

HOUSE BILL NO. HB0181

Government contracts-labor organizations.

Sponsored by: Representative(s) Larsen

A BILL

for

1 AN ACT relating to public works and contracts; providing
2 for procurement of construction goods and services by the
3 state and its subdivisions as market participants;
4 providing for fair and open competition; providing for
5 exemptions; providing legislature findings; and providing
6 for an effective date.

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8 *Be It Enacted by the Legislature of the State of Wyoming:*

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10 **Section 1.** W.S. 16-6-122 is created to read:

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12 **16-6-122. Public works contracts; prohibited contract**
13 **provisions; government unit defined.**

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15 (a) Subject to subsection (c) of this section, a
16 governmental unit awarding a contract for the construction,

1 improvement, expansion, repair, remodeling or demolition of
2 any facility after June 30, 2017 shall not in any bid
3 specification, project agreement or other controlling
4 document, include:

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6 (i) A term that requires, prefers or prohibits a
7 bidder, offeror, contractor or subcontractor from entering
8 into or adhering to an agreement with one (1) or more labor
9 organization in regard to that project or a related
10 construction project;

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12 (ii) A term that otherwise discriminates against
13 a bidder, offeror, contractor or subcontractor for becoming
14 or remaining or refusing to become or remain a signatory to
15 or for adhering or refusing to adhere to, an agreement with
16 one (1) or more labor organizations in regard to that
17 project or a related construction project.

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19 (b) Subject to subsection (c) of this section, a
20 governmental unit shall not award a grant that is
21 conditioned upon a requirement that the awardee include a
22 term described in subsection (a) of this section in a
23 contract document for any construction, improvement,

1 maintenance, or renovation to real property or fixtures
2 that are the subject of the grant.

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4 (c) This section does not prohibit a governmental
5 unit from awarding a contract or grant to a private owner,
6 bidder, contractor or subcontractor who enters into or who
7 is party to an agreement with a labor organization, if
8 being or becoming a party or adhering to an agreement with
9 a labor organization is not a condition for award of the
10 contract or grant and if the governmental unit does not
11 discriminate against a private owner, bidder, contractor or
12 subcontractor in the awarding of that contract or grant
13 based upon the status as being or becoming, or the
14 willingness or refusal to become, a party to an agreement
15 with a labor organization.

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17 (d) This section does not prohibit a contractor or
18 subcontractor from voluntarily entering into or complying
19 with an agreement entered into with one (1) or more labor
20 organizations in regard to a contract with a governmental
21 entity listed in subsection (a) of this section or funded
22 in whole or in part from a grant from the governmental
23 entity.

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2 (e) The head of a governmental entity listed in
3 subsection (a) of this section may exempt a particular
4 project, contract, subcontract or grant from the
5 requirements of any or all of the provisions of this
6 section if the governmental entity finds, after public
7 notice and a hearing, that special circumstances require an
8 exemption to avert an imminent threat to public health or
9 safety. A finding of special circumstances under this
10 section shall not be based on the possibility or presence
11 of a labor dispute concerning the use of contractors or
12 subcontractors who are nonsignatories to, or otherwise do
13 not adhere to, agreements with one (1) or more labor
14 organizations or concerning employees on the project who
15 are not members of or affiliated with a labor organization.

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17 (f) For purposes of this section:

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19 (i) "Facility" means any actual physical
20 improvement to real property owned or leased, directly or
21 through a building authority, by a governmental unit
22 including but not limited to highways, roads, bridges,
23 runways, rails, or a building or structure along with the

1 building's or structure's grounds, approaches, services and
2 appurtenances.

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4 (ii) "Governmental unit" means the state, any
5 department or institution thereof, or any county, city,
6 town, school district, community college district or other
7 public corporation of the state.

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9 (g) The legislature finds that the intent of this
10 section is to provide for more economical
11 nondiscriminatory, neutral and efficient procurement of
12 construction related goods and services by governmental
13 units as market participants. Providing for fair and open
14 competition best effectuates this intent.

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16 **Section 2.** This act is effective July 1, 2017.

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(END)