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COMMITTEE REPORT

April 23, 2015

**H. 3431**

Introduced by Rep. Sandifer

S. Printed 4/23/15--H.

Read the first time January 27, 2015.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (H. 3431) to amend Section 6‑1‑130, Code of Laws of South Carolina, 1976, relating to the scope of authority of a political subdivision to set minimum wage rates, etc., respectfully

**REPORT:**

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

WILLIAM E. SANDIFER III for Committee.

**A** **BILL**

TO AMEND SECTION 6‑1‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SCOPE OF AUTHORITY OF A POLITICAL SUBDIVISION TO SET MINIMUM WAGE RATES, SO AS TO PROVIDE A POLITICAL SUBDIVISION OF THIS STATE MAY NOT MANDATE OR OTHERWISE REQUIRE AN EMPLOYEE BENEFIT, AND TO DEFINE NECESSARY TERMINOLOGY.

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:

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

(2) ‘Political subdivision’ includes, but is not limited to, a municipality, county, school district, special purpose district, or public service district.

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

(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. A political subdivision of this State also may not establish, mandate, or otherwise require an employee benefit.

(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.

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