

BILL ANALYSIS

Senate Research Center
86R22903 JSC-F

C.S.S.B. 2488
By: Creighton
State Affairs
4/5/2019
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. 2488 ensures that regulation of a private employer's ability to request, consider, or take employment action based on the criminal history record information of an applicant or employee takes place at the state level. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 2488 amends current law relating to the authority of a political subdivision to adopt or enforce certain regulations regarding whether a private employer may obtain, consider, or take employment action based on an employment applicant's or employee's criminal history record information.

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. LOCAL CRIMINAL HISTORY RECORD INFORMATION OF EMPLOYMENT APPLICANT OR EMPLOYEE

Sec. 83.001. DEFINITIONS. Defines "applicant," "criminal history record information," "employee," and "employer" for purposes of this chapter.

Sec. 83.002A. 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.