

## **RESOLUTION ANALYSIS**

H.J.R. 26  
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Business & Industry  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties have expressed concern that a significant number of Texans working for the federal minimum wage are unable to make ends meet. The parties explain that the federal minimum wage of \$7.25 per hour, which is in effect in Texas, has not been raised since July 2009 and that a person working full-time year-round for the \$7.25 hourly rate will earn about \$15,000 a year, which is below the federal poverty line for a family of two or more. Reports indicate that, as of January 2015, 29 states and the District of Columbia have state minimum wage rates above the federal rate in an effort to have their workers keep up with rising prices. H.J.R. 26 seeks to help working families in Texas by raising the minimum wage.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this resolution does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

Section 531.0055, Government Code, as amended by Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, expressly grants to the executive commissioner of the Health and Human Services Commission all rulemaking authority for the operation of and provision of services by the health and human services agencies. Similarly, Sections 1.16-1.29, Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, provide for the transfer of a power, duty, function, program, or activity from a health and human services agency abolished by that act to the corresponding legacy agency. To the extent practical, this resolution analysis is written to reflect any transfer of rulemaking authority and to update references as necessary to an agency's authority with respect to a particular health and human services program.

H.J.R. 26 proposes an amendment to the Texas Constitution to require an employer in Texas to pay to an employee for services performed by the employee not less than the greater of \$10.10 an hour or the federal minimum wage. The resolution exempts from the requirement wages paid to an individual to whom statutory provisions regulating the compensation of a patient or client receiving mental health or mental retardation services from an applicable health and human services agency for services rendered to that agency apply and an employer to which exemptions under the Texas Minimum Wage Act apply, as those statutory provisions existed on January 1, 2016. The resolution authorizes the legislature by general law to repeal or otherwise limit those statutory provisions that are in effect on January 1, 2016, but prohibits the legislature from expanding the applicability of those provisions.

H.J.R. 26 includes a temporary provision, set to expire January 1, 2017, establishing that the resolution's provisions take effect January 1, 2016.

**ELECTION DATE**

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 3, 2015.