

**WORKING DRAFT**

SENATE FILE NO. \_\_\_\_\_

Prevailing wage amendments.

Sponsored by: Joint Labor, Health and Social Services  
Interim Committee

A BILL

for

1 AN ACT relating to the prevailing wage for public works  
2 contracts; providing for a single statewide wage district  
3 for state-funded contracts; authorizing the department of  
4 employment to investigate prevailing wage violations on its  
5 own volition; removing a requirement that prevailing wage  
6 determinations utilize employment security law wage  
7 reports; providing a bid preference for contractors  
8 participating in the department's prevailing wage survey;  
9 authorizing the department to apply for a waiver of federal  
10 wage surveys, as specified; and providing for an effective  
11 date.

12

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

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1           **Section 1.**    W.S. 27-4-402(a)(ix), 27-4-404, 27-14-  
2 405(a) and 27-4-406(a) are amended to read:

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4           **27-4-402. Definitions.**

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6           (a) As used in this act:

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8                   (ix) "Locality" for public heavy, highway  
9 projects and public building projects means the following  
10 districts wherein the physical work is performed:

11

12                                (A) For federal highway and construction  
13 projects:

14

15                                (I) The entire state of Wyoming  
16 excluding Laramie and Natrona counties;

17

18                                ~~(B)~~ (II) Laramie county;

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20                                ~~(C)~~ (III) Natrona county.

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22                                (B) For state only heavy and highway  
23 projects, the entire state of Wyoming;

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1                   (C) For public building projects, the  
2 entire state of Wyoming.

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4           **27-4-404. Director to investigate complaints; rules**  
5 **and regulations.**

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7 Upon complaint of violation of this act or upon his own  
8 volition, the director shall investigate, and shall  
9 institute actions for penalties herein prescribed when  
10 proven violations are considered by him to be intentional  
11 and willful in nature. The director may establish rules and  
12 regulations for the purpose of carrying out the purposes of  
13 this act.

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15           **27-4-405. Duty of public authority to ascertain wage**  
16 **rate for public works; requirement as to call for bids.**

17

18           (a) Before any public body awards a contract for  
19 public works, it shall obtain from the department the  
20 prevailing hourly rate of wages in the locality in which  
21 the work is to be performed, for each craft or type of  
22 workman needed to execute the contract or project. The  
23 public body shall specify in the resolution or ordinance  
24 and in the call for bids for the contract, what the

1 prevailing hourly rate of wages in the locality is for each  
2 craft or type of workman needed to execute the contract,  
3 and it shall be mandatory upon the contractor to whom the  
4 contract is awarded and upon any subcontractor under him,  
5 to pay not less than the specified rates to all workmen  
6 employed by them in the execution of the contract. The  
7 public body awarding the contract shall cause to be  
8 inserted in the contract a stipulation to the effect that  
9 not less than the prevailing hourly rate of wages as  
10 determined by the department pursuant to W.S. 27-4-406, or  
11 determined by the court on review, shall be paid to all  
12 workmen performing work under the contract. It shall also  
13 require in all the contractor's bonds that the contractor  
14 include such provision as will guarantee the faithful  
15 performance of the prevailing hourly wage clause as  
16 provided by the contract. The finding of the department  
17 specifying the prevailing hourly rate of wages in  
18 accordance with this subsection, shall be final for all  
19 purposes of the contract then being considered, unless  
20 reviewed under the provisions of this act. A public body  
21 doing public works directly shall comply with the  
22 prevailing hourly rate of wages portion of this subsection  
23 for each craft or type of workman so employed. In  
24 reviewing bids for public works contracts, the public body

1 shall award a bid preference of two percent (2%) to any  
2 prospective contractor who participated, as certified by  
3 the department, in the department's wage survey for the  
4 period applicable to the contract being awarded.

5  
6 **27-4-406. Wage rate to be filed with director and**  
7 **mailed to employers and certain employees.**

8  
9 (a) The department shall annually determine the  
10 prevailing hourly rate of wages within the state for all  
11 occupations, crafts or type of workers expected to be  
12 required for public works in the state. In carrying out  
13 this subsection, the department may apply to the United  
14 States Department of Labor for a waiver of one (1) annual  
15 highway construction wage survey and shall:

16  
17 ~~(i) Utilize the most recent payroll data as~~  
18 ~~submitted by employers or employee organizations for~~  
19 ~~purposes of reporting payroll and making contributions~~  
20 ~~under the Wyoming Employment Security Law;~~

21  
22 **Section 2.** W.S. 27-4-406(a) (i) is repealed.

23  
24 **Section 3.** This act is effective July 1, 2007.

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(END)