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HOUSE OF REPRESENTATIVES

Ruth McClendon
BY: _____

FLOOR AMENDMENT NO. _____

1 Amend C.S.H.B. No. 5 (house committee report) by adding the
2 following appropriately numbered SECTIONS to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. (a) Subchapter Z, Chapter 33, Education
5 Code, is amended by adding Section 33.907 to read as follows:

6 Sec. 33.907. LICENSED PSYCHOLOGIST OR PROFESSIONAL
7 COUNSELOR. (a) A school district shall assign a full-time
8 psychologist licensed under Chapter 501, Occupations Code, a
9 full-time licensed clinical social worker or a full-time
10 professional counselor licensed under Chapter 503, Occupations
11 Code, at each campus in the district.

12 (b) The primary responsibility of a psychologist, licensed
13 clinical social worker or professional counselor assigned under
14 this section is to assist students in confidential counseling
15 matters.

16 (c) A psychologist, licensed clinical social worker or
17 professional counselor assigned under this section may not
18 consult with a student without the permission of the student's
19 parent or guardian unless:

20 (1) the safety of the student is at issue;

21 (2) the student is at risk of being involved in domestic
22 violence; or

23 (3) a court order allows or requires the consultation
24 without the permission.

25 (b) This section applies beginning with the 2013-2014

1 school year.

2 SECTION _____. (a) Subchapter E, Chapter 42, Education
3 Code, is amended by adding Section 42.25191 to read as follows:

4 Sec. 42.25191. ADDITIONAL STATE AID FOR LICENSED
5 PSYCHOLOGISTS, LICENSED CLINICAL SOCIAL WORKERS OR PROFESSIONAL
6 COUNSELORS. (a) For each school year, from funds that may be
7 used for the purpose, a school district is entitled to state aid
8 in an amount, as determined by the commissioner, sufficient to
9 assist the district in employing the number of licensed
10 psychologists, licensed clinical social workers or professional
11 counselors required by Section 33.907.

12 (b) The amount of state aid to which a school district is
13 entitled under this section is in addition to the amount of
14 revenue to which the district is entitled under Section
15 42.2516(b). This subsection expires September 1, 2017.

16 (c) The commissioner shall adopt rules as necessary to
17 administer this section.

18 (b) This section applies beginning with the 2013-2014
19 school year.

20 SECTION _____. Section 466.408(b), Government Code, is
21 amended to read as follows:

22 (b) If a claim is not made for prize money on or before
23 the 180th day after the date on which the winner was selected,
24 the prize money shall be used in the following order of
25 priority:

26 (1) subject to legislative appropriation, not more than
27 \$20 million in prize money each year may be deposited to or
28 appropriated from the [~~Texas~~] Department of State Health
29 Services state-owned multicategorical teaching hospital account,
30 which is an account in the general revenue fund;

31 (2) not more than \$5 million in prize money each year may

1 be appropriated to the Health and Human Services Commission and
2 shall be used to support the provision of inpatient hospital
3 services in hospitals located in the 15 counties that comprise
4 the Texas-Mexico border area, with payment for those services to
5 be not less than the amount established under the Tax Equity and
6 Fiscal Responsibility Act of 1982 (TEFRA) cost reimbursement
7 methodology for the hospital providing the services;

8 (3) not more than ~~[the remaining amount, not to exceed]~~ \$5
9 million in prize money in each state fiscal year less any amount
10 deposited in the fund in that year attributable to the lottery
11 game operated under Section 466.027, shall be deposited to the
12 fund for veterans' assistance; ~~[and]~~

13 (4) subject to legislative appropriation, the amount
14 determined by the legislature of prize money in each state
15 fiscal year may be appropriated to the Texas Education Agency
16 for purposes of providing additional state aid to school
17 districts for employment of licensed psychologists, licensed
18 clinical social workers and professional counselors as provided
19 by Section 42.25191, Education Code; and

20 (5) all prize money subject to this section and not
21 appropriated or deposited as provided by Subdivision (1), (2),
22 (3), or (4) ~~[from the Texas Department of Health state-owned~~
23 ~~multicategorical teaching hospital account, not appropriated to~~
24 ~~the Health and Human Services Commission for the purpose~~
25 ~~specified in Subdivision (2), and not deposited under~~
26 ~~Subdivision (3),]~~ shall be deposited in the general revenue fund
27 and may be appropriated for any purpose as determined by the
28 legislature, including the provision of indigent health care
29 services as specified in Chapter 61, Health and Safety Code.

30 SECTION _____. The change in law made by this Act to
31 Section 466.408(b), Government Code, applies only to a prize for

1 which the winner is selected on or after September 1, 2013. A
2 prize for which the winner was selected before September 1,
3 2013, is governed by the law as it existed immediately before
4 the effective date of this Act, and that law is continued in
5 effect for that purpose.