

By: Campbell, Creighton
Sparks

S.B. No. 130

A BILL TO BE ENTITLED

AN ACT

relating to the regulation by a municipality or county of certain employment benefits and policies.

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

SECTION 1. Subtitle D, Title 2, Labor Code, is amended by adding Chapter 83 to read as follows:

CHAPTER 83. PROHIBITION AGAINST LOCAL REGULATION OF EMPLOYMENT

BENEFITS AND POLICIES

Sec. 83.001. DEFINITIONS. In this chapter:

(1) "Employee" means an individual who is employed by an employer for compensation.

(2) "Employer" means a person who employs one or more employees.

(3) "Employment benefit" means anything of value that an employee receives from an employer beyond regular salary or wages.

Sec. 83.002. PROHIBITION AGAINST MUNICIPALITY OR COUNTY REQUIRING CERTAIN EMPLOYMENT BENEFITS OR POLICIES. (a) A municipality or county may not adopt or enforce an ordinance, order, rule, regulation, or policy requiring any terms of employment that exceed or conflict with federal or state law relating to any form of employment leave, hiring practices, employment benefits, or scheduling practices.

(b) Any provision of an ordinance, order, rule, regulation,

1 or policy that violates Subsection (a) is void and unenforceable.

2 (c) This chapter does not affect:

3 (1) the Texas Minimum Wage Act under Chapter 62;

4 (2) the authority of a municipality or county to
5 negotiate the terms of employment with employees of the
6 municipality or county;

7 (3) employment and safety protections afforded by
8 state and federal law to employees and prospective employees;

9 (4) an ordinance, order, rule, regulation, or policy
10 relating to terms of employment in contracts or agreements entered
11 into between a private entity, including an organization
12 representing city employees or county employees, and a governmental
13 entity, regardless of whether the ordinance, order, rule,
14 regulation, or policy is adopted before, on, or after September 1,
15 2023; or

16 (5) a contract or agreement relating to terms of
17 employment voluntarily entered into between a private employer or
18 entity and a governmental entity.

19 SECTION 2. Chapter 83, Labor Code, as added by this Act,
20 applies to an ordinance, order, rule, regulation, or policy adopted
21 before, on, or after the effective date of this Act.

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