

CHAPTER 58

ORIGINAL HOUSE
BILL NO. 0096

ENROLLED ACT NO. 66, HOUSE OF REPRESENTATIVES
FORTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
1986 BUDGET SESSION

AN ACT to appropriate \$1,132,653 to the department of revenue and taxation for the costs of appraising additional parcels of property under the reappraisal contract; authorizing extension of the reappraisal contract under certain conditions; providing for the costs of additional maintenance, training and related expenses; reserving rights under the contract; and providing for an effective date.

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

Section 1. Five hundred thousand dollars (\$500,000.00) is appropriated from the general fund to the department of revenue and taxation to be expended to meet the costs of appraising parcels of property in excess of two hundred seventeen thousand eight hundred (217,800) parcels under the reappraisal contract dated October 17, 1984, between the state of Wyoming and the Professional Appraisal Company. In making the appropriation under this section, the legislature does not intend to waive any rights to any penalties or other breaches under the reappraisal contract due to the failure of the Professional Appraisal Company to comply with the terms and conditions of the contract and Section 2, Chapter 70, 1984 Wyoming Session Laws.

Section 2. Six hundred thirty-two thousand six hundred fifty-three dollars (\$632,653.00) or as much thereof as may be necessary is appropriated from the general fund to the department of revenue and taxation for the following purposes:

(i) One hundred thirty thousand dollars (\$130,000.00), subject to retainage authorized by the contract extension, for maintenance of the data base during any extension of the contract, payable on a prorata monthly basis according to performance standards determined by the board of equalization and incorporated in any contract extension as approved by the attorney general;

(ii) One hundred forty thousand dollars (\$140,000.00) for training of assessors and staff, payable according to performance schedules and standards determined by

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the board of equalization and incorporated in any extension of the contract as approved by the attorney general;

(iii) Three hundred sixty-two thousand six hundred fifty-three dollars (\$362,653.00) for actual and necessary expenses during any extension of the contract between Professional Appraisal Company and the state of Wyoming. Not to exceed this amount shall only be expended under and subject to the following conditions:

(A) The attorney general shall prepare an addendum to existing contracts which contains a definite timetable for completion of the various phases of the reappraisal and with the exception of the completion date, the conditions listed in Section 2(c), Chapter 70, 1984 Session Laws of Wyoming, are applicable to the addendum;

(B) The date for original completion of the contract may be extended to no later than March 1, 1987;

(C) The addendum shall provide that upon completion of the mass reappraisal, if the product tendered by the Professional Appraisal Company to the board is unacceptable to the board for any reason, the company shall have not more than thirty (30) days to correct deficiencies, and the company shall pay the state of Wyoming five hundred dollars (\$500.00) per day from September 1, 1986, to the date of acceptance of the final product or expiration of the period for correcting deficiencies, whichever occurs;

(D) The addendum shall provide that the state of Wyoming through the state board of equalization shall retain not less than twenty percent (20%) of the amount billed by the company that is to be paid from funds appropriated under this act. If the product tendered by Professional Appraisal Company is rejected and the deficiencies in the product are not corrected within the time allowed, the company shall forfeit the retainage, as well as the ten percent (10%) retained by the state under the original contract;

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(E) The addendum shall provide in addition to penalties, liquidated damages and forfeitures, the company upon rejection of the product by the state shall be obligated to pay the state any and all compensatory damages which are the result of the company's failure to provide an acceptable product to the state board of equalization;

(F) The addendum shall provide that the state of Wyoming shall have the right to audit the progress of the company at any and all times and the company shall allow any designated representatives of the state board of equalization access to books, records, data, personnel and physical facilities for the purpose of auditing the progress of the mass reappraisal of property by the company. The state board of equalization shall audit the progress of the work and report to the legislature on a monthly basis;

(G) The addendum shall provide that Professional Appraisal Company shall provide a payment and performance bond to the state of Wyoming to ensure that the mass reappraisal is completed no later than March 1, 1987 and further guarantee the payment of one hundred percent (100%) of all monies appropriated by the Wyoming legislature for the mass reappraisal of property by Professional Appraisal Company. The bond shall be written by a bonding company authorized to do business in Wyoming and shall be approved by the state board of equalization prior to the payment of any monies appropriated under this act. The bond shall guarantee payment and faithful performance of the work pursuant to the contract and the specifications contained therein. Additional conditions may be drafted into the contract by the state board of equalization for the protection of the state, that are not inconsistent with the above stated conditions. Any additional terms or conditions of the contract that are inconsistent with the above stated conditions shall be void;

(H) The Professional Appraisal Company shall sign the contract addendum on or before June 1, 1986, or else no payments are authorized under this section;

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(J) The state of Wyoming waives no rights as to adequacy or timeliness of performance under the original contract except as provided in the addendum to the contract authorized under this section;

(K) If the Professional Appraisal Company does not accept and sign the contract addendum as required by this section, the appropriation under Section 2 of this act shall not be expended to enter into a contract purchasing services from the Professional Appraisal Company but may be used to purchase services from some other company which can furnish the same services;

(M) Any contracts entered into by the state board of equalization for any items relevant to property reappraisal shall be prepared and approved by the attorney general to adequately protect the state's interest in the future.

Section 3. This act is effective April 1, 1986.

(END)

August A. Sidi
Speaker of the House

Herald E. Leis
President of the Senate

Ed L. Lamm
Governor

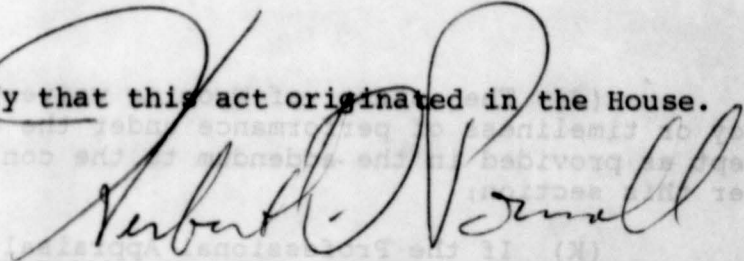
TIME APPROVED: 4:48 P.M.

DATE APPROVED: 3/17/86

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I hereby certify that this act originated in the House.



Chief Clerk



(M) Any contract entered into by the state
for any item relevant to property res-
toration shall be prepared and approved by the attorney general
to protect the state's interest in the future.
Section 3. This act is effective April 1, 1986.
(END)

Speaker of the House

President of the Senate

DATE APPROVED: 3/17/86
TIME APPROVED: 4:42 PM
GOVERNOR