

By: Lopez of Bexar, Darby

H.B. No. 2858

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of a temporary guest worker program in this state.

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

SECTION 1. Chapter 752, Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. TEMPORARY GUEST WORKER PROGRAM

Sec. 752.101. DEFINITION. In this subchapter:

(1) "Program" means the temporary guest worker program established under this subchapter.

(2) "United States nonimmigrant visa" means a visa issued by the federal government as provided in 8 U.S.C. Sections 1101 and 1184.

Sec. 752.102. FEDERAL AUTHORIZATION; MEMORANDUM OF UNDERSTANDING. (a) The governor shall seek from the appropriate federal agency a waiver or other authorization necessary to establish and implement a temporary guest worker program in this state under this subchapter.

(b) On receipt of federal authorization under Subsection (a) and subject to that authorization and Section 752.103, the governor may negotiate and enter into a memorandum of understanding with the government of a state in Mexico to create a temporary guest worker program under which businesses in this state may obtain legal foreign temporary guest workers through use of United States

1 nonimmigrant visas.

2 Sec. 752.103. REQUIREMENTS FOR PROGRAM AND MEMORANDUM OF
3 UNDERSTANDING. (a) Under a memorandum of understanding entered
4 into under Section 752.102, the governor may commit this state to
5 work directly with officials of the government of the Mexican state
6 selected for the program to encourage, facilitate, and support the
7 migration of legal Mexican temporary guest workers from the Mexican
8 state to this state for the purpose of filling jobs with businesses
9 in this state identified by the Texas Workforce Commission as being
10 most in need of skilled and unskilled migrant labor.

11 (b) The program and memorandum of understanding must:

12 (1) be compatible with the Immigration and Nationality
13 Act, 8 U.S.C. Section 1101 et seq., and federal policies,
14 procedures, and requirements for issuing United States
15 nonimmigrant visas to Mexicans qualified to participate in the
16 program, with particular attention to the following:

17 (A) a business in this state hiring a temporary
18 guest worker through the program shall demonstrate and certify that
19 there are not sufficient workers where that labor is to be performed
20 who are able, willing, qualified, and available at the time of
21 application for a United States nonimmigrant visa; and

22 (B) the employment of the temporary guest worker
23 will not adversely affect the wages and working conditions of
24 workers in this state who are similarly employed;

25 (2) require that the Mexican state provide to
26 businesses in this state Mexican temporary guest workers who meet
27 certain requirements, including that each temporary guest worker:

1 (A) meets the legal requirements of federal law
2 with regard to eligibility for a United States nonimmigrant visa;

3 (B) passes a criminal background check;

4 (C) undergoes standardized testing to satisfy
5 the hiring business that the temporary guest worker possesses the
6 requisite level of education or skill required for the job to be
7 filled;

8 (D) is issued a tamper-proof identification that
9 includes personal information, a photo, a fingerprint, a visa
10 number, and an expiration date; and

11 (E) will be notified by the Mexican state before
12 the expiration date of the United States nonimmigrant visa of the
13 date the temporary guest worker is required to return to Mexico; and

14 (3) if a temporary guest worker fails to return to
15 Mexico before expiration of the temporary guest worker's United
16 States nonimmigrant visa, require the Mexican state to notify:

17 (A) the business that hires the temporary guest
18 worker;

19 (B) the governor; and

20 (C) United States Immigration and Customs
21 Enforcement.

22 SECTION 2. As soon as practicable after the effective date
23 of this Act, the governor shall seek from the appropriate federal
24 agency a waiver or other authorization necessary to establish a
25 temporary guest worker program in this state, as required by
26 Section 752.102, Government Code, as added by this Act.

27 SECTION 3. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2025.