

ENROLLED ACT NO. 88, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

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

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

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

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

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

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

(ii) Subject to the provisions of the Wyoming Preference Act of 1971, W.S. 16-6-201 through 16-6-206, otherwise discriminates against a bidder, offeror, contractor or subcontractor for being, becoming or refusing to become or remain a signatory to, or for adhering or refusing to adhere to, an agreement with any person including a labor organization in regard to the construction related project.

ENROLLED ACT NO. 88, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

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

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

(d) As used in this section:

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

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

(iii) "Facility" means:

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

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

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

ORIGINAL SENATE
FILE NO. SF0147

ENGROSSED

ENROLLED ACT NO. 88, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

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

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk