~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

April 30, 2013

**H. 3941**

Introduced by Reps. Sandifer, Harrell, Bannister, Daning, Erickson, Forrester and Gambrell

S. Printed 4/30/13--H.

Read the first time April 11, 2013.

**A** **BILL**

TO AMEND SECTION 6‑1‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A POLITICAL SUBDIVISION’S AUTHORITY TO SET A MINIMUM WAGE, SO AS TO ALSO PROHIBIT THE MANDATE OF AN EMPLOYEE BENEFIT.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 6‑1‑130 of the 1976 Code is amended to read:

“Section 6‑1‑130. (A) For purposes of this section ‘political subdivision’ includes, but is not limited to a municipality, county, school district, special purpose district, or public service district.

(B) A political subdivision of this State may not establish, mandate, or otherwise require a minimum wage rate that exceeds the federal minimum wage rate set forth in Section 6 of the Fair Labor Standards Act of 1938, 29 U.S.C. 206. Also, a political subdivision of this State may not establish, mandate, or otherwise require a minimum wage rate related to employee wages that are exempt under 29 U.S.C. 201 et seq., the Fair Labor Standards Act of 1938. Also, a political subdivision of this State may not mandate or otherwise require an employee benefit.

(C) This section does not limit the authority of political subdivisions to establish wage rates in contracts to which they are a party.

(D) For purposes of this section~~,~~:

(1) ‘Employee benefit’ means anything of value that an employee may receive from an employer in addition to wage. 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, personal necessity, retirement benefits, and profit‑sharing benefits.

(2) ‘wage’ has the same meaning set forth in Section 3(m) of the Fair Labor Standards Act of 1938, 29 U.S.C. 203(m).”

SECTION 2. This act takes effect upon approval by the Governor.

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