

1-1 By: Zaffirini S.B. No. 49
 1-2 (In the Senate - Filed November 12, 2012; January 28, 2013,
 1-3 read first time and referred to Committee on Health and Human
 1-4 Services; March 13, 2013, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
 1-6 March 13, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 49 By: Zaffirini

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to transitional living assistance and appropriate care
 1-22 settings for children with disabilities who reside in general
 1-23 residential operations.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 531.0244, Government Code, is amended by
 1-26 adding Subsection (c-1) to read as follows:

1-27 (c-1) For purposes of determining the appropriateness of
 1-28 transfers under Subsection (b)(3) and developing the strategies
 1-29 required by Subsection (b)(4), a health and human services agency
 1-30 shall presume the eligibility of a child residing in a general
 1-31 residential operation, as defined by Section 42.002, Human
 1-32 Resources Code, for transfer to an appropriate community-based
 1-33 setting.

1-34 SECTION 2. Subdivision (1), Subsection (a), Section
 1-35 531.059, Government Code, is amended to read as follows:

1-36 (1) "Institutional housing" means:

1-37 (A) an ICF-MR, as defined by Section 531.002,
 1-38 Health and Safety Code;

1-39 (B) a nursing facility;

1-40 (C) a state hospital, state school, or state
 1-41 center maintained and managed by the Texas Department of Mental
 1-42 Health and Mental Retardation; ~~or~~

1-43 (D) an institution for the mentally retarded
 1-44 licensed or operated by the Department of Family and Protective
 1-45 [and Regulatory] Services; or

1-46 (E) a general residential operation, as defined
 1-47 by Section 42.002, Human Resources Code.

1-48 SECTION 3. If before implementing any provision of this Act
 1-49 a state agency determines that a waiver or authorization from a
 1-50 federal agency is necessary for implementation of that provision,
 1-51 the agency affected by the provision shall request the waiver or
 1-52 authorization and may delay implementing that provision until the
 1-53 waiver or authorization is granted.

1-54 SECTION 4. This Act takes effect immediately if it receives
 1-55 a vote of two-thirds of all the members elected to each house, as
 1-56 provided by Section 39, Article III, Texas Constitution. If this
 1-57 Act does not receive the vote necessary for immediate effect, this
 1-58 Act takes effect September 1, 2013.

1-59 * * * * *