

2023 Regular Session

SENATE BILL NO. 149

BY SENATOR CARTER

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)

AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

CHAPTER 6-B. MINIMUM WAGE

§671. Minimum wage; establishment

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

(1) Beginning January 1, 2024, the minimum wage shall be set at ten dollars per hour. Every employer in the state shall pay to each employee wages at a rate of not less than ten dollars per hour for hours worked in a pay period,

1 regardless of how the time at work is measured.

2 (2) Beginning January 1, 2026, the minimum wage shall be set at twelve
3 dollars per hour. Every employer in the state shall pay to each employee wages
4 at a rate of not less than twelve 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, 2028, the minimum wage shall be set at
7 fourteen dollars per hour. Every employer in the state shall pay to each
8 employee wages at a rate of not less than fourteen dollars per hour for hours
9 worked in a pay 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, the civil action
20 provided for by this Section may be instituted in a parish, city, or district court
21 of proper venue as follows:

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

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

29 (3) If the employer is a public entity other than the state, venue shall be

1 proper in the parish of the entity's domicile.

2 §673. Damages

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

8 §674. Limitation of action

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

12 §675. Notification of information

13 A. The clerk for each court shall maintain a docket for the record of
14 cases filed pursuant to the provisions of this Chapter. Beginning February 1,
15 2024, these dockets shall be submitted monthly to the Louisiana Workforce
16 Commission, wage and hour division.

17 B. On or before March 1, 2025, and each March first thereafter, the
18 Louisiana Workforce Commission shall compile a list of the names of the
19 employers who violated the provisions of this Chapter, the number of employees
20 affected thereby, and the dollar amount of each violation, and shall submit an
21 annual list of this information to the Senate and House committees on labor and
22 industrial relations and the governor's office.

23 §676. Exceptions

24 The provisions of this Chapter shall not apply to any of the following:

25 (1) Student employees of the state.

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

27 (3) Student employees of a private employer.

28 (4) Tipped employees or agriculture employees as defined by the federal
29 Fair Labor Standards Act of 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.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Yoursheka D. Butler.

DIGEST

SB 149 Engrossed

2023 Regular Session

Carter

Proposed law establishes a state minimum wage and sets it at \$10.00 per hour beginning January 1, 2024.

Proposed law provides that the state minimum wage shall be \$12.00 per hour beginning on January 1, 2026.

Proposed law provides that the state minimum wage shall be \$14.00 per hour beginning on January 1, 2028.

Proposed law provides 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 has 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 present law (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 (e.g., 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 obligated to pay by proposed law, 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 one year of 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, 2024, the dockets are to be submitted monthly to the La. Workforce Commission.

Proposed law requires that on or before March 1, 2025, 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 information to the Senate and House committees on labor and industrial relations and the governor's office.

Proposed law does 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.
- (4) Tipped employees and agriculture employees who are also exempted from 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)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Labor and Industrial Relations to the original bill

1. Change limitation of any civil action.