

2023 Regular Session

SENATE BILL NO. 93

BY SENATOR BOUIE

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

EMPLOYMENT. Requires that any contractor who enters into a contract with a public entity comply with the Louisiana Equal Pay for Women Act. (8/1/23)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

AN ACT

To enact Chapter 27 of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:2301 through 2304, relative to public contracts; to require compliance with the Louisiana Equal Pay for Women Act; to require that employers who contract with a public entity pay employees equally regardless of sex; to provide for an affidavit certifying compliance; to provide for enforcement and penalties; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 27 of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:2301 through 2304, is hereby enacted to read as follows:

**CHAPTER 27. EQUAL PAY IN PUBLIC GOVERNMENT CONTRACTS**

**§2301. Definitions**

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

**(1) "Contractor" means any person, firm, association, or corporation that desires to submit a bid for or enter into a contract with the state in return for performing any work or services pursuant to a contract awarded by any**

1 state department, office, division, commission, council, board, bureau,  
2 committee, institution, agency, government corporation, or other establishment  
3 or official of the executive or judicial branches of state government to perform  
4 construction or repair work or to provide supplies, materials, or equipment.

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

9 §2302. Pay equality; public contracts

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

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

17 §2303. Affidavit

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

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

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

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

28 (4) The contractor shall create and preserve records reflecting the name,  
29 address, and position of each employee and all wages paid to each employee,

1           **and make the records available to the public entity upon reasonable notice and**  
2           **during normal working hours. The records shall be preserved for not less than**  
3           **three years from the completion of the contract.**

4           **§2304. Penalties**

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

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

---

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

---

DIGEST

SB 93 Original

2023 Regular Session

Bouie

Present law 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.

Proposed law provides for penalties for violations of proposed law.

Effective August 1, 2023.

(Adds R.S. 39:2301-2304)