

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 838

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Veteran Affairs & Military Installations-S/C Border Security

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Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In the summer of 2014, Texas experienced an unprecedented immigrant-driven humanitarian crisis, which was disproportionately shouldered by its two southernmost counties: Cameron and Hidalgo.

C.S.S.B. 838 applies the lessons learned during the crisis. It builds on the framework established by the legislature when it created the Office of Immigration and Refugee Affairs (OIRA) in 1991 and takes proactive steps and proposes critical reforms that will improve Texas' response to future immigration crises.

C.S.S.B. 838 makes it clear that the secretary of state (SOS) will assist OIRA but, unlike the filed bill, SOS will not be its coordinator (and thus the substitute strikes Section 2 of the As Filed version of the bill).

Under the substitute, OIRA will not seek reimbursement for immigration-related costs, but rather the substitute provides that SOS on behalf of OIRA will seek funding opportunities to assist state agencies, local governments, nonprofit organizations, and faith-based organizations with costs associated with address matters related to immigrants and refugees.

In new Section 4 of the bill, the substitute provides that SOS, on behalf of OIRA, shall arrange meetings with appropriate local, state, and federal authorities and the appropriate corresponding international authorities, including authorities in Mexico, to develop increased communication, cooperation, and coordination to establish initiatives and government supported efforts that limit the entrance of unlawful aliens into this state.

Under a new provision in Section 5 of the bill, if the governor by proclamation determines that a mass influx of unlawful aliens has created a state of humanitarian crisis, the governor may use the state's disaster contingency fund to, in coordination with the immigration and refugee coordinator for OIRA, provide assistance to state agencies, local governments, nonprofit organizations, and faith-based organizations to alleviate the costs associated with addressing the crisis.

The substitute updates the Governor's Advisory Committee on Immigration and Refugees to one representative (instead of three, as in the As Filed version) from a faith-based organization that assists local governments with matters related to immigrants and refugees and two representatives from voluntary resettlement agencies that receive state or federal funds.

C.S.S.B. 838 amends current law relating to the functions of the Office of Immigration and Refugee Affairs, the Governor's Advisory Committee on Immigration and Refugees, and use of the state's disaster contingency fund for purposes related to immigration and refugees.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

## **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 418.073, Government Code, by adding Subsection (i), to authorize money in the disaster contingency fund to be used to provide assistance for relief of a humanitarian crisis in accordance with Section 752.009(b).

SECTION 2. Amends Section 752.001, Government Code, as follows:

Sec. 752.001. OFFICE OF IMMIGRATION AND REFUGEE AFFAIRS. (a) Creates this subsection from existing text. Provides that the Office of Immigration and Refugee Affairs (OIRA) is within the Health and Human Services Commission, rather than is created within the Texas Department of Human Services.

(b) Requires OIRA to work in conjunction with the office of the secretary of state (SOS). Requires OIRA and SOS to enter into a memorandum of understanding that clearly defines the responsibilities of each office under this subchapter.

SECTION 3. Amends Section 752.004, Government Code, as follows:

Sec. 752.004. New heading: APPLICATION FOR AND DISTRIBUTION OF FEDERAL FUNDS AND FUNDING OPPORTUNITIES. (a) Creates this subsection from existing text. Requires SOS, on behalf of OIRA, to apply for the maximum amount of federal funds available through the Immigration Reform and Control Act of 1986 (Pub. L. No. 99-603), the Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.), the Refugee Act of 1980 (8 U.S.C. Section 1521 et seq.), and other federal programs, as appropriate, for use in assisting state agencies, local governments, nonprofit organizations, and faith-based organizations in addressing matters related to immigrants and refugees. Requires SOS, on behalf of OIRA, to apply for those funds and to distribute the funds to agencies and other entities responsible for providing services to immigrants, including newly legalized aliens, and refugees in accordance with federal law. Authorizes OIRA to retain a portion of the federal funds to cover reasonable costs incurred in securing and administering the funds. Authorizes OIRA to delegate to an appropriate state agency the administration of funds under this section.

(b) Requires SOS, on behalf of OIRA, to pursue federal funding opportunities to assist state agencies, local governments, nonprofit organizations, and faith-based organizations with costs associated with addressing matters related to immigrants and refugees.

SECTION 4. Amend Subchapter A, 752, Government Code, by adding Section 752.0075, as follows:

Sec. 752.0075. INTERNATIONAL MEETINGS. Requires SOS, on behalf of OIRA, to arrange meetings with appropriate local, state, and federal authorities and the appropriate corresponding international authorities, including authorities in Mexico, to develop increased communication, cooperation, and coordination to establish initiatives and government-supported efforts that limit the entrance of unlawful aliens into this state.

SECTION 5. Amends Section 752.009, Government Code, as follows:

Sec. 752.009. FUNDING. (a) Creates this subsection from existing text. Authorizes OIRA, except for any unspent appropriations transferred under this Act or any gifts, grants, or donations accepted under this Act, to use only federal funds to perform the duties prescribed by this Act.

(b) Authorizes the governor, if the governor by proclamation determines that a mass influx of unlawful aliens has created a state of humanitarian crisis, to use the state's disaster contingency fund to, in coordination with the immigration and refugee coordinator for OIRA, provide assistance to state agencies, local

governments, nonprofit organizations, and faith-based organizations to alleviate the costs associated with addressing the crisis.

SECTION 6. Amends Section 752.021, Government Code, as follows:

Sec. 752.021. GOVERNOR'S ADVISORY COMMITTEE ON IMMIGRATION AND REFUGEES. Provides that the Governor's Advisory Committee on Immigration and Refugees (committee) is created within the office of the governor. Requires the committee to advise and make recommendations to OIRA on immigration and refugee issues, including refugee assistance programs. Deletes existing text requiring the committee to advise and make recommendations to OIRA on immigration and refugee issues, including the SLIAG program authorized by the Immigration Reform and Control Act of 1986 (8 U.S.C. Section 1101 et seq.) and the refugee assistance programs authorized by the Refugee Act of 1980 (8 U.S.C. Section 1521 et seq.).

SECTION 7. Amends Sections 752.022(a) and (c), Government Code, as follows:

(a) Provides that the committee is composed of 12 members appointed by the governor with the advice and consent of the senate, including one representative from a faith-based organization that assists local governments with matters related to immigrants and refugees, and two representatives, rather than three, from voluntary resettlement agencies that receive state or federal funds. Redesignates existing Subdivisions (5) and (6) as Subdivisions (6) and (7).

(c) Requires the governor to appoint a member of the committee to serve as the chair of the committee. Deletes existing text requiring the chair of the committee to serve for a one-year term.

SECTION 8. Amends Subchapter B, Chapter 752, Government Code, by adding Section 752.0231, as follows:

Sec. 752.0231. OTHER LAW. Provides that Section 2110.008 (Duration of Advisory Committees) does not apply to the committee.

SECTION 9. Amends Section 752.024, Government Code, as follows:

Sec. 752.024. FUNCTIONS OF COMMITTEE. Requires the committee to:

(1) advise and make recommendations to OIRA regarding policy, planning, and priorities for matters related to immigrants and refugees, rather than for the SLIAG program and refugee assistance programs;

(2) advise and make recommendations to OIRA 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, and deletes existing text requiring the committee to advise and make recommendations to OIRA regarding implementation of the SLIAG program or refugee assistance programs;

(3) Makes no change to this subdivision;

(4) assist OIRA in applying for the maximum amount of federal funds available for immigrant-related, rather than 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) Makes no change to this subdivision;

(6) review issues related to immigrants and refugees, rather than review federal issues regarding the SLIAG program and refugee assistance programs, and make recommendations to OIRA to encourage the development of a state response to those issues, rather than federal issues;

(7) assist OIRA in the development of an annual report on the status of matters related to immigrants and refugees, rather than the SLIAG program and refugee assistance programs, in the state;

(8) advise and make recommendations to OIRA on other related matters as directed by the governor; and

(9) assist OIRA to better address issues related to immigrants and refugees confronting the state and local communities, rather than assist OIRA in the development of a spending plan for fiscal years 1993 and 1994 proposing spending priorities for SLIAG funds for services to eligible legalized aliens and for other federal funds available to benefit immigrants or refugees in the state.

Deletes existing text requiring the committee to review and make recommendations to OIRA 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;

SECTION 10. (a) Requires the governor, not later than January 1, 2016, to appoint the members of the committee as provided by Section 752.022(a), Government Code, as amended by this Act. Provides that the committee is re-created on the date the governor makes the appointments as provided by this subsection.

(b) Provides that, notwithstanding Section 752.022(b), Government Code, the terms of the members of the committee appointed as provided by Subsection (a) of this section expire February 1, 2017.

SECTION 11. Effective date: September 1, 2015.