

By: White

H.B. No. 219

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the provision of certain public benefits and services  
3 to persons not lawfully present in the United States and  
4 reimbursement from the federal government for those benefits and  
5 services.

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

7 SECTION 1. Title 10, Government Code, is amended by adding  
8 Subtitle H to read as follows:

9 SUBTITLE H. PROVISION OF PUBLIC BENEFITS AND SERVICES BY STATE AND  
10 LOCAL GOVERNMENTS

11 CHAPTER 2351. PROVISION OF PUBLIC BENEFITS AND SERVICES TO PERSONS  
12 NOT LAWFULLY PRESENT IN THE UNITED STATES

13 Sec. 2351.001. DEFINITION. In this chapter, "governmental  
14 entity" means an agency of this state or of a political subdivision  
15 of this state.

16 Sec. 2351.002. PROVISION OF CERTAIN BENEFITS AND SERVICES  
17 PROHIBITED. A governmental entity may not provide education or  
18 health benefits or services at no cost to a person who is not  
19 lawfully present in the United States, unless required by federal  
20 law. Benefits and services that may not be provided include:

21 (1) public education;

22 (2) health care assistance under Chapter 61, Health  
23 and Safety Code; and

24 (3) medical assistance under Chapter 32, Human

1 Resources Code.

2 Sec. 2351.003. COST OF BENEFITS AND SERVICES PROVIDED. Not  
3 later than December 31 of each year, the comptroller shall  
4 determine the total amount spent during the previous state fiscal  
5 year by all governmental entities to provide to persons not  
6 lawfully present in the United States education and health benefits  
7 and services required by federal law. The comptroller shall obtain  
8 this information from the Health and Human Services Commission, the  
9 Department of State Health Services, the Texas Education Agency,  
10 school districts, counties, hospital districts, and other relevant  
11 governmental entities. Information sought by the comptroller under  
12 this section may not:

- 13 (1) contain personally identifiable information; or  
14 (2) violate any federal or state laws, including  
15 rules, regarding privacy.

16 Sec. 2351.004. REQUEST FOR REIMBURSEMENT. Not later than  
17 March 31 of each year, based on the information obtained under  
18 Section 2351.003, the comptroller shall make a written request to  
19 the United States Congress for reimbursement of the cost of  
20 providing to persons not lawfully present in the United States  
21 education and health benefits and services required by federal law  
22 during the previous state fiscal year.

23 Sec. 2351.005. RULEMAKING AUTHORITY. The comptroller may  
24 adopt rules as necessary to implement this chapter.

25 SECTION 2. If before implementing any provision of this Act  
26 a state agency determines that a waiver or authorization from a  
27 federal agency is necessary for implementation of that provision,

1 the agency affected by the provision shall request the waiver or  
2 authorization and may delay implementing that provision until the  
3 waiver or authorization is granted.

4 SECTION 3. This Act takes effect September 1, 2013.