

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 32

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DATE	D-PG	OFFICIAL STATUS
01/04/2023	76	Introduction and first reading Referred to Jobs and Economic Development
02/06/2023	685	Authors added Abeler; Hoffman
02/13/2023	811	Withdrawn and re-referred to Education Finance
02/21/2023		Comm report: To pass as amended and re-refer to Higher Education

- 1.1 A bill for an act
- 1.2 relating to unemployment insurance; modifying wage credits and providing
- 1.3 reimbursement; authorizing transfers from the general fund; amending Minnesota
- 1.4 Statutes 2022, sections 126C.43, subdivision 2; 268.085, subdivision 7; 268.19,
- 1.5 subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 268;
- 1.6 repealing Minnesota Statutes 2022, section 268.085, subdivision 8.
- 1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.8 Section 1. Minnesota Statutes 2022, section 126C.43, subdivision 2, is amended to read:
- 1.9 Subd. 2. **Payment to unemployment insurance program trust fund by state and**
- 1.10 **political subdivisions.** (a) A district may levy the amount necessary (1) to pay the district's
- 1.11 obligations under section 268.052, subdivision 1, and (2) to pay for job placement services
- 1.12 offered to employees who may become eligible for benefits pursuant to section 268.085 for
- 1.13 the fiscal year the levy is certified.
- 1.14 (b) Districts with a balance remaining in their reserve for reemployment as of June 30,
- 1.15 2003, may not expend the reserved funds for future reemployment expenditures. Each year
- 1.16 a levy reduction must be made to return these funds to taxpayers. The amount of the levy
- 1.17 reduction must be equal to the lesser of: (1) the remaining reserved balance for reemployment,
- 1.18 or (2) the amount of the district's current levy under paragraph (a).
- 1.19 (c) The amount in paragraph (a) must be reduced by any amount received by the district
- 1.20 from the account established under section 268.193, subdivision 2.
- 1.21 (d) A district that is a member of an intermediate school district or other cooperative
- 1.22 unit under section 123A.24, subdivision 2, may include in its authority under this section

2.1 the costs associated with qualifying obligations under paragraph (a) for the cooperative unit.
2.2 Revenue raised under this paragraph must be transferred to the cooperative unit.

2.3 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2024 and later.

2.4 Sec. 2. Minnesota Statutes 2022, section 268.085, subdivision 7, is amended to read:

2.5 Subd. 7. **School employees; between terms denial.** (a) Wage credits from employment
2.6 with an educational institution or institutions may not be used for unemployment benefit
2.7 purposes for any week during the period between two successive academic years or terms
2.8 if:

2.9 (1) the applicant had employment for an educational institution or institutions in the
2.10 prior academic year or term; and

2.11 (2) there is a reasonable assurance that the applicant will have employment for an
2.12 educational institution or institutions in the following academic year or term.

2.13 This paragraph applies to a vacation period or holiday recess if the applicant was
2.14 employed immediately before the vacation period or holiday recess, and there is a reasonable
2.15 assurance that the applicant will be employed immediately following the vacation period
2.16 or holiday recess. This paragraph also applies to the period between two regular but not
2.17 successive terms if there is an agreement for that schedule between the applicant and the
2.18 educational institution.

2.19 This paragraph does not apply if the subsequent employment is substantially less
2.20 favorable than the employment of the prior academic year or term, or the employment prior
2.21 to the vacation period or holiday recess.

2.22 (b) Paragraph (a) does not apply to:

2.23 (1) an applicant who, at the end of the prior academic year or term, had an agreement
2.24 for a definite period of employment between academic years or terms in other than an
2.25 instructional, research, or principal administrative capacity and the educational institution
2.26 or institutions failed to provide that employment;

2.27 (2) the period between successive academic years or terms, if the applicant's wage credits
2.28 were in a position for which no license is required by the Professional Educator Licensing
2.29 and Standards Board or the Board of School Administrators in the employment of an
2.30 employer as defined in section 123A.24, subdivision 2, or 123A.55; or

3.1 (3) the period between successive academic years or terms, if the applicant's wage credits
3.2 were for employment at a postsecondary institution in a facilities, transportation, or food
3.3 service position or a nonpermanent instructional, research, or administrative position.

3.4 (c) If unemployment benefits are denied to any applicant under paragraph (a) who was
3.5 employed in the prior academic year or term in other than an instructional, research, or
3.6 principal administrative capacity and who was not offered an opportunity to perform the
3.7 employment in the following academic year or term, the applicant is entitled to retroactive
3.8 unemployment benefits for each week during the period between academic years or terms
3.9 that the applicant filed a timely continued request for unemployment benefits, but
3.10 unemployment benefits were denied solely because of paragraph (a).

3.11 (d) This subdivision applies to employment with an educational service agency if the
3.12 applicant performed the services at an educational institution or institutions. "Educational
3.13 service agency" means a governmental entity established and operated for the purpose of
3.14 providing services to one or more educational institutions.

3.15 (e) This subdivision applies to employment with Minnesota, a political subdivision, or
3.16 a nonprofit organization, if the services are provided to or on behalf of an educational
3.17 institution or institutions.

3.18 (f) Paragraph (a) applies beginning the Sunday of the week that there is a reasonable
3.19 assurance of employment.

3.20 (g) Employment and a reasonable assurance with multiple education institutions must
3.21 be aggregated for purposes of application of this subdivision.

3.22 (h) If all of the applicant's employment with any educational institution or institutions
3.23 during the prior academic year or term consisted of on-call employment, and the applicant
3.24 has a reasonable assurance of any on-call employment with any educational institution or
3.25 institutions for the following academic year or term, it is not considered substantially less
3.26 favorable employment.

3.27 (i) A "reasonable assurance" may be written, oral, implied, or established by custom or
3.28 practice.

3.29 (j) An "educational institution" is a school, college, university, or other educational entity
3.30 operated by Minnesota, a political subdivision or instrumentality thereof, or a nonprofit
3.31 organization.

3.32 (k) An "instructional, research, or principal administrative capacity" does not include
3.33 an educational assistant.

4.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.2 Sec. 3. Minnesota Statutes 2022, section 268.19, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

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

4.26 (9) the Department of Human Services and the Office of Inspector General and its agents
4.27 within the Department of Human Services, including county fraud investigators, for
4.28 investigations related to recipient or provider fraud and employees of providers when the
4.29 provider is suspected of committing public assistance fraud;

4.30 (10) local and state welfare agencies for monitoring the eligibility of the data subject
4.31 for assistance programs, or for any employment or training program administered by those
4.32 agencies, whether alone, in combination with another welfare agency, or in conjunction

5.1 with the department or to monitor and evaluate the statewide Minnesota family investment
5.2 program and other cash assistance programs, the Supplemental Nutrition Assistance Program,
5.3 and the Supplemental Nutrition Assistance Program Employment and Training program by
5.4 providing data on recipients and former recipients of Supplemental Nutrition Assistance
5.5 Program (SNAP) benefits, cash assistance under chapter 256, 256D, 256J, or 256K, child
5.6 care assistance under chapter 119B, or medical programs under chapter 256B or 256L or
5.7 formerly codified under chapter 256D;

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

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

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

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

5.18 (15) the Department of Corrections for the purposes of case planning and internal research
5.19 for preprobation, probation, and postprobation employment tracking of offenders sentenced
5.20 to probation and preconfinement and postconfinement employment tracking of committed
5.21 offenders;

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

5.24 (17) the Office of Higher Education for purposes of supporting program improvement,
5.25 system evaluation, and research initiatives including the Statewide Longitudinal Education
5.26 Data System, and for the purposes of reimbursement under section 268.193, subdivision 5;

5.27 (18) the Department of Education for the purposes of reimbursement under section
5.28 268.193, subdivision 2, and the school district unemployment insurance levy under section
5.29 126C.43, subdivision 2;

5.30 (19) the Board of Regents of the University of Minnesota for the purposes of
5.31 reimbursement under section 268.193, subdivision 3; and

5.32 (20) the Board of Trustees of the Minnesota State Colleges and Universities for the
5.33 purposes of reimbursement under section 268.193, subdivision 4.

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

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

6.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

6.10 Sec. 4. **[268.193] REIMBURSEMENT ACCOUNTS.**

6.11 **Subdivision 1. Reimbursement administered.** (a) For the purposes of this subdivision,
 6.12 the following terms have the meanings given:

6.13 (1) "participating educational institution" means:

6.14 (i) a public K-12 educational institution as defined in subdivision 2, paragraph (a), clause
 6.15 (1);

6.16 (ii) the University of Minnesota;

6.17 (iii) a postsecondary institution governed by the Board of Trustees of the Minnesota
 6.18 State Colleges and Universities; or

6.19 (iv) a Tribal college as defined in subdivision 5, paragraph (a), clause (1); and

6.20 (2) "qualifying unemployment benefits" has the meanings given in subdivision 2,
 6.21 paragraph (a), clause (2); subdivision 3, paragraph (a); subdivision 4, paragraph (a); and
 6.22 subdivision 5, paragraph (a), clause (2), as applicable to the participating educational
 6.23 institution.

6.24 (b) The commissioner of employment and economic development shall calculate and
 6.25 certify the qualifying unemployment benefits payments charged and credited to the
 6.26 reimbursable account of the participating educational institutions as provided under section
 6.27 268.045 each calendar quarter and share and transmit the applicable certified amount to:

6.28 (1) the commissioner of education for the purposes of reimbursement under subdivision
 6.29 2;

6.30 (2) the Board of Regents of the University of Minnesota for the purposes of
 6.31 reimbursement under subdivision 3;

7.1 (3) the Board of Trustees of the Minnesota State Colleges and Universities for the
7.2 purposes of reimbursement under subdivision 4; or

7.3 (4) the commissioner of the Office of Higher Education for the purposes of reimbursement
7.4 under subdivision 5.

7.5 Subd. 2. **K-12 school reimbursement account.** (a) For the purposes of this subdivision,
7.6 the following terms have the meanings given:

7.7 (1) "public K-12 educational institution" means a:

7.8 (i) school district;

7.9 (ii) charter school; or

7.10 (iii) school cooperative, as defined in section 123A.24, subdivision 2; and

7.11 (2) "qualifying unemployment benefits" means unemployment benefits charged and
7.12 credited to a public K-12 educational institution as provided under section 268.045 for an
7.13 applicant for a period between successive academic years or terms, if the applicant's wage
7.14 credits were in a position for which no license is required by the Professional Educator
7.15 Licensing and Standards Board or the Board of School Administrators in the employment
7.16 of an employer as defined in section 123A.24, subdivision 2, or 123A.55.

7.17 (b) There is created in the special revenue fund an account, to be known as the K-12
7.18 school reimbursement account, that does not lapse nor revert to any other fund or account.
7.19 This account consists of all money appropriated for the purposes of this subdivision, unless
7.20 otherwise appropriated by law. Funds appropriated for the purposes of reimbursement under
7.21 this subdivision must be transferred to the K-12 school reimbursement account in the special
7.22 revenue fund.

7.23 (c) As provided in this subdivision, money in the account is appropriated to the
7.24 commissioner of education and shall be used to reimburse a public K-12 educational
7.25 institution under this subdivision for payments of qualifying unemployment benefits certified
7.26 under subdivision 1, paragraph (b), clause (1). The commissioner shall administer payments
7.27 of certified reimbursement amounts to a public K-12 educational institution under this
7.28 subdivision on or before the last day of the month following the end of the next calendar
7.29 quarter following certification. If the certified reimbursement amounts exceed the money
7.30 available in the K-12 school reimbursement account, reimbursement shall be dispersed to
7.31 individual public K-12 educational institutions on a pro rata basis.

8.1 (d) The commissioner of education may spend up to one percent of the amount
8.2 appropriated to the K-12 school reimbursement account for costs associated with
8.3 administering and monitoring payments under this subdivision.

8.4 Subd. 3. **University of Minnesota reimbursement account.** (a) For the purposes of
8.5 this subdivision, "qualifying unemployment benefits" means unemployment benefits charged
8.6 and credited to the University of Minnesota as provided under section 268.045 for an
8.7 applicant for a period between successive academic years or terms if the applicant's wage
8.8 credits were for employment at a postsecondary institution governed by the Board of Regents
8.9 of the University of Minnesota in an applicable position under section 268.085, subdivision
8.10 7, paragraph (b), clause (3).

8.11 (b) There is created in the special revenue fund an account, to be known as the University
8.12 of Minnesota reimbursement account, that does not lapse nor revert to any other fund or
8.13 account. This account consists of all money appropriated for the purposes of this subdivision,
8.14 unless otherwise appropriated by session law. Funds appropriated for the purposes of
8.15 reimbursement under this subdivision must be transferred to the University of Minnesota
8.16 reimbursement account in the special revenue fund.

8.17 (c) As provided in this subdivision, money in the account is appropriated to the Board
8.18 of Regents of the University of Minnesota and shall be used to reimburse the University of
8.19 Minnesota for payments of qualifying unemployment benefits certified under subdivision
8.20 1, paragraph (b), clause (2). The Board of Regents shall reimburse the University of
8.21 Minnesota for certified reimbursement amounts in the form and manner prescribed by the
8.22 board.

8.23 Subd. 4. **Minnesota State Colleges and Universities reimbursement account.** (a) For
8.24 the purposes of this subdivision, "qualifying unemployment benefits" means unemployment
8.25 benefits charged and credited to a Minnesota state college or university governed by the
8.26 Board of Trustees as provided under section 268.045 for an applicant for a period between
8.27 successive academic years or terms if the applicant's wage credits were for employment at
8.28 a postsecondary institution governed by the Board of Trustees of the Minnesota State
8.29 Colleges and Universities in an applicable position under section 268.085, subdivision 7,
8.30 paragraph (b), clause (3).

8.31 (b) There is created in the special revenue fund an account, to be known as the Minnesota
8.32 State Colleges and Universities reimbursement account, that does not lapse nor revert to
8.33 any other fund or account. This account consists of all money appropriated for the purposes
8.34 of this subdivision unless otherwise appropriated by law. Funds appropriated for the purposes

9.1 of reimbursement under this subdivision must be transferred to the Minnesota State Colleges
9.2 and Universities reimbursement account in the special revenue fund.

9.3 (c) As provided in this subdivision, money in the account is appropriated to the Board
9.4 of Trustees of the Minnesota State Colleges and Universities and shall be used to reimburse
9.5 individual Minnesota state colleges and universities for payments of qualifying
9.6 unemployment benefits certified under subdivision 1, paragraph (b), clause (3). The Board
9.7 of Trustees shall reimburse individual Minnesota state colleges and universities for certified
9.8 reimbursement amounts in the form and manner prescribed by the board. If certified
9.9 reimbursement amounts exceed the money available in the Minnesota State Colleges and
9.10 Universities reimbursement account, reimbursement shall be dispersed to individual
9.11 Minnesota state colleges and universities on a pro rata basis.

9.12 Subd. 5. **Tribal colleges reimbursement account.** (a) For the purposes of this
9.13 subdivision, the following terms have the meanings given:

9.14 (1) "Tribal college" means Leech Lake Tribal College, White Earth Tribal College, or
9.15 Red Lake Nation Tribal College, referred to collectively in this subdivision as Tribal colleges;
9.16 and

9.17 (2) "qualifying unemployment benefits" means unemployment benefits charged and
9.18 credited to a Tribal college as provided under section 268.045 for an applicant for a period
9.19 between successive academic years or terms if the applicant's wage credits were for
9.20 employment at a Tribal college in an applicable position under section 268.085, subdivision
9.21 7, paragraph (b), clause (3).

9.22 (b) There is created in the special revenue fund an account, to be known as the Tribal
9.23 colleges reimbursement account, that does not lapse nor revert to any other fund or account.
9.24 This account consists of all money appropriated for the purposes of this subdivision unless
9.25 otherwise appropriated by law. Funds appropriated for the purposes of reimbursement under
9.26 this section must be transferred to the Tribal colleges reimbursement account in the special
9.27 revenue fund.

9.28 (c) As provided in this subdivision, money in the account is appropriated to the
9.29 commissioner of the Office of Higher Education and shall be used to reimburse individual
9.30 Tribal colleges for payments of qualifying unemployment benefits certified under subdivision
9.31 1, paragraph (b), clause (4). The commissioner shall administer payments of certified
9.32 reimbursement amounts to a Tribal college on or before the last day of the month following
9.33 the end of the next calendar quarter following certification. If the certified reimbursement

10.1 amounts exceed the money available in the Tribal colleges reimbursement account,
10.2 reimbursement shall be dispersed to individual Tribal colleges on a pro rata basis.

10.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

10.4 Sec. 5. **TRANSFERS.**

10.5 (a) \$..... in fiscal year 2024 is transferred from the general fund to the commissioner
10.6 of education for the purposes of reimbursement under Minnesota Statutes, section 268.193,
10.7 subdivision 2, and subject to the requirements of that subdivision. This is a onetime transfer
10.8 and is available until expended.

10.9 (b) \$..... in fiscal year 2024 is transferred from the general fund to the Board of Regents
10.10 of the University of Minnesota for the purposes of reimbursement under Minnesota Statutes,
10.11 section 268.193, subdivision 3, and subject to the requirements of that subdivision. This is
10.12 a onetime transfer and is available until expended.

10.13 (c) \$..... in fiscal year 2024 is transferred from the general fund to the Board of Trustees
10.14 of the Minnesota State Colleges and Universities for the purposes of reimbursement under
10.15 Minnesota Statutes, section 268.193, subdivision 4, and subject to the requirements of that
10.16 subdivision. This is a onetime transfer and is available until expended.

10.17 (d) \$..... in fiscal year 2024 is transferred from the general fund to the commissioner
10.18 of the Office of Higher Education for the purposes of reimbursement under Minnesota
10.19 Statutes, section 268.193, subdivision 5, and subject to the requirements of that subdivision.
10.20 This is a onetime transfer and is available until expended.

10.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

10.22 Sec. 6. **REPEALER.**

10.23 Minnesota Statutes 2022, section 268.085, subdivision 8, is repealed.

10.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.

268.085 ELIGIBILITY REQUIREMENTS; PAYMENTS THAT AFFECT BENEFITS.

Subd. 8. **Services for school contractors.** (a) Wage credits from an employer are subject to subdivision 7, if:

(1) the employment was provided under a contract between the employer and an elementary or secondary school; and

(2) the contract was for services that the elementary or secondary school could have had performed by its employees.

(b) Wage credits from an employer are not subject to subdivision 7 if:

(1) those wage credits were earned by an employee of a private employer performing work under a contract between the employer and an elementary or secondary school; and

(2) the employment was related to food services provided to the school by the employer.