86R1484 LED-F

By:  Ortega H.B. No. 328

A BILL TO BE ENTITLED

AN ACT

relating to authorization for a county or municipality to establish a local minimum wage.

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

SECTION 1.  Section 62.0515, Labor Code, is amended to read as follows:

Sec. 62.0515.  [~~APPLICATION OF~~] MINIMUM WAGE ESTABLISHED BY [~~TO~~] CERTAIN GOVERNMENTAL ENTITIES; CERTAIN AGREEMENTS WITH GOVERNMENTAL ENTITIES. (a) Notwithstanding Section 62.151:

(1)  a municipality may adopt a minimum wage that is greater than the minimum wage established by Section 62.051 to be paid by an employer to each employee for services performed in the municipality; and

(2)  a county may adopt a minimum wage that is greater than the minimum wage established by Section 62.051 to be paid by an employer to each employee for services performed in the unincorporated areas of the county, including areas located within the extraterritorial jurisdiction of a municipality. [~~Except as otherwise provided by this section, the minimum wage provided by this chapter supersedes a wage established in an ordinance, order, or charter provision governing wages in private employment, other than wages under a public contract.~~]

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

[~~(c)  This section does not apply to a minimum wage established by a governmental entity that applies to a contract or agreement, including a non-annexation agreement, entered into by a governmental entity and a private entity.~~] A private entity that enters into a contract or agreement, including a non-annexation agreement, with a governmental entity, under the terms of which the private entity agrees to comply with a minimum wage that is greater than the minimum wage established by Section 62.051 or, if applicable, Subsection (a) of this section [~~the governmental entity~~], is subject to the terms of that contract or agreement, and those terms apply to and may be enforced against a general contractor, subcontractor, developer, and other person with which the private entity contracts in order to comply with the provisions of the original contract or agreement.

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

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

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

SECTION 3.  This Act takes effect September 1, 2019.