

By: Menéndez

S.J.R. No. 5

1 SENATE JOINT RESOLUTION

2 proposing a constitutional amendment establishing an increased  
3 minimum wage.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article XVI, Texas Constitution, is amended by  
6 adding Section 29 to read as follows:

7 Sec. 29. (a) An employer in this state shall pay to an  
8 employee for services performed by the employee not less than the  
9 greater of:

10 (1) \$10.10 an hour; or

11 (2) the federal minimum wage under Section 6, Fair  
12 Labor Standards Act of 1938 (29 U.S.C. Section 206).

13 (b) Subsection (a) of this section does not apply to:

14 (1) wages paid to an individual to whom Section  
15 62.057, Labor Code, applies, as that section existed on January 1,  
16 2018; or

17 (2) an employer to which an exemption under Subchapter  
18 D, Chapter 62, Labor Code, applies, as that subchapter existed on  
19 January 1, 2018.

20 (c) The legislature by general law may repeal or otherwise  
21 limit but may not expand the applicability of Section 62.057, Labor  
22 Code, or an exemption under Subchapter D, Chapter 62, Labor Code,  
23 that is in effect on January 1, 2018.

24 SECTION 2. The following temporary provision is added to

1 the Texas Constitution:

2 TEMPORARY PROVISION. (a) This temporary provision applies  
3 to the constitutional amendment proposed by the 85th Legislature,  
4 Regular Session, 2017, establishing a minimum wage of the greater  
5 of \$10.10 an hour or the federal minimum wage.

6 (b) Section 29, Article XVI, of this constitution takes  
7 effect January 1, 2018.

8 (c) This temporary provision expires January 1, 2019.

9 SECTION 3. This proposed constitutional amendment shall be  
10 submitted to the voters at an election to be held November 7, 2017.  
11 The ballot shall be printed to permit voting for or against the  
12 proposition: "The constitutional amendment establishing a minimum  
13 wage of the greater of \$10.10 an hour or the federal minimum wage."