

2019 Regular Session

HOUSE BILL NO. 63

BY REPRESENTATIVE BOUIE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC CONTRACTS: Requires that any contractor who enters into a contract with a public entity comply with the Louisiana Equal Pay for Women Act

1 AN ACT

2 To enact Chapter 27 of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised  
3 of R.S. 39:2301 through 2305, relative to public contracts; to require compliance  
4 with the Louisiana Equal Pay for Women Act; to require that employers who  
5 contract with a public entity pay employees equally regardless of sex; to require an  
6 affidavit certifying compliance; to require certain records be kept; to provide for  
7 enforcement and penalties; to provide definitions; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Chapter 27 of Title 39 of the Louisiana Revised Statutes of 1950,  
10 comprised of R.S. 39:2301 through 2305, is hereby enacted to read as follows:

11 CHAPTER 27. EQUAL PAY IN PUBLIC GOVERNMENT CONTRACTS

12 §2301. Definitions

13 As used in this Chapter, the following terms have the following meanings  
14 unless the context clearly indicates otherwise:

15 (1) "Contractor" means any person, firm, association, or corporation that  
16 desires to submit a bid for or enter into a contract with the state in return for  
17 performing any work or services pursuant to a contract awarded by any state  
18 department, office, division, commission, council, board, bureau, committee,  
19 institution, agency, government corporation, or other establishment or official of the

1 executive or judicial branches of state government to perform construction or repair  
2 work or to provide supplies, materials, or equipment.

3 (2) "Public entity" means any state department, office, division, commission,  
4 council, board, bureau, committee, institution, agency, government corporation, or  
5 other establishment or official of the executive or judicial branches of state  
6 government.

7 §2302. Pay equality; public contracts

8 A. Any contractor who submits a bid or enters into a contract with any public  
9 entity shall pay all persons in his employ in compliance with the Louisiana Equal  
10 Pay for Women Act, R.S. 23:661 et seq., relative to state employees.

11 B. The provisions of this Section shall apply to all contracts involving the  
12 expenditure of public monies regardless of the amount and shall apply to both formal  
13 and informal bids.

14 §2303. Affidavit

15 Any contractor who submits a bid or enters into a contract with a public  
16 entity shall submit a sworn affidavit to the public entity to attest to all of the  
17 following:

18 (1) The contractor's pay practices conform with the pay practices provided  
19 in the Louisiana Equal Pay for Women Act for state employees.

20 (2) The contractor shall continue, during the term of the contract, to comply  
21 with the Louisiana Equal Pay for Women Act.

22 (3) The contractor shall require every subcontractor to submit to the  
23 contractor a sworn affidavit verifying that he is also in compliance with the  
24 Louisiana Equal Pay for Women Act.

25 §2304. Records to be kept by contractors

26 The contractor shall create and preserve records reflecting the name, address,  
27 and position of each employee and all wages paid to each employee, and make the  
28 records available to the public entity upon reasonable notice and during normal

1 working hours. The records shall be preserved for not less than three years from the  
2 completion of the contract.

3 §2305. Penalties

4 A. Any violation of the provisions of this Chapter shall render the contract  
5 void.

6 B. Any contractor who violates the provisions of this Chapter, in addition to  
7 the revocation of the public contract, is subject to penalties as provided in R.S.  
8 23:666.

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#### 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)]

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HB 63 Original

2019 Regular Session

Bouie

**Abstract:** Requires that any contractor who enters into a contract with a public entity comply with the La. Equal Pay for Women Act.

Present law (R.S. 23:661 et seq.) creates the La. Equal Pay for Women Act to provide for pay equality for women who are employees of any department, office, division, agency, commission, board, committee, or other organizational unit of the state.

Present law prohibits pay discrimination based on sex and provides for definitions, procedures, and exceptions, as well as a complaint procedure, damages, and a limitation of actions.

Proposed law provides for equal pay in public government contracts, which requires any contractor who enters into a contract with a public entity to comply with the provisions of present law.

Proposed law provides definitions for "contractor" and "public entity".

Proposed law requires any contractor or subcontractor who enters into a contract with a public entity to submit an affidavit certifying that he is in compliance with present law.

Proposed law requires the contractor to keep and maintain employee records containing employee's name, address, position, and wages for at least three years.

Proposed law provides for penalties for violations of proposed law.

(Adds R.S. 39:2301-2305))