

1 AN ACT

2 relating to the minimum wage.

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

4 SECTION 1. Section 62.003(b), Labor Code, is amended to  
5 read as follows:

6 (b) An earnings statement must be signed by the employer or  
7 the employer's agent and must show:

8 (1) the name of the employee;

9 (2) the rate of pay;

10 (3) the total amount of pay earned by the employee  
11 during the pay period;

12 (4) any deduction made from the employee's pay and the  
13 purpose of the deduction;

14 (5) the amount of pay after all deductions are made;

15 and

16 (6) the total number of:

17 (A) hours worked by the employee if the  
18 employee's pay is computed by the hour; or

19 (B) units produced by the employee during the pay  
20 period if the employee's pay is computed on a piece rate[ ~~and~~

21  ~~(7) the words "medical certificate," if the employee~~  
22  ~~is paid a wage lower than the applicable minimum wage under Section~~  
23  ~~62.055].~~

24 SECTION 2. Section 62.051, Labor Code, is amended to read as

1 follows:

2 Sec. 62.051. MINIMUM WAGE. Except as provided by Section  
3 [Sections 62.055 and] 62.057, an employer shall pay to each  
4 employee the federal minimum wage under Section 6, Fair Labor  
5 Standards Act of 1938 (29 U.S.C. Section 206).

6 SECTION 3. Subchapter B, Chapter 62, Labor Code, is amended  
7 by adding Section 62.0515 to read as follows:

8 Sec. 62.0515. APPLICATION OF MINIMUM WAGE TO CERTAIN  
9 GOVERNMENTAL ENTITIES; CERTAIN AGREEMENTS WITH GOVERNMENTAL  
10 ENTITIES. (a) Except as otherwise provided by this section, the  
11 minimum wage provided by this chapter supersedes a wage established  
12 in an ordinance, order, or charter provision governing wages in  
13 private employment, other than wages under a public contract.

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

16 (c) This section does not apply to a minimum wage  
17 established by a governmental entity that applies to a contract or  
18 agreement, including a non-annexation agreement, entered into by a  
19 governmental entity and a private entity. A private entity that  
20 enters into a contract or agreement, including a non-annexation  
21 agreement, with a governmental entity, under the terms of which the  
22 private entity agrees to comply with a minimum wage established by  
23 the governmental entity, is subject to the terms of that contract or  
24 agreement, and those terms apply to and may be enforced against a  
25 general contractor, subcontractor, developer, and other person  
26 with which the private entity contracts in order to comply with the  
27 provisions of the original contract or agreement.

1           (d) For purposes of this section, "governmental entity"  
2 includes a municipality, a county, a special district or authority,  
3 a junior college district, or another political subdivision of this  
4 state.

5           SECTION 4. Section 62.151, Labor Code, is amended to read as  
6 follows:

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

12           SECTION 5. Section 62.201, Labor Code, is amended to read as  
13 follows:

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

18           SECTION 6. Sections 62.055 and 62.056, Labor Code, are  
19 repealed.

20           SECTION 7. This Act takes effect September 1, 2003.

David B. Swinburn

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 804 was passed by the House on April 8, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 804 on May 23, 2003, by a non-record vote.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 804 was passed by the Senate, with amendments, on May 21, 2003, by the following vote: Yeas 20, Nays 9.

Satsy Graw

Secretary of the Senate

APPROVED: 20 JUN '03

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
10:30 PM O'CLOCK

JUN 20 2003  
Ann Shea  
Secretary of State