Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015

HOUSE BILL NO. 1378
(Representative Keiser)

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

1. During the 2015-16 interim, the legislative management shall assign a committee to study the proposed and final federal rules issued by the federal health and human services department relating to the essential health benefits under the federal Affordable Care Act. Specifically, the study must include a review of the rules relating to the state's ability to participate in defining the state-based essential health benefits package for plan years 2017 and beyond, how the state may be authorized to select a benchmark plan for plan years 2017 and beyond, and the deadlines related to these rules and related decisions.

2. Based on the committee's findings, the legislative management may issue a directive to the governor to notify the federal government of the state's decisions relating to the state's benchmark plan and state-based essential health benefits package for the 2017 plan year and beyond.

   a. A directive issued by the legislative management under this section may not direct the federal government to modify the state's state-based essential health benefits for the 2017 plan year and beyond to include benefits that were not in one or more of the state's benchmark plan options for plan year 2014, the state's 2014 state-based essential health benefits package, or the state's benchmark plan options for plan years 2017 and beyond.

   b. A directive issued by the legislative management under this section may not result in state liability due to state reimbursement requirements under the federal Affordable Care Act.

3. If during the course of the committee's study under this section, all or a portion of the federal Affordable Care Act is repealed, the committee shall consider whether the repeal impacts the state's decisions relating to the state's benchmark plan and state-based essential health benefits package for the 2017 plan year and beyond.

4. The legislative management shall report its findings, decisions, directives, and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1378.

House Vote:	Yeas 76	Nays 16	Absent 2
Senate Vote:	Yeas 44	Nays 3	Absent 0

Chief Clerk of the House

Received by the Governor at 2:12 P.M. on April 7, 2015.

Approved at 11:43 A.M. on April 8, 2015.

Governor

Filed in this office this 8th day of April, 2015,

at 3:36 o'clock P M.

Secretary of State