

1-1 By: Geren, Seaman (Senate Sponsor - Lindsay) H.B. No. 804
1-2 (In the Senate - Received from the House April 9, 2003;
1-3 April 14, 2003, read first time and referred to Committee on
1-4 Business and Commerce; April 28, 2003, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 7, Nays
1-6 2; April 28, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 804 By: Averitt

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the minimum wage.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 62.003(b), Labor Code, is amended to
1-13 read as follows:

1-14 (b) An earnings statement must be signed by the employer or
1-15 the employer's agent and must show:

1-16 (1) the name of the employee;

1-17 (2) the rate of pay;

1-18 (3) the total amount of pay earned by the employee
1-19 during the pay period;

1-20 (4) any deduction made from the employee's pay and the
1-21 purpose of the deduction;

1-22 (5) the amount of pay after all deductions are made;
1-23 and

1-24 (6) the total number of:

1-25 (A) hours worked by the employee if the
1-26 employee's pay is computed by the hour; or

1-27 (B) units produced by the employee during the pay
1-28 period if the employee's pay is computed on a piece rate[~~and~~

1-29 [~~(7) the words "medical certificate," if the employee~~
1-30 ~~is paid a wage lower than the applicable minimum wage under Section~~
1-31 ~~62.055].~~

1-32 SECTION 2. Section 62.051, Labor Code, is amended to read as
1-33 follows:

1-34 Sec. 62.051. MINIMUM WAGE. Except as provided by Section
1-35 [~~Sections 62.055 and~~] 62.057, an employer shall pay to each
1-36 employee the federal minimum wage under Section 6, Fair Labor
1-37 Standards Act of 1938 (29 U.S.C. Section 206).

1-38 SECTION 3. Subchapter B, Chapter 62, Labor Code, is amended
1-39 by adding Section 62.0515 to read as follows:

1-40 Sec. 62.0515. APPLICATION OF MINIMUM WAGE TO CERTAIN
1-41 GOVERNMENTAL ENTITIES; CERTAIN AGREEMENTS WITH GOVERNMENTAL
1-42 ENTITIES. (a) Except as otherwise provided by this section, the
1-43 minimum wage provided by this chapter supersedes a wage established
1-44 in an ordinance, order, or charter provision governing wages in
1-45 private employment, other than wages under a public contract.

1-46 (b) This section does not apply to any state or federal job
1-47 training or workforce development program.

1-48 (c) This section does not apply to a minimum wage
1-49 established by a governmental entity that applies to a contract or
1-50 agreement, including a non-annexation agreement, entered into by a
1-51 governmental entity and a private entity. A private entity that
1-52 enters into a contract or agreement, including a non-annexation
1-53 agreement, with a governmental entity, under the terms of which the
1-54 private entity agrees to comply with a minimum wage established by
1-55 the governmental entity, is subject to the terms of that contract or
1-56 agreement, and those terms apply to and may be enforced against a
1-57 general contractor, subcontractor, developer, and other person
1-58 with which the private entity contracts in order to comply with the
1-59 provisions of the original contract or agreement.

1-60 (d) For purposes of this section, "governmental entity"
1-61 includes a municipality, a county, a special district or authority,
1-62 a junior college district, or another political subdivision of this
1-63 state.

2-1 SECTION 4. Section 62.151, Labor Code, is amended to read as
2-2 follows:

2-3 Sec. 62.151. PERSON COVERED BY FEDERAL ACT. This chapter
2-4 and a municipal ordinance or charter provision governing wages in
2-5 private employment, other than wages under a public contract, do
2-6 [does] not apply to a person covered by the Fair Labor Standards Act
2-7 of 1938 (29 U.S.C. Section 201 et seq.).

2-8 SECTION 5. Section 62.201, Labor Code, is amended to read as
2-9 follows:

2-10 Sec. 62.201. CIVIL PENALTY. An employer who violates
2-11 Section 62.051, 62.052, 62.053, or 62.054 [~~7, 62.055, or 62.056~~] or
2-12 Subchapter C is liable to an affected employee in the amount of the
2-13 unpaid wages plus an additional equal amount as liquidated damages.

2-14 SECTION 6. Sections 62.055 and 62.056, Labor Code, are
2-15 repealed.

2-16 SECTION 7. This Act takes effect September 1, 2003.

2-17 * * * * *