

Senate Bill 292

By: Senators Fort of the 39th, Henson of the 41st, Orrock of the 36th, Butler of the 55th, Rhett of the 33rd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 4 of the Official Code of Georgia Annotated, relating to minimum wage
2 law, so as to repeal certain provisions relating to the preemption of wage and employment
3 benefit mandates adopted by a local government entity; to provide for related matters; to
4 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 Chapter 4 of the Official Code of Georgia Annotated, relating to minimum wage law, is
8 amended by repealing Code Section 34-4-3.1, relating to wage and employment benefits by
9 local government entities, as follows:

10 ~~"34-4-3.1:~~

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

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

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

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

19 ~~(4) 'Local government entity' means a county, municipal corporation, consolidated~~
20 ~~government, authority, board of education, or other local public board, body, or~~
21 ~~commission.~~

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

24 ~~(6) 'Wage or employment benefit mandate' means any requirement adopted by a local~~
25 ~~government entity which requires an employer to pay any or all of its employees a wage~~

26 ~~rate or provide employment benefits not otherwise required under this Code or federal~~
 27 ~~law.~~

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

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

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

34 ~~(c) No local government entity may through its purchasing or contracting procedures seek~~
 35 ~~to control or affect the wages or employment benefits provided by its vendors, contractors,~~
 36 ~~service providers, or other parties doing business with the local government entity. A local~~
 37 ~~government entity shall not through the use of evaluation factors, qualification of bidders,~~
 38 ~~or otherwise award preferences on the basis of wages or employment benefits provided by~~
 39 ~~its vendors, contractors, service providers, or other parties doing business with the local~~
 40 ~~government entity."~~

41 **SECTION 2.**

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