

House Bill 59

By: Representatives Ehrhart of the 36<sup>th</sup> and Lunsford of the 110<sup>th</sup>

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 change provisions relating to the prohibition of local  
3 government wage and employment benefit mandates; to provide that no local government  
4 entity may through its purchasing or contracting procedures seek to control or affect the  
5 wages or employment benefits provided by its vendors, contractors, service providers, or  
6 other parties doing business with the local government entity; to provide for related matters;  
7 to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Chapter 4 of Title 34 of the Official Code of Georgia Annotated, the "Georgia Minimum  
11 Wage Law," is amended by striking Code Section 34-4-3.1, relating to the prohibition of  
12 local government wage and employment benefit mandates, and inserting in its place a new  
13 Code section to read as follows:

14 "34-4-3.1.

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

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

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

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

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

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

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

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

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

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

13 (c) No local government entity may through its purchasing or contracting procedures seek  
14 to control or affect the wages or employment benefits provided by its vendors, contractors,  
15 service providers, or other parties doing business with the local government entity. A local  
16 government entity shall not through the use of evaluation factors, qualification of bidders,  
17 or otherwise award preferences on the basis of wages or employment benefits provided by  
18 its vendors, contractors, service providers, or other parties doing business with the local  
19 government entity."

20 **SECTION 2.**

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