

By: King of Taylor

H.B. No. 765

A BILL TO BE ENTITLED

AN ACT

relating to ensuring that certain military members who reside out of state and their dependents maintain their positions on waiting lists for certain assistance programs provided by health and human services agencies.

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. 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 child of the member; or

(2) the spouse or 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:

(A) who was killed in action; or

(B) who died while in service.

(c) The executive commissioner by rule shall require the

1 commission or another health and human services agency to maintain
2 the position of a person subject to this section in the queue of an
3 interest list or other waiting list for any assistance program,
4 including a Section 1915(c) waiver program, provided by the
5 commission or other health and human services agency, if the person
6 temporarily resides out of state.

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

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

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

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

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