A BILL TO BE ENTITLED

AN ACT

relating to the provision of certain public benefits and services

to persons not lawfully present in the United States and

reimbursement from the federal government for those benefits and

services.

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

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

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

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

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

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

(1) public education;

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

(3) medical assistance under Chapter 32, Human
Sec. 2351.003. COST OF BENEFITS AND SERVICES PROVIDED. Not later than December 31 of each year, the comptroller shall determine the total amount spent during the previous state fiscal year by all governmental entities to provide to persons not lawfully present in the United States education and health benefits and services required by federal law. The comptroller shall obtain this information from the Health and Human Services Commission, the Department of State Health Services, the Texas Education Agency, school districts, counties, hospital districts, and other relevant governmental entities. Information sought by the comptroller under this section may not:

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

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

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

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

SECTION 3. This Act takes effect September 1, 2015.