

SENATE JOINT RESOLUTION NO. 14—SENATOR GUSTAVSON

MARCH 16, 2015

JOINT SPONSOR: ASSEMBLYWOMAN DICKMAN

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Proposes to amend the Nevada Constitution to prohibit any agency, board, commission or political subdivision of this State or any local government from creating, operating or maintaining or entering into a contract for the creation, operation or maintenance of a health insurance exchange. (BDR C-1008)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

SENATE JOINT RESOLUTION—Proposing to amend the Nevada Constitution to prohibit any agency, board, commission or political subdivision of this State or any local government from creating, operating or maintaining or entering into a contract for the creation, operation or maintenance of a health insurance exchange.

Legislative Counsel's Digest:

1 The federal Patient Protection and Affordable Care Act authorizes a state to
2 establish an exchange to carry out the provisions of the Act. (42 U.S.C. § 18031)
3 The Act also provides that if a state chooses not to establish such an exchange, the
4 United States Secretary of Health and Human Services will establish and operate
5 such an exchange. (42 U.S.C. § 18041) Presently, this State operates the Silver
6 State Health Insurance Exchange pursuant to the Act. (Chapter 695I of NRS) This
7 resolution proposes to amend the Nevada Constitution to prohibit any agency,
8 board, commission or political subdivision of this State or any local government
9 from creating, operating or maintaining or entering into a contract for the creation,
10 operation or maintenance of a health insurance exchange. The effect of such
11 amendment would be to invalidate the Silver State Health Insurance Exchange and



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12 would likely result in the establishment and operation of an exchange in this State
13 for the purposes of carrying out the provision of the Act.

1 RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF
2 NEVADA, JOINTLY, That a new section, designated Section 17, be
3 added to Article 15 of the Nevada Constitution to read as follows:

4 *Sec. 17. 1. An agency, board, commission or political*
5 *subdivision of this State, including, without limitation, any*
6 *agency, board, commission or governing body of a local*
7 *government, shall not:*

8 *(a) Create, operate or maintain a health insurance*
9 *exchange; or*

10 *(b) Enter into a contract or other agreement with any*
11 *person or entity to create, operate or maintain a health*
12 *insurance exchange.*

13 *2. As used in this section, "health insurance*
14 *exchange":*

15 *(a) Means a person or entity that:*

16 *(1) Facilitates the purchase and sale of health plans*
17 *in the individual market in this State;*

18 *(2) Assists employers in this State in facilitating the*
19 *purchase of health plans and enrollment of employees or*
20 *dependents of employees in health plans; or*

21 *(3) Assists employers in this State in facilitating the*
22 *application for subsidies for an employer providing a health*
23 *plan for employees or dependents of employees.*

24 *(b) Includes, without limitation, an American Health*
25 *Benefit Exchange or a Small Business Health Options*
26 *Program, as those terms are described in section 1311 of the*
27 *federal Patient Protection and Affordable Care Act, 42*
28 *U.S.C. § 18031.*

