

By: Geren, Seaman

H.B. No. 804

A BILL TO BE ENTITLED

AN ACT

relating to the minimum wage.

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

SECTION 1. Section 62.003(b), Labor Code, is amended to read as follows:

(b) An earnings statement must be signed by the employer or the employer's agent and must show:

(1) the name of the employee;

(2) the rate of pay;

(3) the total amount of pay earned by the employee during the pay period;

(4) any deduction made from the employee's pay and the purpose of the deduction;

(5) the amount of pay after all deductions are made; and

(6) the total number of:

(A) hours worked by the employee if the employee's pay is computed by the hour; or

(B) units produced by the employee during the pay period if the employee's pay is computed on a piece rate [~~and~~

~~(7) the words "medical certificate," if the employee is paid a wage lower than the applicable minimum wage under Section 62.055].~~

SECTION 2. Section 62.051, Labor Code, is amended to read as

1 follows:

2 Sec. 62.051. MINIMUM WAGE. Except as provided by Section
3 ~~[Sections 62.055 and]~~ 62.057, an employer shall pay to each
4 employee the federal minimum wage under Section 6, Fair Labor
5 Standards Act of 1938 (29 U.S.C. Section 206).

6 SECTION 3. Subchapter B, Chapter 62, Labor Code, is amended
7 by adding Section 62.0515 to read as follows:

8 Sec. 62.0515. APPLICATION OF MINIMUM WAGE TO GOVERNMENTAL
9 ENTITIES. (a) The minimum wage provided by this chapter supersedes
10 a wage established in a municipal ordinance or charter provision
11 governing wages in private employment other than wages under a
12 public contract. This section does not apply to:

13 (1) an ordinance, an order, a charter provision, or a
14 contract governing tax abatements between a governmental entity and
15 a private employer; or

16 (2) any state or federal job training or workforce
17 development program.

18 (b) For purposes of this section, "governmental entity"
19 includes a municipality, a county, a special district or authority,
20 a junior college district, or another political subdivision of this
21 state.

22 SECTION 4. Section 62.151, Labor Code, is amended to read as
23 follows:

24 Sec. 62.151. PERSON COVERED BY FEDERAL ACT. This chapter
25 and a municipal ordinance or charter provision governing wages in
26 private employment, other than wages under a public contract, do
27 ~~[does]~~ not apply to a person covered by the Fair Labor Standards Act

1 of 1938 (29 U.S.C. Section 201 et seq.).

2 SECTION 5. Section 62.201, Labor Code, is amended to read as
3 follows:

4 Sec. 62.201. CIVIL PENALTY. An employer who violates
5 Section 62.051, 62.052, 62.053, or 62.054 [~~7, 62.055, or 62.056~~] or
6 Subchapter C is liable to an affected employee in the amount of the
7 unpaid wages plus an additional equal amount as liquidated damages.

8 SECTION 6. Sections 62.055 and 62.056, Labor Code, are
9 repealed.

10 SECTION 7. This Act takes effect September 1, 2003.