



Correcting the Record

HB 2127 by Rep. Burrows and Sen. Creighton – Texas Regulatory Consistency Act

Some have used recent media stories to mislead the public about HB 2127, the Texas Regulatory Consistency Act.

ASSET fully supports HB 2127 because it creates regulatory consistency and predictability for the world's ninth largest economy. Contrary to the claims of some who opposed HB 2127, the bill also provides for continued worker protections and local control over many local matters. For these reasons, we wish to set the record straight on several points.

1. HB 2127 does not outlaw or prohibit rest and water breaks.

Employers regularly provide rest and water breaks, especially when workers are outside in the Texas heat. This will absolutely continue under HB 2127.

2. Under HB 2127, employers will still be required to provide rest and water breaks because of federal laws enforced by the Occupational Safety & Health Administration (OSHA).

OSHA describes employers' legal responsibilities as follows: "By law employers are responsible for providing workplaces free of known safety hazards, including extreme heat. It is your responsibility to: Provide workers with water, rest and shade." This is just one of several steps OSHA requires employers to take to protect employees from heat illness. For more information, visit <https://www.osha.gov/heat/employer-responsibility>.

3. Local ordinances have not provided meaningful rest and water break protections.

Several of the local governments criticizing HB 2127's effect on rest and water break ordinances have never bothered to adopt such an ordinance. [For example, Harris County Judge Hidalgo recently made this criticism on Twitter even though neither Houston nor Harris County have adopted rest and water break requirements.](#)

We're aware of only two of Texas' 1,200+ municipalities that have a rest and water break ordinance—Austin and Dallas. The Austin ordinance only applies to commercial construction sites, and we're not aware of significant enforcement activity for either ordinance.

It's disingenuous for local governments to claim that workers will be harmed by the repeal of ordinances that—in the vast majority of cases—were never adopted in the first place.

To learn more about ASSET and its objectives, visit www.ASSETtexas.com.



4. HB 2127 does not end local control or block existing regulations on payday lending and puppy mills.

Local governments retain their ability to regulate on many topics, including zoning, public safety, health and sanitation, and discrimination. Further, the bill was amended during the legislative process to specifically ensure that local governments may continue to enforce existing ordinances on payday lending and puppy mills.

5. HB 2127 is not overly broad or confusing. It only invalidates local ordinances IF they address topics in specific codes AND *the state has already regulated that topic.*

Employers work with their partners in local government on a regular basis, and that will continue under HB 2127. At the same time, HB 2127 promotes regulatory consistency and predictability by simply stating that if the state has already regulated on certain topics, then local governments cannot adopt their own regulations on those same topics. Most states have a similar regulatory structure.

6. HB 2127 does not encourage frivolous lawsuits.

There is no financial incentive to file a lawsuit under HB 2127 since the bill does not allow a prevailing party to recover damages. Further, the bill was amended during the legislative process to require advance notice and an opportunity to cure before a lawsuit is filed, and to allow courts to grant attorney's fees and costs to a local government that is sued with a frivolous lawsuit.

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