

2018 Regular Session

SENATE BILL NO. 117

BY SENATORS MORRELL, BARROW, BISHOP AND CARTER AND REPRESENTATIVE HUNTER

PUBLIC CONTRACTS. Requires that any contractor who enters into a contract with a state entity comply with the Louisiana Equal Pay for Women Act. (8/1/18)

1 AN ACT

2 To amend and reenact R.S. 23:663(3) and R.S. 39:1625 and to enact R.S. 38:2216(N),

3 relative to the Louisiana Equal Pay for Women Act; to provide for employment by

4 employers who contract with the state; to provide for state procurement contracts;

5 to provide for state services contracts; to provide for definitions; to require certain

6 acknowledgments in contacts; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 23:663(3) is hereby amended and reenacted to read as follows:

9 §663. Definitions

10 As used in this Chapter, the following terms shall have the definitions

11 ascribed in this Section unless the context indicates otherwise:

12 * * *

13 (3) "Employer" means ~~any~~ **all of the following:**

14 **(i) Any** department, office, division, agency, commission, board, committee,

15 or other organizational unit of the state.

16 **(ii) Any business or person that enters into a procurement contract,**

17 **pursuant to Title 38 of the Louisiana Revised Statutes of 1950, with any**

1 **department, office, division, agency, commission, board, committee, or other**
2 **organizational unit of the state.**

3 **(iii) Any business or person that enters into a contract for services,**
4 **pursuant to Title 39 of the Louisiana Revised Statutes of 1950, with any**
5 **department, office, division, agency, commission, board, committee, or other**
6 **organizational unit of the state.**

7 Section 2. R.S. 38:2216(N) is hereby enacted to read as follows:

8 §2216. Written contract and bond

9 * * *

10 **N. Any written contract entered into with any department, office,**
11 **division, agency, commission, board, committee, or other organizational unit of**
12 **the state shall contain an acknowledgment by the contractor that contractor is**
13 **subject to the provisions of Chapter 6-A of Title 23 of the Louisiana Revised**
14 **Statutes of 1950.**

15 Section 3. R.S. 39:1625 is hereby amended and reenacted to read as follows:

16 §1625. Contract content

17 Each contract for professional, personal, consulting, or social services entered
18 into by a governmental body as defined in R.S. 39:1556(24) shall contain as a
19 minimum: description of the work to be performed and objectives to be met; amount
20 and time of payments to be made; description of reports or other deliverables to be
21 received, when applicable; date of reports or other deliverables to be received, when
22 applicable; responsibility for payment of taxes, when applicable; circumstances
23 under which the contract can be terminated either with or without cause; remedies
24 for default; **an acknowledgment by the contractor that contractor is subject to**
25 **the provisions of Chapter 6-A of Title 23 of the Louisiana Revised Statutes of**
26 **1950;** and a statement giving the legislative auditor the authority to audit records of
27 the individual or firm.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

DIGEST

SB 117 Engrossed 2018 Regular Session Morrell

Present law provides for The Equal Pay for Women Act.

Present law provides that women working as employees of the state of Louisiana shall be entitled to the same compensation as men employed by the state of Louisiana. Present law prohibits an employer from paying wages to an employee at a rate less than the rate at which the employer pays wages to another employee of the opposite sex for the same or substantially similar work within the same state agency.

Proposed law retains present law but extends present law to cover any business or person who enters into a procurement or services contract with any department, office, division, agency, commission, board, committee, or other organizational unit of the state.

Present law defines "employer" as an organizational unit of state government.

Proposed law extends the definition of "employer" from an organizational unit of the state to also include employers who contract with the state.

Proposed law provides that any written procurement or services contract entered into with any department, office, division, agency, commission, board, committee, or other organizational unit of the state contain an acknowledgment by the contractor that contractor is subject to the provisions of The Equal Pay for Women Act.

Effective August 1, 2018.

(Amends R.S. 23:663(3) and 39:1625; adds R.S. 38:2216(N))