

## **2/5/16 – HB 4017 Responses from Lorey Freeman, Legislative Counsel**

Rep. Greenlick,

Some issues were raised in the hearing today about whether the -5 amendments to HB 4017 require “legislative approval” before the DCBS moves forward. With respect to the Basic Health Program in section 1, the agency is given the authority only to develop a proposal and submit it to the interim legislative committees, nothing further. With respect to the 1332 waivers in section 2 of the -5 amendments, DCBS must report its recommendation to the interim committees not later than March 1, 2017. However, once DCBS has presented the recommendations to the interim committees, it can go ahead and submit the waiver.

If you want to require “legislative approval” of the 1332 waiver before it goes forward, we can draft it in one of the following ways:

1. Use the same process as is used for the blueprint for the Basic Health Program and require DCBS to make a report but don't authorize any further action.
2. Require DCBS to develop a plan and submit it to legislative counsel for drafting a committee bill for the 2017 session.
3. Add a sunset provision that takes effect at the end of the 2017 session. In this way if the Legislative Assembly likes the DCBS proposal it can go forward. If the Legislative Assembly doesn't like the proposal they can let the sun set.