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## State Labor Legislation Enacted in 2012

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## State Labor Legislation Enacted in 2012

### Abstract

Laws concerning child labor, equal employment opportunity, human trafficking, immigration legislation, independent contractors, and prevailing wages were among the most active areas for state lawmakers in 2012.

### Keywords

child labor, equal employment opportunity, human trafficking, immigration, legislation

### Comments

#### Suggested Citation

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## State labor legislation enacted in 2012

*Laws concerning child labor, equal employment opportunity, human trafficking, immigration legislation, independent contractors, and prevailing wages were among the most active areas for state lawmakers in 2012*

John J. Fitzpatrick, Jr.  
and  
James L. Perine

The most active areas of state legislation in 2012 were child labor, equal employment opportunity, human trafficking, immigration legislation, independent contractors, wages paid, time off, unfair labor practices, and worker privacy. State legislative activity in these and more than 20 additional areas resulted in enactment of new legislation and amendments or revisions to existing statutes or regulations.

This report, which covers legislation enacted, revised, or amended January 1–December 31, 2012, consists of a brief introduction and a table in which the bill and executive order numbers serve as links to the legislation. The table lists the bill numbers of each piece of enacted legislation organized according to the labor legislation categories that are tracked by the Wage and Hour Division (WHD) of the U.S. Department of Labor. Each bill number is positioned in the table cell whose row corresponds to the state where the bill was enacted and whose column corresponds to the individual category of legislation. The last cell for each category shows two totals: the first represents the number of states that enacted legislation in that category and the second represents the number of enacted bills. General information about a particular state and its legislation enacted in the past year is available at <http://www.govspot.com/site/about.htm>.

Throughout 2012, 46 of the 50 states and the District of Columbia met in regular legislative session during the year. The other four states—Montana, Nevada, North Dakota, and Texas—met in special sessions to address various issues of particular interest or immediate necessity. During the timeframe covered by this report, 45 states and the District of Columbia enacted new legislation and/or

amended current state labor law or regulations of consequence in the various categories tracked by the WHD.

The 191 bills that were introduced and then enacted by the states and the District of Columbia encompassed 28 of the 34 legislative categories tracked by the WHD and included a number of important measures. These 28 categories are agriculture, child labor, state departments of labor, discharge of employees, drug and alcohol testing, employment agency, equal employment opportunity, hours of work, human trafficking, immigration legislation, independent contractors (more specifically, employees misclassified as independent contractors), inmate labor, living wage (statewide), minimum wage and tipped employees, offsite work, “other” or “miscellaneous” legislation, overtime, plant closing and the displacement or replacement of workers, preference of employers regarding employees, prevailing wage, right to work, time off from work, unfair labor practices, wages paid, whistleblowers, worker privacy, workers with disabilities, and workplace security. The six categories in which no enacted legislation was reported are employee leasing, family leave issues, garment activity, genetic testing for employment purposes, overtime worked in the health care industry, and workplace violence. Not every piece of labor legislation enacted in the past year falls into one of the 34 tracked categories. Among the legislative issues that are excluded from the report are those which (1) amend existing state law but whose changes are strictly technical in nature, (2) affect only a limited number of individuals, (3) require the undertaking or the distribution of an issue study for a legislature or a governor, or (4) deal with operational or funding concerns related to a specific issue. □

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**Table 1. Enacted state labor legislation (senate and house bills and executive orders) report for January 1, 2012 through December 31, 2012**

State	Agriculture	Child labor	Department of labor, state	Discharge of employee	Drug and alcohol testing	Equal employment opportunity	Employment agency
Alabama	-	S-174	S-450	-	-	-	-
Alaska	-	-	-	-	-	-	-
Arizona	-	-	-	-	-	S-1365	-
Arkansas	-	-	-	-	-	-	-
California	A-1675	A-1660	-	-	-	S-1309 A-2386	-
Colorado	-	-	-	-	-	H-1263	-
Connecticut	-	S-383	-	-	-	-	-
Delaware	-	-	-	-	S-216	H-319	-
District of Columbia	-	-	-	-	R1087	B-486	-
Florida	-	-	-	-	H-1205	-	-
Georgia	-	-	-	-	-	-	-
Hawaii	-	-	-	-	-	-	-
Idaho	-	-	-	-	-	-	-
Illinois	-	H-4586	-	-	-	S-2946	-
Indiana	-	-	-	-	-	-	-
Iowa	-	HR-107	-	-	-	-	-
Kansas	-	-	-	-	-	-	H-2077
Kentucky	-	HR-62	-	-	-	-	-
Louisiana	-	S-612	-	-	-	H-295	-
Maine	-	-	-	-	-	-	-
Maryland	-	-	-	-	-	-	-
Massachusetts	-	-	-	H-537	-	-	-
Michigan	-	-	-	-	-	-	-
Minnesota	-	H-2046	-	-	-	-	-
Mississippi	-	-	-	-	-	-	-
Missouri	-	-	-	-	-	-	-
Montana	-	-	-	-	-	-	-
Nebraska	-	-	-	L-1005	-	-	-
Nevada	-	-	-	-	-	-	-
New Hampshire	-	-	-	-	-	-	-
New Jersey	-	-	-	-	-	A-2647	-
New Mexico	-	-	-	-	-	-	-
New York	-	-	-	-	-	-	A-8614
North Carolina	-	-	-	-	-	-	-
North Dakota	-	-	-	-	-	-	-
Ohio	-	-	-	-	-	-	-
Oklahoma	-	-	-	H-2724	-	-	H-2446
Oregon	-	-	-	-	-	S-1548 H-4064	-
Pennsylvania	-	H-1548	-	-	-	-	H-1055
Rhode Island	-	S-2903	-	-	-	-	-
South Carolina	-	-	-	-	-	-	-
South Dakota	-	-	-	-	-	-	-
Tennessee	-	-	-	-	-	H-2384	-
Texas	-	-	-	-	-	-	-
Utah	-	-	-	-	-	-	-
Vermont	-	-	-	-	-	-	-
Virginia	-	-	-	-	-	-	-
Washington	-	-	-	-	-	-	-
West Virginia	-	-	-	-	EO8-2012	-	-
Wisconsin	-	-	-	-	-	S-202	-
Wyoming	-	-	-	-	-	-	-
Number of states/ number of bills	1/1	10/10	1/1	3/3	4/4	11/13	4/4

NOTE: Each bill or executive order number is a clickable link to the legislation.

<b>Table 1. Continued—Enacted state labor legislation (senate and house bills and executive orders) report for January 1, 2012 through December 31, 2012</b>							
<b>State</b>	<b>Employee leasing</b>	<b>Family leave issues</b>	<b>Garment activity</b>	<b>Genetic testing</b>	<b>Hours worked</b>	<b>Human trafficking</b>	<b>Immigration legislation</b>
Alabama	–	–	–	–	–	–	H-658
Alaska	–	–	–	–	–	H-359 S-210	–
Arizona	–	–	–	–	S-1054	–	–
Arkansas	–	–	–	–	–	–	–
California	–	–	–	–	–	A-1899	–
Colorado	–	–	–	–	–	H-1151	–
Connecticut	–	–	–	–	–	–	–
Delaware	–	–	–	–	–	–	–
District of Columbia	–	–	–	–	–	–	–
Florida	–	–	–	–	–	H-7049	–
Georgia	–	–	–	–	–	–	SR-715
Hawaii	–	–	–	–	–	H-2235	–
Idaho	–	–	–	–	–	–	–
Illinois	–	–	–	–	–	–	–
Indiana	–	–	–	–	–	S-4	–
Iowa	–	–	–	–	–	H-2390	–
Kansas	–	–	–	–	–	–	–
Kentucky	–	–	–	–	–	–	–
Louisiana	–	–	–	–	–	S-435	H-1129 H-996
Maine	–	–	–	–	–	–	–
Maryland	–	–	–	–	–	–	–
Massachusetts	–	–	–	–	–	–	–
Michigan	–	–	–	–	–	–	–
Minnesota	–	–	–	–	–	–	–
Mississippi	–	–	–	–	–	–	–
Missouri	–	–	–	–	–	–	–
Montana	–	–	–	–	–	–	–
Nebraska	–	–	–	–	–	L-1145	–
Nevada	–	–	–	–	–	–	–
New Hampshire	–	–	–	–	–	–	H-158
New Jersey	–	–	–	–	–	–	–
New Mexico	–	–	–	–	–	–	–
New York	–	–	–	–	–	–	–
North Carolina	–	–	–	–	–	–	–
North Dakota	–	–	–	–	–	–	–
Ohio	–	–	–	–	–	H-262	–
Oklahoma	–	–	–	–	–	S-1734	–
Oregon	–	–	–	–	–	–	–
Pennsylvania	–	–	–	–	–	H-235	S-637
Rhode Island	–	–	–	–	–	–	–
South Carolina	–	–	–	–	–	H-3757	–
South Dakota	–	–	–	–	–	–	–
Tennessee	–	–	–	–	S-2625	S-2368 S-2371	–
Texas	–	–	–	–	–	–	–
Utah	–	–	–	–	–	H-97	–
Vermont	–	–	–	–	–	–	–
Virginia	–	–	–	–	–	H-1200	S-515
Washington	–	–	–	–	–	S-6255 S-6257	–
West Virginia	–	–	–	–	–	H-4053	–
Wisconsin	–	–	–	–	–	S-536	–
Wyoming	–	–	–	–	–	–	–
Number of states/ number of bills	0/0	0/0	0/0	0/0	2/2	19/22	6/7

NOTE: Each bill or executive order number is a clickable link to the legislation.

**Table 1.** Continued—Enacted state labor legislation (senate and house bills and executive orders) report for January 1, 2012 through December 31, 2012

State	Independent contractor	Inmate labor	Living wage - statewide	Minimum wage and tipped wages	Off-site work	Overtime	Overtime health care
Alabama	-	S-63	-	-	-	-	-
Alaska	-	-	-	-	-	-	-
Arizona	H-2150	-	-	-	-	-	-
Arkansas	-	-	-	-	-	-	-
California	-	-	-	-	-	A-2103	-
Colorado	-	-	-	-	-	-	-
Connecticut	-	-	-	-	-	-	-
Delaware	H-222	-	-	-	-	-	-
District of Columbia	-	-	-	-	-	B-247	-
Florida	-	-	-	-	H-1261	-	-
Georgia	-	-	-	-	-	-	-
Hawaii	-	-	-	-	-	-	-
Idaho	-	-	-	-	-	-	-
Illinois	-	-	-	-	-	-	-
Indiana	-	-	-	-	-	-	-
Iowa	-	-	-	-	-	-	-
Kansas	-	-	-	-	-	-	-
Kentucky	-	-	-	-	-	-	-
Louisiana	S-472	-	-	-	-	-	-
Maine	H-960	H-1225	H-1311	-	-	H-1237	-
Maryland	S-272 H-1364	-	-	-	-	-	-
Massachusetts	-	-	-	-	-	-	-
Michigan	-	H-5658	-	-	-	-	-
Minnesota	S-1653	-	-	-	-	-	-
Mississippi	-	-	-	-	-	-	-
Missouri	-	-	-	-	-	-	-
Montana	-	-	-	-	-	-	-
Nebraska	-	-	-	-	-	-	-
Nevada	-	-	-	-	-	-	-
New Hampshire	H-420	-	-	-	-	-	-
New Jersey	-	-	-	-	-	-	-
New Mexico	-	-	-	-	-	-	-
New York	-	-	-	-	-	-	-
North Carolina	-	-	-	-	-	-	-
North Dakota	-	-	-	-	-	-	-
Ohio	-	-	-	-	-	-	-
Oklahoma	-	-	-	-	-	-	-
Oregon	-	-	-	-	-	-	-
Pennsylvania	-	-	-	H-1820 H-7396 S-2374	-	S-2844 H-7613	-
Rhode Island	H-7564	-	-	-	-	-	-
South Carolina	-	-	-	-	-	-	-
South Dakota	-	-	-	-	-	-	-
Tennessee	-	-	-	-	-	-	-
Texas	-	-	-	-	-	-	-
Utah	-	-	-	-	-	-	-
Vermont	-	-	-	-	-	-	-
Virginia	-	-	-	-	S-238 H-551	-	-
Washington	-	-	-	-	-	-	-
West Virginia	-	-	-	-	-	-	-
Wisconsin	-	-	-	-	-	-	-
Wyoming	-	-	-	-	-	-	-
Number of states/ number of bills	8/9	3/3	1/1	2/3	2/3	4/5	0/0

NOTE: Each bill or executive order number is a clickable link to the legislation.

<b>Table 1. Continued—Enacted state labor legislation (senate and house bills and executive orders) report for January 1, 2012 through December 31, 2012</b>							
State	Plant closing	Preference of employees	Prevailing wage	Right to work	Time off from work	Unfair labor practice	Wages paid
Alabama	–	–	–	–	–	–	–
Alaska	–	–	–	–	–	–	–
Arizona	–	H-2165	–	–	–	H-2394	H-2601
Arkansas	–	–	–	–	–	–	–
California	SJR-26	–	A-1598 A-2677	–	–	–	AJR-47, A-1144 S-1258, A-1744
Colorado	–	–	–	–	–	–	–
Connecticut	–	–	–	–	–	–	H-5237
Delaware	–	H-136	–	–	–	–	–
District of Columbia	–	–	–	–	–	–	B-559 B-977
Florida	–	–	–	–	–	–	–
Georgia	–	–	–	–	–	–	–
Hawaii	–	–	–	–	–	–	–
Idaho	–	–	S-1373	–	–	–	–
Illinois	–	–	H-5212	–	H-5006	–	H-5111
Indiana	–	H-1250	–	H-1001	–	–	–
Iowa	–	–	–	–	–	–	–
Kansas	–	–	–	–	–	–	–
Kentucky	–	–	–	–	–	–	–
Louisiana	–	–	–	–	S-521	–	–
Maine	–	–	–	–	–	–	–
Maryland	–	–	–	–	S-16 H-353	S-433	–
Massachusetts	–	–	–	–	–	–	–
Michigan	–	–	–	S-116	–	H-4929	–
Minnesota	–	S-2354	–	–	–	–	–
Mississippi	–	–	–	–	–	–	–
Missouri	–	–	–	–	H-1315	–	–
Montana	–	–	–	–	–	–	–
Nebraska	–	–	–	–	–	–	–
Nevada	–	–	–	–	–	–	–
New Hampshire	–	–	–	–	–	–	–
New Jersey	–	–	A-2313	–	–	–	AR-50 SM-48 HM-19
New Mexico	–	–	–	–	–	–	–
New York	–	A-2088	S-6923	–	–	–	–
North Carolina	–	–	–	–	–	–	–
North Dakota	–	–	–	–	–	–	–
Ohio	–	–	–	–	–	–	–
Oklahoma	S-1497	–	–	–	–	–	–
Oregon	–	–	–	–	–	–	–
Pennsylvania	–	–	–	–	–	–	–
Rhode Island	–	–	–	–	–	H-7509	S-2732 S-2422
South Carolina	–	–	–	H-4652	–	–	–
South Dakota	SCR-2	–	–	–	–	–	–
Tennessee	S-2129	–	–	S-2821	H-2295	–	–
Texas	–	–	–	–	–	–	–
Utah	–	–	–	–	H-121	S-99	–
Vermont	–	–	–	–	–	S-95	H-78
Virginia	–	–	H-33	–	–	S-242	–
Washington	–	–	S-6421	–	–	–	H-2229
West Virginia	–	–	–	–	–	–	–
Wisconsin	–	–	–	–	–	–	–
Wyoming	–	–	–	–	–	–	–
Number of states/ number of bills	4/4	5/5	7/8	4/4	6/7	7/7	10/16

NOTE: Each bill or executive order number is a clickable link to the legislation.

**Table 1. Continued—Enacted state labor legislation (senate and house bills and executive orders) report for January 1, 2012 through December 31, 2012**

State	Whistleblowers	Worker privacy	Workers with disabilities	Workplace security and violence	Other legislation
Alabama	–	–	–	–	H-152 H-704
Alaska	–	–	–	–	–
Arizona	–	H-2723	–	–	H-2248
Arkansas	–	–	–	–	–
California	–	A-1844 A-2674	–	–	A-1855 A-2675, S-111
Colorado	–	–	–	–	–
Connecticut	–	H-5303 S-237	–	–	–
Delaware	–	S-274	HCR-29	–	–
District of Columbia	–	–	–	–	–
Florida	–	S-878 H-629	–	–	–
Georgia	–	–	–	–	–
Hawaii	–	–	–	–	–
Idaho	–	–	–	–	–
Illinois	–	H-222, H-3782 H-4592	–	–	–
Indiana	–	H-1173	–	–	–
Iowa	–	–	–	–	–
Kansas	–	H-2706	H-2335	–	–
Kentucky	–	–	–	–	–
Louisiana	–	S-707	–	–	H-1121
Maine	–	–	H-1279	–	–
Maryland	–	H-964	–	–	H-525 S-763
Massachusetts	–	–	–	–	H-4304
Michigan	–	–	–	–	–
Minnesota	–	–	–	–	–
Mississippi	–	–	–	–	–
Missouri	–	–	–	–	–
Montana	–	–	–	–	–
Nebraska	–	L-959	–	–	–
Nevada	–	–	–	–	–
New Hampshire	–	H-1687	–	–	H-1270
New Jersey	–	–	–	–	–
New Mexico	–	H-19	–	–	–
New York	–	A-8330 S-7792	–	–	–
North Carolina	–	H-964	–	–	–
North Dakota	–	–	–	–	–
Ohio	–	–	–	–	–
Oklahoma	–	H-2330	–	–	–
Oregon	–	–	–	–	–
Pennsylvania	–	–	–	–	–
Rhode Island	–	S-2652, S-3039 S-3040, H-7615	–	–	–
South Carolina	S-1340	–	–	–	–
South Dakota	–	–	–	S-55	–
Tennessee	–	H-2328	–	–	S-2920
Texas	–	–	–	–	–
Utah	–	H-22	–	–	–
Vermont	–	–	–	–	–
Virginia	–	H-556 S-193	–	–	–
Washington	S-5412	–	–	–	H-2393
West Virginia	–	–	–	–	–
Wisconsin	–	–	–	–	–
Wyoming	–	–	–	–	–
Number of states/number of bills	2/2	20/30	3/3	1/1	9/13

NOTE: Each bill or executive order number is a clickable link to the legislation.