

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-EIGHTH LEGISLATURE**

**S.F. No. 446**

(SENATE AUTHORS: DIBBLE, Eaton, Metzen and Torres Ray)

DATE	D-PG	OFFICIAL STATUS
02/14/2013	229	Introduction and first reading Referred to Commerce
03/04/2013	486	Author stricken Rosen
03/05/2013	553a	Comm report: To pass as amended and re-refer to State and Local Government
03/13/2013	865a	Comm report: To pass as amended and re-refer to Finance

1.1 A bill for an act  
 1.2 relating to insurance; regulating the public employees insurance program;  
 1.3 allowing participation by certain school employers; amending Minnesota Statutes  
 1.4 2012, section 43A.316, subdivisions 2, 5, by adding subdivisions; proposing  
 1.5 coding for new law in Minnesota Statutes, chapter 43A; repealing Minnesota  
 1.6 Statutes 2012, section 43A.316, subdivision 4.

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

1.8 Section 1. Minnesota Statutes 2012, section 43A.316, subdivision 2, is amended to read:

1.9 Subd. 2. **Definitions.** For the purpose of this section, the terms defined in this  
 1.10 subdivision have the meaning given them.

1.11 (a) **Commissioner.** "Commissioner" means the commissioner of management and  
 1.12 budget.

1.13 (b) **Employee.** "Employee" means:

1.14 (1) a person who is a public employee within the definition of section 179A.03,  
 1.15 subdivision 14, who is insurance eligible and is employed by an eligible employer;

1.16 (2) an elected public official of an eligible employer who is insurance eligible;

1.17 (3) a person employed by a labor organization or employee association certified as  
 1.18 an exclusive representative of employees of an eligible employer or by another public  
 1.19 employer approved by the commissioner, so long as the plan meets the requirements of a  
 1.20 governmental plan under United States Code, title 29, section 1002(32); or

1.21 (4) a person employed by a county or municipal hospital.

1.22 (c) **Eligible employer.** "Eligible employer" means:

1.23 (1) a public employer within the definition of section 179A.03, subdivision 15, that  
 1.24 is a town, county, city, school district as defined in section 120A.05, service cooperative  
 1.25 as defined in section 123A.21, intermediate district as defined in section 136D.01,

2.1 Cooperative Center for Vocational Education as defined in section 123A.22, regional  
 2.2 management information center as defined in section 123A.23, or an education unit  
 2.3 organized under the joint powers action, section 471.59; or

2.4 (2) an exclusive representative of employees, as defined in paragraph (b), and its  
 2.5 state affiliate;

2.6 (3) a county or municipal hospital; or

2.7 (4) another public employer approved by the commissioner.

2.8 (d) **Exclusive representative.** "Exclusive representative" means an exclusive  
 2.9 representative as defined in section 179A.03, subdivision 8.

2.10 (e) **Labor-Management Committee.** "Labor-Management Committee" means the  
 2.11 committee established by ~~subdivision 4~~ section 43A.3161.

2.12 (f) **Program.** "Program" means the statewide public employees insurance program  
 2.13 created by subdivision 3.

2.14 (g) **School employee.** "School employee" means an employee of a school employer.

2.15 (h) **School employer.** "School employer" means a district as defined in section  
 2.16 120A.05, a service cooperative as defined in section 123A.21, an intermediate district as  
 2.17 defined in section 136D.01, a cooperative center for vocational education as defined in  
 2.18 section 123A.22, a regional management information center as defined in section 123A.23,  
 2.19 or an education unit organized under a joint powers agreement under section 471.59.

2.20 Sec. 2. Minnesota Statutes 2012, section 43A.316, subdivision 5, is amended to read:

2.21 Subd. 5. **Public employee participation.** (a) Participation in the program is subject  
 2.22 to the conditions in this subdivision.

2.23 (b) Each exclusive representative for an eligible employer determines whether the  
 2.24 employees it represents will participate in the program. The exclusive representative shall  
 2.25 give the employer notice of intent to participate at least 30 days before the expiration date  
 2.26 of the collective bargaining agreement preceding the collective bargaining agreement that  
 2.27 covers the date of entry into the program. The exclusive representative and the eligible  
 2.28 employer shall give notice to the commissioner of the determination to participate in the  
 2.29 program at least 30 days before entry into the program. Entry into the program is governed  
 2.30 by a schedule established by the commissioner.

2.31 (c) Employees not represented by exclusive representatives may become members  
 2.32 of the program upon a determination of an eligible employer to include these employees  
 2.33 in the program. Either all or none of the employer's unrepresented employees must  
 2.34 participate. The eligible employer shall give at least 30 days' notice to the commissioner

3.1 before entering the program. Entry into the program is governed by a schedule established  
3.2 by the commissioner.

3.3 (d) Participation in the program is for a two-year term. Participation is automatically  
3.4 renewed for an additional two-year term unless the exclusive representative, or the  
3.5 employer for unrepresented employees, gives the commissioner notice of withdrawal  
3.6 at least 30 days before expiration of the participation period. A group that withdraws  
3.7 must wait two years before rejoining. An exclusive representative, or employer for  
3.8 unrepresented employees, may also withdraw if premiums increase 50 percent or more  
3.9 from one insurance year to the next.

3.10 (e) The exclusive representative shall give the employer notice of intent to withdraw  
3.11 to the commissioner at least 30 days before the expiration date of a collective bargaining  
3.12 agreement that includes the date on which the term of participation expires.

3.13 (f) Each participating eligible employer shall notify the commissioner of names of  
3.14 individuals who will be participating within two weeks of the commissioner receiving  
3.15 notice of the parties' intent to participate. The employer shall also submit other information  
3.16 as required by the commissioner for administration of the program.

3.17 (g) A school employer that makes available health insurance coverage for  
3.18 employees, either in a self-insured or fully insured arrangement, including those  
3.19 purchasing coverage through a service cooperative as defined by section 123A.21, may  
3.20 purchase health insurance coverage through the program, beginning January 1, 2014, as  
3.21 contracts or agreements with providers that were in place upon enactment expire.

3.22 (1) Employees not represented by an exclusive representative may enter the public  
3.23 employee insurance program in the manner described in paragraph (c).

3.24 (2) Exclusive representatives of school employers and nonrepresented employees  
3.25 of school employers who do not enter the program on the date of initial eligibility for  
3.26 participation shall be ineligible to participate until a period of four years has elapsed since  
3.27 initial eligibility and may, at the discretion of the commissioner, be pooled and rated  
3.28 separately from the other employees in the program for the first four years after entering  
3.29 the program. This clause does not prohibit an employee from a district or exclusive  
3.30 representative that has not declined participation from later becoming a member of the  
3.31 program.

3.32 (3) The decision of the school board of a school employer and an exclusive  
3.33 representative of employees or, in the case of employees not represented by an exclusive  
3.34 representative, the decision of the school board of a school employer, to not opt out of  
3.35 entry into the program is irrevocable.

4.1 Sec. 3. Minnesota Statutes 2012, section 43A.316, is amended by adding a subdivision  
4.2 to read:

4.3 Subd. 11. **Nonidentifiable aggregate claims data from past coverage.** Upon  
4.4 request by the commissioner, entities that are providing or have provided coverage to  
4.5 eligible school employees, shall provide to the commissioner at no charge nonidentifiable  
4.6 aggregate claims data for that coverage. The information must include data relating to  
4.7 school employees' group benefit sets, demographics, claims experience, and any other data  
4.8 or information deemed by the commissioner as necessary to accurately and appropriately  
4.9 underwrite the risk of the school employees, notwithstanding section 13.203.

4.10 Sec. 4. Minnesota Statutes 2012, section 43A.316, is amended by adding a subdivision  
4.11 to read:

4.12 Subd. 13. **Start-up funding; administration of ongoing revenues and expenses.**

4.13 (a) The commissioner of management and budget shall use the funds available in the  
4.14 insurance trust fund under section 43A.316, subdivision 9, in the form of temporary  
4.15 funding to pay for the administrative start-up costs and reserves necessary under this act.  
4.16 In addition to the amounts of temporary funding, the commissioner shall determine the  
4.17 amount of interest lost to the insurance trust fund as a result of the temporary funding.

4.18 (b) The commissioner of management and budget shall impose an enrollment fee  
4.19 upon the premium charged for the first three months of coverage under the school employee  
4.20 insurance program created in this act sufficient to repay to the insurance trust fund the  
4.21 loans provided to cover the start-up costs incurred by the commissioner under paragraph  
4.22 (a), plus foregone interest to the insurance trust fund, as determined under paragraph (a).  
4.23 The commissioner shall deposit the enrollment fees in the insurance trust fund.

4.24 (c) All costs incurred and revenue received by the commissioner of management and  
4.25 budget under this act in addition to those dealt with in paragraphs (a) and (b) shall, on an  
4.26 ongoing basis, be deposited into and paid out of the insurance trust fund.

4.27 Sec. 5. **[43A.3161] LABOR-MANAGEMENT COMMITTEE FOR SCHOOL**  
4.28 **EMPLOYEES AND SCHOOL EMPLOYERS.**

4.29 Subdivision 1. **Membership.** The Labor-Management Committee consists of 14  
4.30 members appointed to represent eligible school employers and eligible school employees  
4.31 in equal numbers. The seven members who represent eligible school employers shall  
4.32 consist of four appointed by the Minnesota School Boards Association and one each  
4.33 appointed by the Minnesota Association of School Administrators, the Minnesota  
4.34 Elementary School Principals Association, and the Minnesota Secondary School

5.1 Principals Association. The seven members who represent eligible school employees shall  
5.2 consist of four appointed by Education Minnesota and one each appointed by the Service  
5.3 Employees International Union; the American Federation of State, County, and Municipal  
5.4 Employees; and the Minnesota School Employees Association.

5.5 Subd. 2. **Appointments.** Appointing authorities shall appoint the first members by  
5.6 September 1, 2013, for terms ending January 2, 2017. Thereafter, appointments shall be  
5.7 made by the second Monday in January 2017 and every four years thereafter.

5.8 Subd. 3. **Terms.** Except for the first appointees, terms shall be for four years,  
5.9 terminating on the first Monday in January.

5.10 Subd. 4. **Vacancies.** Vacancies shall be filled by appointment in the same manner  
5.11 as appointment of the vacating member.

5.12 Subd. 5. **First meeting.** The appointee of the Minnesota School Board Association  
5.13 shall convene the first meeting by January 15, 2014, and act as chair until the committee  
5.14 elects a chair. The committee shall elect a chair from among its members at its first meeting.

5.15 Subd. 6. **Chair.** The committee shall annually elect a chair from its membership.

5.16 Subd. 7. **Duties.** The committee shall study issues relating to the insurance program  
5.17 including, but not limited to, flexible benefits, utilization review, quality assessment,  
5.18 and cost efficiency.

5.19 Subd. 8. **Program and plan design.** The commissioner shall consult with  
5.20 the labor-management committee in major decisions that affect the program. The  
5.21 commissioner and the committee must mutually agree to all plan design changes.

5.22 Subd. 9. **Expenses.** Committee members are eligible for expense reimbursement in  
5.23 the same manner and amount as authorized by the commissioner's plan adopted under  
5.24 section 43A.18, subdivision 2.

5.25 Subd. 10. **Report.** The committee shall report to the commissioner of management  
5.26 and budget by June 30 of each year with its findings and recommendations relating to  
5.27 the insurance program, flexible benefits, utilization review, quality assessment, and  
5.28 cost-efficiency of the program.

5.29 Subd. 11. **Sunset.** The committee expires when the program is no longer in operation.

5.30 **Sec. 6. REPEALER.**

5.31 Minnesota Statutes 2012, section 43A.316, subdivision 4, is repealed.

**43A.316 PUBLIC EMPLOYEES INSURANCE PROGRAM.**

Subd. 4. **Labor-Management Committee.** The Labor-Management Committee consists of ten members appointed by the commissioner. The Labor-Management Committee must comprise five members who represent employees, including at least one retired employee, and five members who represent eligible employers. Committee members are eligible for expense reimbursement in the same manner and amount as authorized by the commissioner's plan adopted under section 43A.18, subdivision 2. The commissioner shall consult with the labor-management committee in major decisions that affect the program. The committee shall study issues relating to the insurance program including, but not limited to, flexible benefits, utilization review, quality assessment, and cost efficiency. The committee continues to exist while the program remains in operation.