

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

SENATE FILE NO. _____

Public works contracts.

Sponsored by: Senator(s) Hastert

A BILL

for

1 AN ACT relating to public works contracts; modifying
2 residency requirements as specified; modifying penalty
3 amounts; requiring investigations; providing conforming
4 amendments; and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 16-6-101(a)(i)(A) and (H)(II),
9 16-6-102(e), 16-6-104, 16-6-111 and 16-6-206 are amended to
10 read:

11

12 **16-6-101. Definitions.**

13

14 (a) As used in this act:

1

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

8

9 (A) Any person who is a citizen of the
10 United States and has been a resident of the state for one
11 (1) year or more immediately prior to bidding upon the
12 contract or responding to a request for proposal; or

13

14 (H) A person, partnership, limited
15 partnership, registered limited partnership, registered
16 limited liability company or corporation which has
17 satisfied the following requirements for the period one (1)
18 year or more immediately prior to bidding upon the contract
19 or responding to a request for proposal:

20

21 (II) Has continuously employed not
22 less than fifteen (15) full-time employees within the state

1 who have been Wyoming residents as defined in W.S.
2 16-6-202(a)(ii).

3

4 **16-6-102. Resident contractors; preference limitation**
5 **with reference to lowest bid or qualified response;**
6 **decertification; denial of application for residency.**

7

8 (e) The department ~~may~~shall make investigations as
9 necessary to determine whether any person is eligible to
10 receive or continue to hold a certificate of residency.
11 The department may require or permit any person to file a
12 statement in writing, under oath or otherwise as to all the
13 facts and circumstances concerning the matter to be
14 investigated. For the purpose of any investigation under
15 this section, the director of the department or any person
16 designated by him may administer oaths and affirmations,
17 subpoena witnesses, and compel their attendance, take
18 evidence and require the production of any books, papers,
19 correspondence, memoranda, agreements or other documents or
20 records, which the director or designated person deems
21 relevant or material to the inquiry. In case of refusal to
22 obey a subpoena issued to any person, any Wyoming district
23 court, upon application by the director, may issue to the

1 person an order requiring him to appear before the director
2 or the officer designated by him, to produce documentary
3 evidence if so ordered, or to give evidence touching the
4 matter under investigation or in question. Failure to obey
5 the order of the court may be punished by the court as
6 contempt of court.

7

8 **16-6-104. Preference for Wyoming materials required**
9 **in contracts.**

10

11 ~~Resident Wyoming laborers, workmen and mechanics shall be~~
12 ~~used upon all work enumerated in W.S. 16-6-102 whenever~~
13 ~~possible and any contract let shall so provide.~~ Wyoming
14 materials and products of equal quality and desirability
15 shall have preference over materials or products produced
16 outside the state and any contract let shall so provide.

17

18 **16-6-111. Penalty for violating work hours**
19 **provisions.**

20

21 Any person who violates this act is guilty of a misdemeanor
22 punishable by a fine of not more than ~~five hundred dollars~~
23 ~~(\$500.00)~~ seven hundred fifty dollars (\$750.00),

1 imprisonment in the county jail for not more than six (6)
2 months, or both.

3

4 **16-6-206. Failure to employ state laborers; penalty.**

5

6 A person who willfully or intentionally fails to use
7 Wyoming laborers as required in this act is guilty of a
8 misdemeanor punishable by a fine of not more than ~~five~~
9 ~~hundred dollars~~ ~~(\$500.00)~~ seven hundred fifty dollars
10 (\$750.00) or by imprisonment for not more than ~~thirty~~ ~~(30)~~
11 ~~days~~ six (6) months. Each separate case of failure to
12 employ Wyoming laborers on public works projects
13 constitutes a separate offense.

14

15 **Section 2.** This act is effective July 1, 2011.

16

17

(END)