any employment or training program administered by those
7.5 agencies, whether alone, in combination with another welfare agency, or in conjunction
7.6 with the department or to monitor and evaluate the statewide Minnesota family investment
7.7 program and other cash assistance programs, the Supplemental Nutrition Assistance Program,
7.8 and the Supplemental Nutrition Assistance Program Employment and Training program by
7.9 providing data on recipients and former recipients of Supplemental Nutrition Assistance
7.10 Program (SNAP) benefits, cash assistance under chapter 256, 256D, 256J, or 256K, child
7.11 care assistance under chapter 119B, or medical programs under chapter 256B or 256L or
7.12 formerly codified under chapter 256D;

7.13 (11) local and state welfare agencies for the purpose of identifying employment, wages,
7.14 and other information to assist in the collection of an overpayment debt in an assistance
7.15 program;

7.16 (12) local, state, and federal law enforcement agencies for the purpose of ascertaining
7.17 the last known address and employment location of an individual who is the subject of a
7.18 criminal investigation;

7.19 (13) the United States Immigration and Customs Enforcement has access to data on
7.20 specific individuals and specific employers provided the specific individual or specific
7.21 employer is the subject of an investigation by that agency;

7.22 (14) the Department of Health for the purposes of epidemiologic investigations;

7.23 (15) the Department of Corrections for the purposes of case planning and internal research
7.24 for preprobation, probation, and postprobation employment tracking of offenders sentenced
7.25 to probation and preconfinement and postconfinement employment tracking of committed
7.26 offenders;

7.27 (16) the state auditor to the extent necessary to conduct audits of job opportunity building
7.28 zones as required under section 469.3201; ~~and~~

7.29 (17) the Office of Higher Education for purposes of supporting program improvement,
7.30 system evaluation, and research initiatives including the Statewide Longitudinal Education
7.31 Data System; and

7.32 (18) the attorney general for the purpose of conducting an investigation pursuant to
7.33 section 177.45 or 181.1721.

8.1 (b) Data on individuals and employers that are collected, maintained, or used by the
8.2 department in an investigation under section 268.182 are confidential as to data on individuals
8.3 and protected nonpublic data not on individuals as defined in section 13.02, subdivisions 3
8.4 and 13, and must not be disclosed except under statute or district court order or to a party
8.5 named in a criminal proceeding, administrative or judicial, for preparation of a defense.

8.6 (c) Data gathered by the department in the administration of the Minnesota unemployment
8.7 insurance program must not be made the subject or the basis for any suit in any civil
8.8 proceedings, administrative or judicial, unless the action is initiated by the department.

8.9 Sec. 6. **REPEALER.**

8.10 Minnesota Statutes 2020, section 268.183, is repealed."

8.11 Amend the title accordingly