

By: Geren

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
9 MUNICIPALITIES. The minimum wage provided by this chapter
10 supersedes a wage established in a municipal ordinance or charter
11 provision governing wages in private employment other than wages
12 under a public contract. This section does not apply to a municipal
13 ordinance, charter provision, or contract governing tax abatements
14 between a municipality and private employers or to any state or
15 federal job training or workforce development program.

16 SECTION 4. Section 62.151, Labor Code, is amended to read as
17 follows:

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

23 SECTION 5. Section 62.201, Labor Code, is amended to read as
24 follows:

25 Sec. 62.201. CIVIL PENALTY. An employer who violates
26 Section 62.051, 62.052, 62.053, or 62.054~~[, 62.055, or 62.056]~~ or
27 Subchapter C is liable to an affected employee in the amount of the

1 unpaid wages plus an additional equal amount as liquidated damages.

2 SECTION 6. Sections 62.055 and 62.056, Labor Code, are
3 repealed.

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