

Former SF § 11-211(a)(4), which defined "[p]erson" as having "the same meaning provided in § 11-101 of this article", is deleted as surplusage.

The attention of the General Assembly is called to the deletion of SF § 11-212, which prohibited the State from awarding a contract to a person who had been found in contempt of court by a federal court for failure to correct unfair labor practices. The former section is deleted in light of an opinion of the Attorney General that determined SF § 11-212 to be unconstitutional and unenforceable under Wisconsin Department of Industry, Labor and Human Relations v. Gould, 475 U.S. 292, 106 S. Ct. 1057 (1986).

The United States Supreme Court in Gould found that a state law imposing a punishment for violation of the National Labor Relations Act (NLRA) by disqualifying violators from competing for state contracts is unconstitutional under the Supremacy Clause of the United States Constitution. The NLRA sets forth the judicial remedies for conduct prohibited by that Act. A state law punishing violations of the NLRA diminishes control of the National Labor Relations Board over enforcement and detracts from the integrated scheme of regulation created by Congress.

In Opinion No. 86-047 (August 14, 1986), the Attorney General stated that SF § 13-401, which was renumbered by Ch. 840, Acts of 1986 to be former SF § 11-212, interfered with the intended federal exclusivity in enforcing the NLRA and was preempted by that Act under the Gould analysis.

SUBTITLE 2. DEBARMENT FROM STATE AND LOCAL CONTRACTS -- BRIBERY.

16-201. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection formerly appeared as SF § 12-101(a).

No changes are made.

(B) CONVICTION.

"CONVICTION" INCLUDES AN ACCEPTED PLEA OF NOLO CONTENDERE.

REVISOR'S NOTE: This subsection formerly appeared as SF § 12-101(c).

No changes are made.