

SENATE FILE NO. SF0091

Government contracts-labor organization.

Sponsored by: Senator(s) Anderson, Bebout, Boner and Kinskey and Representative(s) Pownall and Walters

A BILL

for

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

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1           (a) The legislature finds that the intent of this  
2 section is to provide for more economical,  
3 nondiscriminatory, neutral and efficient procurement of  
4 construction related services by governmental entities. The  
5 legislature further finds that enabling fair and open  
6 competition best effectuates this intent.

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8           (b) A governmental entity that awards a contract on  
9 or after July 1, 2018, for a construction related project  
10 regarding a facility the governmental entity owns or  
11 leases, directly or through a building authority, shall not  
12 include any of the following terms in any contract related  
13 document:

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

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20           (ii) A term that otherwise discriminates against  
21 a bidder, offeror, contractor or subcontractor for being,  
22 becoming or refusing to become or remain a signatory to, or  
23 for adhering or refusing to adhere to, an agreement with a

1 labor organization in regard to the construction related  
2 project.

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

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

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17 (e) As used in this section:

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19 (i) "Construction related project" includes the  
20 construction, improvement, maintenance, expansion, repair,  
21 renovation, remodeling or demolition of a facility;

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1           (ii) "Contract related document" includes a bid  
2 specification, project agreement or other controlling  
3 document for a construction related project;

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5           (iii) "Facility" includes:

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7           (A) A highway, road, bridge, runway or  
8 rail;

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

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13           (C) Any other similar physical improvement  
14 to real property.

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16           (iv) "Governmental entity" includes the  
17 University of Wyoming, the state, any department thereof,  
18 and any county, city, town, school district, community  
19 college district and other public corporation of the state.

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21           **Section 2.** This act is effective July 1, 2018.

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(END)