

ENROLLED ACT NO. 59, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

AN ACT relating to the Wyoming Preference Act of 1971; amending requirements for Wyoming laborers on public works; revising certification requirements for use of nonresident laborers; making conforming amendments; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 16-6-202(a)(ii), by creating a new paragraph (v) and by renumbering (v) as (vi), 16-6-203 and 16-6-206(a) and (b) are amended to read:

16-6-202. Definitions.

(a) As used in this act:

(ii) "Resident" or "Wyoming laborer" includes any person who is a citizen of the United States, or a person who is authorized to work in the United States by an agency of the federal government, and has resided in the state of Wyoming for at least ninety (90) days, or as otherwise authorized by department of workforce services rules, preceding the application for employment;

(v) "Public entity" means as defined in W.S. 16-6-101(a)(viii);

(v)(vi) "This act" means W.S. 16-6-201 through 16-6-206.

16-6-203. Required resident labor on public works; exception.

ENROLLED ACT NO. 59, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

(a) Except as otherwise provided in this act, every person who is responsible for a public work shall employ only Wyoming laborers on the public work. Every contract for a public work let by any person shall contain a provision requiring that Wyoming ~~labor~~ laborers be used except ~~other nonresident~~ laborers may be used when Wyoming laborers are not available for the employment from within the state or are not qualified to perform the work involved. The contract shall contain a provision requiring specific acknowledgement of the requirements of this section. A person required to employ Wyoming laborers may employ ~~other than Wyoming nonresident~~ laborers if:

(i) That person ~~informs~~ submits written notice to the nearest state workforce center of his employment needs at least eleven (11) days before work is commenced; and need for laborers. The notice may include the person's need for laborers on multiple public works that the person is responsible for during a nine (9) month period. The notice shall specify if the need for laborers constitutes an emergency that endangers the health, welfare or safety of the public as determined by the public entity associated with the public work. If the person's need for laborers substantially changes during the period, the person may amend the written notice submitted under this paragraph;

(ii) The state workforce center certifies that the person's need for laborers cannot be filled from those Wyoming laborers listed with the Wyoming department of workforce services or that an emergency exists that endangers the health, welfare or safety of the public as determined by the public entity associated with the public work for which Wyoming laborers are not readily available. The certification shall specify the number of nonresident laborers the person may employ on the public works the

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SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

person is responsible for during the nine (9) month period following certification. Except as provided in this paragraph, the ~~department~~ state workforce center shall respond to a person's request for certification or certification amendment within ten (10) days of the date the ~~information is filed~~ written notice is received. The state workforce center shall respond to a person's emergency request for certification as soon as practicable but not to exceed three (3) days after the date the emergency request is received; and

(iii) Upon hiring, the person shall submit to the state workforce center the number of nonresident laborers employed by the person pursuant to the certification issued under paragraph (ii) of this subsection and the public work or works for which each nonresident laborer is employed during the period of certification. The number of nonresident laborers employed during the period of certification shall not exceed the number specified by the certification or certification amendment.

(b) Upon request by ~~the~~ a state workforce center, the general contractor shall provide the most recent construction schedule for ~~the project~~ a public work.

16-6-206. Failure to employ state laborers; penalty.

(a) A person who willfully or intentionally fails to use Wyoming laborers as required in this act shall be subject to a civil penalty of not more than one thousand dollars (\$1,000.00) per nonresident laborer employed per day, not to exceed a total penalty of ten percent (10%) of the amount of the person's contract. Each separate case of

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SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

failure to employ Wyoming laborers on ~~public works projects~~
a public work constitutes a separate offense.

(b) In the event a second offense occurs within a twelve (12) month period from the date of the first offense, the person shall be barred from bidding on any contract subject to the provisions of this act or submitting any request for proposal on any ~~project~~-public work subject to the provisions of this act for one (1) year from the date the second violation is corrected.

Section 2. This act shall apply to the hiring of laborers on public works on and after the effective date of this act. Nothing in this act shall be construed to impair existing agreements entered into by a public entity and a laborer prior to the effective date of this act.

ORIGINAL HOUSE
BILL NO. HB0102

ENGROSSED

ENROLLED ACT NO. 59, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

Section 3. This act is effective July 1, 2021.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk