

**HOUSE BILL NO. 1400**

Introduced by

Representatives Schneider, P. Anderson, Boschee, Delmore, Dobervich, Hogan, Mitskog  
Senator Oban

1 A BILL for an Act to create and enact a new section to chapter 54-44.4 of the North Dakota  
2 Century Code, relating to equal pay certificates for state contracts.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 54-44.4 of the North Dakota Century Code is created  
5 and enacted as follows:

6 **Equal pay certificates.**

- 7 1. This section applies to purchase contracts by an agency or institution in the executive  
8 branch of state government. A purchase contract for goods or services in excess of  
9 five hundred thousand dollars with a business that has forty or more full-time  
10 employees in this state or a state in which the business has its primary place of  
11 business on a single day during the previous twelve months, may not be entered  
12 unless the business has an equal pay certificate.
- 13 2. A business may submit an application for an equal pay certificate with the department  
14 of labor and human rights. The certificate is valid for four years. The department shall  
15 issue an equal pay certificate to an applicant upon:
- 16 a. Receipt of a filing fee of one hundred fifty dollars;  
17 b. Confirmation the business is in compliance with Title VII of the Civil Rights Act of  
18 1964, Equal Pay Act of 1963, and chapter 34-06.1;  
19 c. Confirmation the average compensation for the businesses' female employees is  
20 not consistently below the average compensation for its male employees within  
21 each of the major job categories;  
22 d. Confirmation the business does not restrict employees of one sex to certain job  
23 classifications and that the business makes retention and promotion decisions  
24 without regard to sex;

- 1           e. Confirmation wage and benefit disparities are corrected when identified to ensure
- 2           compliance with state and federal laws;
- 3           f. Confirmation wage and benefits are evaluated to ensure compliance with state
- 4           and federal laws;
- 5           g. Confirmation in setting compensation and benefits the business utilizes a market
- 6           pricing approach, state prevailing wage or union contract requirements, a
- 7           performance wage system, an internal analysis, or an alternative approach to
- 8           determine what level of wages and benefits to pay employees.
- 9           3. This section does not apply to contracts for health insurance.