

**FIRST ENGROSSMENT
with Conference Committee Amendments
ENGROSSED HOUSE BILL NO. 1126**

Introduced by

Representative Keiser

(At the request of the Insurance Commissioner)

1 A BILL for an Act to create and enact chapter 26.1-54 of the North Dakota Century Code,
2 relating to the creation of an American health benefit exchange; to provide reports to the
3 legislative management; to provide an appropriation; to provide for application; and to declare
4 an emergency.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** Chapter 26.1-54 of the North Dakota Century Code is created and enacted as
7 follows:

8 **26.1-54-01. American health benefit exchange.**

9 To ensure that an American health benefit exchange is created in the state, the
10 commissioner and the department of human services shall:

11 1. Plan for the implementation of an American health benefit exchange for the state that
12 facilitates the purchase of qualified health benefit plans; provides for the establishment
13 of a small business health options program that is designed to assist qualified small
14 employers in facilitating the enrollment of their employees in qualified health benefit
15 plans offered in the small group market; implements eligibility determination and
16 enrollment of individuals in the state's medical assistance program and the state's
17 children's health insurance program; provides simplification; provides coordination
18 among medical assistance, the children's health insurance program, and the state
19 health insurance exchange; and meets the requirements of the Patient Protection and
20 Affordable Care Act of 2010 [Pub. L. 111-148] as amended by the Health Care and
21 Education Reconciliation Act of 2010 [Pub. L. 111-152]. The legislative assembly may
22 consider establishing one exchange that will provide services to both qualified
23 individuals and qualified small employers;

- 1 2. Subject to section 3 of this Act, take all actions necessary to ensure that the exchange
2 is determined, not later than January 1, 2013, by the federal government to be ready
3 to operate not later than January 1, 2014, and that the exchange is operating on or
4 after January 1, 2014;
- 5 3. Subject to section 3 of this Act, consider whether to seek federal grant funds for the
6 planning and implementation of the exchange and administer all funds appropriated or
7 made available for the purpose of carrying out the provisions of this chapter;
- 8 4. Subject to section 3 of this Act, contract with outside entities as necessary to provide
9 services necessary to implement the exchange; and
- 10 5. Collaborate with the information technology department as necessary and appropriate
11 in completing the responsibilities set forth in this section.

12 **26.1-54-02. Rules.**

13 The commissioner and the department of human services may adopt rules necessary or
14 desirable to carry out the provisions of this chapter.

15 **26.1-54-03. Cooperation of state agencies.**

16 State agencies shall cooperate with the commissioner and the department of human
17 services to ensure the success of the exchange.

18 **26.1-54-04. Records.**

19 Notwithstanding any provision of this code making records confidential, the commissioner
20 or the commissioner's designee and the department of human services may receive from and
21 provide to federal and state agencies information gathered in the administration of the
22 exchange, including social security numbers, if the disclosure is necessary for the
23 commissioner, the department of human services, or the receiving entity to perform its duties
24 and responsibilities.

25 **SECTION 2. APPROPRIATION - FEDERAL FUNDS.** There is appropriated the sum of
26 \$1,000,000, or so much of the sum as may be necessary, out of federal funds available under
27 the Patient Protection and Affordable Care Act of 2010 [Pub. L. 111-148] as amended by the
28 Health Care and Education Reconciliation Act of 2010 [Pub. L. 111-152] to the insurance
29 commissioner for the purpose of planning for implementation of an American health benefit
30 exchange for the state, for the period beginning with the effective date of this Act and ending
31 June 30, 2013.

1 **SECTION 3. APPLICATION.** In carrying out the requirements of this Act, the insurance
2 commissioner and the department of human services shall provide regular updates to the
3 legislative management during the 2011-12 interim. In determining, planning, and implementing
4 an American health benefit exchange for the state, collectively the commissioner and the
5 department of human services shall submit proposed legislation to the legislative management
6 for consideration at a special legislative session if the state is required by federal law to take
7 any action by January 1, 2013. For any plan, program, or requirement that must be
8 implemented between January 1, 2013, and January 1, 2014, collectively the commissioner and
9 the department of human services shall submit proposed legislation to the legislative
10 management before October 15, 2012.

11 **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.