

HOUSE JOINT RESOLUTION NO. 33

INTRODUCED BY G. MACLAREN, MCGILLVRAY, MILBURN, J. PETERSON, TUTVEDT

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY ON THE IMPLICATIONS, OPTIONS, AND REPERCUSSIONS OF A HEALTH INSURANCE EXCHANGE IN THE STATE OF MONTANA; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 63RD LEGISLATURE.

WHEREAS, Public Law 111-148 and Public Law 111-152 provide that a state has the option of establishing a health insurance exchange or allowing the Secretary of the U.S. Department of Health and Human Services to decide on or before January 1, 2013, whether to establish an exchange for any state that will not have an operational exchange by January 1, 2014; and

WHEREAS, the 62nd Legislature has through numerous votes indicated its concerns about many aspects of Public Law 111-148 and Public Law 111-152; and

WHEREAS, the wide-ranging implications of Public Law 111-148 and Public Law 111-152 for health insurance in the State of Montana, the health insurance industry, and the health care industry in this state suggest that the state has a duty to investigate approaches to developing a state exchange for Montanans, participating in a regional exchange, or leaving the decision of a health insurance exchange to federal authorities; and

WHEREAS, the State of Montana itself currently provides health insurance for its employees and may save money by allowing those state employees to purchase their insurance on a health insurance exchange.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct staff resources for a joint committee to review:

(a) the feasibility of creating a state-based health insurance exchange or participating in a regional health insurance exchange, including:

(i) options being considered in other states regarding developing and operating health insurance exchanges, as described in Public Law 111-148 and Public Law 111-152;

(ii) variations on how an exchange functions in the private marketplace for health insurance. As part of



1 this study, the interim committee or joint committee shall consider whether a health insurance exchange reduces
2 the marketing cost for health insurance and what measures may be needed to improve marketing efficiency if
3 an exchange is developed in the state or regionally.

4 (iii) an evaluation of whether the exchange should offer a full scope of services or whether a more limited
5 scope of services is appropriate;

6 (iv) an evaluation of whether an exchange can be used to facilitate the sale of health insurance across
7 state lines and, if so, what changes in state law may be necessary;

8 (v) an evaluation of the efficiency, cost, and other considerations of including an application for a
9 medicaid waiver to allow premium assistance inside the exchange;

10 (vi) an evaluation of whether an exchange should define levels of contributions and plan criteria;

11 (vii) an evaluation of the feasibility of premium aggregation for multiple employers of an employee; and

12 (viii) an evaluation of how an exchange will interact with insurance producers, including the effect on their
13 compensation;

14 (b) the feasibility of discontinuing a health insurance benefit for state employees and legislators,
15 including:

16 (i) what provisions may be necessary to neutralize the costs to state employees of various salary levels
17 for participating in a health insurance exchange; and

18 (ii) what costs or savings might accrue to the state for discontinuing health insurance benefits for state
19 employees and legislators.

20 (2) Based on the study, that the interim committee or joint committee make recommendations for
21 legislation or a report to the 63rd Legislature regarding whether the state should proceed with the development
22 of a state exchange or pursue participation in a regional exchange. If the recommendation is to proceed with
23 development of a state exchange, the interim committee or joint committee shall provide draft legislation outlining
24 a work plan and a timeline for implementation and future legislation, if needed. If the recommendation is to
25 proceed with participation in a regional exchange, the interim committee or joint committee shall provide
26 recommendations for changes in law or legislation necessary to implement a regional exchange.

27 (3) That the study include nonvoting stakeholder participants, including representatives of domestic
28 insurance companies and health service corporations, small business, labor, the physician and health care
29 provider community, the medical facility community, consumers, and insurance producers.

30 BE IT FURTHER RESOLVED, that the recommendations for legislation or a report must be prepared by

1 staff of the Legislative Services Division and must include estimated fiscal impacts from the Legislative Fiscal
2 Division.

3 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
4 requirements, be concluded prior to September 15, 2012.

5 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
6 comments, or recommendations of the appropriate committee, be reported to the 63rd Legislature.

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