

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 a health insurance exchange; to provide an appropriation; and to
3 declare an emergency.

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

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

7 **26.1-54-01. American health benefit exchange.**

8 To ensure that an American health benefit exchange is created in the state, the
9 commissioner shall:

- 10 1. Plan and implement an American health benefit exchange for the state that facilitates
11 the purchase of qualified health benefit plans, provides for the establishment of a small
12 business health options program that is designed to assist qualified small employers in
13 facilitating the enrollment of their employees in qualified health benefit plans offered in
14 the small group market, and meets the requirements of the Patient Protection and
15 Affordable Care Act of 2010 [Pub. L. 111-148] as amended by the Health Care and
16 Education Reconciliation Act of 2010 [Pub. L. 111-152]. The commissioner may
17 establish one exchange that will provide services to both qualified individuals and
18 qualified small employers;
- 19 2. Take all actions necessary to ensure that the exchange is determined, not later than
20 January 1, 2013, by the federal government to be ready to operate not later than
21 January 1, 2014, and that the exchange is operating on or after January 1, 2014;
- 22 3. Consider whether to seek federal grant funds for the planning and implementation of
23 the exchange and administer all funds appropriated or made available for the purpose
24 of carrying out the provisions of this chapter; and

1 4. Contract with outside entities as necessary to provide services necessary to
2 implement the exchange.

3 **26.1-54-02. Rules.**

4 The commissioner may adopt rules necessary or desirable to carry out the provisions of this
5 chapter.

6 **26.1-54-03. Cooperation of state agencies.**

7 State agencies shall cooperate with the commissioner to ensure the success of the
8 exchange.

9 **26.1-54-04. Records.**

10 Notwithstanding any provision of this code making records confidential, the commissioner
11 or the commissioner's designee may receive from and provide to federal and state agencies
12 information gathered in the administration of the exchange, including social security numbers, if
13 the disclosure is necessary for the commissioner or receiving entity to perform its duties and
14 responsibilities.

15 **SECTION 2. APPROPRIATION - FEDERAL FUNDS - ADDITIONAL FUNDING**

16 **APPROVAL.** The commissioner may seek emergency commission and budget section approval
17 for authority to spend any general funds, special funds, or federal funds available under the
18 Patient Protection and Affordable Care Act of 2010 [Pub. L. 111-148] as amended by the Health
19 Care and Education Reconciliation Act of 2010 [Pub. L. 111-152] for the period beginning with
20 the effective date of this Act and ending June 30, 2013.

21 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.