

SUMMARY OF PENDING BILLS IN TEXAS LEGISLATURE
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General Issue	Bill Number	Bill Status	Bill Summary	Comments
Arbitration	HB 2277	Referred to Economic Development on March 14	Employment agreement that contains waiver of right to jury trial is void unless agreement provides for arbitration	Business supports mandatory arbitration
	SB 715	Referred to State Affairs on March 2	Prohibits mandatory arbitration agreements as a condition of employment	
At Will Employment	HB 2781	Referred to Economic Development on March 16	Er may not discharge 4+ year ee without “good cause”; posting requirement	Businesses oppose modification of employment at will
	HB 2782	Referred to Economic Development on March 16	Er must have policy that provides [1] probationary period of not more than one year; [2] annual written evaluations; [3] specify grounds and procedure for termination of nonprobationary ee; ee receives written statement of reason for termination, discussion & opportunity to rebut; posting requirement	
Background Checks	HB 424	Referred to State Affairs on February 2	Hotel employers may access the DPS criminal database to obtain record on ees who may have access to guests’ rooms; requirement to retain	

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			record on file for two years from hire	
Business Tax	HB 3	Passed House on March 15; received in Senate and referred to Finance on March 22	\$5.4 billion in property tax relief, in exchange for businesses paying either a franchise tax or a compensation tax based on wages; \$150,000.00 gross sales receipts exemption, for small businesses	TAB supports
Cell Phones	HB 237	Public hearing on February 28; pending in State Affairs	Operator of motor vehicle may not use a telephone unless equipment is "hands free" or the vehicle is stopped; affirmative defenses for certain emergency situations; offense is misdemeanor punishable by fine of \$25 - \$100, or \$125 - \$200, if occurs in a school crossing zone	
	SB 139	Referred to Transportation & Homeland Security on February 1	Same as above, but no penalty specified	
Discrimination	HB 143	Referred to Business & Industry on January 31	Prohibits employment discrimination on the basis of sexual orientation or gender identity; posting requirement	
	HB 701	Public hearing on March 1; pending in Economic Development	Prohibits employment discrimination against employee who is absent or late	

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			for work due to response to emergency as volunteer member of emergency service organization (fire, hazmat, medical services); can dock wages or force use of PTO	
	HB 1206	Referred to Economic Development on February 17	Prohibits employer solicitation of applicant's disclosure of sexual orientation, or solicitation of assessment of same from third parties; religious organization exemption	
	HB 1515	Referred to Economic Development on February 28	Broader prohibition of discrimination based on sexual orientation or gender identity or expression	
	HB 1526	Referred to Business & Industry on February 28	Prohibits discrimination based on sexual orientation or gender identity by state agencies	
	HB 2122	Referred to Economic Development on March 14	Narrows the circumstances under which TCHRA retaliation occurs, using a "because" standard	
	HB 2519	Referred to Business & Industry on March 15	Same as HB 1206, but narrower religious organization exemption	
	HB 3378	Filed March 11	Compensatory and	

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			punitive damages to ee whose er who discharges or refuses to reemploy member of State military forces, if malice or reckless indifference proved	
Equal Pay	SB 74	Referred to Business & Commerce on January 31	Prohibits pay discrimination on the basis of gender; applies to ers with 4+ ees	Against - Issue already adequately addressed by the federal Equal Pay Act
Health Benefits	HB 949	Referred to Insurance on February 14	Prohibits certain health plans from excluding coverage of emergency medical treatment for injury sustained while intoxicated or under the influence of a narcotic	
	HB 1485	Referred to Insurance on February 28	Requires certain health plans to provide coverage for annual exam to screen for cervical cancer for woman age 18 or older	
	HB 1669	Referred to Insurance on March 2	Requires certain health plans to provide coverage for diagnosis and treatment of eating disorders	
	HB 1872	Referred to Insurance on March 14	Requires certain health plans to provide coverage for reconstructive surgery following mastectomy	

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	SB 218	Public hearing on March 21; pending in State Affairs	Requires certain HMO health plans to provide coverage for peripheral stem cell transplants used in the treatment of multiple myeloma or Hodgkin's disease	
Leaves of Absence (Parents)	HB 299 & SB 41	Public hearing on March 15; pending in Economic Development; referred to Business & Commerce on January 31	1 hour of unpaid leave per month, for parent to meet with child's teacher, caregiver or to participate in school activity; applies to employees with 10+ employees	Against – Places additional financial and administrative burden on employers; awards benefit selectively to employees with school-age children
	HB 426	Public hearing on March 15; pending in Economic Development	2 hours of paid leave per semester	
	HB 430	Public hearing on March 15; pending in Economic Development	10 hours unpaid leave per 12-month period	
Leaves of Absence (Crime Victims)	HB 1750	Referred to Economic Development on February 11	Job-protected time off to attend legal or investigative proceeding, or counseling if employee is victim of crime, or immediate family member is victim of crime; posting requirement	
Minimum Wage	HB 334	Referred to Economic Development on February 2	Increase state minimum wage from \$5.15/hour to \$6.15/hour	

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	HB 816	Public hearing on March; pending in Economic Development	Increase state minimum wage to not less than the greater of \$6.15/hour or the federal minimum wage	
	HB 3433	Filed March 11	Increase state minimum wage to \$6/hour eff. 1-1-06 and \$7/hour eff. 1-1-07; er must pay state or federal rate, whichever is higher	
	HB 2736	Referred to Economic Development on March 16	Increase state minimum wage to \$6/hour	
Offshoring of Jobs	HB 485	Referred to Border and International Affairs on February 7	Public agency may not award contract, if the work will be performed outside of the U.S.; if work performed outside of U.S., contract terminated and contractor must repay agency for % of work performed outside of U.S.	Labor supports and businesses do not support
	HB 817	Referred to Economic Development Comm. on February 10	Restricts state investment of funds and provision of tax benefits to private entities that offshored work that was suitable for performance in the U.S. during the past two years	
Ombudsman	SB 508	Referred to Business & Commerce on February 28	Requirements relating to establishment of an ombudsman's office by an employer;	

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			applies to ers of 1+ ees (but not public ers)	
Public Sector	HB 1281	Public hearing on March 21; pending in Government Reform	“Spot awards’ of up to \$1000 per year (e.g. to reward for attaining PHR certification)	
	SB 1201	Referred to State Affairs on March 21	State agency with 1000+ ees must have a Dir. of Civil Rights, who reports directly to agency Executive Director	
Unemployment	HB 131	Referred to Economic Development on January 31	Parent staying home with newborn or adoptee not disqualified from UI benefits	Against – UI funds limited & should be used for those who are unemployed through no fault of their own
	HB 985	Public hearing on March 1; pending in Economic Development	Ee who leaves employment due to family violence or stalking is not disqualified from receiving UI benefits; er’s chargeback account is not charged	
	HB 1738 & S 977	Referred to Economic Development Committee on March 11	Ee who is locked out or placed on unpaid emergency leave by employer not disqualified from UI benefits	
	HB 2401	Referred to Defense Affairs & State-Federal Relations Committee on March 15	Ee who leaves employment due to move from the area because spouse has change in station of longer than 120 days or tour of duty longer than one year; er’s	

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			chargeback account is not charged	
	HB 3250 & SB 1231	Referred to Economic Development on March 21; referred to Business & Commerce on March 21	Congress requires states, as of August 2004, to pass laws imposing penalties on employers who reduce their UI tax rates by moving workers to a “new” business with no history of lay-offs (aka SUTA dumping); TWC would require predecessor rate to transfer to new entity if same ees, common management and common control	
	SB 788	Referred to Business & Commerce on March 10	UI applicants would receive no benefit during the first “waiting week”; nixes current approach, which pays the 1 st week benefit during the 4 th week of unemployment	
	SB 789	Referred to Business & Commerce on March 10	Increase TWC’s ability to recoup improper UI payments; nixes current approach, which excludes overpayment due to agency error	
	SB 790	Referred to Business & Commerce on March 10	Prevent workers who were fired for misconduct from using wages earned on that job in determining their	

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			benefit wage credit	
	SB 791	Referred to Business & Commerce on March 10	Disqualify UI applicant if last employment was “sham” meant to avoid disqualification stemming from prior termination of employment; nixes current approach, which allows applicant to briefly work for nonTUCA er, apply for UI, and last “covered” employer would take the chargeback	
Voting Record	SJR 6	Referred to Administration March 1	Texans would vote on Constitutional amendment requiring that all non-substantive votes in Texas legislature be recorded and available on the Internet	Show me the vote!
Weapons	HB 896	Public hearing on March 7; pending in Law Enforcement	Employers may not prohibit persons with license to carry concealed handgun from having such sun in their locked vehicle on employer’s parking lot or garage; employer not liable for damages arising from possession of gun by licensed carrier on employer’s premises	Effectiveness of workplace violence policies negated if employees allowed to keep weapons in their car on employers’ premises

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Workers' Comp	HB 7	Public hearings on February 15 and March 15; placed on Major State Calendar for March 30	Abolish TWCC & transfer functions to TX Dep't of Insurance, TX Workforce Commission and newly created Office of Employee Assistance	
	SB 5	Passed Senate on March 15	Change TWCC from 6-commissioner board to single commissioner agency; establish WC health care delivery networks; establish evidence-based treatment guidelines	
	SB 713	Referred to State Affairs March 2	Restricts nonsubscriber post-injury waivers of claims and settlement agreements	
	SB 714	Referred to State Affairs March 2	Expands prohibition against workers' comp retaliation to nonsubscribers, where ee sues using common law theory of recovery (e.g., negligence)	