87R10534 BDP-F

By:  Fierro H.B. No. 3352

A BILL TO BE ENTITLED

AN ACT

relating to removing the word "alien" from certain laws.

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

SECTION 1.  Section 1.07, Alcoholic Beverage Code, is amended to read as follows:

Sec. 1.07.  RESIDENT NONCITIZENS [~~ALIENS~~]. (a) For purposes of any provision of this code that requires an applicant for a license or permit to be a United States citizen or Texas citizen, regardless of whether it applies to an individual, a percentage of stockholders of a corporation, or members of a partnership, firm, or association, an individual who is not a United States citizen but who legally resides in the state is treated as a United States citizen and a citizen of Texas.

(b)  If it is required that an individual have resided in the state for a specified period of time, a noncitizen [~~an alien~~] legally residing in the state satisfies the requirement if the noncitizen [~~he~~] has legally resided in the state for the prescribed period of time. If a noncitizen [~~an alien~~] becomes a United States citizen while residing in Texas, any continuous period of time the noncitizen [~~he~~] legally resided in the state immediately before becoming a citizen is included in computing the [~~his~~] period of continuous residence in the state.

SECTION 2.  Section 54.232, Education Code, is amended to read as follows:

Sec. 54.232.  NATO AGREEMENT. A nonimmigrant person [~~alien~~] who resides in this state in accordance with the Agreement between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces (4 U.S.T. 1792) and the spouse or children of that person [~~alien~~] are considered to be residents for tuition and fee purposes under this title.

SECTION 3.  Section 157.012(c), Finance Code, is amended to read as follows:

(c)  To be eligible to be licensed as a residential mortgage loan originator, the individual, in addition to meeting the requirements of Subsection (a), must:

(1)  satisfy the commissioner as to the individual's honesty, trustworthiness, and integrity;

(2)  not be in violation of this chapter, Chapter 180, or any rules adopted under this chapter or Chapter 180;

(3)  provide the commissioner with satisfactory evidence that the individual meets the qualifications provided by Chapter 180; and

(4)  be a citizen of the United States or a lawfully admitted immigrant [~~alien~~].

SECTION 4.  Section 423.0045(a)(3), Government Code, is amended to read as follows:

(3)  "Detention facility" means a facility operated by or under contract with United States Immigration and Customs Enforcement for the purpose of detaining noncitizens [~~aliens~~] and placing them in removal proceedings.

SECTION 5.  Sections 531.024182(a), (b), (c), and (d), Government Code, are amended to read as follows:

(a)  In this section, "sponsored noncitizen [~~alien~~]" means a person who has been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.) and who, as a condition of admission, was sponsored by a person who executed an affidavit of support on behalf of the person.

(b)  If, at the time of application for benefits, a person stated that the person is a sponsored noncitizen [~~alien~~], the commission may, to the extent allowed by federal law, verify information relating to the sponsorship, using an automated system or systems where available, after 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)  Medicaid; or

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

(c)  If the commission verifies that a person who receives benefits under a program listed in Subsection (b) is a sponsored noncitizen [~~alien~~], the commission may seek reimbursement from the person's sponsor for benefits provided to the person under those programs to the extent allowed by federal law, provided the commission determines that seeking reimbursement is cost-effective.

(d)  If, at the time a person applies for benefits under a program listed in Subsection (b), the person states that the person is a sponsored noncitizen [~~alien~~], the commission shall make a reasonable effort to notify the person that the commission may seek reimbursement from the person's sponsor for any benefits the person receives under those programs.

SECTION 6.  Section 752.004, Government Code, is amended to read as follows:

Sec. 752.004.  APPLICATION FOR AND DISTRIBUTION OF FEDERAL FUNDS. The office shall apply for the maximum amount of federal funds available through the Immigration Reform and Control Act of 1986 (8 U.S.C. Section 1101 et seq.) and the Refugee Act of 1980 (8 U.S.C. Section 1521 et seq.). The office shall apply for those funds and shall distribute the funds to agencies responsible for providing services to persons newly granted legal status [~~legalized aliens~~] and refugees in accordance with federal law. The office may retain a portion of the federal funds to cover reasonable costs incurred in securing and administering the funds. The office may delegate to an appropriate state agency the administration of funds under this section.

SECTION 7.  Section 752.024, Government Code, is amended to read as follows:

Sec. 752.024.  FUNCTIONS OF COMMITTEE. The committee shall:

(1)  advise and make recommendations to the Office of Immigration and Refugee Affairs regarding policy, planning, and priorities for the SLIAG program and refugee assistance programs;

(2)  advise and make recommendations to the Office of Immigration and Refugee Affairs regarding coordination of the efforts of all public agencies involved in health, human services, and education matters that relate to federal immigration and refugee laws and rules or implementation of the SLIAG program or refugee assistance programs;

(3)  encourage communication and cooperation among local agencies and programs, state agencies, immigration-related and refugee-related legal and service agencies, and the federal government;

(4)  assist the Office of Immigration and Refugee Affairs in applying for the maximum amount of federal funds available for SLIAG-related programs and activities and refugee-related programs and activities and in identifying local programs and costs relating to immigration or refugees for which the state or a political subdivision may receive reimbursement;

(5)  provide information to programs and activities that serve and encourage legalization and education of residents of this state;

(6)  review federal issues regarding the SLIAG program and refugee assistance programs and make recommendations to the Office of Immigration and Refugee Affairs to encourage the development of a state response to federal issues;

(7)  review and make recommendations to the Office of Immigration and Refugee Affairs and state agencies to ensure that the system of fiscal and program operations for the SLIAG program and refugee assistance programs is consistent with existing state and federal requirements;

(8)  assist the Office of Immigration and Refugee Affairs in the development of an annual report on the status of the SLIAG program and refugee assistance programs in the state;

(9)  advise and make recommendations to the Office of Immigration and Refugee Affairs on other related matters as directed by the governor; and

(10)  assist the Office of Immigration and Refugee Affairs in the development of a spending plan for fiscal years 1993 and 1994 proposing spending priorities for SLIAG funds for services to eligible persons granted legal status [~~legalized aliens~~] and for other federal funds available to benefit immigrants or refugees in the state.

SECTION 8.  Section 12.0127(a), Health and Safety Code, is amended to read as follows:

(a)  The department, in accordance with 8 U.S.C. Section 1182(e), as amended, under exceptions provided by 8 U.S.C. Section 1184(l), as amended, may request waiver of the foreign country residence requirement for a qualified [~~alien~~] physician who agrees to practice medicine in a medically underserved area or health professional shortage area, as designated by the United States Department of Health and Human Services, that has a current shortage of physicians.

SECTION 9.  Sections 61.008(a) and (c), Health and Safety Code, are amended to read as follows:

(a)  The executive commissioner by rule shall provide that in determining eligibility:

(1)  a county may not consider the value of the applicant's homestead;

(2)  a county must consider the equity value of a car that is in excess of the amount exempted under department guidelines as a resource;

(3)  a county must subtract the work-related and child care expense allowance allowed under department guidelines;

(4)  a county must consider as a resource real property other than a homestead and, except as provided by Subsection (b), must count that property in determining eligibility;

(5)  if an applicant transferred title to real property for less than market value to become eligible for assistance under this chapter, the county may not credit toward eligibility for state assistance an expenditure for that applicant made during a two-year period beginning on the date on which the property is transferred; and

(6)  if an applicant is a sponsored immigrant [~~alien~~], a county may include in the income and resources of the applicant:

(A)  the income and resources of a person who executed an affidavit of support on behalf of the applicant; and

(B)  the income and resources of the spouse of a person who executed an affidavit of support on behalf of the applicant, if applicable.

(c)  In this section, "sponsored immigrant [~~alien~~]" means a person who has been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.) and who, as a condition of admission, was sponsored by a person who executed an affidavit of support on behalf of the person.

SECTION 10.  Section 61.012, Health and Safety Code, is amended to read as follows:

Sec. 61.012.  REIMBURSEMENT FOR SERVICES. (a) In this section, "sponsored immigrant [~~alien~~]" means a person who has been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.) and who, as a condition of admission, was sponsored by a person who executed an affidavit of support on behalf of the person.

(b)  A public hospital or hospital district that provides health care services to a sponsored immigrant [~~alien~~] under this chapter may recover from a person who executed an affidavit of support on behalf of the sponsored immigrant [~~alien~~] the costs of the health care services provided [~~to the alien~~].

(c)  A public hospital or hospital district described by Subsection (b) must notify a sponsored immigrant [~~alien~~] and a person who executed an affidavit of support on behalf of the sponsored immigrant [~~alien~~], at the time the immigrant [~~alien~~] applies for health care services, that a person who executed an affidavit of support on behalf of a sponsored immigrant [~~alien~~] is liable for the cost of health care services provided [~~to the alien~~].

SECTION 11.  Section 5.005, Property Code, is amended to read as follows:

Sec. 5.005.  NONCITIZENS [~~ALIENS~~]. A noncitizen [~~An alien~~] has the same real and personal property rights as a United States citizen.

SECTION 12.  Section 23.56, Tax Code, is amended to read as follows:

Sec. 23.56.  LAND INELIGIBLE FOR APPRAISAL AS OPEN-SPACE LAND. Land is not eligible for appraisal as provided by this subchapter if:

(1)  the land is located inside the corporate limits of an incorporated city or town, unless:

(A)  the city or town is not providing the land with governmental and proprietary services substantially equivalent in standard and scope to those services it provides in other parts of the city or town with similar topography, land utilization, and population density;

(B)  the land has been devoted principally to agricultural use continuously for the preceding five years; or

(C)  the land:

(i)  has been devoted principally to agricultural use or to production of timber or forest products continuously for the preceding five years; and

(ii)  is used for wildlife management;

(2)  the land is owned by an individual who is a nonresident immigrant [~~alien~~] or by a foreign government if that individual or government is required by federal law or by rule adopted pursuant to federal law to register [~~his~~] ownership or acquisition of that property; or

(3)  the land is owned by a corporation, partnership, trust, or other legal entity if the entity is required by federal law or by rule adopted pursuant to federal law to register its ownership or acquisition of that land and a nonresident immigrant [~~alien~~] or a foreign government or any combination of nonresident immigrant [~~aliens~~] and foreign governments own a majority interest in the entity.

SECTION 13.  This Act takes effect September 1, 2021.