

HOUSE BILL NO. HB0047

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 certain state-funded contracts; authorizing the  
4 department of employment to investigate prevailing wage  
5 violations on its own volition; removing a requirement that  
6 prevailing wage determinations utilize employment security  
7 law wage reports; providing a bid preference for  
8 contractors participating in the department's prevailing  
9 wage survey; and providing for an effective date.

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

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

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16 **27-4-402. Definitions.**

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2 (a) As used in this act:

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4 (ix) "Locality" for public heavy, highway  
5 projects and public building projects means the following  
6 districts wherein the physical work is performed:

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8 (A) For federal highway and construction  
9 projects:

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11 (I) The entire state of Wyoming  
12 excluding ~~Laramie and Natrona counties~~ any area defined as  
13 a metropolitan statistical area pursuant to 44 U.S.C.  
14 3504(e)(3) and 31 U.S.C. 1104(d);

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16 (II) Any area defined as a  
17 metropolitan statistical area pursuant to 44 U.S.C.  
18 3504(e)(3) and 31 U.S.C. 1104(d).

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20 (B) ~~Laramie county~~ For state only heavy and  
21 highway projects, the entire state of Wyoming;

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23 (C) ~~Natrona county~~ For public building  
24 projects, the entire state of Wyoming.

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2           **27-4-404. Director to investigate complaints; rules**  
3 **and regulations.**

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

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13           **27-4-405. Duty of public authority to ascertain wage**  
14 **rate for public works; requirement as to call for bids.**

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

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

1 the department, in the department's wage survey for the  
2 period applicable to the contract being awarded.

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

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

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(END)