

By: Sheets

H.B. No. 2011

A BILL TO BE ENTITLED

AN ACT

relating to the admission of persons who are not legal residents of the United States to public institutions of higher education.

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

SECTION 1. Section 51.801, Education Code, is amended to read as follows:

Sec. 51.801. DEFINITIONS. In this subchapter, "general academic teaching institution," "governing board," "institution of higher education," "medical and dental unit," and "university system" have the meanings assigned by Section 61.003.

SECTION 2. Subchapter U, Chapter 51, Education Code, is amended by adding Section 51.806 to read as follows:

Sec. 51.806. ADMISSION PREFERENCE FOR LEGAL RESIDENTS. (a)

In this section, "undocumented immigrant" means a person who:

(1) is not a citizen or other national of the United States; and

(2) is not lawfully authorized to be present in the United States under the Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.) or other federal law.

(b) An institution of higher education may not consider for admission an applicant who is an undocumented immigrant until each qualified applicant who is a citizen or other national of the United States or who is otherwise lawfully present in the United States has first been offered admission.

1 (c) Each institution of higher education shall determine
2 the citizenship status of each applicant at the time of the
3 applicant's application for admission.

4 (d) To make the determination required by Subsection (c),
5 the institution of higher education shall require each applicant to
6 provide:

7 (1) if the applicant was born a citizen or other
8 national of the United States, an original or certified copy of the
9 applicant's birth certificate; or

10 (2) if the applicant was not born a citizen or other
11 national of the United States:

12 (A) a notarized copy of official documentation of
13 the applicant's citizenship or immigration status; and

14 (B) an affidavit by which the applicant attests
15 that the documentation presented states the true identity and
16 status of the applicant.

17 SECTION 3. This Act applies beginning with admissions to
18 institutions of higher education for the 2012-2013 academic year.
19 Admissions to an institution of higher education before that
20 academic year are governed by the law in effect before the effective
21 date of this Act, and the former law is continued in effect for that
22 purpose.

23 SECTION 4. The Texas Higher Education Coordinating Board
24 shall adopt rules relating to the admission of students under
25 Section 51.806, Education Code, as added by this Act, as soon as
26 practicable after the effective date of this Act.

27 SECTION 5. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2011.