

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

**S.F. No. 318**

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DATE  
01/17/2023

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198 Introduction and first reading  
Referred to Jobs and Economic Development

OFFICIAL STATUS

1.1 A bill for an act  
1.2 relating to unemployment; modifying notice requirements; amending Minnesota  
1.3 Statutes 2022, section 268.07, subdivision 1.

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

1.5 Section 1. Minnesota Statutes 2022, section 268.07, subdivision 1, is amended to read:

1.6 Subdivision 1. **Application for unemployment benefits; determination of benefit**  
1.7 **account.** (a) An application for unemployment benefits may be filed in person, by mail, or  
1.8 by electronic transmission as the commissioner may require. The applicant must be  
1.9 unemployed at the time the application is filed and must provide all requested information  
1.10 in the manner required. If the applicant is not unemployed at the time of the application or  
1.11 fails to provide all requested information, the communication is not an application for  
1.12 unemployment benefits.

1.13 (b)(1) The commissioner must examine each application for unemployment benefits to  
1.14 determine the base period and the benefit year, and based upon all the covered employment  
1.15 in the base period the commissioner must determine the weekly unemployment benefit  
1.16 amount available, if any, and the maximum amount of unemployment benefits available,  
1.17 if any. The determination, which is a document separate and distinct from a document titled  
1.18 a determination of eligibility or determination of ineligibility issued under section 268.101,  
1.19 must be titled determination of benefit account. A determination of benefit account must  
1.20 be sent to the applicant and all base period employers, by mail or electronic transmission.

1.21 (2) Upon an application for unemployment benefits, the initial correspondence sent to  
1.22 each base period employer or the determination of benefit account, whichever is earlier,  
1.23 shall provide the base period employer an opportunity to select that any unemployment

2.1 benefits paid to the applicant: (i) should not be used in computing the base period employer's  
2.2 future tax rate as a taxpaying base period employer; or (ii) should not be charged to the base  
2.3 period employer's reimbursable account as a base period nonprofit or government employer  
2.4 that has elected to be liable for reimbursement, based on an exception under section 268.047,  
2.5 or another applicable provision of chapter 268. The department shall utilize this selection  
2.6 to provide clearer targeted correspondence to base period employers and applicants. A base  
2.7 period employer who is not liable for an applicant's unemployment benefits shall be informed  
2.8 as soon as practicable that the applicant's unemployment benefit payments will not impact  
2.9 the assessments to that employer's tax account and will not be charged to that employer's  
2.10 reimbursable account. Correspondence to base period employers shall be written in plain  
2.11 language and in a form and manner understandable to a person of average intelligence.

2.12 (c) If a base period employer did not provide wage detail information for the applicant  
2.13 as required under section 268.044, the commissioner may accept an applicant certification  
2.14 of wage credits, based upon the applicant's records, and issue a determination of benefit  
2.15 account.

2.16 (d) The commissioner may, at any time within 24 months from the establishment of a  
2.17 benefit account, reconsider any determination of benefit account and make an amended  
2.18 determination if the commissioner finds that the wage credits listed in the determination  
2.19 were incorrect for any reason. An amended determination of benefit account must be  
2.20 promptly sent to the applicant and all base period employers, by mail or electronic  
2.21 transmission. This subdivision does not apply to documents titled determinations of eligibility  
2.22 or determinations of ineligibility issued under section 268.101.

2.23 (e) If an amended determination of benefit account reduces the weekly unemployment  
2.24 benefit amount or maximum amount of unemployment benefits available, any unemployment  
2.25 benefits that have been paid greater than the applicant was entitled is an overpayment of  
2.26 unemployment benefits. A determination or amended determination issued under this section  
2.27 that results in an overpayment of unemployment benefits must set out the amount of the  
2.28 overpayment and the requirement under section 268.18, subdivision 1, that the overpaid  
2.29 unemployment benefits must be repaid.