

AN ACT

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.

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

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.

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

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

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

14 (d) If a person subject to this section reaches a position
15 on an interest list or other waiting list that would allow the
16 person to receive benefits under an assistance program but the
17 person cannot receive the benefits because the person temporarily
18 resides out of state as the result of military service, the
19 commission or agency providing the benefits shall maintain the
20 person's position on the list relative to other persons on the list
21 but continue to offer benefits to other persons on the interest list
22 or other waiting list in accordance with those persons' respective
23 positions on the list.

24 (e) In adopting rules under Subsection (c), the executive
25 commissioner must limit the amount of time a person may maintain the
26 person's position on an interest list or other waiting list under
27 Subsection (c) to not more than one year after the date on which, as

1 applicable:

2 (1) the member's active duty ends;

3 (2) the member was killed if the member was killed in
4 action; or

5 (3) the member died if the member died while in
6 service.

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

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

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 169 passed the Senate on March 30, 2015, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 22, 2015, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 169 passed the House, with amendment, on May 19, 2015, by the following vote: Yeas 144, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor