

Written Testimony for Hearing on HF 1791

TOPIC: Long-Term Disability and Long-Term Care Insurance were not considered by Legislature in 2008 when it drafted an exclusion for *“a written agreement of a health carrier as defined in 62A.011.”*

- I. **604.18 derived from HF3115 and SF2822.**
- II. **Written summary of the HF referred to the exclusion as excluding just “health” policies.**
 - a. See HF3115 House research summary which summarizes version 1 of the bill as follows:
*“Defines “insurance policy” to include all insurance policies or contracts except workers’ compensation, **health**, and policies issued by township and farmers mutual insurance company...”*
 - b. There is no Bill Summary for SF2822.
- III. **Hearing testimony in both chambers always referred to the exclusion as being a health insurance exclusion.**
 - a. **HF3115 House Comm’ee on Commerce and Labor on 2/26/08**
 - Witness Marcus Marsh from the Minnesota Farm Mutual Association at audio tape 1:17:51 stated: *“I know the **health industry** has come in and asked to be out and counties and cities trust have asked to be out. . . .”*
 - b. **SF2822 Senate Commerce and Consumer Protection Comm’ee on 3/6/08**
 - Sen. Tarryl Clark at audio tape 2 at 2:58 the bill, *“would not apply to workers’ comp., **health policies** . . .”*
 - Witness Wil Fluegel, attorney member of the working group that drafted compromise bill states at audio tape 2 at 6:28: *“the definition of insurance policy operates fundamentally as an exclusionary mechanism by defining out certain kinds of policies. Workers compensation is excluded from the provisions of this act. **Health insurance** is excluded from the provisions of this act.”*
 - Witness Fluegel at audio tape 2 at 8:14: *“Just briefly to review then the exemptions . . . also excluded are any workers compensation, **health insurance**, the township mutuals or life insurance . . .”*

c. SF2822 Senate Judiciary Comm'ee on 3/11/08

- Sen. Tarryl Clark at audio file at 2:15:49 states that the bill: *"would not apply to workers' compensation, health care policies, township mutual or farmers mutual insurance companies or their reinsurers or life insurance policies."*
- Witness Wil Fluegel, an attorney member of the working group that drafted compromise bill, states at audio 2:18:52: *"by the manner of defining insurance policy additional groups or insurers are excluded from the requirements of this bill. First of all in line 1.21 workers' compensation is excluded also in that line health insurance or contract is excluded."*

d. SF2822 House Floor debate on 3/27/08

- Rep. Steve Smith at videotape 46:43 in describing an amendment to SF2822 states that the amendment is like the version passed in the senate in that it, *"exempts out workers compensation, health plans, non-profit dental plans, and life insurance..."*.

d. SF 2822 Conference Comm'ee meeting on 4/9/08

- Witness Wil Fluegel stated to the senate and house conferees at audio tape 1:14:26 *"and again I think that these were worked out in the course of the extended life of the various bills including an exclusion for workers compensation, health carrier under 62A.011, and then a specific exclusion for a nonprofit health insurance plan under 62C that's the dental, delta dental exclusion."*

e. SF2822 Senate Floor motion to adopt conference committee report 4/14/08

- Sen. Tarryl Clark at audio tape 28:22 stated, *"we kept the exclusions that we had been working on during the session."*