

HOUSE BILL NO. HB0113

Government contracts-labor organizations.

Sponsored by: Representative(s) Reeder, Baker, Kroeker,
Larsen, Miller and Stubson and Senator(s)
Bebout

A BILL

for

1 AN ACT relating to public works and contracts; prohibiting
2 governmental units from requiring contractors to have
3 agreements with organized labor on public works projects;
4 prohibiting discrimination against contractors for having
5 or not having agreements with organized labor; providing a
6 definition; and providing for an effective date.

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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; prohibited contract**
13 **provisions; governmental unit defined.**

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15 (a) Subject to subsection (c) of this section, a
16 governmental unit awarding a contract after July 1, 2014

1 for the erection, construction, alteration or repair of any
2 public building or other public structure, or for making
3 any addition thereto, or for any public work or
4 improvements, and any construction manager acting on its
5 behalf shall not include any of the following in bid
6 specifications, project agreements or other controlling
7 documents:

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9 (i) A term that requires or prohibits a bidder,
10 offeror, contractor or subcontractor from entering into or
11 adhering to an agreement with one (1) or more labor
12 organizations in regard to that project or a related
13 construction project;

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15 (ii) A term that otherwise discriminates against
16 a bidder, offeror, contractor or subcontractor for becoming
17 or remaining or refusing to become or remain a signatory to
18 or for adhering or refusing to adhere to, an agreement with
19 one (1) or more labor organizations in regard to that
20 project or a related construction project.

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22 (b) Subject to subsection (c) of this section, a
23 governmental unit shall not award a grant, tax abatement or
24 tax credit that is conditioned upon a requirement that the

1 awardee include a term described in subsection (a) of the
2 section in a contract document for the erection,
3 construction, alteration or repair of any public building,
4 or other public structure, or for making any addition
5 thereto, or for any public work or improvements that are
6 the subject of the grant, tax abatement or tax credit.

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8 (c) This section does not prohibit a governmental
9 unit from awarding a contract, grant, tax abatement or tax
10 credit to a private owner, bidder, contractor or
11 subcontractor who enters into or who is party to an
12 agreement with a labor organization, if being or becoming a
13 party or adhering to an agreement with a labor organization
14 is not a condition for award of the contract, grant, tax
15 abatement or tax credit and if the governmental unit does
16 not discriminate against a private owner, bidder,
17 contractor or subcontractor in the awarding of that
18 contract, grant, tax abatement or tax credit based upon the
19 status as being or becoming, or the willingness or refusal
20 to become, a party to an agreement with a labor
21 organization.

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23 (d) This section does not prohibit a contractor or
24 subcontractor from voluntarily entering into or complying

1 with an agreement entered into with one (1) or more labor
2 organizations in regard to a contract with a governmental
3 unit or funded in whole or in part from a grant, tax
4 abatement or tax credit from the governmental unit.

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6 (e) The head of a governmental unit may exempt a
7 particular project, contract, subcontract, grant, tax
8 abatement or tax credit from the requirements of any or all
9 of the provisions of this section if the governmental unit
10 finds, after public notice and a hearing, that special
11 circumstances require an exemption to avert an imminent
12 threat to public health or safety. A finding of special
13 circumstances under this section shall not be based on the
14 possibility or presence of a labor dispute concerning the
15 use of contractors or subcontractors who are nonsignatories
16 to, or otherwise do not adhere to, agreements with one (1)
17 or more labor organizations or concerning employees on the
18 project who are not members of or affiliated with a labor
19 organization.

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21 (f) For purposes of this section, "governmental unit"
22 means the state, any department thereof, or any county,
23 city, town, school district, community college district or
24 other public corporation of the state.

