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SENATE JOINT RESOLUTION NO. 14—SENATOR GUSTAVSON

MARCH 16, 2015

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JOINT SPONSOR: ASSEMBLYWOMAN DICKMAN

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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.

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**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.

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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.***

