



# Senate

General Assembly

**File No. 26**

January Session, 2003

Substitute Senate Bill No. 687

*Senate, March 17, 2003*

The Committee on Human Services reported through SEN. HANDLEY of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

**AN ACT CONCERNING LEGISLATIVE OVERSIGHT OF THE FEDERAL WAIVER APPLICATION PROCESS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-8 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2003*):

3 (a) The Commissioner of Social Services shall submit an application  
4 for a federal waiver of any assistance program requirements, except  
5 such application pertaining to routine operational issues, to the joint  
6 standing committee of the General Assembly having cognizance of  
7 matters relating to appropriations and the budgets of state agencies  
8 and to the joint standing committee of the General Assembly having  
9 cognizance of matters relating to human services prior to the  
10 submission of such application to the federal government. [Within]  
11 Not later than thirty days after the date of their receipt of such  
12 application, the joint standing committees [may] shall advise the  
13 commissioner of their approval, denial or modifications, if any, of [his]

14 the commissioner's application. If the joint standing committees advise  
15 the commissioner of their denial of the commissioner's application, the  
16 commissioner shall not submit the application for a federal waiver to  
17 the federal government. If such committees do not concur, the  
18 committee chairpersons shall appoint a committee of conference which  
19 shall be comprised of three members from each joint standing  
20 committee. At least one member appointed from each joint standing  
21 committee shall be a member of the minority party. The report of the  
22 committee of conference shall be made to each joint standing  
23 committee, which shall vote to accept or reject the report. The report of  
24 the committee of conference may not be amended. If a joint standing  
25 committee rejects the report of the committee of conference, the  
26 commissioner's application shall be deemed approved. If the joint  
27 standing committees accept the report, the committee having  
28 cognizance of matters relating to appropriations and the budgets of  
29 state agencies shall advise the commissioner of their approval, denial  
30 or modifications, if any, of the commissioner's application. If the joint  
31 standing committees do not so advise the commissioner during the  
32 thirty-day period, the application shall be deemed approved. Any  
33 application for a federal waiver submitted by the commissioner,  
34 pursuant to this section, shall be in accordance with the approval or  
35 modifications, if any, of the joint standing committee of the General  
36 Assembly having cognizance of matters relating to appropriations and  
37 the budgets of state agencies and the joint standing committee of the  
38 General Assembly having cognizance of matters relating to human  
39 services.

40 (b) If in developing the budget for the department for the next fiscal  
41 year, the commissioner contemplates applying for a federal waiver,  
42 [he] the commissioner shall notify the joint standing committee of the  
43 General Assembly having cognizance of matters relating to  
44 appropriations and the budgets of state agencies and the joint standing  
45 committee of the General Assembly having cognizance of matters  
46 relating to human services of the possibility of such application.

47 (c) Prior to submission of an application for a waiver from federal

48 law to the General Assembly under subsection (a) of this section, the  
 49 Commissioner of Social Services shall publish a notice that the  
 50 commissioner intends to seek such a waiver in the Connecticut Law  
 51 Journal, along with a summary of the provisions of the waiver  
 52 application and the manner in which individuals may submit  
 53 comments. The commissioner shall allow fifteen days for written  
 54 comments on the waiver application prior to submission of the  
 55 application for a waiver to the General Assembly under subsection (a)  
 56 of this section and shall include all written comments with the waiver  
 57 application in the submission to the General Assembly.

58 (d) The commissioner shall include with any waiver application  
 59 submitted to the federal government pursuant to this section: (1) Any  
 60 written comments received pursuant to subsection (c) of this section;  
 61 and (2) a complete transcript of the joint committee proceedings held  
 62 pursuant to subsection (a) of this section, including any additional  
 63 written comments submitted to the joint committees at such  
 64 proceedings. The joint committees shall transmit any such materials to  
 65 the commissioner for inclusion with any such waiver application.

This act shall take effect as follows:	
Section 1	July 1, 2003

**HS**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Dept of Social Services	GF - Cost	Minimal	Minimal

**Municipal Impact:** None

**Explanation**

This bill changes the Medicaid waiver approval process in order to make it consistent with the approval process for federal block grants. These changes are not anticipated to result in any fiscal impact. The bill further requires the Commissioner of Social Services to include additional materials upon the submission of waiver applications to the federal government. This requirement will lead to minimal increased administrative costs the department.

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**OLR Bill Analysis**

sSB 687

**AN ACT CONCERNING LEGISLATIVE OVERSIGHT OF THE  
FEDERAL WAIVER APPLICATION PROCESS****SUMMARY:**

This bill strengthens legislative oversight of Department of Social Services (DSS) federal waiver applications. By law, whenever DSS submits an application to the federal government to waive certain requirements in a federal program it administers, it must first submit it to the Human Services and Appropriations committees. This bill requires, rather than allows, the committees to advise the DSS commissioner of their approval, rejection, or modification of the application within 30 days of receiving it and deems a failure to do so an approval.

The bill (1) outlines the action that the commissioner must take if the committees reject or modify an application and (2) creates a procedure to be followed when the committees disagree. If the committees reject the waiver application, the commissioner may not submit it to the federal government. She must modify the application when the committees advise her to do so. If the committees disagree, the bill requires the committee chairmen to appoint a conference committee comprised of three members from each standing committee, one of whom must be from the minority party.

The conference committee must report to the standing committees, which in turn must vote to accept or reject, but not amend, the report. The Appropriations Committee must advise the commissioner if both committees accept the report and she must act in accordance with it. If either committee rejects the conference report, the waiver application is deemed approved.

When submitting the application to the federal government, the bill requires the commissioner to include a complete transcript of the joint committees' proceedings along with the written comments submitted, which the bill directs the committees to transmit to her. She must also include any written comments she receives during the public comment

period already established in law.

EFFECTIVE DATE: July 1, 2003

## **BACKGROUND**

### ***Public Comment Period for Federal Waiver Applications***

By law, DSS must publish notice in the *Connecticut Law Journal* whenever it intends to seek a federal waiver. The commissioner must allow 15 days for written comments on the application before submitting it to the legislative committees for their review. She must include these comments with the waiver application she submits to the committees.

## **COMMITTEE ACTION**

Human Services Committee

Joint Favorable Substitute

Yea 18    Nay 0