

BILL ANALYSIS

Senate Research Center

S.B. 1704
By: Lucio
Agriculture, Rural Affairs & Homeland Security
4/12/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The purpose of S.B. 1704 is to develop a strong Texas economy by strengthening state borders and creating a guest worker pilot program to encourage gifted workers from around the world to work in Texas.

The bill urges the Department of Public Safety of the State of Texas to enter into an agreement with federal agencies to implement a border security strategy in Texas. The agreement will include increasing the number of federal agents along the border, re-evaluating and strategically placing fencing along the border, increasing the number of sea/land patrols, the appropriate use of drones along the border, increasing communication and cooperation with federal law enforcement authorities, and improving extradition agreements with Mexico and other countries.

S.B. 1704 also creates a pilot guest worker program by allowing the Texas Workforce Commission (TWC) to enter into an agreement with the appropriate federal agencies to grant waivers for the pilot guest worker program. To be eligible to participate, an applicant must pass a criminal background check, show some proficiency in the English language, and submit proof of health insurance coverage from the applicant's employer. The bill requires TWC to issue an identification card for those who participate in the program.

As proposed, S.B. 1704 amends current law relating to cooperation with federal agencies on immigration issues in this state, and authorizes fees.

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 Chapter 751, Government Code, by adding Subchapter C, as follows:

SUBCHAPTER C. COOPERATION WITH FEDERAL GOVERNMENT FOR IMMIGRATION ISSUES

Sec. 751.051. **BORDER SECURITY.** Requires the Office of State-Federal Relations (OSFR), in consultation with the Department of Public Safety of the State of Texas, to seek to enter into a memorandum of understanding or other agreement with the appropriate federal agency to implement a border security strategy in this state. Authorizes the border security strategy requested to include, subject to the receipt of federal aid or funding:

- (1) an increase in the number of federal border officers working on the Texas-Mexico border;
- (2) strategic fencing in certain urban areas near the Texas-Mexico border;
- (3) increased land and sea border patrols;

- (4) flights of unmanned aerial vehicles to monitor border activity;
- (5) use of infrared cameras and other technology to assist in identifying persons attempting to cross the border illegally;
- (6) continued communication and cooperation with federal law enforcement authorities; and
- (7) improved extradition agreements with Mexico and other countries.

Sec. 751.052. GUEST WORKER PROGRAM. Requires OSFR, in consultation with the Texas Workforce Commission, to seek to enter into a memorandum of understanding or other agreement with the appropriate federal agency to authorize or grant a waiver for a pilot guest worker program to be implemented in order to bring skilled and unskilled workers into this state during periods of time when no Texan workers are available to fill open employment positions. Provides that the proposed pilot program would:

- (1) be self-funding through participation fees and fines;
- (2) require applicants to pass a criminal background check; show some proficiency in the English language; and submit proof of health insurance coverage provided by the applicant's employer or purchased by the applicant;
- (3) limit participation to employers that deduct and match payroll taxes; and
- (4) provide for an identification card for program participants that would assist in monitoring any criminal and civil court appearances.

SECTION 2. Effective date: upon passage or September 1, 2013.