

BILL ANALYSIS

Senate Research Center
84R8273 LED-D

S.B. 838
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Veteran Affairs & Military Installations-S/C Border Security
3/9/2015
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Due to the decades-long failure of Washington to solve undocumented immigration-related problems, individual states have been forced to shoulder the consequences of a broken federal immigration system. In particular, states along the nation's southern border, such as Texas, have been forced to formulate their own responses to a broken federal immigration system.

In the summer of 2014, Texas experienced an unprecedented immigrant-driven humanitarian crisis that was disproportionately shouldered by its two southernmost counties. S.B. 838 applies the lessons learned during the crisis. It builds on the framework established by the legislature in 1991 when it created the Office of Immigration and Refugee Affairs (OIRA) and updates the functions and scope of OIRA. S.B. 838 takes proactive steps and proposes critical reforms that will improve Texas' response to future immigration crises.

S.B. 838 proposes making the Secretary of State the coordinator for OIRA and requires OIRA to seek reimbursement from the federal government for any costs incurred by the state, local governments, and nonprofit organizations. Additionally, S.B. 838 requires OIRA to meet with the appropriate authorities on both sides of the border to develop increased communication, cooperation, and coordination to establish initiatives that limit unlawful entrance into Texas. It also updates the membership of the existing advisory committee on immigration matters to include faith-based organizations that assist local governments in immigration matters. Overall, S.B. 838 provides Texas a better structure to address illegal entry into the state and affords it the necessary structure to better assist local communities when responding to large-scale movements of people across our borders.

As proposed, S.B. 838 amends current law relating to the functions of the Office of Immigration and Refugee Affairs and the Governor's Advisory Committee on 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 752.001, Government Code, as follows:

Sec. 752.001. OFFICE OF IMMIGRATION AND REFUGEE AFFAIRS. 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. Requires OIRA to work in conjunction with the office of the secretary of state (SOS).

SECTION 2. Amends Section 752.003, Government Code, as follows:

Sec. 752.003. REFUGEE COORDINATOR. (a) Provides that SOS serves as the refugee coordinator for OIRA unless the governor appoints a person under Subsection (b).

(b) Creates this subsection from existing text. Authorizes the governor to appoint a person other than SOS as refugee coordinator for OIRA to serve at the pleasure of the governor, rather than requires the governor to appoint a refugee coordinator for OIRA to serve at the pleasure of the governor.

(c) Creates this subsection from existing text. Requires the refugee coordinator to serve as chief administrative officer of OIRA and to ensure coordination of public and private resources in refugee resettlement.

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

Sec. 752.004. New heading: APPLICATION FOR AND DISTRIBUTION OF FEDERAL FUNDS AND REIMBURSEMENTS. (a) Creates this subsection from existing text. Requires 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 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 OIRA to seek reimbursement from the federal government for any costs incurred by state agencies, local governments, nonprofit organizations, and faith-based organizations in addressing matters related to immigrants and refugees.

SECTION 4. Amends Section 752.007, Government Code, as follows:

Sec. 752.007. OTHER FUNCTIONS OF OFFICE. Requires OIRA, in addition to other duties prescribed by this subchapter, to arrange meetings with appropriate local, state, and federal authorities and the appropriate corresponding authorities in Mexico to develop increased communication, cooperation, and coordination to establish initiatives and government-supported efforts that limit the entrance of undocumented immigrants into this state. Makes nonsubstantive changes.

SECTION 5. 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 6. 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 three representatives from faith-based organizations that assist local governments with matters related to immigrants and refugees, rather than three representatives from voluntary resettlement agencies that receive state or federal funds.

(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 7. 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 8. 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 9. (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 10. Effective date: September 1, 2015.