

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 for the implementation of an American health benefit exchange for the state that
11 facilitates the purchase of qualified health benefit plans, provides for the establishment
12 of a small business health options program that is designed to assist qualified small
13 employers in facilitating the enrollment of their employees in qualified health benefit
14 plans offered in the small group market, and meets the requirements of the Patient
15 Protection and Affordable Care Act of 2010 [Pub. L. 111-148] as amended by the
16 Health Care and Education Reconciliation Act of 2010 [Pub. L. 111-152]. The
17 commissioner may consider establishing one exchange that will provide services to
18 both qualified individuals and qualified small employers;
- 19 2. Subject to section 3 of this Act, take all actions necessary to ensure that the exchange
20 is determined, not later than January 1, 2013, by the federal government to be ready
21 to operate not later than January 1, 2014, and that the exchange is operating on or
22 after January 1, 2014;

- 1 3. Subject to section 3 of this Act, consider whether to seek federal grant funds for the
2 planning and implementation of the exchange and administer all funds appropriated or
3 made available for the purpose of carrying out the provisions of this chapter; and
4 4. Subject to section 3 of this Act, contract with outside entities as necessary to provide
5 services necessary to implement the exchange.

6 **26.1-54-02. Rules.**

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

9 **26.1-54-03. Cooperation of state agencies.**

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

12 **26.1-54-04. Records.**

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

18 **SECTION 2. APPROPRIATION - FEDERAL FUNDS.** There is appropriated the sum of
19 \$1,000,000, or so much of the sum as may be necessary, out of federal funds available under
20 the Patient Protection and Affordable Care Act of 2010 [Pub. L. 111-148] as amended by the
21 Health Care and Education Reconciliation Act of 2010 [Pub. L. 111-152] to the insurance
22 commissioner for the purpose of planning for implementation of an American health benefit
23 exchange for the state, for the period beginning with the effective date of this Act and ending
24 June 30, 2013.

25 **SECTION 3. APPLICATION.** In carrying out the requirements of this Act, the insurance
26 commissioner shall provide regular updates to the legislative management during the 2011-12
27 interim. In determining, planning, and implementing an American health benefit exchange for
28 the state, the commissioner shall submit proposed legislation to the legislative management for
29 consideration at a special legislative session if the commissioner is required by federal law to
30 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.