

House Bill 1258 (COMMITTEE SUBSTITUTE)

By: Representatives Ehrhart of the 28th and Bannister of the 70th, Post 1

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 4 of Title 34 of the Official Code of Georgia Annotated, the "Georgia
2 Minimum Wage Law," so as to preempt certain wage and employment benefit mandates by
3 local government entities; to define certain terms; to provide legislative findings and
4 declarations; to provide an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 The General Assembly finds and declares that:

- 8 (1) Economic stability and growth are among the most important factors affecting the
9 general welfare of the people of this state, and that economic stability and growth are
10 therefore among the most important matters for which the General Assembly is
11 responsible;
- 12 (2) Mandated wage rates and employment benefits comprise a major cost component for
13 private enterprises and are among the chief factors affecting the economic stability and
14 growth of this state;
- 15 (3) Local variations in mandated wage rates and employment benefits threaten many
16 businesses with a loss of employees to areas which require higher mandated wage rates
17 and employment benefits, threaten many other businesses with the loss of patrons to areas
18 which allow lower mandated wage rates and employment benefits, and are therefore
19 detrimental to the business environment of the state and to the citizens, businesses, and
20 governments of the various political subdivisions as well as local labor markets;
- 21 (4) In order for businesses to remain competitive and yet attract and retain the highest
22 possible caliber of employees, private enterprises in this state must be allowed to function
23 in a uniform environment with respect to mandated wage rates and employment benefits;
24 and

1 (5) Legislated wage and employment benefit disparity between local government entities
 2 of this state creates an anticompetitive marketplace that fosters job and business
 3 relocation.

4 **SECTION 2.**

5 Chapter 4 of Title 34 of the Official Code of Georgia Annotated, the "Georgia Minimum
 6 Wage Law," is amended by adding a new Code section to read as follows:

7 "34-4-3.1.

8 (a) As used in this Code section, the term:

9 (1) 'Employee' means any individual employed by an employer.

10 (2) 'Employer' means any person or entity that employs one or more employees.

11 (3) 'Employment benefits' means anything of value that an employee may receive from
 12 an employer in addition to wages and salary. This term includes, but is not limited to,
 13 any health benefits, disability benefits, death benefits, group accidental death and
 14 dismemberment benefits, paid days off for holidays, sick leave, vacation, and personal
 15 necessity, retirement benefits, and profit-sharing benefits.

16 (4) 'Local government entity' means a county, municipal corporation, consolidated
 17 government, authority, board of education, or other local public board, body, or
 18 commission.

19 (5) 'Person' means an individual, partnership, association, corporation, business trust,
 20 legal representative, or any other organized group of persons.

21 (6) 'Wage or employment benefit mandate' means any requirement adopted by a local
 22 government entity which requires an employer to pay any or all of its employees a wage
 23 rate or provide employment benefits not otherwise required under this Code or federal
 24 law.

25 (b)(1) Any and all wage or employment benefit mandates adopted by any local
 26 government entity are hereby preempted.

27 (2) No local government entity may adopt, maintain, or enforce by charter, ordinance,
 28 purchase agreement, contract, regulation, rule, or resolution, either directly or indirectly,
 29 a wage or employment benefit mandate.

30 (3) Any local government entity may offer its own employees employment benefits."

31 **SECTION 3.**

32 This Act shall become effective upon its approval by the Governor or upon its becoming law
 33 without such approval.

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SECTION 4.

2 All laws and parts of laws in conflict with this Act are repealed.