

By: Pena

H.B. No. 2757

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 329 to read as follows:

7 CHAPTER 329. TEXAS COMMISSION ON IMMIGRATION AND MIGRATION

## SUBCHAPTER A. GENERAL PROVISIONS

9       Sec. 329.001. SHORT TITLE. This chapter is known as the  
10      Texas Commission on Immigration and Migration Act.

11 Sec. 329.002. DEFINITIONS. In this chapter:

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

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 [Sections 329.003-329.050 reserved for expansion]

3 SUBCHAPTER B. ESTABLISHMENT OF COMMISSION

4 Sec. 329.051. ESTABLISHMENT AND COMPOSITION. The Texas  
5 Commission on Immigration and Migration is an advisory commission  
6 composed of 26 members as follows:

7 (1) the lieutenant governor;

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

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

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

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

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

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

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

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

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

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

27 (12) three members of the public appointed by the

1 speaker of the house of representatives in accordance with Section  
2 329.052;

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

6 (14) three members of the public appointed by the  
7 lieutenant governor in accordance with Section 329.052; and

8 (15) four members of the public appointed by the  
9 governor in accordance with Section 329.052.

10 Sec. 329.052. ELIGIBILITY OF PUBLIC MEMBERS; TERMS. (a)  
11 Public members of the commission appointed under Section 329.051  
12 must:

13 (1) be residents of this state; and

14 (2) be appointed with due regard for:

15 (A) geographic representation;

16 (B) diversity;

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

20 (D) knowledge and experience.

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

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

26 (2) a philanthropic organization;

27 (3) an advocacy group;

- 1        (4) a business, including an immigrant entrepreneur;
- 2        (5) a union;
- 3        (6) academia; or
- 4        (7) a faith-based organization.

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

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

9        Sec. 329.053. VACANCY. A vacancy in the membership of the  
10      commission shall be filled for the unexpired term in the manner  
11      provided for the original appointment.

12      Sec. 329.054. PRESIDING OFFICER. The governor or, at the  
13      discretion of the governor, the lieutenant governor shall serve as  
14      presiding officer of the commission.

15      Sec. 329.055. VOTE. A vote of the majority of the  
16      commission members present when a quorum is present is an action of  
17      the commission.

18      Sec. 329.056. MEETINGS. The commission shall meet at least  
19      quarterly and at other times at the call of the presiding officer.

20      Sec. 329.057. COMPENSATION; REIMBURSEMENT. A member of the  
21      commission is not entitled to compensation for the member's service  
22      but may receive per diem and travel expenses in accordance with the  
23      General Appropriations Act.

24      Sec. 329.058. STAFF. The office of the attorney general  
25      shall staff the commission.

26      [Sections 329.059-329.100 reserved for expansion]

27      SUBCHAPTER C. COMMISSION POWERS AND DUTIES

1                   Sec. 329.101. GENERAL POWERS AND DUTIES. The commission

2                   shall:

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

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

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

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

13                   (B) integration of immigrants;

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

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

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

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

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

27                   (B) on request of:

5 (iv) a member of the minority party in the  
6 senate chosen by the senators who are members of that party; or  
7 (v) a member of the minority party in the  
8 house of representatives chosen by the representatives who are  
9 members of that party; and

10 (6) comply with the Migrant Worker Visa Pilot Project.

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

24 Sec. 329.103. TESTIMONY; EXPERT CONSULTANTS. (a) In  
25 performing its powers and duties, the commission may invite  
26 testimony from the governor, legislators, state agencies, and  
27 members of the public.

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

5        Sec. 329.104. PUBLIC HEARING. The commission may hold one  
6 or more public hearings that it considers advisable and in  
7 locations in this state that it chooses to afford interested  
8 persons an opportunity to appear and present views on any subject  
9 relating to the commission's powers and duties under this chapter.

10       Sec. 329.105. REPORT. (a) The commission annually shall  
11 report to the legislature and governor on its activities and  
12 recommendations.

13       (a-1) The commission shall submit an initial report to the  
14 legislature and governor not later than six months after the date of  
15 the first meeting of the commission. The commission shall submit  
16 its first annual report to the legislature and governor not later  
17 than six months after the date the initial report is submitted, or  
18 as soon as practicable after that date. This subsection expires  
19 January 1, 2014.

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

22       Sec. 329.106. COLLABORATION ON INTEGRATION OF IMMIGRANTS;  
23 EVALUATION OF STATE GOVERNMENT. (a) Consistent with the state plan  
24 described in Section 329.101(3), the commission shall:

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

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

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

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

15                   [Sections 329.107-329.150 reserved for expansion]

16                   SUBCHAPTER D. MIGRANT WORKER VISA PILOT PROJECT

17                   Sec. 329.151. PILOT PROJECT MEMORANDUM OF UNDERSTANDING.

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

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

1                   Sec. 329.152. REQUIREMENTS FOR PILOT PROJECT AND PILOT  
2                   PROJECT MEMORANDUM OF UNDERSTANDING. (a) Under the pilot project  
3                   memorandum of understanding, the governor may commit this state,  
4                   including the commission, to work directly with officials of the  
5                   government of the Mexican state selected for the pilot project to  
6                   encourage, facilitate, and support the migration of legal Mexican  
7                   migrant workers from the Mexican state to Texas for the purpose of  
8                   filling jobs with Texas businesses most in need of skilled and  
9                   unskilled migrant labor.

10                   (b) The pilot project and the pilot project memorandum of  
11                   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                   pilot project, with particular attention to the following:

17                   (A) a Texas business hiring a migrant worker  
18                   through the pilot project shall demonstrate and certify that there  
19                   are not sufficient workers where that labor is to be performed who  
20                   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 migrant worker will not  
23                   adversely affect the wages and working conditions of workers in  
24                   this state who are similarly employed;

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

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

23 Sec. 329.153. EXPANSION TO SIMILAR PILOT PROJECTS. (a)

24 After the first anniversary of the date the pilot project

25 memorandum of understanding is executed under Section 329.152, if

26 the governor determines, after consultation with the commission,

27 that the pilot project is successful, the governor may enter into

1 one or more additional memoranda of understanding to create similar  
2 pilot projects, except that the governor may not enter into a  
3 similar pilot project memorandum of understanding with a country:

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

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

7 or

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

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

17                (c) A memorandum of understanding creating a similar pilot  
18 project shall comply with the requirements of Section 329.152.

19                (d) A similar pilot project created under this section shall  
20 operate in a manner substantially similar to the pilot project  
21 implemented under Section 329.151.

22                [Sections 329.154-329.200 reserved for expansion]

23                SUBCHAPTER E. ADVISORY COMMITTEE

24                Sec. 329.201. CREATION OF ADVISORY COMMITTEE.    (a)    The  
25                commission shall create an advisory committee to perform the  
26 studies required by this subchapter.

27                (b)    The commission shall appoint at least one member of the

1 commission to the advisory committee.

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

4       Sec. 329.202. REIMBURSEMENT. A member of the advisory  
5 committee may not receive a per diem or travel expenses.

6       Sec. 329.203. ADVISORY COMMITTEE DUTIES. The advisory  
7 committee shall:

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

10           (2) study the impact of existing federal law on the  
11 ability to meet the needs of Texas businesses and Mexican migrant  
12 workers;

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

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

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

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

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

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

1        Sec. 329.204. COMMISSION RECOMMENDATIONS.        (a)        The  
2        commission shall use the information generated by the advisory  
3        committee pursuant to the pilot project to make recommendations to  
4        the governor not later than the first anniversary after the date the  
5        pilot project memorandum of understanding is executed.

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

8                (1)        observations and market recommendations;  
9                (2)        one or more proposals to amend existing law as  
10        necessary to accomplish the recommendations made by the commission  
11        and to meet the realities of current economic necessities;  
12                (3)        a recommendation as to whether, and if so, to what  
13        extent, the current caps on the H-2B United States nonimmigrant  
14        visas should be raised; and

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

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

21        SECTION 2.        Not later than November 1, 2011, the governor,  
22        lieutenant governor, and speaker of the house of representatives  
23        shall appoint the initial public members to the Texas Commission on  
24        Immigration and Migration as follows:

25                (1)        the following are appointed to a three-year term:  
26                        (A)        one member appointed by the lieutenant  
27        governor;

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

3 (C) one member appointed by the governor;

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

5 (A) one member appointed by the lieutenant  
6 governor;

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

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

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

11 (A) one member appointed by the lieutenant  
12 governor;

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

15 (C) two members appointed by the governor.

16 SECTION 3. This Act takes effect September 1, 2011.