

By: Morales of Maverick

H.B. No. 5208

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the establishment of the Texas Commission on
3 Immigration and Migration and a migrant worker visa pilot project.

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

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

7 CHAPTER 330. TEXAS COMMISSION ON IMMIGRATION AND MIGRATION

8 SUBCHAPTER A. GENERAL PROVISIONS

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

11 Sec. 330.002. DEFINITIONS. In this chapter:

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

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

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

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

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

1 1101 and 1184.

2 SUBCHAPTER B. ESTABLISHMENT OF COMMISSION

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

6 (1) the lieutenant governor;

7 (2) the speaker of the house of representatives;

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

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

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

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

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

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

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

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

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

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

1 330.052;

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

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

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

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

12 (1) be residents of this state; and

13 (2) be appointed with due regard for:

14 (A) geographic representation;

15 (B) diversity;

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

19 (D) knowledge and experience.

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

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

25 (2) a philanthropic organization;

26 (3) an advocacy group;

27 (4) a business, including an immigrant entrepreneur;

- 1 (5) a union;
- 2 (6) academia; or
- 3 (7) a faith-based organization.

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

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

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

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

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

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

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

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

25 SUBCHAPTER C. COMMISSION POWERS AND DUTIES

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

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

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

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

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

11 (B) integration of immigrants;

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

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

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

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

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

25 (B) on request of:

26 (i) the governor;

27 (ii) the lieutenant governor;

1 (iii) the speaker of the house of
2 representatives;

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

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

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

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

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

18 (1) to the extent not inconsistent with law;

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

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

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

27 (b) The commission may consult with experts or other

1 knowledgeable individuals in the public or private sector on any
2 matter related to the commission's powers and duties under this
3 chapter.

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

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

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

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

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

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

27 (2) work collaboratively with businesses and

1 community organizations to ensure that public input into the
2 process is consistently maintained with regard to integration of
3 immigrants.

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

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

14 SUBCHAPTER D. MIGRANT WORKER VISA PILOT PROJECT

15 Sec. 330.151. PILOT PROJECT MEMORANDUM OF UNDERSTANDING.

16 (a) With the assistance of the attorney general, the governor may
17 negotiate and enter into a memorandum of understanding with the
18 government of a state in Mexico to create the Migrant Worker Visa
19 Pilot Project, under which businesses in this state may obtain
20 legal foreign migrant workers through use of United States
21 nonimmigrant visas.

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

26 Sec. 330.152. REQUIREMENTS FOR PILOT PROJECT AND PILOT
27 PROJECT MEMORANDUM OF UNDERSTANDING. (a) Under the pilot project

1 memorandum of understanding, the governor may commit this state,
2 including the commission, to work directly with officials of the
3 government of the Mexican state selected for the pilot project to
4 encourage, facilitate, and support the migration of legal Mexican
5 migrant workers from the Mexican state to this state through
6 expanded land ports of entry for the purpose of:

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

9 (2) improving:

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

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

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

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

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

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

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

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

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

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

13 (B) passes a criminal background check;

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

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

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

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

27 (3) if a migrant worker fails to return to Mexico

1 before expiration of the migrant worker's United States
2 nonimmigrant visa, require the Mexican state to notify:

3 (A) the business that hires the migrant worker;

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

6 (C) United States Immigration and Customs
7 Enforcement.

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

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

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

19 (7) 25% of revenue generated under Subchapter D shall
20 be allocated for the purpose of combating fentanyl and other
21 illicit drugs; 25% shall be allocated for the purpose of
22 infrastructure improvements and support of local law enforcement
23 personnel in counties adjacent to the border; and

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

26 Sec. 330.153. EXPANSION TO SIMILAR PILOT PROJECTS. (a)
27 After the first anniversary of the date the pilot project

1 memorandum of understanding is executed under Section 330.152, if
2 the governor determines, after consultation with the commission,
3 that the pilot project is successful, the governor may enter into
4 one or more additional memoranda of understanding to create similar
5 pilot projects, except that the governor may not enter into a
6 similar pilot project memorandum of understanding with a country:

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

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

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

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

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

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

25 SUBCHAPTER E. ADVISORY COMMITTEE

26 Sec. 330.201. CREATION OF ADVISORY COMMITTEE. (a) The
27 commission shall create an advisory committee to perform the

1 studies required by this subchapter.

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

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

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

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

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

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

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

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

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

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

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

27 (6) present the committee's findings annually to the

1 commission in a detailed report that includes recommendations to
2 the commission on methods to best address the challenges of
3 immigration, employment, and security.

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

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

11 (1) observations and market recommendations;

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

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

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

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

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

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

2 (A) one member appointed by the lieutenant
3 governor;

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

6 (C) one member appointed by the governor;

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

8 (A) one member appointed by the lieutenant
9 governor;

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

12 (C) one member appointed by the governor; and

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

14 (A) one member appointed by the lieutenant
15 governor;

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

18 (C) two members appointed by the governor.

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