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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-FIFTH  
SESSION

**HOUSE FILE No. 2310**

March 22, 2007

Authored by Davnie

The bill was read for the first time and referred to the Higher Education and Work Force Development Policy and Finance Division

March 29, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended

Pursuant to Joint Rule 2.03 and in accordance with House Concurrent Resolution No. 1, re-referred to the Committee on Rules and Legislative Administration

1.1 A bill for an act  
1.2 relating to unemployment insurance; modifying Social Security offset provisions;  
1.3 amending Minnesota Statutes 2006, section 268.085, subdivision 4.

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

1.5 Section 1. Minnesota Statutes 2006, section 268.085, subdivision 4, is amended to read:

1.6 Subd. 4. **Social Security benefits.** (a) Any applicant aged 62 or over ~~shall be~~ is  
1.7 required to state when filing an application for unemployment benefits and when filing  
1.8 continued ~~biweekly~~ requests for unemployment benefits ~~whether~~ if the applicant is  
1.9 receiving, has filed for, or intends to file for, primary Social Security old age benefits for  
1.10 any week during the benefit year.

1.11 If the effective date of the applicant's Social Security claim for old age benefits  
1.12 is, or will be, after the start of the base period, there shall must be deducted from an  
1.13 applicant's weekly unemployment benefit amount 50 percent of the weekly equivalent of  
1.14 the primary Social Security old age benefit the applicant has received, has filed for, or  
1.15 intends to file for, with respect to that week.

1.16 If the effective date of the applicant's Social Security claim for old age benefits is  
1.17 before the start of the base period, there is no deduction from the applicant's weekly  
1.18 unemployment benefit amount.

1.19 (b) An applicant who is receiving, has received, or has filed for primary Social  
1.20 Security disability benefits for any week during the benefit year ~~shall~~ must be determined  
1.21 unable to work and unavailable for suitable employment for that week, unless:

1.22 (1) the Social Security Administration approved the collecting of primary Social  
1.23 Security disability benefits each month the applicant was employed during the base  
1.24 period; or

2.1 (2) the applicant provides a statement from an appropriate health care professional  
2.2 who is aware of the applicant's Social Security disability claim and the basis for that claim,  
2.3 certifying that the applicant is able to work and available for suitable employment.

2.4 If an applicant meets the requirements of clause (1) ~~or~~ there is no deduction from  
2.5 the applicant's weekly benefit amount for any Social Security disability benefits. If  
2.6 only clause (2) applies, then there ~~shall~~ must be deducted from the applicant's weekly  
2.7 unemployment benefit amount 50 percent of the weekly equivalent of the primary Social  
2.8 Security disability benefits the applicant is receiving, has received, or has filed for, with  
2.9 respect to that week; provided, however, that if the Social Security Administration  
2.10 determines that an individual is not entitled to receive primary Social Security disability  
2.11 benefits for any week the applicant has applied for those benefits, the 50 percent deduction  
2.12 ~~shall~~ does not apply to that week.

2.13 (c) Information from the Social Security Administration ~~shall be~~ is considered  
2.14 conclusive, absent specific evidence showing that the information was erroneous.

2.15 (d) If the computation of the reduced unemployment benefits is not a whole dollar, it  
2.16 ~~shall be~~ is rounded down to the next lower whole dollar.

2.17 (e) This subdivision does not apply to Social Security survivor benefits.

2.18 **EFFECTIVE DATE.** This section is effective for unemployment insurance benefit  
2.19 accounts filed effective on or after July 1, 2007.