

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 CERTAIN
9 GOVERNMENTAL ENTITIES; CERTAIN AGREEMENTS WITH GOVERNMENTAL
10 ENTITIES. (a) Except as otherwise provided by this section, the
11 minimum wage provided by this chapter supersedes a wage established
12 in an ordinance, order, or charter provision governing wages in
13 private employment, other than wages under a public contract.

14 (b) This section does not apply to any state or federal job
15 training or workforce development program.

16 (c) This section does not apply to a minimum wage
17 established by a governmental entity that applies to a contract or
18 agreement, including a non-annexation agreement, entered into by a
19 governmental entity and a private entity. A private entity that
20 enters into a contract or agreement, including a non-annexation
21 agreement, with a governmental entity, under the terms of which the
22 private entity agrees to comply with a minimum wage established by
23 the governmental entity, is subject to the terms of that contract or
24 agreement, and those terms apply to and may be enforced against a
25 general contractor, subcontractor, developer, and other person
26 with which the private entity contracts in order to comply with the
27 provisions of the original contract or agreement.

1 (d) For purposes of this section, "governmental entity"
2 includes a municipality, a county, a special district or authority,
3 a junior college district, or another political subdivision of this
4 state.

5 SECTION 4. Section 62.151, Labor Code, is amended to read as
6 follows:

7 Sec. 62.151. PERSON COVERED BY FEDERAL ACT. This chapter
8 and a municipal ordinance or charter provision governing wages in
9 private employment, other than wages under a public contract, do
10 ~~not~~ not apply to a person covered by the Fair Labor Standards Act
11 of 1938 (29 U.S.C. Section 201 et seq.).

12 SECTION 5. Section 62.201, Labor Code, is amended to read as
13 follows:

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

18 SECTION 6. Sections 62.055 and 62.056, Labor Code, are
19 repealed.

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

President of the Senate

Speaker of the House

I certify that H.B. No. 804 was passed by the House on April 8, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 804 on May 23, 2003, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 804 was passed by the Senate, with amendments, on May 21, 2003, by the following vote: Yeas 20, Nays 9.

Secretary of the Senate

APPROVED: _____

Date

Governor