

## **BILL ANALYSIS**

Senate Research Center

S.B. 169  
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Veteran Affairs & Military Installations  
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Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, no protection exists to ensure that the family members of active duty service members maintain their spot on interest lists for health and human services programs when a family is relocated out of state while fulfilling their military commitment. S.B. 169 directs the executive commissioner of the Health and Human Services Commission to develop rules that will ensure that our men and women in uniform can perform their duties admirably, without jeopardizing the access to services their family member could one day need.

S.B. 169 amends current law relating to ensuring that certain military members and their spouses and dependents maintain their positions on interest lists or other waiting lists for certain health and human services assistance programs.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 531.0931, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 531, Government Code, by adding Section 531.0931, as follows:

Sec. 531.0931. INTEREST LIST OR OTHER WAITING LIST RULES FOR CERTAIN MILITARY MEMBERS AND THEIR DEPENDENTS. (a) Defines "military member."

(b) Provides that this section applies only to:

(1) a military member who has declared and maintains this state as the member's state of legal residence in the manner provided by the applicable military branch, or a spouse or dependent child of the member; or

(2) the spouse or dependent child of a former military member who had declared and maintained this state as the member's state of legal residence in the manner provided by the applicable military branch and who was killed in action or died while in service.

(c) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) (HHSC) to by rule require HHSC or another health and human services agency to:

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

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

(d) Requires the commission or agency providing benefits to maintain a person's position on the list relative to other persons on the list but continue to offer benefits to other persons on the interest list or other waiting list in accordance with those persons' respective positions on the list if a person subject to this section reaches a position on an interest list or other waiting list that would allow the person to receive benefits under an assistance program but the person cannot receive the benefits under an assistance program because the person temporarily resides out of state as the result of military service.

(e) Requires the executive commissioner, in adopting rules under Subsection (c), to limit the amount of time a person may maintain the person's position on an interest list or other waiting list under Subsection (c) to not more than one year after the date on which, as applicable, the member's active duty ends, the member was killed if the member was killed in action, or the member died if the member died while in service.

SECTION 2. Requires the executive commissioner to adopt the rules necessary to implement Section 531.0931, Government Code, as added by this Act, not later than December 1, 2015.

SECTION 3. Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes the delay of implementation until such a waiver or authorization is granted.

SECTION 4. Effective date: upon passage or September 1, 2015.