~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 2, 2014

**H. 3941**

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

S. Printed 4/2/14--S.

Read the first time May 1, 2013.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (H. 3941) 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, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, page 1, by striking lines 36‑38 and inserting:

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

Renumber sections to conform.

Amend title to conform.

Majority favorable. Minority unfavorable.

THOMAS C. ALEXANDER JOHN L. SCOTT, JR.

For Majority. For Minority.

**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.

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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