

STATE OF MINNESOTA

EIGHTY-NINTH SESSION — 2015

 FIFTY-SIXTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MAY 7, 2015

The House of Representatives convened at 10:00 a.m. and was called to order by Kurt Daudt, Speaker of the House.

Prayer was offered by Representative Sondra Erickson, District 15A, Princeton, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Albright	Dean, M.	Hertaus	Loon	Norton	Simonson
Allen	Dehn, R.	Hilstrom	Loonan	O'Driscoll	Smith
Anderson, M.	Dettmer	Hoppe	Lucero	O'Neill	Sundin
Anderson, P.	Drazkowski	Hornstein	Lueck	Pelowski	Swedzinski
Anderson, S.	Erhardt	Hortman	Mack	Peppin	Theis
Anzelc	Erickson	Howe	Mahoney	Persell	Thissen
Applebaum	Fabian	Isaacson	Mariani	Petersburg	Torkelson
Atkins	Fenton	Johnson, B.	Marquart	Peterson	Uglem
Backer	Fischer	Johnson, C.	Masin	Pierson	Urdahl
Baker	Franson	Johnson, S.	McDonald	Pinto	Vogel
Barrett	Freiberg	Kahn	McNamara	Poppe	Ward
Bennett	Garofalo	Kiel	Melin	Pugh	Whelan
Bernardy	Green	Knoblach	Metsa	Quam	Wills
Bly	Gruenhagen	Koznick	Miller	Rarick	Yarusso
Carlson	Gunther	Kresha	Moran	Rosenthal	Youakim
Christensen	Hackbarth	Laine	Mullery	Runbeck	Zerwas
Clark	Halverson	Lenczewski	Murphy, E.	Sanders	Spk. Daudt
Considine	Hamilton	Liebling	Murphy, M.	Schoen	
Cornish	Hancock	Lien	Nash	Schomacker	
Daniels	Hansen	Lillie	Nelson	Schultz	
Davids	Hausman	Loeffler	Newton	Scott	
Davnie	Heintzeman	Lohmer	Nornes	Selcer	

A quorum was present.

Dill, Lesch, Slocum, Wagenius and Winkler were excused.

Kelly was excused until 12:20 p.m. Newberger was excused until 12:35 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. There being no objection, further reading of the Journal was dispensed with and the Journal was approved as corrected by the Chief Clerk.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Kurt L. Daudt
Speaker of the House of Representatives

The Honorable Sandra L. Pappas
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2015 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2015</i>	<i>Date Filed 2015</i>
100		15	10:47 a.m. May 5	May 5
1455		16	10:47 a.m. May 5	May 5

Sincerely,

STEVE SIMON
Secretary of State

REPORTS OF CHIEF CLERK

S. F. No. 674 and H. F. No. 834, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

Uglem moved that S. F. No. 674 be substituted for H. F. No. 834 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1413 and H. F. No. 1940, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Simonson moved that S. F. No. 1413 be substituted for H. F. No. 1940 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1478 and H. F. No. 1718, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Nash moved that S. F. No. 1478 be substituted for H. F. No. 1718 and that the House File be indefinitely postponed. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. Nos. 674, 1413 and 1478 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Quam, Gruenhagen and Newberger introduced:

H. F. No. 2310, A bill for an act relating to health; modifying isolation and quarantine provisions; amending Minnesota Statutes 2014, section 144.4196.

The bill was read for the first time and referred to the Committee on Health and Human Services Reform.

Barrett, McDonald, Atkins, Lillie and Urdahl introduced:

H. F. No. 2311, A bill for an act relating to economic development; establishing a tax refund program for restaurant and hotel renovations or repair; proposing coding for new law in Minnesota Statutes, chapter 469.

The bill was read for the first time and referred to the Committee on Job Growth and Energy Affordability Policy and Finance.

Kahn, Lesch, Liebling, Winkler, Metsa, Considine and Isaacson introduced:

H. F. No. 2312, A bill for an act relating to state government; providing a process for community ownership of a major league soccer team; proposing coding for new law as Minnesota Statutes, chapter 4B.

The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy.

Dauids introduced:

H. F. No. 2313, A bill for an act relating to local government; modifying definitions relating to self-insurance and the Nonprofit Insurance Trust; amending Minnesota Statutes 2014, sections 471.98, subdivision 2; 471.982, subdivision 3.

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform.

Dauids introduced:

H. F. No. 2314, A bill for an act relating to taxation; income; providing for a prepared food donation credit; amending Minnesota Statutes 2014, sections 290.01, subdivisions 19a, 19c; 290.06, by adding a subdivision; 290.091, subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 233, 1293, 1504, 1698 and 1765.

JOANNE M. ZOFF, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 233, A bill for an act relating to health; providing additional accrediting organization for ambulatory health care; amending Minnesota Statutes 2014, section 62Q.37, subdivision 2.

The bill was read for the first time.

Zerwas moved that S. F. No. 233 and H. F. No. 523, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1293, A bill for an act relating to public safety; expanding the offense of fifth degree criminal sexual conduct; creating the crime of adulteration by bodily fluid; amending Minnesota Statutes 2014, section 609.3451, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 609.

The bill was read for the first time and referred to the Committee on Public Safety and Crime Prevention Policy and Finance.

S. F. No. 1504, A bill for an act relating to health; changing the expiration date for e-Health Advisory Committee, the Trauma Advisory Council, and the Maternal and Child Health Advisory Task Force; suggesting review of data collection on stillbirths and prenatal protocols to prevent stillbirths; amending Minnesota Statutes 2014, sections 62J.495, subdivision 2; 144.608, subdivision 2; 145.8811, subdivision 1.

The bill was read for the first time.

Pierson moved that S. F. No. 1504 and H. F. No. 1714, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1698, A bill for an act relating to commerce; weights and measures; modifying the commissioner of commerce's powers; clarifying diesel fuel advertisement sign requirements; modifying the definition for ethanol flex fuels; updating fuel standard references; correcting cross-references; amending Minnesota Statutes 2014, sections 239.011, subdivision 2; 239.44; 239.751, by adding a subdivision; 239.761, subdivisions 3, 4, 6, 10, 11, 13, by adding a subdivision; 296A.01, subdivisions 7, 8, 19, 23, 24.

The bill was read for the first time.

Loonan moved that S. F. No. 1698 and H. F. No. 1625, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1765, A bill for an act relating to health; modifying definitions; increasing the permitted ratio of pharmacy technicians to pharmacists; increasing the size of the Board of Pharmacy; amending Minnesota Statutes 2014, sections 151.01, subdivisions 15a, 27; 151.02; 151.102.

The bill was read for the first time and referred to the Committee on Health and Human Services Finance.

MOTIONS AND RESOLUTIONS

Kahn moved that the names of Sanders and Howe be added as authors on H. F. No. 2166. The motion prevailed.

Anderson, M., moved that the name of Daniels be added as an author on H. F. No. 2256. The motion prevailed.

Peppin moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by Speaker pro tempore O'Driscoll.

Dettmer was excused for the remainder of today's session.

There being no objection, the order of business reverted to Calendar for the Day.

CALENDAR FOR THE DAY

S. F. No. 997 was reported to the House.

Schomacker moved to amend S. F. No. 997, the first engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 954, as introduced:

"Section 1. Minnesota Statutes 2014, section 62S.23, subdivision 1, is amended to read:

Subdivision 1. **Inflation protection feature.** (a) No insurer may offer a long-term care insurance policy unless the insurer also offers to the policyholder, in addition to any other inflation protection, the option to purchase a policy that provides for benefit levels to increase with benefit maximums or reasonable durations which are meaningful to account for reasonably anticipated increases in the costs of long-term care services covered by the policy. In addition to other options that may be offered, insurers must offer to each policyholder, at the time of purchase, the option to purchase a policy with an inflation protection feature no less favorable than one of the following:

(1) increases benefit levels annually in a manner so that the increases are compounded annually at a rate not less than five percent;

(2) guarantees the insured individual the right to periodically increase benefit levels without providing evidence of insurability or health status so long as the option for the previous period has not been declined. The amount of the additional benefit shall be no less than the difference between the existing policy benefit and that benefit compounded annually at a rate of at least five percent for the period beginning with the purchase of the existing benefit and extending until the year in which the offer is made; or

(3) covers a specified percentage of actual or reasonable charges and does not include a maximum specified indemnity amount or limit.

(b) A long-term care partnership policy must provide the inflation protection described in this subdivision. If the policy is sold to an individual who:

(1) has not attained age 61 as of the date of purchase, the policy must provide compound annual inflation protection;

(2) has attained age 61, but has not attained age 76 as of such date, the policy must provide some level of inflation protection; and

(3) has attained the age of 76 as of such date, the policy may, but is not required to, provide some level of inflation protection.

Inflation protection for a long-term care partnership policy may not be less than ~~three~~ one percent per year or a rate based on changes in the Consumer Price Index. The commissioner, however, may approve other types of inflation protection that comply with this section and further the goals of the partnership program.

EFFECTIVE DATE. This section is effective July 1, 2015, and applies to coverage sold on or after that date."

Delete the title and insert:

"A bill for an act relating to insurance; long-term care; reducing the minimum permitted inflation protection for a long-term care insurance partnership policy; continuing to permit other types of inflation protection; amending Minnesota Statutes 2014, section 62S.23, subdivision 1."

The motion prevailed and the amendment was adopted.

Freiberg and Isaacson were excused between the hours of 12:10 p.m. and 12:25 p.m.

Hoppe moved to amend S. F. No. 997, the first engrossment, as amended, as follows:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 2014, section 62A.48, subdivision 4, is amended to read:

Subd. 4. **Loss ratio.** The anticipated loss ratio for long-term care policies must not be less than 65 percent for policies issued on a group basis or 60 percent for policies issued on an individual or mass-market basis. The commissioner shall approve subsequent rate increases that comply with the National Association of Insurance Commissioners Model Bulletin 031813, including the 80 percent loss ratio requirement. This subdivision does not apply to policies issued on or after January 1, 2002, that comply with sections 62S.021 and 62S.081."

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

Atkins moved to amend the Hoppe amendment to S. F. No. 997, the first engrossment, as amended, as follows:

Page 1, after line 2, insert:

"Section 1. **[62A.241] DISABILITY INCOME COVERAGE; PROHIBITED PROVISION.**

No policy, contract, certificate, or agreement offered or issued in this state providing for disability income protection coverage may contain a provision purporting to provide a standard of review that is inconsistent with the laws of this state, or less favorable to the enrollee when a claim is denied than a preponderance of the evidence standard.

EFFECTIVE DATE. This section is effective January 1, 2016, and applies to policies issued or renewed on or after that date."

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Hoppe amendment, as amended, to S. F. No. 997, the first engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

S. F. No. 997, A bill for an act relating to insurance; long-term care; reducing the minimum permitted inflation protection for a long-term care insurance partnership policy; continuing to permit other types of inflation protection; amending Minnesota Statutes 2014, sections 62S.23, subdivision 1; 62S.24, by adding a subdivision.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 85 yeas and 37 nays as follows:

Those who voted in the affirmative were:

Albright	Davids	Hertaus	Lueck	Peterson	Thissen
Anderson, M.	Dean, M.	Hoppe	Mack	Pierson	Torkelson
Anderson, P.	Drazkowski	Howe	Marquart	Poppe	Uglem
Anderson, S.	Erickson	Johnson, B.	Masin	Pugh	Urdahl
Anzelc	Fabian	Johnson, C.	McDonald	Quam	Vogel
Atkins	Fenton	Kiel	McNamara	Rarick	Ward
Backer	Franson	Knoblach	Miller	Rosenthal	Whelan
Baker	Garofalo	Koznick	Nash	Runbeck	Wills
Barrett	Green	Kresha	Newton	Sanders	Zerwas
Bennett	Gruenhagen	Lien	Nornes	Schomacker	Spk. Daudt
Carlson	Gunther	Lillie	O'Driscoll	Scott	
Christensen	Hackbarth	Lohmer	O'Neill	Selcer	
Considine	Hamilton	Loon	Pelowski	Smith	
Cornish	Hancock	Loonan	Peppin	Swedzinski	
Daniels	Heintzeman	Lucero	Petersburg	Theis	

Those who voted in the negative were:

Allen	Fischer	Johnson, S.	Melin	Norton	Yarusso
Applebaum	Halverson	Laine	Metsa	Persell	Youakim
Bernardy	Hansen	Lenczewski	Moran	Pinto	
Bly	Hausman	Liebling	Mullery	Schoen	
Clark	Hilstrom	Loeffler	Murphy, E.	Schultz	
Dehn, R.	Hornstein	Mahoney	Murphy, M.	Simonson	
Erhardt	Hortman	Mariani	Nelson	Sundin	

The bill was passed, as amended, and its title agreed to.

S. F. No. 1438, A bill for an act relating to administrative rules; modifying requirements of a retired workers' compensation judges provision; amending Minnesota Statutes 2014, section 14.49.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Albright	Barrett	Davnie	Freiberg	Hausman	Johnson, S.
Allen	Bennett	Dean, M.	Garofalo	Heintzeman	Kahn
Anderson, M.	Bernardy	Dehn, R.	Green	Hertaus	Kelly
Anderson, P.	Bly	Drazkowski	Gruenhagen	Hilstrom	Kiel
Anderson, S.	Carlson	Erhardt	Gunther	Hoppe	Knoblach
Anzelc	Christensen	Erickson	Hackbarth	Hornstein	Koznick
Applebaum	Considine	Fabian	Halverson	Hortman	Kresha
Atkins	Cornish	Fenton	Hamilton	Howe	Laine
Backer	Daniels	Fischer	Hancock	Johnson, B.	Lenczewski
Baker	Davids	Franson	Hansen	Johnson, C.	Liebling

Lien	Marquart	Nash	Peterson	Schomacker	Uglem
Lillie	Masin	Nelson	Pierson	Schultz	Urdahl
Loeffler	McDonald	Newton	Pinto	Scott	Vogel
Lohmer	McNamara	Nornes	Poppe	Selcer	Ward
Loon	Melin	Norton	Pugh	Simonson	Whelan
Loonan	Metsa	O'Driscoll	Quam	Smith	Wills
Lucero	Miller	O'Neill	Rarick	Sundin	Yarusso
Lueck	Moran	Pelowski	Rosenthal	Swedzinski	Youakim
Mack	Mullery	Peppin	Runbeck	Theis	Zerwas
Mahoney	Murphy, E.	Persell	Sanders	Thissen	Spk. Daudt
Mariani	Murphy, M.	Petersburg	Schoen	Torkelson	

The bill was passed and its title agreed to.

H. F. No. 177 was reported to the House.

Sanders moved to amend H. F. No. 177, the first engrossment, as follows:

Page 2, after line 7, insert:

"(c) An owner shall file the following with the commissioner:

(1) an agreement that the owner assumes all responsibility for the authorized actions of all unlicensed employees and agents who sell on behalf of the owner the insurance coverage described in this section; and

(2) an agreement that the owner and the owner's employees and agents are subject to the sections in chapter 72A and in Minnesota Rules, chapter 2790, regarding the marketing of the insurance coverage described in this section and the conduct of persons involved in the sale of the insurance coverage in the same manner as if they were licensed."

Page 2, line 14, delete everything after "owner"

Page 2, delete line 15 and insert "provides to the occupant written notice that:"

Page 2, line 16, delete "summarize" and insert "summarizes"

Page 2, line 18, delete "disclose" and insert "discloses"

Page 2, line 27, delete "state" and insert "states"

Page 2, line 30, delete "describe" and insert "describes"

Page 3, line 5, after "program" insert ", which must be submitted to the commissioner for approval,"

ReNUMBER the paragraphs in sequence and correct the internal references

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

H. F. No. 177, A bill for an act relating to insurance; regulating the sale of self-service storage insurance; proposing coding for new law in Minnesota Statutes, chapter 60K.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Albright	Dean, M.	Hilstrom	Loon	Norton	Simonson
Allen	Dehn, R.	Hoppe	Loonan	O'Driscoll	Smith
Anderson, M.	Drazkowski	Hornstein	Lucero	O'Neill	Sundin
Anderson, P.	Erhardt	Hortman	Lueck	Pelowski	Swedzinski
Anderson, S.	Erickson	Howe	Mack	Peppin	Theis
Anzelc	Fabian	Isaacson	Mahoney	Persell	Thissen
Applebaum	Fenton	Johnson, B.	Mariani	Petersburg	Torkelson
Atkins	Fischer	Johnson, C.	Marquart	Peterson	Uglem
Backer	Franson	Johnson, S.	Masin	Pierson	Urdahl
Baker	Freiberg	Kahn	McDonald	Pinto	Vogel
Barrett	Garofalo	Kelly	McNamara	Poppe	Ward
Bennett	Green	Kiel	Melin	Pugh	Whelan
Bernardy	Gruenhagen	Knoblach	Metsa	Quam	Wills
Bly	Gunther	Koznick	Miller	Rarick	Yarusso
Carlson	Hackbarth	Kresha	Moran	Rosenthal	Youakim
Christensen	Halverson	Laine	Mullery	Runbeck	Zerwas
Clark	Hamilton	Lenczewski	Murphy, E.	Sanders	Spk. Daudt
Considine	Hancock	Liebling	Murphy, M.	Schoen	
Cornish	Hansen	Lien	Nash	Schomacker	
Daniels	Hausman	Lillie	Nelson	Schultz	
Davids	Heintzeman	Loeffler	Newton	Scott	
Davnie	Hertaus	Lohmer	Nornes	Selcer	

The bill was passed, as amended, and its title agreed to.

The Speaker called O'Driscoll to the Chair.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Peppin from the Committee on Rules and Legislative Administration, pursuant to rules 1.21 and 3.33, designated the following bills to be placed on the Calendar for the Day for Monday, May 11, 2015 and established a prefiling requirement for amendments offered to the following bills:

H. F. Nos. 1461, 1772, 1554, 2193 and 1979.

ADJOURNMENT

Peppin moved that when the House adjourns today it adjourn until 9:00 a.m., Friday, May 8, 2015. The motion prevailed.

Peppin moved that the House adjourn. The motion prevailed, and Speaker pro tempore O'Driscoll declared the House stands adjourned until 9:00 a.m., Friday, May 8, 2015.

PATRICK D. MURPHY, Chief Clerk, House of Representatives

