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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **3511**

03/23/2016 Authored by Davids, McDonald, Bennett and Lueck

The bill was read for the first time and referred to the Committee on State Government Finance

03/31/2016 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to state government; failure of MNsure to issue form 1095-A in a timely
1.3 manner; providing compensation; appropriating money.

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

1.5 Section 1. **COMPENSATION FOR LATE ISSUANCE OF FORM 1095-A.**

1.6 (a) The commissioner shall make compensatory payments to individuals to whom
1.7 the MNsure Board failed to issue federal form 1095-A by February 1, 2016. The payment
1.8 amount for an individual equals the sum of:

1.9 (1) \$10 for each calendar day from and including February 2, 2016, until but not
1.10 including the earlier of:

1.11 (i) the date on which the MNsure Board issues the 1095-A; or

1.12 (ii) April 19, 2016;

1.13 (2) if MNsure failed to issue federal form 1095-A by April 18, 2016, \$50 for each
1.14 calendar day from and including April 19, 2016, until but not including the date on which
1.15 the MNsure Board issues the 1095-A; and

1.16 (3) for individuals to whom the MNsure Board did not issue federal form 1095-A
1.17 by February 1, 2016, the sum of:

1.18 (i) any penalty assessed under section 6651 of the Internal Revenue Code for failure
1.19 to file an individual income tax return by the date prescribed; and

1.20 (ii) any penalty assessed under Minnesota Statutes, section 289A.60, subdivision
1.21 2a, paragraph (b).

1.22 (b) Individuals who participated in MNsure in calendar year 2015 must apply to the
1.23 commissioner for compensation in a form and manner prescribed by the commissioner.

1.24 Individuals must submit applications for compensation no later than December 31, 2016.

2.1 (c) The amount necessary to make the payments required under this section is
2.2 appropriated from the general fund to the commissioner in fiscal year 2017.

2.3 (d) On or before June 30, 2016; September 30, 2016; December 31, 2016; and
2.4 March 31, 2017, the commissioner must notify the commissioner of management and
2.5 budget of the amount of compensation paid under this section for the calendar quarter.
2.6 Notwithstanding the prescribed uses in Minnesota Statutes, section 62V.07, on or before
2.7 July 15, 2016; October 15, 2016; January 15, 2017; and April 15, 2017, the commissioner
2.8 of management and budget shall transfer from the MNsure account in the special revenue
2.9 fund to the general fund the amounts necessary to offset the compensation paid under
2.10 this section during the calendar quarter.

2.11 (e) On or before April 15, 2017, the commissioner must notify the commissioner of
2.12 management and budget of the cost of administering this section. Notwithstanding the
2.13 prescribed uses in Minnesota Statutes, section 62V.07, on or before April 15, 2017, the
2.14 commissioner of management and budget shall transfer from the MNsure account in
2.15 the special revenue fund to the general fund the amounts necessary to offset the cost of
2.16 administering this section. On April 15, 2017, the amount transferred under this paragraph
2.17 is appropriated from the general fund to the commissioner.

2.18 (f) For purposes of this section, "commissioner" means the commissioner of revenue.

2.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.