

By: Taylor of Collin

H.B. No. 3537

A BILL TO BE ENTITLED

AN ACT

relating to collecting information and requiring reimbursement from certain recipients of certain public benefits.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Sections 531.024181 and 531.024182 to read as follows:

Sec. 531.024181. COLLECTION OF IMMIGRATION FORMS FROM RECIPIENTS OF CERTAIN BENEFITS. (a) If, at the time of application for benefits, a person states that the person is a qualified alien, as that term is defined by 8 U.S.C. Section 1641(b), the commission shall make a reasonable effort to obtain copies of the immigration forms the person submitted for admission into the United States if the person is determined eligible for and begins receiving benefits under any of the following benefits programs:

(1) the child health plan program under Chapter 62, Health and Safety Code;

(2) the financial assistance program under Chapter 31, Human Resources Code;

(3) the medical assistance program under Chapter 32, Human Resources Code; or

(4) the nutritional assistance program under Chapter 33, Human Resources Code.

(b) The executive commissioner shall adopt rules necessary

1 to implement this section, including rules that specify the  
2 immigration forms that the commission shall seek to obtain under  
3 Subsection (a).

4 (c) Nothing in this section adds to or changes the  
5 eligibility requirements for any of the benefits programs listed in  
6 Subsection (a).

7 Sec. 531.024182. COLLECTION OF INFORMATION AND  
8 REIMBURSEMENT REQUIRED FROM CERTAIN BENEFITS RECIPIENTS WHO ARE  
9 SPONSORED ALIENS. (a) In this section, "sponsored alien" means a  
10 person who has been lawfully admitted to the United States for  
11 permanent residence under the Immigration and Nationality Act (8  
12 U.S.C. Section 1101 et seq.) and who, as a condition of admission,  
13 was sponsored by a person who executed an affidavit of support on  
14 behalf of the person.

15 (b) If, at the time of application for benefits, a person  
16 states that the person is a sponsored alien, the commission shall  
17 make a reasonable effort to obtain copies of the forms related to  
18 the sponsorship, including the affidavit of support executed by the  
19 person's sponsor, if the person is determined eligible for and  
20 begins receiving benefits under any of the following benefits  
21 programs:

22 (1) the child health plan program under Chapter 62,  
23 Health and Safety Code;

24 (2) the financial assistance program under Chapter 31,  
25 Human Resources Code;

26 (3) the medical assistance program under Chapter 32,  
27 Human Resources Code; or

1           (4) the nutritional assistance program under Chapter  
2 33, Human Resources Code.

3           (c) After the commission verifies that a person who receives  
4 benefits under a program listed in Subsection (b) is a sponsored  
5 alien, the commission shall seek reimbursement from the person or  
6 the person's sponsor for any benefits provided to the person under  
7 those programs to the extent allowed by federal law.

8           (d) The executive commissioner shall adopt rules necessary  
9 to implement this section, including rules that specify the forms  
10 related to sponsorship that the commission shall seek to obtain  
11 under Subsection (b) and the procedures by which the commission  
12 will seek reimbursement under Subsection (c).

13           (e) Nothing in this section adds to or changes the  
14 eligibility requirements for any of the benefits programs listed in  
15 Subsection (b).

16           SECTION 2. If before implementing any provision of this Act  
17 a state agency determines that a waiver or authorization from a  
18 federal agency is necessary for implementation of that provision,  
19 the agency affected by the provision shall request the waiver or  
20 authorization and may delay implementing that provision until the  
21 waiver or authorization is granted.

22           SECTION 3. This Act takes effect September 1, 2011.