By:  Morales of Maverick H.B. No. 5208

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the Texas Commission on Immigration and Migration and a migrant worker visa pilot project.

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

SECTION 1.  Subtitle C, Title 3, Government Code, is amended by adding Chapter 330 to read as follows:

CHAPTER 330. TEXAS COMMISSION ON IMMIGRATION AND MIGRATION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 330.001.  SHORT TITLE. This chapter is known as the Texas Commission on Immigration and Migration Act.

Sec. 330.002.  DEFINITIONS. In this chapter:

(1)  "Commission" means the Texas Commission on Immigration and Migration.

(2)  "Pilot project" means the pilot project created under Subchapter D.

(3)  "Pilot project memorandum of understanding" means the memorandum of understanding described in Section 330.151.

(4)  "State agency" means a department, board, commission, office, or other agency in the executive, legislative, or judicial branch of state government. The term includes an institution of higher education as defined by Section 61.003, Education Code.

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

SUBCHAPTER B. ESTABLISHMENT OF COMMISSION

Sec. 330.051.  ESTABLISHMENT AND COMPOSITION. The Texas Commission on Immigration and Migration is an advisory commission composed of 26 members as follows:

(1)  the lieutenant governor;

(2)  the speaker of the house of representatives;

(3)  a member of the minority party in the senate chosen by the senators who are members of that party;

(4)  a member of the minority party in the house of representatives chosen by the representatives who are members of that party;

(5)  the governor or the governor's designee;

(6)  the attorney general or the attorney general's designee;

(7)  the commissioner of agriculture or the commissioner's designee;

(8)  the director of the Texas Economic Development and Tourism Office or the director's designee;

(9)  the executive director of the Texas Workforce Commission or the executive director's designee;

(10)  the comptroller or the comptroller's designee;

(11)  three members of the house of representatives appointed by the speaker of the house of representatives, not more than two of whom may be from the same political party;

(12)  three members of the public appointed by the speaker of the house of representatives in accordance with Section 330.052;

(13)  three members of the senate appointed by the lieutenant governor, not more than two of whom may be from the same political party;

(14)  three members of the public appointed by the lieutenant governor in accordance with Section 330.052; and

(15)  four members of the public appointed by the governor in accordance with Section 330.052.

Sec. 330.052.  ELIGIBILITY OF PUBLIC MEMBERS; TERMS. (a) Public members of the commission appointed under Section 330.051 must:

(1)  be residents of this state; and

(2)  be appointed with due regard for:

(A)  geographic representation;

(B)  diversity;

(C)  education, including academic postgraduate-level degrees related to the immigrant community in this state; and

(D)  knowledge and experience.

(b)  An appointment by the lieutenant governor, the speaker of the house of representatives, or the governor may include a representative from:

(1)  an immigrant or immigrant-serving community-based organization;

(2)  a philanthropic organization;

(3)  an advocacy group;

(4)  a business, including an immigrant entrepreneur;

(5)  a union;

(6)  academia; or

(7)  a faith-based organization.

(c)  Public members of the commission serve three-year terms.

(d)  A public member shall serve until a successor is appointed and qualified.

Sec. 330.053.  VACANCY. A vacancy in the membership of the commission shall be filled for the unexpired term in the manner provided for the original appointment.

Sec. 330.054.  PRESIDING OFFICER. The governor or, at the discretion of the governor, the lieutenant governor shall serve as presiding officer of the commission.

Sec. 330.055.  VOTE. A vote of the majority of the commission members present when a quorum is present is an action of the commission.

Sec. 330.056.  MEETINGS. The commission shall meet at least quarterly and at other times at the call of the presiding officer.

Sec. 330.057.  COMPENSATION; REIMBURSEMENT. A member of the commission is not entitled to compensation for the member's service but may receive per diem and travel expenses in accordance with the General Appropriations Act.

Sec. 330.058.  STAFF. The office of the attorney general shall staff the commission.

SUBCHAPTER C. COMMISSION POWERS AND DUTIES

Sec. 330.101.  GENERAL POWERS AND DUTIES. The commission shall:

(1)  conduct a thorough review of the economic, legal, cultural, and educational impact of illegal immigration on this state and its political subdivisions;

(2)  conduct a thorough examination of state and federal laws relating to immigration, migration, and guest worker programs;

(3)  develop a comprehensive, coordinated, and sustainable state plan to address:

(A)  immigration and the use of migrant workers in the state; and

(B)  integration of immigrants;

(4)  make legislative recommendations to the governor and the legislature to implement the state plan described in Subdivision (3):

(A)  consistent with the respective constitutional powers, rights, and responsibilities of the United States and of this state; and

(B)  to protect the health, safety, and welfare of the residents of this state;

(5)  advise the governor and the legislature on proposed legislation related to immigration:

(A)  to encourage a comprehensive, coordinated, and sustainable state response to issues related to immigration; and

(B)  on request of:

(i)  the governor;

(ii)  the lieutenant governor;

(iii)  the speaker of the house of representatives;

(iv)  a member of the minority party in the senate chosen by the senators who are members of that party; or

(v)  a member of the minority party in the house of representatives chosen by the representatives who are members of that party; and

(6)  comply with the Migrant Worker Visa Pilot Project under Subchapter D.

Sec. 330.102.  STATE AGENCY INFORMATION. (a) The commission may request a state agency to provide the commission with information available to the state agency that the commission considers necessary to discharge the commission's duties under this chapter.

(b)  A state agency shall cooperate with the commission to furnish the commission with the information requested under Subsection (a):

(1)  to the extent not inconsistent with law;

(2)  within the limits of the state agency's statutory authority; and

(3)  on as timely a basis as is necessary to accomplish the purposes of this chapter.

Sec. 330.103.  TESTIMONY; EXPERT CONSULTANTS. (a) In performing its powers and duties, the commission may invite testimony from the governor, legislators, state agencies, and members of the public.

(b)  The commission may consult with experts or other knowledgeable individuals in the public or private sector on any matter related to the commission's powers and duties under this chapter.

Sec. 330.104.  PUBLIC HEARING. The commission may hold one or more public hearings that it considers advisable and in locations in this state that it chooses to afford interested persons an opportunity to appear and present views on any subject relating to the commission's powers and duties under this chapter.

Sec. 330.105.  REPORT. (a) The commission annually shall report to the legislature and governor on its activities and recommendations.

(a-1)  The commission shall submit an initial report to the legislature and governor not later than six months after the date of the first meeting of the commission. The commission shall submit its first annual report to the legislature and governor not later than six months after the date the initial report is submitted, or as soon as practicable after that date. This subsection expires January 1, 2026.

(b)  The commission shall provide any report submitted under this section to the public on request.

Sec. 330.106.  COLLABORATION ON INTEGRATION OF IMMIGRANTS; EVALUATION OF STATE GOVERNMENT. (a) Consistent with the state plan described in Section 330.101(3), the commission shall:

(1)  work collaboratively with federal, state, and local governments to facilitate integration of immigrants in this state; and

(2)  work collaboratively with businesses and community organizations to ensure that public input into the process is consistently maintained with regard to integration of immigrants.

(b)  The commission shall evaluate the structure and organization of government in this state, including state agencies, independent entities, political subdivisions, and school districts, and advise the legislature and governor regarding the best way to achieve immigrant integration in the delivery of services and programs in a cost-neutral manner.

(c)  In its examination of immigrant integration in this state, the commission shall identify any measures that will bring enhanced lawfulness, economy, efficiency, and accountability to government operations.

SUBCHAPTER D. MIGRANT WORKER VISA PILOT PROJECT

Sec. 330.151.  PILOT PROJECT MEMORANDUM OF UNDERSTANDING. (a) With the assistance of the attorney general, the governor may negotiate and enter into a memorandum of understanding with the government of a state in Mexico to create the Migrant Worker Visa Pilot Project, under which businesses in this state may obtain legal foreign migrant workers through use of United States nonimmigrant visas.

(b)  The commission shall recommend to the legislature and the governor policies and programs that will educate, encourage, support, and facilitate businesses in this state in need of temporary workers to participate in the pilot project.

Sec. 330.152.  REQUIREMENTS FOR PILOT PROJECT AND PILOT PROJECT MEMORANDUM OF UNDERSTANDING. (a) Under the pilot project memorandum of understanding, the governor may commit this state, including the commission, to work directly with officials of the government of the Mexican state selected for the pilot project to encourage, facilitate, and support the migration of legal Mexican migrant workers from the Mexican state to this state through expanded land ports of entry for the purpose of:

(1)  filling jobs with businesses in this state most in need of skilled and unskilled migrant labor; and

(2)  improving:

(A)  safety for both migrant workers and law enforcement; and

(B)  efficiency in the processing of asylum-seeking migrant workers.

(b)  The pilot project and the pilot project memorandum of understanding must:

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

(A)  a business in this state hiring a migrant worker through the pilot project shall be assessed a migrant state employment tax that shall be placed into the general revenue fund; and

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

(C)  a migrant worker must prove that the migrant worker will be gainfully employed by submitting a letter of sponsorship from the employer. The migrant worker must remain gainfully employed during the migrant worker's residency in this state.

(D)  a migrant worker may not seek nor be eligible for federal or state benefits if approved under the pilot project.

(2)  require that the Mexican state provide to businesses in this state Mexican migrant workers who meet certain requirements, including that each migrant worker:

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

(B)  passes a criminal background check;

(C)  undergoes standardized testing to satisfy the hiring business that the migrant worker possesses the requisite level of education or skill required for the job to be filled;

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

(E)  a migrant worker shall pay to the commission an initial migrant processing fee of $2,000 which shall be for a 3 year period. After the completion of the 3 year period an annual renewal fee of $250 shall be paid by the migrant; and

(F)  will be notified by the Mexican state before the expiration date of the United States nonimmigrant visa of the date the migrant worker is required to return to Mexico; and

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

(A)  the business that hires the migrant worker;

(B)  the advisory committee created under Subchapter E; and

(C)  United States Immigration and Customs Enforcement.

(4)  a migrant worker shall not be eligible to remain in the state if convicted of a Class C Misdemeanor or higher. Upon conviction a migrant worker shall face immediate deportation from the state without the possibility of legal reentry.

(5)  If a migrant worker entered the state by illegal crossing of the Rio Grande River that migrant worker will be subject to immediate deportation and not eligible for reentry into the state for 5 years.

(6)  a migrant worker that fails to maintain good standing within the pilot project or does not remit payment of the initial fee or renewal fee may be subject to immediate deportation

(7)  25% of revenue generated under Subchapter D shall be allocated for the purpose of combating fentanyl and other illicit drugs; 25% shall be allocated for the purpose of infrastructure improvements and support of local law enforcement personnel in counties adjacent to the border; and

(8)  The remaining 50% of revenue generated under Subchapter D shall be allocated to the general revenue fund.

Sec. 330.153.  EXPANSION TO SIMILAR PILOT PROJECTS. (a) After the first anniversary of the date the pilot project memorandum of understanding is executed under Section 330.152, if the governor determines, after consultation with the commission, that the pilot project is successful, the governor may enter into one or more additional memoranda of understanding to create similar pilot projects, except that the governor may not enter into a similar pilot project memorandum of understanding with a country:

(1)  designated by the United States Department of State as a state sponsor of terrorism;

(2)  against which the United States has declared war; or

(3)  against which the United States has imposed sanctions as listed under a sanctions program of the Office of Foreign Assets Control within the United States Department of the Treasury.

(b)  After the governor has entered into one or more additional memoranda of understanding under Subsection (a), the governor, in consultation with the commission, may periodically evaluate whether to enter into additional pilot projects subject to the limitations of Subsections (a)(1) through (3).

(c)  A memorandum of understanding creating a similar pilot project shall comply with the requirements of Section 330.152.

(d)  A similar pilot project created under this section shall operate in a manner substantially similar to the pilot project implemented under Section 330.151.

SUBCHAPTER E. ADVISORY COMMITTEE

Sec. 330.201.  CREATION OF ADVISORY COMMITTEE. (a) The commission shall create an advisory committee to perform the studies required by this subchapter.

(b)  The commission shall appoint at least one member of the commission to the advisory committee.

(c)  The advisory committee may work jointly with a similar committee of a Mexican state.

Sec. 330.202.  REIMBURSEMENT. A member of the advisory committee may not receive a per diem or travel expenses.

Sec. 330.203.  ADVISORY COMMITTEE DUTIES. The advisory committee shall:

(1)  study the process and results of the pilot project;

(2)  study the impact of existing federal law on the ability to meet the needs of businesses in this state and Mexican migrant workers;

(3)  study the current United States nonimmigrant visa application process from both the employer and employee perspective to understand:

(A)  the strengths and weaknesses of the existing law; and

(B)  the United States nonimmigrant visa process and the implications to regional employment and security;

(4)  document the state and regional economic impact and security implications of existing law and processes;

(5)  educate the populations of this state and a Mexican state on issues to create alignment around a shared vision; and

(6)  present the committee's findings annually to the commission in a detailed report that includes recommendations to the commission on methods to best address the challenges of immigration, employment, and security.

Sec. 330.204.  COMMISSION RECOMMENDATIONS. (a) The commission shall use the information generated by the advisory committee under the pilot project to make recommendations to the governor not later than the first anniversary after the date the pilot project memorandum of understanding is executed.

(b)  The commission shall consider including in the recommendations:

(1)  observations and market recommendations;

(2)  one or more proposals to amend existing law as necessary to accomplish the recommendations made by the commission and to meet the realities of current economic necessities;

(3)  a recommendation as to whether, and if so, to what extent, the current caps on the H-2B United States nonimmigrant visas should be raised; and

(4)  a recommendation as to whether the wait time between receiving H-2B United States nonimmigrant visas should be shortened.

(c)  The governor may report the recommendations of the commission to the president of the United States, Congress, and the United States attorney general.

SECTION 2.  Not later than November 1, 2023, the governor, lieutenant governor, and speaker of the house of representatives shall appoint the initial public members to the Texas Commission on Immigration and Migration as follows:

(1)  the following are appointed to a three-year term:

(A)  one member appointed by the lieutenant governor;

(B)  one member appointed by the speaker of the house of representatives; and

(C)  one member appointed by the governor;

(2)  the following are appointed to a two-year term:

(A)  one member appointed by the lieutenant governor;

(B)  one member appointed by the speaker of the house of representatives; and

(C)  one member appointed by the governor; and

(3)  the following are appointed to a one-year term:

(A)  one member appointed by the lieutenant governor;

(B)  one member appointed by the speaker of the house of representatives; and

(C)  two members appointed by the governor.

SECTION 3.  This Act takes effect September 1, 2023.