

By: Berman

H.B. No. 255

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting admission by public institutions of higher education of applicants who are not lawfully authorized to be present in the United States.

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

SECTION 1. Subchapter U, Chapter 51, Education Code, is amended by adding Section 51.806 to read as follows:

Sec. 51.806. ADMISSION OF PERSON NOT LAWFULLY PRESENT IN UNITED STATES PROHIBITED. (a) Notwithstanding any other law, an institution of higher education may not admit an applicant for admission to the institution, including an applicant who is applying for readmission to the institution, unless the applicant submits to the institution the documentation required by Texas Higher Education Coordinating Board rule verifying that the applicant is authorized by law to be present in the United States.

(b) Subsection (a) applies to an applicant for admission regardless of whether the applicant previously attended the institution without submitting the documentation required for purposes of this section.

(c) The coordinating board shall adopt rules prescribing the documentation required for purposes of this section.

SECTION 2. As soon as practicable after the effective date of this Act, the Texas Higher Education Coordinating Board shall adopt rules in accordance with Section 51.806, Education Code, as

1 added by this Act, prescribing the documentation required for a
2 public institution of higher education to verify that a person
3 applying for admission is lawfully authorized to be present in the
4 United States.

5 SECTION 3. The change in law made by this Act applies
6 beginning with admission to public institutions of higher education
7 for the 2010 fall semester. Admission for a semester or session
8 before the 2010 fall semester is governed by the applicable law in
9 effect before the effective date of this Act, and that law is
10 continued in effect for that purpose.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2009.