
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.