

House Bill 1258 (AS PASSED HOUSE AND SENATE)

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

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The General Assembly finds and declares that:

(1) Economic stability and growth are among the most important factors affecting the general welfare of the people of this state, and that economic stability and growth are therefore among the most important matters for which the General Assembly is responsible;

(2) Mandated wage rates and employment benefits comprise a major cost component for private enterprises and are among the chief factors affecting the economic stability and growth of this state;

(3) Local variations in mandated wage rates and employment benefits threaten many businesses with a loss of employees to areas which require higher mandated wage rates and employment benefits, threaten many other businesses with the loss of patrons to areas which allow lower mandated wage rates and employment benefits, and are therefore detrimental to the business environment of the state and to the citizens, businesses, and governments of the various political subdivisions as well as local labor markets;

(4) In order for businesses to remain competitive and yet attract and retain the highest possible caliber of employees, private enterprises in this state must be allowed to function in a uniform environment with respect to mandated wage rates and employment benefits; and

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

SECTION 2.

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

"34-4-3.1.

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

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

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

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

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

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

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

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

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

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

SECTION 3.

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

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- SECTION 4.
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- All laws and parts of laws in conflict with this Act are repealed.