



General Assembly

Amendment

January Session, 2015

LCO No. 9009



Offered by:
SEN. KELLY, 21st Dist.

To: House Bill No. 6771

File No. 175

Cal. No. 437

"AN ACT AUTHORIZING NONADMITTED INSURERS TO OPEN AN OFFICE IN THIS STATE."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 38a-1083 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) For purposes of sections 38a-1080 to 38a-1091, inclusive,
6 "purposes of the exchange" means the purposes of the exchange
7 expressed in and pursuant to this section, which are hereby
8 determined to be public purposes for which public funds may be
9 expended. The powers enumerated in this section shall be interpreted
10 broadly to effectuate the purposes of the exchange and shall not be
11 construed as a limitation of powers.

12 (b) The goals of the exchange shall be to reduce the number of
13 individuals without health insurance in this state and assist
14 individuals and small employers in the procurement of health

15 insurance by, among other services, offering easily comparable and
16 understandable information about health insurance options.

17 (c) The exchange is authorized and empowered to:

18 (1) Have perpetual [successions] succession as a body politic and
19 corporate and to adopt bylaws for the regulation of its affairs and the
20 conduct of its business;

21 (2) Adopt an official seal and alter the same at pleasure;

22 (3) Maintain an office in the state at such place or places as it may
23 designate;

24 (4) Employ such assistants, agents, managers and other employees
25 as may be necessary or desirable;

26 (5) Acquire, lease, purchase, own, manage, hold and dispose of real
27 and personal property, and lease, convey or deal in or enter into
28 agreements with respect to such property on any terms necessary or
29 incidental to the carrying out of these purposes, provided all such
30 acquisitions of real property for the exchange's own use with amounts
31 appropriated by this state to the exchange or with the proceeds of
32 bonds supported by the full faith and credit of this state shall be
33 subject to the approval of the Secretary of the Office of Policy and
34 Management and the provisions of section 4b-23;

35 (6) Receive and accept, from any source, aid or contributions,
36 including money, property, labor and other things of value;

37 (7) Charge assessments or user fees to health carriers that are
38 capable of offering a qualified health plan through the exchange or
39 otherwise generate funding necessary to support the operations of the
40 exchange and impose interest and penalties on such health carriers for
41 delinquent payments of such assessments or fees;

42 (8) Procure insurance against loss in connection with its property

43 and other assets in such amounts and from such insurers as it deems
44 desirable;

45 (9) Invest any funds not needed for immediate use or disbursement
46 in obligations issued or guaranteed by the United States of America or
47 the state and in obligations that are legal investments for savings banks
48 in the state;

49 (10) Issue bonds, bond anticipation notes and other obligations of
50 the exchange for any of its corporate purposes, and to fund or refund
51 the same and provide for the rights of the holders thereof, and to
52 secure the same by pledge of revenues, notes and mortgages of others;

53 (11) Borrow money for the purpose of obtaining working capital;

54 (12) Account for and audit funds of the exchange and any recipients
55 of funds from the exchange;

56 (13) Make and enter into any contract or agreement necessary or
57 incidental to the performance of its duties and execution of its powers.
58 The contracts entered into by the exchange shall not be subject to the
59 approval of any other state department, office or agency, provided
60 copies of all contracts of the exchange shall be maintained by the
61 exchange as public records, subject to the proprietary rights of any
62 party to the contract;

63 (14) To the extent permitted under its contract with other persons,
64 consent to any termination, modification, forgiveness or other change
65 of any term of any contractual right, payment, royalty, contract or
66 agreement of any kind to which the exchange is a party;

67 (15) Award grants to trained and certified individuals and
68 institutions that will assist individuals, families and small employers
69 and their employees in enrolling in appropriate coverage through the
70 exchange. Applications for grants from the exchange shall be made on
71 a form prescribed by the board;

72 (16) Limit the number of plans offered, and use selective criteria in
73 determining which plans to offer, through the exchange, provided
74 individuals and employers have an adequate number and selection of
75 choices;

76 (17) Evaluate jointly with the Sustinet Health Care Cabinet the
77 feasibility of implementing a basic health program option as set forth
78 in Section 1331 of the Affordable Care Act;

79 (18) Sue and be sued, plead and be impleaded;

80 (19) Adopt regular procedures that are not in conflict with other
81 provisions of the general statutes, for exercising the power of the
82 exchange; and

83 (20) Do all acts and things necessary and convenient to carry out the
84 purposes of the exchange, provided such acts or things shall not
85 conflict with the provisions of the Affordable Care Act, regulations
86 adopted thereunder or federal guidance issued pursuant to the
87 Affordable Care Act.

88 (d) Prior to changing the amount of an assessment or user fee
89 charged to any health carrier pursuant to subdivision (7) of subsection
90 (c) of this section, if such change is for more than a ten per cent
91 increase, the board shall submit such proposed change with the joint
92 standing committee of the General Assembly having cognizance of
93 matters relating to insurance. Not later than thirty days after the date
94 of such submission, said committee shall hold a public hearing on and
95 vote to approve or reject such proposed change. If said committee fails
96 to hold a public hearing or to vote to approve or reject such proposed
97 change within the thirty-day period, the proposed change shall be
98 deemed approved.

99 [(d)] (e) (1) The chief executive officer of the exchange shall provide
100 to the commissioner the name of any health carrier that fails to pay any
101 assessment or user fee under subdivision (7) of subsection (c) of this
102 section to the exchange. The commissioner shall see that all laws

103 respecting the authority of the exchange pursuant to said subdivision
 104 (7) are faithfully executed. The commissioner has all the powers
 105 specifically granted under this title and all further powers that are
 106 reasonable and necessary to enable the commissioner to enforce the
 107 provisions of said subdivision (7).

108 (2) Any health carrier aggrieved by an administrative action taken
 109 by the commissioner under subdivision (1) of this subsection may
 110 appeal therefrom in accordance with the provisions of section 4-183,
 111 except venue for such appeal shall be in the judicial district of New
 112 Britain."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>from passage</i>	38a-1083