

Senate Bill 1093

Sponsored by Senator BATES (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates Health Insurance Exchange.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to health; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Sections 2 to 9 of this 2008 Act are added to and made a part of the Insur-**
5 **ance Code.**

6 **SECTION 2. (1) The Health Insurance Exchange is established.**

7 **(2) The exchange shall serve as a central forum for individuals without health insurance**
8 **and for businesses to purchase affordable health insurance.**

9 **SECTION 3. (1) The Health Insurance Exchange is under the supervision and control of**
10 **a director, who is responsible for the performance of the duties, functions and powers of the**
11 **exchange.**

12 **(2) The Governor shall appoint the Director of the Health Insurance Exchange, who holds**
13 **office at the pleasure of the Governor.**

14 **(3) The director shall be paid a salary as provided by law or, if not so provided, as pre-**
15 **scribed by the Governor.**

16 **(4) For purposes of administration, subject to the approval of the Governor, the director**
17 **may organize and reorganize the exchange as the director considers necessary to properly**
18 **conduct the work of the exchange.**

19 **(5) The director may divide the functions of the exchange into administrative divisions.**
20 **Subject to the approval of the Governor, the director may appoint an individual to administer**
21 **each division. The administrator of each division serves at the pleasure of the director and**
22 **is not subject to the provisions of ORS chapter 240. Each individual appointed under this**
23 **subsection must be well qualified by technical training and experience in the functions to be**
24 **performed by the individual.**

25 **SECTION 4. The appointment of the Director of the Health Insurance Exchange is sub-**
26 **ject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.**

27 **SECTION 5. (1) The Director of the Health Insurance Exchange shall, by written order**
28 **filed with the Secretary of State, appoint a deputy director. The deputy director serves at**
29 **the pleasure of the director, has authority to act for the director in the absence of the di-**
30 **rector and is subject to the control of the director at all times.**

31 **(2) Subject to any applicable provisions of ORS chapter 240, the director shall appoint all**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 subordinate officers and employees of the Health Insurance Exchange, prescribe their duties
2 and fix their compensation.

3 **SECTION 6.** In accordance with applicable provisions of ORS chapter 183, the Director
4 of the Health Insurance Exchange may adopt rules necessary for the administration of the
5 laws that the Health Insurance Exchange is charged with administering.

6 **SECTION 7.** An individual is not eligible to hold the office of Director of the Health In-
7 surance Exchange, or to hold any office or employment in the Health Insurance Exchange,
8 if the individual has any connection with persons engaged in or conducting
9 any insurance business of any kind, holds stock or bonds in any insurance business of any
10 kind, or receives any commission or profit from or has any interest in the purchases or sales
11 made by the exchange.

12 **SECTION 8.** Before assuming the duties of the office, the Director of the Health Insur-
13 ance Exchange shall subscribe to an oath that the director faithfully and impartially will
14 discharge the duties of the office and that the director will support the Constitution of the
15 United States and the Constitution of the State of Oregon. The director shall file a copy of
16 the signed oath with the Secretary of State.

17 **SECTION 9.** The Director of the Health Insurance Exchange, the deputy director and
18 authorized representatives of the director may administer oaths, take depositions and issue
19 subpoenas to compel the attendance of witnesses and the production of documents or other
20 written information necessary to carry out the provisions of sections 2 to 9 of this 2008 Act.
21 If any person fails to comply with a subpoena issued under this section or refuses to testify
22 on matters on which the person lawfully may be interrogated, the director, deputy director
23 or authorized representative may follow the procedure set out in ORS 183.440 to compel
24 obedience.

25 **SECTION 10.** This 2008 Act being necessary for the immediate preservation of the public
26 peace, health and safety, an emergency is declared to exist, and this 2008 Act takes effect
27 on its passage.

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