

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

SENATE FILE NO. _____

Public works and contracts.

Sponsored by: Senator(s) Bebout

A BILL

for

1 AN ACT relating to public works contracts; amending
2 definitions; extending residency requirements to two years;
3 modifying limitations on subcontracting; granting
4 rulemaking authority; providing for penalties; and
5 providing for an effective date.

6

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

8

9 **Section 1.** W.S. 16-6-101(a)(i), by creating a new
10 paragraph (iii) and by renumbering (iii) as (iv), 16-6-103
11 and 16-6-120 are amended to read:

12

13 **16-6-101. Definitions.**

14

1 (a) As used in this act:

2

3 (i) "Resident" means a person, partnership,
4 limited partnership, registered limited partnership,
5 registered limited liability company or corporation
6 registered with the Wyoming secretary of state and
7 certified as a resident by the department of employment
8 prior to bidding upon the contract or responding to a
9 request for proposal, subject to the following criteria:

10

11 (A) Any person who has been a resident of
12 the state for ~~one (1) year~~ two (2) years or more
13 immediately prior to bidding upon the contract or
14 responding to a request for proposal; or

15

16 (B) A partnership, association, limited
17 partnership, registered limited partnership, registered
18 limited liability company or corporation, each member or
19 shareholder of which has been a resident of the state for
20 ~~one (1) year~~ two (2) years or more immediately prior to
21 bidding upon the contract or responding to a request for
22 proposal;

23

1 (C) A corporation organized under the laws
2 of the state:

3 (I) With at least fifty percent (50%)
4 of the issued and outstanding shares of stock in the
5 corporation owned by persons who have been residents of the
6 state for ~~one (1) year~~ two (2) years or more prior to
7 bidding upon the contract or responding to a request for
8 proposal; ~~and~~

9
10 (II) Which ~~maintains~~ has maintained
11 its principal office and place of business within the state
12 for two (2) years or more, and

13
14 (III) The president of the corporation
15 has been a resident of the state for ~~one (1) year~~ two (2)
16 years or more immediately prior to bidding upon the
17 contract or responding to a request for proposal. †

18
19 (D) A corporation organized under the laws
20 of the state which has been in existence in the state for
21 ~~one (1) year~~ two (2) years or more and whose president has
22 been a resident of the state for ~~one (1) year~~ two (2) years
23 or more immediately prior to bidding upon the contract or

1 responding to a request for proposal and maintains its
2 principal office and place of business within the state. If
3 at least fifty percent (50%) of the issued and outstanding
4 shares of stock in the corporation are owned by
5 nonresidents, shares of the corporation shall:

6

7 (I) Have been acquired by nonresidents
8 ~~one (1) year~~ two (2) years or more immediately prior to
9 bidding upon the contract or responding to a request for
10 proposal; or

11

12 (E) A limited partnership organized under
13 the laws of the state and which maintains its principal
14 office and place of business in the state and the general
15 partners of which have been residents of the state for at
16 least ~~one (1) year~~ two (2) years or more immediately prior
17 to bidding upon the contract or responding to a request for
18 proposal;

19

20 (F) A registered limited liability
21 partnership organized under the laws of the state and which
22 maintains its principal office and place of business in the
23 state and each member of which has been a resident of the

1 state for ~~one (1) year~~ two (2) years or more immediately
2 prior to bidding upon the contract or responding to a
3 request for proposal;

4

5 (G) A limited liability company organized
6 under the laws of the state and which maintains its
7 principal office and place of business in the state and the
8 managing members or the appointed managers of which have
9 been residents of the state for ~~one (1) year~~ two (2) years
10 or more immediately prior to bidding upon the contract or
11 responding to a request for proposal; or

12

13 (J) A corporation organized under the laws
14 of any state which has been in existence for two (2) years
15 or more and is publicly traded and registered under Section
16 13 or 15(d) of the Securities Exchange Act of 1934 for one
17 (1) or more classes of its shares, and:

18

19 (I) Has continuously maintained a
20 principal place of business within the state for two (2)
21 years or more;

22

1 (II) Has continuously employed not
2 less than fifteen (15) full-time Wyoming resident employees
3 within the state;

4
5 (III) Has paid worker's compensation
6 and unemployment taxes in Wyoming for at least two (2)
7 years and is in good standing with Wyoming worker's
8 compensation and department of employment at the time the
9 bid or request for proposal is submitted.

10
11 (iii) "Resident employee" means any person who:

12
13 (A) Is employed by a business bidding on a
14 state contract or responding to a state request for
15 proposal;

16
17 (B) Is a citizen of the United States; and

18
19 (C) Has resided in Wyoming for at least two
20 (2) years immediately prior to the bid on the contract or
21 the response to the request for proposal.

22

1 ~~(iii)~~ (iv) "This act" means W.S. 16-6-101 through
2 16-6-121.

3

4 **16-6-103. Limitation on subcontracting by resident**
5 **contractors.**

6

7 A successful resident bidder shall not subcontract more
8 than ~~thirty percent (30%)~~ twenty percent (20%) of the work
9 covered by his contract to nonresident contractors.

10

11 **16-6-120. Rulemaking; penalties; enforcement.**

12

13 (a) The department of employment shall promulgate
14 rules and regulations required to enforce this act.

15

16 (b) A person, partnership, association, limited
17 partnership, registered limited partnership, registered
18 limited liability company or corporation and any officers
19 or member thereof that intentionally falsifies information
20 under this act shall be fined seven hundred fifty dollars
21 (\$750.00) for each violation for each day during which the
22 violation continues and shall be barred from bidding on any
23 state contract or submitting any request for proposal on

1 any state project for not less than one (1) year from the
2 date the violation is corrected.

3

4 (c) The department of employment is authorized and
5 directed to enforce W.S. 16-6-101 through 16-6-206.

6

7 **Section 2.** W.S. 16-6-101(a)(i)(H) and (ii) is
8 repealed.

9

10 **Section 3.** This act is effective July 1, 2011.

11

12

(END)