**A** **JOINT RESOLUTION**

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF SOUTH CAROLINA, 1895, BY ADDING SECTION 16 TO ARTICLE XVII, RELATING TO MISCELLANEOUS MATTERS, SO AS TO IMPOSE A MANDATORY MINIMUM WAGE FOR PEOPLE EMPLOYED IN THE STATE WHO ARE ELIGIBLE FOR THE MINIMUM WAGE PROVIDED BY FEDERAL LAW, IF ANY; TO PROVIDE A PRIVATE CAUSE OF ACTION FOR A VIOLATION; TO PROVIDE THE ATTORNEY GENERAL MAY BRING A CIVIL ACTION; TO PROVIDE REMEDIES FOR CIVIL ACTIONS BROUGHT PRIVATELY AND BY THE ATTORNEY GENERAL; TO PROVIDE A CLASS ACTION MAY BE USED TO BRING AN ACTION UNDER THIS SECTION; TO REQUIRE THE GENERAL ASSEMBLY DESIGNATE A STATE OFFICE OR AGENCY TO IMPLEMENT THE PROVISIONS OF THIS SECTION IN A CERTAIN MANNER; AND TO LIMIT THE SCOPE OF AUTHORITY OF THIS STATE OFFICE OR AGENCY.

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

SECTION 1. It is proposed that Article XVII of the Constitution of this State be amended by adding:

“Section 16. (A) The General Assembly shall require employers to pay a state minimum wage to employees who are entitled to a minimum wage under federal law, provided the minimum wage required by the General Assembly must be at least one dollar greater than the federal minimum wage, if any, and must be adjusted annually by the rate of inflation for the previous twelve month period.

(B) An employer or another party may not discriminate or take adverse action against a person in retaliation to the person exercising the right to by paid a minimum wage pursuant to this section. The General Assembly shall create a private cause of action for a violation of this right, which must entitle the person whose rights are violated by an employer or other entity to civil remedies excluding punitive damages but including, at a minimum, full payment of unpaid back wages unlawfully withheld, reasonable attorney’s fees and costs, reinstatement in employment, and injunctive relief.

(C) The attorney general may bring a civil action to enforce rights provided by this section, including injunctive relief, a monetary fine for each violation that must be paid to the State for remittal to the state general fund.

(D) The statute of limitations for a violation of rights provided by this section is five years from the date of the violation.

(E) An action brought pursuant to this section may be brought as a class action under state law; provided, however, that the plaintiffs shall prove, by a preponderance of the evidence, the individual identity of each class member and the individual damages of each class member.

(F) The General Assembly shall designate an office or agency of the State to implement the provisions of this section. The authority of this office or agency must, at a minimum, include setting an initial state minimum wage, annually adjusting the state minimum wage, and publishing the amount of the state minimum wage to the public, but otherwise may be limited by the General Assembly.”

SECTION 2. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Article XVII of the Constitution of this State relating to miscellaneous matters be amended so as to provide for a state minimum wage that must be greater than the federal minimum wage, if any, that must be adjusted annually by the rate of inflation for the previous twelve month period by a state office or agency designated by the General Assembly, for which private and public civil causes of action for a violation must be available, and for which related legal and equitable remedies are available?

Yes 

No 

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

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