

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

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

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

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

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

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

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

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

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

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

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

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

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

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