

2016 Regular Session

HOUSE BILL NO. 370

BY REPRESENTATIVE BOUIE

EMPLOYMENT/WAGES-MINIMUM: Establishes a state minimum wage

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 674, relative to minimum wage; to establish a state minimum
4 wage; to provide for an annual increase; to provide for enforcement; to provide for
5 exceptions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Chapter 6-B of Title 23 of the Louisiana Revised Statutes of 1950,
8 comprised of R.S. 23:671 through 674, is hereby enacted to read as follows:

9 CHAPTER 6-B. MINIMUM WAGE

10 §671. Minimum wage; establishment

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

13 (1) Beginning January 1, 2017, the minimum wage shall be set at eight
14 dollars per hour. Every employer in the state shall pay to each employee wages at
15 a rate of not less than eight dollars per hour for hours worked in a pay period
16 regardless of how the time at work is measured.

17 (2) Beginning January 1, 2018, the minimum wage shall be set at eight
18 dollars and fifty cents per hour. Every employer in the state shall pay to each
19 employee wages at a rate of not less than eight dollars and fifty cents per hour for
20 hours worked in a pay period regardless of how the time at work is measured.

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

5 §672. Enforcement

6 The Louisiana Workforce Commission shall be responsible for the
7 enforcement of the Chapter and is authorized and directed to promulgate rules and
8 regulations pursuant to the provisions of the Administrative Procedure Act necessary
9 for the implementation of the provisions of this Chapter.

10 §673. Penalties

11 A. Whoever violates the provisions of this Chapter shall be fined not less
12 than five hundred dollars and not more than one thousand dollars per employee not
13 receiving minimum wage. The employer shall pay the employee the difference
14 between the wages actually paid to the employee and the minimum wage rate in
15 effect at the time the employee was paid.

16 B. Penalties may be imposed by a ruling of the executive director pursuant
17 to an adjudicatory hearing held in accordance with the Administrative Procedure Act,
18 R.S. 49:950 et seq.

19 §674. Exceptions

20 The provisions of this Chapter shall not apply to student employees of the
21 state or student employees of state colleges and universities.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 370 Original

2016 Regular Session

Bouie

Abstract: Establishes a state minimum wage

Proposed law establishes a state minimum wage and sets it at \$8 per hour beginning Jan. 1, 2017.

Proposed law provides that the state minimum wage shall be \$8.50 per hour beginning on Jan. 1, 2018.

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

Proposed law provides a fine of not less than \$500 and not more than \$1,000 per employee for failure to pay minimum wage.

Proposed law further requires that an employer who fails to pay his employee minimum wage shall pay the employee the difference between what the employee was paid and minimum wage.

Proposed law provides that the La. Workforce Commission (LWC) shall be in charge of enforcement of the minimum wage laws and authorizes the agency to promulgate rules and regulations necessary in its implementation.

Proposed law provides the procedure for the executive director of LWC to impose penalties.

Proposed law excludes student workers employed with the state and with state colleges and universities from the minimum wage requirement.

(Adds R.S. 23:671-674)