

BILL ANALYSIS

C.S.S.B. 169
By: Uresti
Defense & Veterans' Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that a military member generally is removed from a waitlist for certain assistance programs if the member moves away from Texas, which prevents many members from receiving assistance from those programs. C.S.S.B. 169 seeks to facilitate a member's receipt of assistance that the member has rightfully earned through service in the military when the member temporarily resides out of Texas.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

C.S.S.B. 169 amends the Government Code to require the executive commissioner of the Health and Human Services Commission, by rule, to require the Health and Human Services Commission (HHSC) or another health and human services agency to maintain the position of an applicable military member in the queue of an interest list or other waiting list for any assistance program, including a federal Section 1915(c) waiver program, provided by HHSC or another health and human services agency, if the person cannot receive benefits under the assistance program because the person temporarily resides out of state as a result of military service, and to 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 Texas. The bill requires HHSC or the agency providing the benefits, if the person 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 because the person temporarily resides out of state as the result of military service, to maintain the 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. These requirements apply with respect to an applicable military member who has declared and maintains Texas as the member's state of legal residence in the manner provided by the applicable military branch, and to a spouse or dependent child of that member, and also to the spouse or dependent child of a former military member who had declared and maintained Texas 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. The bill requires the executive commissioner, not later than December 1, 2015, to adopt the rules necessary to implement the bill's provisions and, in adopting such rules, to limit the amount of time a person may maintain the person's position on the interest list or other waiting list to a maximum of one year after the

date on which the member's active duty ends, the date on which the member was killed if the member was killed in action, or the date on which the member died if the member died while in service.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 169 may differ from the senate engrossed version in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

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

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

(b) This section applies only to:

(1) a military member who has declared and maintains this state as the member's home of record 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 home of record in the manner provided by the applicable military branch and who:

(A) was killed in action; or

(B) died while in service.

(c) The executive commissioner by rule shall require the commission 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 the commission 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

HOUSE COMMITTEE SUBSTITUTE

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

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

(b) 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:

(A) was killed in action; or

(B) died while in service.

(c) The executive commissioner by rule shall require the commission 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 the commission 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) 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 because the person temporarily resides out of state as the result of military service, the commission or agency providing the benefits shall maintain the 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.

(e) In adopting rules under Subsection (c), the executive commissioner must 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:

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

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

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

(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) 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 because the person temporarily resides out of state as the result of military service, the commission or agency providing the benefits shall maintain the 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.

(e) In adopting rules under Subsection (c), the executive commissioner must 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:

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

SECTION 2. Same as engrossed version.

SECTION 3. Same as engrossed version.

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

SECTION 4. Same as engrossed version.