

By: Lucio

S.B. No. 1388

A BILL TO BE ENTITLED

AN ACT

relating to cooperation with federal agencies on a guest worker program in this state.

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

SECTION 1. (a) This Act shall be known as the Texas Immigration Procedure Trade and Development Act.

(b) Due to the decades-long failure by the federal government to solve the undocumented immigration-related problems facing the United States, individual states have been forced to shoulder the consequences of a broken federal immigration system. The Texas Immigration Procedure Trade and Development Act proposes a balanced business-driven and law-driven state solution to failed federal immigration policies that brings skilled and unskilled workers into this state for temporary periods of time when Texas workers are not available.

SECTION 2. Chapter 751, Government Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. COOPERATION WITH FEDERAL GOVERNMENT FOR GUEST WORKER PROGRAM

Sec. 751.051. GUEST WORKER PROGRAM. (a) The office, in consultation with the Texas Workforce Commission and with the assistance of the secretary of state and attorney general, shall seek to enter into a memorandum of understanding or other agreement with the appropriate federal agency to authorize or grant a waiver

1 for a temporary guest worker program to be implemented in order to  
2 bring skilled and unskilled workers into this state during periods  
3 of time when workers in this state are not available to fill open  
4 employment positions. The proposed program would:

5           (1) be self-funding through individual and employer  
6 participation;

7           (2) require applicants to:

8                   (A) pass a criminal background check;

9                   (B) register with the appropriate state and  
10 federal agencies certifying the applicant's immigration status;

11                   (C) submit proof of health insurance coverage  
12 provided by the applicant's employer or purchased by the applicant;

13                   (D) demonstrate a proficiency in the English  
14 language;

15                   (E) complete a workforce safety training course  
16 provided by the applicant's employer; and

17                   (F) reapply for financial assistance from any  
18 public entitlement program from which the applicant is receiving  
19 assistance at the time of application to the guest worker program  
20 based on the applicant's status and income level as a temporary  
21 guest worker;

22           (3) limit participation to employers that deduct and  
23 match payroll taxes; and

24           (4) provide for a tamper-proof identification card for  
25 program participants that would assist in monitoring any criminal  
26 and civil court appearances.

27           (b) The identification card required by Subsection (a)(4)

1 must include the applicant's personal information, photograph,  
2 fingerprint, and visa number and have an expiration date.

3 (c) Any guest worker program implemented by this state must  
4 comply with any applicable federal guidelines by having a federal  
5 waiver or other authorization for the program.

6 SECTION 3. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2015.