

House Bill 573

By: Representatives Frye of the 118th, Dreyer of the 59th, McClain of the 100th, Alexander of the 66th, Thomas of the 56th, 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 law, so as to revise certain provisions relating to wages and employment
3 benefits by local government entities; to revise and provide for definitions; to authorize local
4 government entities to adopt and enforce wage mandates; to provide for related matters; to
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

8 Chapter 4 of Title 34 of the Official Code of Georgia Annotated, relating to minimum wage
9 law, is amended by revising Code Section 34-4-3.1, relating to wages and employment
10 benefits by local government entities, as follows:

11 "34-4-3.1.

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

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

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

15 (3) 'Employment benefit mandate' means any requirement adopted by a local government
16 entity which requires an employer to provide employment benefits not otherwise required
17 under this Code or federal law.

18 ~~(3)~~(4) 'Employment benefits' means anything of value that an employee may receive
19 from an employer in addition to wages and salary. This term includes, but is not limited
20 to, any 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; additional pay based on schedule changes; retirement benefits; and
23 profit-sharing benefits.

24 ~~(4)~~(5) 'Local government entity' means a county, municipal corporation, consolidated
25 government, authority, board of education, or other local public board, body, or
26 commission.

27 ~~(5)~~(6) 'Person' means an individual, partnership, association, corporation, business trust,
 28 legal representative, or any other organized group of persons.

29 ~~(6)~~(7) 'Wage or employment benefit mandate' means any requirement adopted by a local
 30 government entity which requires an employer to pay any or all of its employees a wage
 31 rate or provide employment benefits not otherwise required under this Code or federal
 32 law.

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

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

38 (3) All local government entities shall have the right to control, adopt, maintain, and
 39 enforce by charter, ordinance, purchase agreement, contract, regulation, rule, or
 40 resolution, either directly or indirectly, wage mandates and thereby establish their own
 41 minimum wage laws within their respective jurisdictions.

42 ~~(3)~~(4) Any local government entity may offer its own employees employment benefits.

43 (c) No local government entity may through its purchasing or contracting procedures seek
 44 to control or affect the ~~wages or~~ employment benefits provided by its vendors, contractors,
 45 service providers, or other parties doing business with the local government entity. A local
 46 government entity shall not through the use of evaluation factors, qualification of bidders,
 47 or otherwise award preferences on the basis of ~~wages or~~ employment benefits provided by
 48 its vendors, contractors, service providers, or other parties doing business with the local
 49 government entity."

50 **SECTION 2.**

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