

SENATE FILE NO. SF0147

Government contracts-labor organization.

Sponsored by: Senator(s) Anderson, Barlow and Biteman and
Representative(s) Heiner and Knapp

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.

7

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) Subject to W.S. 16-6-108, a governmental entity
9 that awards or renews a contract on or after July 1, 2023,
10 for a construction related project regarding a facility the
11 governmental entity owns or leases directly or through a
12 building authority, shall not include any of the following
13 terms in any contract related document a term that:

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

19

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

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

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

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

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18 (e) As used in this section:

19

20 (i) "Construction related project" includes the
21 construction, improvement, maintenance, expansion, repair,
22 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" means:

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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" means the University
17 of Wyoming, the state, any department thereof, and any
18 county, city, town, school district, community college
19 district, other political subdivision and other public
20 corporation of the state.

21

1 **Section 2.** This act is effective July 1, 2023.

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(END)