

2021 Regular Session

SENATE BILL NO. 7

BY SENATOR PETERSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

EMPLOYMENT. Provides relative to the state minimum wage. (gov sig)

1 AN ACT

2 To enact Chapter 6-B of Title 23 of the Louisiana Revised Statutes of 1950, to be comprised  
3 of R.S. 23:671 through 677, relative to minimum wage; to establish a state minimum  
4 wage; to provide for an annual increase of the minimum wage; to provide for civil  
5 remedies; to provide for damages; to provide for venue; to provide for the limitation  
6 of actions; to provide for notifications; to provide for exceptions; and to provide for  
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Chapter 6-B of Title 23 of the Louisiana Revised Statutes of 1950, is  
10 comprised of R.S. 23:671 through 677, is hereby enacted to read as follows:

11 **CHAPTER 6-B. MINIMUM WAGE**

12 **§671. Minimum wage; establishment**

13 **A. Notwithstanding any other provision of law to the contrary, the state**  
14 **minimum wage is established and set as follows:**

15 **(1) Beginning January 1, 2022, the minimum wage shall be set at eleven**  
16 **dollars per hour. Every employer in the state shall pay to each employee wages**  
17 **at a rate of not less than eleven dollars per hour for hours worked in a pay**

1 period, regardless of how the time at work is measured.

2 (2) Beginning January 1, 2024, the minimum wage shall be set at thirteen  
3 dollars per hour. Every employer in the state shall pay to each employee wages  
4 at a rate of not less than thirteen dollars per hour for hours worked in a pay  
5 period, regardless of how the time at work is measured.

6 (3) Beginning January 1, 2026, the minimum wage shall be set at fifteen  
7 dollars per hour. Every employer in the state shall pay to each employee wages  
8 at a rate of not less than fifteen dollars per hour for hours worked in a pay  
9 period, regardless of how the time at work is measured.

10 B. If, at any time, the federal minimum hourly wage rate set by Section  
11 6 of the federal Fair Labor Standards Act of 1938, or a successor federal law,  
12 is raised to a level higher than the state minimum wage rate, then the state  
13 minimum wage rate shall be increased to the level of the federal minimum wage  
14 rate.

15 §672. Civil remedy

16 A. In addition to any other remedy provided by law, an employee shall  
17 have a civil right of action for damages against the employer for a violation of  
18 the provisions of R.S. 23:671.

19 B. Notwithstanding any provision of law to the contrary, such civil action  
20 may be instituted in a parish, city, or district court of proper venue as follows:

21 (1) If the employer is a natural or juridical person, venue for the civil  
22 action shall be proper if brought in the parish where the plaintiff is domiciled,  
23 or the parish where the work or service subject to minimum wage was  
24 performed, or a parish of proper venue pursuant to the general rules of venue  
25 as set forth in Code of Civil Procedure Article 42.

26 (2) If the employer is the state, venue for the civil action shall be proper  
27 in the Nineteenth Judicial District Court in East Baton Rouge Parish.

28 (3) If the employer is a public entity other than the state, venue shall be  
29 proper in the parish of its domicile.

1           **§673. Damages**

2                   Any employer who violates the provisions of R.S. 23:671 shall be liable  
3           to the affected employee in the amount of the difference between the amount  
4           that the employee was paid and the amount the employer was statutorily  
5           obligated to pay pursuant to R.S. 23:671, plus reasonable attorney fees and  
6           court costs associated with the civil action.

7           **§674. Limitation of action**

8                   Any civil action filed to recover wages for a violation of this Chapter  
9           shall be commenced within three years from the date that an employee becomes  
10          aware that the employer is in violation of this Chapter.

11          **§675. Notification of information**

12                  A. The clerk for each court shall maintain a docket for the record of  
13          cases filed pursuant to the provisions of this Chapter. Beginning February 1,  
14          2022, these dockets shall be submitted monthly to the Louisiana Workforce  
15          Commission, wage and hour division.

16                  B. On or before March 1, 2023, and each March first thereafter, the  
17          Louisiana Workforce Commission shall compile a list of the names of the  
18          employers who violated the provisions of this Chapter, the number of employees  
19          affected thereby, and the dollar amount of each violation and shall submit an  
20          annual list of such information to the Senate and House committees on labor  
21          and industrial relations and the governor's office.

22          **§676. Exceptions**

23                  A. The provisions of this Chapter shall not apply to any of the following:

24                          (1) Student employees of the state.

25                          (2) Student employees of state colleges and universities.

26                          (3) Student employees of a private employer.

27                  B. The provisions of this Chapter shall not apply to tipped employees or  
28          agriculture employees as defined by the federal Fair Labor Standards Act of  
29          1938, or a successor federal law.

§677. Regulations

The Louisiana Workforce Commission is hereby authorized to promulgate rules and regulations pursuant to the provisions of the Administrative Procedures Act necessary for the implementation of the provisions of this Chapter.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following the approval.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by James Benton.

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## DIGEST

SB 7 Original

2021 Regular Session

Peterson

Proposed law establishes a state minimum wage and sets it at \$11.00 per hour beginning January 1, 2022.

Proposed law provides that the state minimum wage shall be \$13.00 per hour beginning on January 1, 2024.

Proposed law provides that the state minimum wage shall be \$15.00 per hour beginning on January 1, 2026.

Proposed law requires that if the federal minimum wage is raised, the state minimum wage shall also be raised to that level.

Proposed law provides that, in addition to any other remedy provided by law, an employee will have the right to file a civil lawsuit for damages against the employer for a violation of the provisions of proposed law.

Proposed law provides that the employee's civil lawsuit may be filed in a parish, city, or district court of proper venue in the following manner:

- (1) If the employer is a natural person or a corporation, partnership, or limited liability company, the employee's lawsuit will be proper if brought in the parish where the plaintiff is domiciled, or the parish where the work or service subject to minimum wage was performed, or a parish of proper venue pursuant to the general rules of venue as set forth in the La. Code of Civil Procedure.
- (2) If the employer is the state, venue for the civil action will be proper in the 19th Judicial District Court in East Baton Rouge Parish.
- (3) If the employer is a public entity other than the state (ex. a local government or a local political subdivision), venue will be proper in the parish of its domicile.

Proposed law provides that an employer who violates proposed law by paying an employee less than the state minimum wage will be liable to the affected employee in the amount of the difference between the amount that the employee was paid and the amount the employer was statutorily obligated to pay, plus reasonable attorney fees and court costs associated with the civil action.

Proposed law provides that a lawsuit filed by the employee to recover wages for a violation of proposed law must be commenced within three years from the date that an employee becomes aware that the employer is in violation of proposed law.

Proposed law requires the clerk for each court to maintain a docket for the record of cases filed pursuant to the provisions of proposed law. Provides that beginning February 1, 2022, the dockets shall be submitted monthly to the Louisiana Workforce Commission.

Proposed law requires that on or before March 1, 2023, and each March first thereafter, the La. Workforce Commission compile a list of the names of the employers who violated the provisions of proposed law, the number of employees affected, and the dollar amount of each violation and submit the list of such information to the Senate and House committees on labor and industrial relations and the governor's office.

Proposed law shall not apply to any of the following:

- (1) Student employees of the state.
- (2) Student employees of state colleges and universities.
- (3) Student employees of a private employer.

Proposed law shall not apply to tipped employees and agriculture employees who are also exempted from the federal minimum wage laws.

Proposed law authorizes the La. Workforce Commission to promulgate rules and regulations pursuant to the provisions of the Administrative Procedure Act that may be necessary for the implementation of the provisions of proposed law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 23:671-677)