

**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; to provide  
3 for application; and to 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~~for the implementation of an American health benefit exchange for  
11 the state that facilitates the purchase of qualified health benefit plans, provides for the  
12 establishment of a small business health options program that is designed to assist  
13 qualified small employers in facilitating the enrollment of their employees in qualified  
14 health benefit plans offered in the small group market, and meets the requirements of  
15 the Patient Protection and Affordable Care Act of 2010 [Pub. L. 111-148] as amended  
16 by the Health Care and Education Reconciliation Act of 2010 [Pub. L. 111-152]. The  
17 commissioner may ~~establish~~consider establishing one exchange that will provide  
18 services to both qualified individuals and qualified small employers;

19 2. ~~Take~~Subject to section 3 of this Act, take all actions necessary to ensure that the  
20 exchange is determined, not later than January 1, 2013, by the federal government to  
21 be ready to operate not later than January 1, 2014, and that the exchange is operating  
22 on or after January 1, 2014;

23 3. ~~Consider~~Subject to section 3 of this Act, consider whether to seek federal grant funds  
24 for the planning and implementation of the exchange and administer all funds

1 appropriated or made available for the purpose of carrying out the provisions of this  
2 chapter; and

3 4. ~~Contract~~Subject to section 3 of this Act, contract with outside entities as necessary to  
4 provide services necessary to implement the exchange.

5 **26.1-54-02. Rules.**

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

8 **26.1-54-03. Cooperation of state agencies.**

9 State agencies shall cooperate with the commissioner to ensure the success of the  
10 exchange.

11 **26.1-54-04. Records.**

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

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

18 ~~**APPROVAL.** The commissioner may seek emergency commission and budget section approval~~  
19 ~~for authority to spend any general funds, special funds, or~~There is appropriated the sum of  
20 \$1,000,000, or so much of the sum as may be necessary, out of federal funds available under  
21 the Patient Protection and Affordable Care Act of 2010 [Pub. L. 111-148] as amended by the  
22 Health Care and Education Reconciliation Act of 2010 [Pub. L. 111-152] to the insurance  
23 commissioner for the purpose of planning for implementation of an American health benefit  
24 exchange for the state, for the period beginning with the effective date of this Act and ending  
25 June 30, 2013.

26 **SECTION 3. APPLICATION.** In carrying out the requirements of this Act, the insurance  
27 commissioner shall provide regular updates to the legislative management during the 2011-12  
28 interim. In determining, planning, and implementing an American health benefit exchange for  
29 the state, the commissioner shall submit proposed legislation to the legislative management for  
30 consideration at a special legislative session if the commissioner is required by federal law to  
31 take any action by January 1, 2013. For any plan, program, or requirement that must be

1 implemented between January 1, 2013, and January 1, 2014, the commissioner shall submit  
2 proposed legislation to the legislative management before October 15, 2012.

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