

1-1 By: Uresti, Lucio S.B. No. 169
1-2 (In the Senate - Filed November 10, 2014; January 27, 2015,
1-3 read first time and referred to Committee on Veteran Affairs and
1-4 Military Installations; March 16, 2015, reported adversely, with
1-5 favorable Committee Substitute by the following vote:
1-6 Yeas 7, Nays 0; March 16, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Campbell	X		
1-10	Burton	X		
1-11	Birdwell	X		
1-12	Garcia	X		
1-13	Hall	X		
1-14	Lucio	X		
1-15	Rodríguez	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 169 By: Lucio

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to ensuring that certain military members and their
1-20 spouses and dependents maintain their positions on interest lists
1-21 or other waiting lists for certain health and human services
1-22 assistance programs.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter B, Chapter 531, Government Code, is
1-25 amended by adding Section 531.0931 to read as follows:

1-26 Sec. 531.0931. INTEREST LIST OR OTHER WAITING LIST RULES
1-27 FOR CERTAIN MILITARY MEMBERS AND THEIR DEPENDENTS. (a) In this
1-28 section, "military member" means a member of the United States
1-29 military serving in the army, navy, air force, marine corps, or
1-30 coast guard on active duty.

1-31 (b) This section applies only to:

1-32 (1) a military member who has declared and maintains
1-33 this state as the member's home of record in the manner provided by
1-34 the applicable military branch, or a spouse or dependent child of
1-35 the member; or

1-36 (2) the spouse or dependent child of a former military
1-37 member who had declared and maintained this state as the member's
1-38 home of record in the manner provided by the applicable military
1-39 branch and who:

1-40 (A) was killed in action; or

1-41 (B) died while in service.

1-42 (c) The executive commissioner by rule shall require the
1-43 commission or another health and human services agency to:

1-44 (1) maintain the position of a person subject to this
1-45 section in the queue of an interest list or other waiting list for
1-46 any assistance program, including a Section 1915(c) waiver program,
1-47 provided by the commission or other health and human services
1-48 agency, if the person cannot receive benefits under the assistance
1-49 program because the person temporarily resides out of state as the
1-50 result of military service; and

1-51 (2) subject to Subsection (e), offer benefits to the
1-52 person according to the person's position on the interest list or
1-53 other waiting list that was attained while the person resided out of
1-54 state if the person returns to reside in this state.

1-55 (d) If a person subject to this section reaches a position
1-56 on an interest list or other waiting list that would allow the
1-57 person to receive benefits under an assistance program but the
1-58 person cannot receive the benefits because the person temporarily
1-59 resides out of state as the result of military service, the
1-60 commission or agency providing the benefits shall maintain the

2-1 person's position on the list relative to other persons on the list
2-2 but continue to offer benefits to other persons on the interest list
2-3 or other waiting list in accordance with those persons' respective
2-4 positions on the list.

2-5 (e) In adopting rules under Subsection (c), the executive
2-6 commissioner must limit the amount of time a person may maintain the
2-7 person's position on an interest list or other waiting list under
2-8 Subsection (c) to not more than one year after the date on which, as
2-9 applicable:

- 2-10 (1) the member's active duty ends;
- 2-11 (2) the member was killed if the member was killed in
2-12 action; or
- 2-13 (3) the member died if the member died while in
2-14 service.

2-15 SECTION 2. The executive commissioner of the Health and
2-16 Human Services Commission shall adopt the rules necessary to
2-17 implement Section 531.0931, Government Code, as added by this Act,
2-18 not later than December 1, 2015.

2-19 SECTION 3. If before implementing any provision of this Act
2-20 a state agency determines that a waiver, an amendment to an existing
2-21 waiver, or another authorization from a federal agency is necessary
2-22 for implementation of that provision, the agency affected by the
2-23 provision shall request the waiver, amendment to the existing
2-24 waiver, or other authorization and may delay implementing that
2-25 provision until the waiver, amendment, or authorization is granted.

2-26 SECTION 4. This Act takes effect immediately if it receives
2-27 a vote of two-thirds of all the members elected to each house, as
2-28 provided by Section 39, Article III, Texas Constitution. If this
2-29 Act does not receive the vote necessary for immediate effect, this
2-30 Act takes effect September 1, 2015.

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