

SENATE FILE NO. SF0053

Government contracts-labor organization.

Sponsored by: Senator(s) Anderson, Boner, Driskill and
Kinskey and Representative(s) Clausen,
Lindholm, Pownall and Walters

A BILL

for

1 AN ACT relating to public works and contracts; prohibiting
2 governmental entities from including specified terms related
3 to labor organization agreements in construction related
4 contracts and grants; providing exemptions; providing
5 legislative findings; and providing for an effective date.

6

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

8

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

10

11 **16-6-122. Public works contracts and grants; prohibited**
12 **terms; exemptions; definitions.**

13

14 (a) The legislature finds that the intent of this
15 section is to provide for more economical, nondiscriminatory,

1 neutral and efficient procurement of construction related
2 services by governmental entities. The legislature further
3 finds that enabling fair and open competition best
4 effectuates this intent.

5

6 (b) A governmental entity that awards or renews a
7 contract on or after July 1, 2019, for a construction related
8 project regarding a facility the governmental entity owns or
9 leases, directly or through a building authority, shall not
10 include any of the following terms in any contract related
11 document:

12

13 (i) A term that requires, prefers or prohibits a
14 bidder, offeror, contractor or subcontractor from entering
15 into or adhering to an agreement with a labor organization in
16 regard to the construction related project;

17

18 (ii) A term that otherwise discriminates against
19 a bidder, offeror, contractor or subcontractor for being,
20 becoming or refusing to become or remain a signatory to, or
21 for adhering or refusing to adhere to, an agreement with a
22 labor organization in regard to the construction related
23 project.

1

2 (c) A governmental entity shall not award or renew a
3 grant for a construction related project that is conditioned
4 on the recipient including a term prohibited by subsection
5 (b) of this section in a contract related document concerning
6 a facility or real property that is the subject of the grant.

7

8 (d) The head of a governmental entity may exempt a
9 contract related document or grant from the requirements of
10 subsection (b) or (c) of this section, as applicable, if the
11 governmental entity finds that the exemption is necessary to
12 avert an imminent threat to public health or safety.

13

14 (e) As used in this section:

15

16 (i) "Construction related project" includes the
17 construction, improvement, maintenance, expansion, repair,
18 renovation, remodeling or demolition of a facility;

19

20 (ii) "Contract related document" includes a bid
21 specification, project agreement or other controlling
22 document for a construction related project;

23

1 (iii) "Facility" means:

2

3 (A) A highway, road, bridge, runway or rail;

4

5 (B) A building or structure along with its
6 grounds, approaches, services, fixtures and appurtenances;

7

8 (C) Any other similar physical improvement to
9 real property.

10

11 (iv) "Governmental entity" means the University of
12 Wyoming, the state, any department thereof, and any county,
13 city, town, school district, community college district,
14 other political subdivision and other public corporation of
15 the state.

16

17 **Section 2.** This act is effective July 1, 2019.

18

19

(END)