

By: West

S.B. No. 123

A BILL TO BE ENTITLED

AN ACT

relating to the minimum wage, including authorizing a county or municipality to establish a minimum wage.

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

SECTION 1. Section 62.051, Labor Code, is amended to read as follows:

Sec. 62.051. MINIMUM WAGE. (a) Except as provided by Section 62.057, an employer shall pay to each employee not less than the greater of:

(1) the federal minimum wage under Section 6, Fair Labor Standards Act of 1938 (29 U.S.C. Section 206); or

(2) if applicable, the minimum wage established by the municipality or county in which the employee performs services for the employer.

(b) A municipality may adopt a minimum wage to be paid by an employer to each employee for services performed in the municipality. A county may adopt a minimum wage to be paid by an employer to each employee for services performed in the unincorporated areas of the county.

SECTION 2. Section 62.0515, Labor Code, is amended to read as follows:

Sec. 62.0515. [~~APPLICATION OF MINIMUM WAGE TO CERTAIN GOVERNMENTAL ENTITIES,~~] CERTAIN AGREEMENTS WITH GOVERNMENTAL ENTITIES. (a) [~~Except as otherwise provided by this section, the~~

1 ~~minimum wage provided by this chapter supersedes a wage established~~  
2 ~~in an ordinance, order, or charter provision governing wages in~~  
3 ~~private employment, other than wages under a public contract.~~

4 ~~[(b) This section does not apply to any state or federal job~~  
5 ~~training or workforce development program.~~

6 ~~[(c) This section does not apply to a minimum wage~~  
7 ~~established by a governmental entity that applies to a contract or~~  
8 ~~agreement, including a non-annexation agreement, entered into by a~~  
9 ~~governmental entity and a private entity.]~~ A private entity that

10 enters into a contract or agreement, including a non-annexation  
11 agreement, with a governmental entity, under the terms of which the  
12 private entity agrees to comply with a minimum wage that is greater  
13 than the minimum wage established by Section 62.051 [~~the~~  
14 ~~governmental entity~~], is subject to the terms of that contract or  
15 agreement, and those terms apply to and may be enforced against a  
16 general contractor, subcontractor, developer, and other person  
17 with which the private entity contracts in order to comply with the  
18 provisions of the original contract or agreement.

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

23 SECTION 3. Section 62.151, Labor Code, is repealed.

24 SECTION 4. This Act takes effect September 1, 2015.