

By: Troxclair

H.B. No. 43

A BILL TO BE ENTITLED

AN ACT

relating to the prohibited use of public money to pay the costs of providing public benefits to certain persons.

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

SECTION 1. The purposes of Sections 2 and 3 of this Act are to:

(1) discourage illegal migration into this state, encourage compliance with federal immigration laws, and stop the chaos caused by unfettered migration into this state; and

(2) recognize that:

(A) the unprecedented scale of the current border crisis is overwhelming school district and state resources;

(B) educational services, including online training curricula, are available at greatly reduced rates compared to services previously available and in a much larger alternative marketplace than was previously available; and

(C) the scope of the current border crisis is much wider than in the past, presenting schools in this state with students from over 100 nationalities and untold numbers of native languages.

SECTION 2. Section 25.001(a), Education Code, is amended to read as follows:

(a) Except as provided by Section 25.009, a [A] person who, on the first day of September of any school year, is at least five

1 years of age and under 21 years of age, or is at least 21 years of
2 age and under 26 years of age and is admitted by a school district to
3 complete the requirements for a high school diploma is entitled to
4 the benefits of the available school fund for that year. Any other
5 person enrolled in a prekindergarten class under Section 29.153 is
6 entitled to the benefits of the available school fund.

7 SECTION 3. Subchapter A, Chapter 25, Education Code, is
8 amended by adding Section 25.009 to read as follows:

9 Sec. 25.009. SCHOOL DISTRICT REQUIREMENTS FOR CERTAIN
10 STUDENTS. (a) This section applies only to a student who is not a
11 citizen or lawful permanent resident of the United States.

12 (b) Notwithstanding any other law, a school district:

13 (1) may not use public money, including tax and bond
14 revenue, to pay or subsidize the tuition of a student to which this
15 section applies; and

16 (2) shall:

17 (A) charge a student to which this section
18 applies tuition in an amount equivalent to the average cost of
19 providing educational services to students of the same grade level;
20 and

21 (B) document the student's immigration status in
22 the district's records and report that information to the agency.

23 (c) A school district that violates this section is not
24 entitled to funding under Chapter 46 or 48.

25 SECTION 4. Subtitle H, Title 2, Health and Safety Code, is
26 amended by adding Chapter 174 to read as follows:

1 CHAPTER 174. INELIGIBILITY FOR PUBLIC BENEFITS

2 Sec. 174.001. DEFINITION. In this chapter, "public
3 benefit" means:

4 (1) a benefit provided under a public assistance
5 program, including:

6 (A) the medical assistance program under Chapter
7 32, Human Resources Code, including medical assistance provided in
8 accordance with Section 1903(v), Social Security Act (42 U.S.C.
9 Section 1396b(v));

10 (B) the child health plan program under Chapters
11 62 and 63;

12 (C) the financial assistance program under
13 Chapter 31, Human Resources Code;

14 (D) the nutritional assistance programs under
15 Chapter 33, Human Resources Code, including the supplemental
16 nutrition assistance program under that chapter; and

17 (E) any other public assistance program the
18 commission administers; and

19 (2) any other public benefit administered through the
20 use of public money, including:

21 (A) prenatal care services;

22 (B) emergency shelter services;

23 (C) transitional housing services;

24 (D) health care services;

25 (E) life and safety services; and

26 (F) any other public services.

27 Sec. 174.002. APPLICABILITY. This chapter applies only to

1 a person who is not a citizen or lawful permanent resident of the
2 United States.

3 Sec. 174.003. PROHIBITED PROVISION OF PUBLIC BENEFITS TO
4 CERTAIN PERSONS. Notwithstanding any other law, a state agency or
5 political subdivision of this state may not provide any public
6 benefit to a person described by Section 174.002.

7 SECTION 5. Subchapter M, Chapter 285, Health and Safety
8 Code, is amended by adding Section 285.2015 to read as follows:

9 Sec. 285.2015. PROHIBITED USE OF TAX REVENUE FOR CERTAIN
10 INDIGENT CARE. Notwithstanding any other law, a hospital district
11 created under general or special law may not use tax revenue to
12 cover the costs of health care services provided to an indigent
13 person who is not a citizen or lawful permanent resident of the
14 United States.

15 SECTION 6. Section 285.201, Health and Safety Code, is
16 repealed.

17 SECTION 7. If any provision of this Act or its application
18 to any person or circumstance is held invalid, the invalidity does
19 not affect other provisions or applications of this Act that can be
20 given effect without the invalid provision or application, and to
21 this end the provisions of this Act are declared to be severable.

22 SECTION 8. If before implementing any provision of this Act
23 a state agency determines that any other waiver or authorization
24 from a federal agency is necessary for implementation of that
25 provision, the agency affected by the provision shall request the
26 waiver or authorization and may delay implementing that provision
27 until the waiver or authorization is granted.

1 SECTION 9. This Act takes effect September 1, 2023.