

By: Naishtat

H.B. No. 1625

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the exclusion of certain resources in determining
3 eligibility for the financial assistance, medical assistance, and
4 food stamp programs.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 31.032(d), Human Resources Code, is
7 amended to read as follows:

8 (d) In determining whether an applicant is eligible for
9 assistance, the department shall exclude from the applicant's
10 available resources:

11 (1) \$1,000 for the applicant's household, including a
12 household in which there is a person with a disability or a person
13 who is at least 60 years of age; ~~and~~

14 (2) the fair market value of each motor vehicle:

15 (A) in which the applicant or any other person in
16 the applicant's household has an ownership interest; and

17 (B) the fair market value of which is less than
18 \$4,650;

19 (3) each motor vehicle that may be excluded under 7
20 C.F.R. Section 273.8(e)(3);

21 (4) the fair market value of the motor vehicle, other
22 than a motor vehicle that is excluded, or the value of which is
23 excluded, under Subdivision (2) or (3):

24 (A) in which the applicant or any other person in

1 the applicant's household has an ownership interest; and

2 (B) that has the greatest fair market value as
3 compared to each other motor vehicle in which the applicant or any
4 other person in the applicant's household has an ownership
5 interest; and

6 (5) with respect to each motor vehicle in which the
7 applicant has an ownership interest, other than the motor vehicles
8 that are otherwise excluded, or the values of which are otherwise
9 excluded, under this subsection, the greater of:

10 (A) the difference between the fair market value
11 of the motor vehicle and the value of the applicant's equity in the
12 motor vehicle; or

13 (B) \$4,650 [~~in a motor vehicle, but not more than~~
14 ~~the amount determined according to the following schedule:~~

15 ~~[(A) \$4,550 on or after September 1, 1995, but~~
16 ~~before October 1, 1995,~~

17 ~~[(B) \$4,600 on or after October 1, 1995, but~~
18 ~~before October 1, 1996,~~

19 ~~[(C) \$5,000 on or after October 1, 1996, but~~
20 ~~before October 1, 1997; and~~

21 ~~[(D) \$5,000 plus or minus an amount to be~~
22 ~~determined annually beginning on October 1, 1997, to reflect~~
23 ~~changes in the new car component of the Consumer Price Index for All~~
24 ~~Urban Consumers published by the Bureau of Labor Statistics].~~

25 SECTION 2. Subchapter B, Chapter 32, Human Resources Code,
26 is amended by adding Section 32.0265 to read as follows:

27 Sec. 32.0265. DETERMINATION OF RESOURCES: MOTOR VEHICLE

1 ALLOWANCES. (a) To the extent allowed by federal law and except as
2 provided by Subsection (b), for purposes of determining whether a
3 person meets the resource requirements for eligibility for medical
4 assistance, the department shall exclude from the person's
5 resources the motor vehicle allowances that would be excluded under
6 Section 31.032(d) if the person were an applicant for financial
7 assistance.

8 (b) Subsection (a) does not apply in determining the
9 eligibility of a person for medical assistance if a less
10 restrictive provision relating to motor vehicle allowances would
11 otherwise apply in determining the person's eligibility for a
12 specific category of medical assistance.

13 SECTION 3. Chapter 33, Human Resources Code, is amended by
14 adding Section 33.014 to read as follows:

15 Sec. 33.014. DETERMINATION OF RESOURCES: MOTOR VEHICLE
16 ALLOWANCES. For purposes of determining whether a person meets the
17 resource requirements for eligibility for food stamps, the
18 department shall exclude from the person's resources the motor
19 vehicle allowances that would be excluded under Section 31.032(d)
20 if the person were an applicant for financial assistance.

21 SECTION 4. If before implementing any provision of this Act
22 a state agency determines that a waiver or authorization from a
23 federal agency is necessary for implementation of that provision,
24 the agency affected by the provision shall request the waiver or
25 authorization and may delay implementing that provision until the
26 waiver or authorization is granted.

27 SECTION 5. The changes in law made by this Act apply to an

1 initial determination or redetermination of eligibility of a person
2 for financial assistance under Chapter 31, Human Resources Code,
3 medical assistance under Chapter 32, Human Resources Code, or the
4 food stamp program under Chapter 33, Human Resources Code, that is
5 made on or after the effective date of this Act.

6 SECTION 6. This Act takes effect September 1, 2009.