

Introduced by

Representative Keiser

1 A BILL for an Act to provide for a legislative management study, decisions, and directive
2 regarding the federal Affordable Care Act and the state's benchmark plan and state-based
3 essential health benefits package for the 2017 plan year and beyond.

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

5 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY, DECISIONS, AND DIRECTIVE -**
6 **AFFORDABLE CARE ACT.**

- 7 1. During the 2015-16 interim, the legislative management shall assign a committee to
8 study the proposed and final federal rules issued by the federal health and human
9 services department relating to the essential health benefits under the federal
10 Affordable Care Act. Specifically, the study must include a review of the rules relating
11 to the state's ability to participate in defining the state-based essential health benefits
12 package for plan years 2017 and beyond, how the state may be authorized to select a
13 benchmark plan for plan years 2017 and beyond, and the deadlines related to these
14 rules and related decisions.
- 15 2. Based on the committee's findings, the legislative management may issue a directive
16 to the governor to notify the federal government of the state's decisions relating to the
17 state's benchmark plan and state-based essential health benefits package for the
18 2017 plan year and beyond.
- 19 a. A directive issued by the legislative management under this section may not
20 direct the federal government to modify the state's state-based essential health
21 benefits for the 2017 plan year and beyond to include benefits that were not in
22 one or more of the state's benchmark plan options for plan year 2014, the state's
23 2014 state-based essential health benefits package, or the state's benchmark
24 plan options for plan years 2017 and beyond.

Sixty-fourth
Legislative Assembly

- 1 b. A directive issued by the legislative management under this section may not
2 result in state liability due to state reimbursement requirements under the federal
3 Affordable Care Act.
- 4 3. If during the course of the committee's study under this section, all or a portion of the
5 federal Affordable Care Act is repealed, the committee shall consider whether the
6 repeal impacts the state's decisions relating to the state's benchmark plan and
7 state-based essential health benefits package for the 2017 plan year and beyond.
- 8 4. The legislative management shall report its findings, decisions, directives, and
9 recommendations, together with any legislation required to implement the
10 recommendations, to the sixty-fifth legislative assembly.