



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:

**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.

**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.

**Section 3. Public notice and involvement -- tribal consultation.** (1) Before submitting an application

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

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

- (a) a comprehensive description of the waiver application;
- (b) information on how to obtain or view a copy of the application;
- (c) information on how to submit written comment and the deadline for comment; and
- (d) the location, date, and time of public hearings.

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

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

(5) The commissioner shall:

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

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

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

**Section 4. Montana comprehensive health insurance special revenue accounts.** (1) There are Montana comprehensive health insurance accounts in the state and federal special revenue funds to the credit of the department to assist residents of this state with obtaining access to quality health care at a minimum cost to the public.

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

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

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

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

**Section 5. Rulemaking authority.** The commissioner may adopt rules necessary to complete a plan proposal authorized by [sections 1 through 5].

**Section 6. Codification instruction.** [Sections 1 through 5] are intended to be codified as an integral part of Title 33, chapter 22, and the provisions of Title 33 apply to [sections 1 through 5].

**Section 7. Effective date.** [This act] is effective on passage and approval.

**Section 8. Termination.** [This act] terminates June 30, 2025.

- END -

I hereby certify that the within bill,  
HB 0005, originated in the House.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2017.

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Chief Clerk of the House

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2017.

HOUSE BILL NO. 5  
INTRODUCED BY R. COOK

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