

House Bill 97

By: Representatives Brooks of the 63<sup>rd</sup>, Morgan of the 39<sup>th</sup>, Taylor of the 55<sup>th</sup>, Beasley-Teague of the 65<sup>th</sup>, Bruce of the 64<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 4 of Title 34 of the Official Code of Georgia Annotated, relating to  
2 minimum wage, so as to provide for a substantive and comprehensive reform of provisions  
3 regarding the minimum wage law; to provide for legislative findings; to provide for an  
4 increase in the minimum wage; to provide for annual minimum wage increases to match the  
5 rising cost of living; to provide a credit toward the minimum wage for employers of tipped  
6 workers; to eliminate various eligibility exemptions from the minimum wage; to provide for  
7 related matters; to provide an effective date and applicability; to repeal conflicting laws; and  
8 for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 Chapter 4 of Title 34 of the Official Code of Georgia Annotated, relating to minimum wage,  
12 is amended by revising Code Section 34-4-3, relating to amount of minimum wage to be paid  
13 by employers, as follows:

14 "34-4-3.

15 (a) The General Assembly finds that all Georgians who are working full time should earn  
16 enough money to take care of their families. The General Assembly further finds that  
17 today, too many of Georgia's working families are struggling to make ends meet. The real  
18 value of the minimum wage has fallen to a 50 year low, and too many workers are  
19 excluded from the protection of the minimum wage altogether. The General Assembly  
20 finds that it is important to establish a minimum wage that broadly covers working families  
21 in Georgia and that keeps pace with inflation even when the federal minimum wage does  
22 not.

23 (b) Except as otherwise provided in this Code section, every employer, whether a person,  
24 firm, or corporation, shall pay to all covered employees a minimum wage which shall be  
25 not less than ~~\$5.15~~ \$6.20 per hour for each hour worked in the employment of such  
26 employer. As of the effective date of this Code section, the minimum wage shall be not

27 less than \$15.00 per hour for each hour worked in the employment of such employer. On  
 28 January 1, 2012, and on January 1 of each successive year thereafter, the minimum wage  
 29 shall be increased by the increase in the cost of living, if any. On September 30, 2011, and  
 30 on September 20 of each successive year thereafter, the Georgia Department of Labor shall  
 31 measure the increase in the cost of living as being the percentage increase as of the  
 32 preceding July over the July level of the immediately preceding year according to the  
 33 Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) or such  
 34 successor index as published by the United States Department of Labor or its successor  
 35 agency. Each adjusted minimum wage rate calculated shall be published and take effect  
 36 on the following January 1.

37 (c) Employers of employees who meet the eligibility requirements for the tip credit under  
 38 the federal Fair Labor Standards Act, 29 U.S.C. Section 203(t), may credit tips towards the  
 39 satisfaction of up to 50 percent of the minimum wage provided by this Code section.

40 ~~(b)~~(d) This chapter shall not apply with respect to:

- 41 (1) Any employer that has sales of ~~\$40,000.00~~ \$50,000.00 per year or less;
- 42 (2) Any employer having five employees or less;
- 43 ~~(3) Any employer of domestic employees;~~
- 44 ~~(4) Any employer who is a farm owner, sharecropper, or land renter;~~
- 45 ~~(5) Any employee whose compensation consists wholly or partially of gratuities;~~
- 46 ~~(6)~~(3) Any employee who is a high school or college student;
- 47 ~~(7)~~(4) Any individual who is employed as a newspaper carrier; or
- 48 ~~(8)~~(5) Any individual who is employed by a nonprofit child-caring institution or  
 49 long-term care facility serving children or mentally disabled adults who are enrolled in  
 50 such institution and reside in residential facilities of the institution, if such employee  
 51 resides in such facilities, receives without cost board and lodging from such institution,  
 52 and is compensated on a cash basis at an annual rate of not less than ~~\$10,000.00~~  
 53 \$15,000.00.

54 ~~(c) This chapter shall not apply to any employer who is subject to the minimum wage~~  
 55 ~~provisions of any act of Congress as to employees covered thereby if such act of Congress~~  
 56 ~~provides for a minimum wage which is greater than the minimum wage which is provided~~  
 57 ~~for in this Code section."~~

## 58 SECTION 2.

59 This Act shall become effective 60 days after its approval by the Governor or upon its  
 60 becoming law without such approval.

61

**SECTION 3.**

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