

## CHAPTER 964

## S.B. No. 1376

An Act relating to the frequency with which certain employers must pay wages and to the effect of compliance with certain overtime provisions; amending Article 5155, Revised Statutes, as amended; and adding Article 5165.4 to Chapter 5, Title 83, Revised Statutes, as amended.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Article 5155, Revised Statutes, as amended, is amended to read as follows:

"Article 5155. **PAY DAYS.** (a) A person who employs one or more employees in this state shall pay the employees who are exempt from the overtime pay provisions of the Fair Labor Standards Act of 1938 at least once per month and shall pay all other employees at least semimonthly.

"(b) In this article, 'person' means an individual, corporation, organization, partnership, association, or any other private legal entity. *The term does not include the state or a political subdivision of the state.*"

**SECTION 2.** Chapter 5, Title 83, Revised Statutes, is amended by adding Article 5165.4 to read as follows:

*"Article 5165.4. An employer who complies with the overtime provisions of the Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) is considered to comply with the eight-hour day requirements of Articles 5165, 5165.1, 5165.2, and 5165.3 of this chapter, and is not civilly or criminally liable for a violation of those requirements."*

**SECTION 3.** A governmental employer made subject to the Fair Labor Standards Act of 1938 is not liable to any person for failure to comply with Article 5155, Revised Statutes, as it existed before amendment by this Act.

**SECTION 4.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on April 30, 1985, by the following vote: Yeas 26, Nays 1; Senate concurred in House amendment on May 20, 1985, by the following vote: Yeas 31, Nays 0; passed the House, with amendment, on May 17, 1985, by a non-record vote.

Filed: June 16, 1985, without signature.

Effective: August 26, 1985