

2022 Regular Session

SENATE BILL NO. 269

BY SENATOR BARROW

EMPLOYMENT. Constitutional amendment to establish a state minimum hourly wage and index future increases according to the Consumer Price Index or its successor index.
(2/3 - CA13s1(A))

1 A JOINT RESOLUTION

2 Proposing to add Article XII, Section 17 of the Constitution of Louisiana, relative to a state
3 minimum hourly wage; to establish a state minimum hourly wage for all employers
4 effective January 1, 2023; to authorize the legislature, by law, to revise the state
5 minimum hourly wage and provide exemptions; and to specify an election for
6 submission of the proposition to electors and provide a ballot proposition.

7 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
8 elected to each house concurring, that there shall be submitted to the electors of the state, for
9 their approval or rejection in the manner provided by law, a proposal to add Article XII,
10 Section 17 of the Constitution of Louisiana, to read as follows:

11 **§17. State Minimum Hourly Wage**

12 **Section 17.(A) Except as otherwise provided in this Section, every**
13 **employer shall pay their employees a wage rate of ten dollars and twenty-five**
14 **cents per hour beginning January 1, 2023. On each September 30, beginning in**
15 **2023, this state minimum wage rate shall be increased, effective the following**
16 **January 1, by the rate of inflation for the 12-month period prior to that**
17 **September according to the Consumer Price Index or its successor index for all**

1 urban wage earners and clerical workers for all items as calculated by the
2 federal government rounded to the nearest five cents.

3 (B) Employees under the age of sixteen and employees of businesses with
4 annual gross receipts of three hundred thousand dollars or less for the
5 preceding year shall be paid a wage rate of not less than that established under
6 the federal Fair Labor Standards Act or its successor law.

7 (1) This gross revenue figure shall be increased each year beginning
8 January 1, 2024, by the change in the Consumer Price Index or its successor
9 index in the same manner as the required annual adjustment in the minimum
10 wage rate set forth above rounded to the nearest one thousand dollars.

11 (2) An employer may pay an employee less than, but not less than half,
12 the minimum wage rate required by this Section if the employer is able to
13 demonstrate that the employee receives tips that combined with the wages paid
14 by the employer are equal to or greater than the minimum wage rate for all
15 hours worked.

16 (3) The provisions of this Section may not apply to employees of a solely
17 family-owned and operated business who are family members of an owner.

18 (4) The state may issue licenses to employers authorizing payment of a
19 wage rate below that required by this Section to individuals with mental or
20 physical disabilities that may otherwise adversely affect their opportunity for
21 employment.

22 (5) The Fair Labor Standards Act (FLSA) only covers employees. The
23 FLSA defines employee as any individual employed by an employer.

24 Section 2. Be it further resolved that the proposed amendment shall be submitted to
25 the electors of the state of Louisiana at the statewide election to be held on November 8,
26 2022.

27 Section 3. Be it further resolved that on the official ballot to be used at said election
28 there shall be printed a proposition, upon which the electors of the state shall be permitted
29 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as

1 follows:

2 Do you support an amendment to establish a state minimum wage at the rate
3 of ten dollars and twenty-five cent per hour effective January 1, 2023, that
4 may be increased by the rate of inflation?

5 (Adds Article XII, Sec. 17)

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

DIGEST

SB 269 Original

2022 Regular Session

Barrow

Proposed constitutional amendment establishes a state minimum hourly wage that every employer will be required to pay each employee. Proposed constitutional amendment sets the state minimum hourly wage rate at \$10.25. Proposed constitutional amendment provides an effective date of January 1, 2023.

Proposed constitutional amendment provides that the state minimum wage rate will be increased by rate of inflation for the 12-month period prior to that September according to the Consumer Price Index or its successor index.

Proposed constitutional amendment provides exceptions for employers whose employees are tipped employees, family members, or mental or physically disabled.

Proposed constitutional amendment defines certain terms.

Specifies submission of the amendment to the voters at the statewide election to be held on November 8, 2022.

(Adds Const. Art. XII, Sec. 17)