

HOUSE BILL NO. 5

INTRODUCED BY R. COOK

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A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE STATE INSURANCE COMMISSIONER TO APPLY FOR STATE INNOVATION WAIVERS; ESTABLISHING PUBLIC NOTICE AND HEARING REQUIREMENTS; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Legislative intent.** It is the intent of the legislature that the state and disability insurers establish, pursuant to [sections 1 through 5], a reinsurance mechanism to balance the need for providing comprehensive health care and insurance coverage at affordable rates to high-risk persons with the need to be fiscally responsible to disability insurers and residents of this state.

NEW SECTION. **Section 2. Waiver for state innovation -- legislative review -- approval by governor.** (1) The commissioner may apply to the United States department of health and human services under 42 U.S.C. 18052 for a waiver of applicable provisions of Public Law 111-148 with respect to health care and insurance coverage in the state for a plan year beginning on or after January 1, 2020.

(2) Before submitting an application for a waiver for state innovation to the federal government for approval, the commissioner shall:

- (a) meet the public notice requirements of [section 3]; and
- (b) present the proposal for review and public comment at a public hearing by the house appropriations committee if the legislature is in session or by the economic affairs interim committee if the legislature is not in session.

(3) Upon initial approval of the waiver application by the federal government, the commissioner shall submit the state plan to the next session of the legislature for passage and approval by the legislature and the governor.

NEW SECTION. **Section 3. Public notice and involvement -- tribal consultation.** (1) Before



1 submitting an application for a waiver for state innovation to the federal government, the commissioner shall  
2 provide notice to the public of the proposed waiver and the opportunity for the public to comment on the proposal  
3 in writing or at public hearings.

4 (2) Notice provided pursuant to this section must include:

5 (a) a comprehensive description of the waiver application;

6 (b) information on how to obtain or view a copy of the application;

7 (c) information on how to submit written comment and the deadline for comment; and

8 (d) the location, date, and time of public hearings.

9 (3) The public must be provided at least 30 days to comment on the application.

10 (4) The commissioner shall hold at least two public hearings on separate dates and at separate locations  
11 to allow members of the public to submit views on the application.

12 (5) The commissioner shall:

13 (a) discuss the application at one or more meetings with representatives of federally recognized Indian  
14 tribes; and

15 (b) provide evidence to the federal government of meaningful consultation with the tribes.

16 (6) The commissioner shall meet any other public notice requirements established by federal law or  
17 regulation.

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19 **NEW SECTION. Section 4. Montana comprehensive health insurance special revenue accounts.**

20 (1) There are Montana comprehensive health insurance accounts in the state and federal special revenue funds  
21 to the credit of the department to assist residents of this state with obtaining access to quality health care at a  
22 minimum cost to the public.

23 (2) The account in the federal special revenue fund consists of federal funds obtained for the purposes  
24 of drafting, submitting, and implementing the state plan.

25 (3) The account in the state special revenue fund consists of money appropriated by the legislature or  
26 obtained from other sources.

27 (4) Interest and earnings on the accounts must accrue to the accounts.

28 (5) Money in the accounts must be used for the purposes designated in the federal grant or by the  
29 legislature, consistent with the intent of [sections 1 through 5].

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