**South Carolina General Assembly**

120th Session, 2013-2014

**H. 3941**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Sandifer, Harrell, Bannister, Daning, Erickson, Forrester and Gambrell

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Introduced in the House on April 11, 2013

Introduced in the Senate on May 1, 2013

Last Amended on May 1, 2014

Currently residing in the Senate

Summary: Political subdivision's authority to set a minimum wage

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/11/2013 House Introduced and read first time ([House Journal‑page 69](file:///H:\HJ%20Archive\2013\04-11-13.docx))

4/11/2013 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 69](file:///H:\HJ%20Archive\2013\04-11-13.docx))

4/24/2013 House Committee report: Favorable **Labor, Commerce and Industry** ([House Journal‑page 1](file:///H:\HJ%20Archive\2013\04-24-13.docx))

4/30/2013 House Amended ([House Journal‑page 33](file:///H:\HJ%20Archive\2013\04-30-13.docx))

4/30/2013 House Read second time ([House Journal‑page 33](file:///H:\HJ%20Archive\2013\04-30-13.docx))

4/30/2013 House Roll call Yeas‑103 Nays‑0 ([House Journal‑page 34](file:///H:\HJ%20Archive\2013\04-30-13.docx))

5/1/2013 House Read third time and sent to Senate ([House Journal‑page 5](file:///H:\HJ%20Archive\2013\05-01-13.docx))

5/1/2013 Senate Introduced and read first time ([Senate Journal‑page 6](file:///H:\SJ%20Archive\2013\05-01-13.docx))

5/1/2013 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 6](file:///H:\SJ%20Archive\2013\05-01-13.docx))

5/29/2013 Senate Recalled from Committee on **Judiciary**

5/29/2013 Senate Committed to Committee on **Labor, Commerce and Industry**

4/2/2014 Senate Committee report: Majority favorable with amend., minority unfavorable **Labor, Commerce and Industry** ([Senate Journal‑page 12](file:///H:\SJ%20Archive\2014\04-02-14.docx))

5/1/2014 Senate Committee Amendment Adopted ([Senate Journal‑page 46](file:///H:\SJ%20Archive\2014\05-01-14.docx))

5/7/2014 Senate Read second time ([Senate Journal‑page 15](file:///H:\SJ%20Archive\2014\05-07-14.docx))

5/7/2014 Senate Roll call Ayes‑37 Nays‑1 ([Senate Journal‑page 15](file:///H:\SJ%20Archive\2014\05-07-14.docx))

**VERSIONS OF THIS BILL**

[4/11/2013](file:///p:\pprever\2013-14\3941_20130411.docx)

[4/24/2013](file:///p:\pprever\2013-14\3941_20130424.docx)

[4/30/2013](file:///p:\pprever\2013-14\3941_20130430.docx)

[4/2/2014](file:///p:\pprever\2013-14\3941_20140402.docx)

[5/1/2014](file:///p:\pprever\2013-14\3941_20140501.docx)

~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE AMENDMENT ADOPTED

May 1, 2014

**H. 3941**

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

S. Printed 5/1/14--S.

Read the first time May 1, 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 or employee benefits in contracts or employment relationships 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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