

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 15
By: Creighton et al.
State Affairs
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas economy has been vibrant for many years due to a regulatory climate that enables businesses, large and small, to thrive under a smart approach and balance to government regulation.

Job creators have left states that have burdensome regulations and weak economic environments and flocked to Texas, which remains one of the best states to do business with historic low unemployment rates. Texas businesses naturally evolve in order to remain competitive in this healthy environment by offering attractive benefits and wages.

However, Texas cities have begun to expand their regulatory scope and pass local ordinances regarding private employment practices—matters that have traditionally been handled at the state and federal level for the sake of better consistency and compliance. These ordinances have created an inconsistent patchwork of regulations that make it difficult for cities to attract new businesses, create jobs, and for businesses to operate in multiple jurisdictions. S.B. 15 prohibits a municipality or county from requiring certain employment benefits or policies. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 15 amends current law relating to a prohibition against certain local regulation of private employers.

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 Title 3, Labor Code, by adding Chapter 106, as follows:

CHAPTER 106. PROHIBITION AGAINST LOCAL REGULATION OF EMPLOYMENT BENEFITS AND POLICIES

Sec. 106.001. DEFINITIONS. Defines "applicant," "criminal history record information," "employee," "employer," and "employment benefit."

Sec. 106.002. EMPLOYMENT LEAVE, EMPLOYMENT BENEFITS, AND OTHER TERMS OF EMPLOYMENT. (a) Prohibits a political subdivision of this state from adopting or enforcing an ordinance, order, rule, regulation, or policy regulating a private employer's terms of employment relating to any form of employment leave, including paid days off from work for holidays, sick leave, vacation, and personal necessity; employment benefits other than employment leave, including health, disability, retirement, profit-sharing, death, and group accidental death and dismemberment benefits; or scheduling practices.

(b) Provides that an ordinance, order, rule, regulation, or policy that violates Subsection (a) is void and unenforceable.

Sec. 106.003. CONSIDERATION OF CRIMINAL HISTORY RECORD INFORMATION OF EMPLOYMENT APPLICANT OR EMPLOYEE. Prohibits a political subdivision of this state from adopting or enforcing any ordinance, order, rule, regulation, or policy that prohibits, limits, or otherwise regulates a private employer's ability to request, consider, or take employment action based on the criminal history record information of an applicant or employee.

SECTION 2. Provides that Chapter 106, Labor Code, as added by this Act, applies to an ordinance, order, rule regulation, or policy adopted before, on, or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2019.