

HOUSE BILL NO. HB0171

Architect instate residency definition.

Sponsored by: Representative(s) Loucks, Hunt, Jaggi, Kasperik, Kroeker and Reeder and Senator(s) Case, Craft and Hicks

A BILL

for

1 AN ACT relating to the Professional Architectural,
2 Engineering and Land Surveying Services Procurement Act;
3 specifying residency requirements for selection to provide
4 professional services; and providing for an effective date.

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

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8 **Section 1.** W.S. 9-2-1031(a) is amended to read:

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10 **9-2-1031. Selection procedures.**

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12 (a) For each proposed project, the principal
13 representative of the agency for which the project is
14 proposed shall evaluate current statements of
15 qualifications and performance data of firms on file with

1 the department or the agency, together with any
2 applications submitted by other qualified firms, and shall
3 select not less than three (3) firms considered qualified
4 to perform the required professional services.
5 Consideration in each selection process by the principal
6 representative shall be based upon the ability of
7 professional personnel, past performance, willingness to
8 meet time requirements, location, residency, current and
9 projected work loads, the volume of work previously awarded
10 to the firm by the agency, and the equitable distribution
11 of contracts among qualified firms. The agency shall
12 provide a complete description of the work to the firms
13 selected. These firms shall submit an unpriced proposal to
14 do the work. The department of workforce services shall
15 certify the residency of a natural person or business
16 entity following receipt of an affidavit executed and sworn
17 to by the natural person or by a chief executive officer of
18 the entity setting forth information required to determine
19 compliance under this subsection. For purposes of this
20 subsection, ~~residency does not require satisfaction of the~~
21 ~~elements contained in W.S. 16-6-101(a)(i).~~ "residency" or
22 "resident" means a natural person, association or business
23 entity authorized to be formed under the laws of this state

1 or another state that are the functional equivalent,
2 meeting the following criteria:

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4 (i) Any natural person who has been a resident
5 of this state for one (1) year or more immediately prior to
6 the selection process;

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8 (ii) A business entity, each member or equity
9 owner of which has been a resident of this state for one
10 (1) year or more immediately prior to the selection
11 process;

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13 (iii) A business entity organized under the laws
14 of this state:

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16 (A) With at least fifty percent (50%) of
17 the equity in the business entity owned by persons who have
18 been residents of this state for one (1) year or more prior
19 to the selection process;

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21 (B) Which has maintained its principal
22 office and place of business within this state for at least
23 one (1) year; and

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(C) The chief executive officer of the business entity has been a resident of this state for one (1) year or more immediately prior to the selection process.

(iv) A business entity organized under the laws of this state which has been in existence in this state for one (1) year or more and whose chief executive officer has been a resident of this state for one (1) year or more immediately prior to selection process and maintains its principal office and place of business within this state. If at least fifty percent (50%) of the equity in the business entity is owned by nonresidents, the nonresident equity owned by the nonresidents shall:

(A) Have been acquired by nonresidents one (1) year or more immediately prior to the selection process; or

(B) If it consists of shares in a corporation, be publicly traded and registered under

1 section 13 or 15(d) of the Securities Exchange Act of 1934
2 for one (1) or more classes of its shares.

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4 (v) A business entity organized under the laws
5 of any state which:

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7 (A) Has been in existence for two (2) years
8 or more;

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10 (B) Has continuously maintained a principal
11 office and place of business within this state for at least
12 one (1) year; and

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14 (C) Has paid worker's compensation and
15 unemployment taxes in Wyoming for at least one (1) year and
16 is in good standing with the department of workforce
17 services at the time of the selection process.

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19 (vi) A business entity which qualifies as a
20 resident pursuant to this subsection shall not lose that
21 residency solely due to reorganization as a different
22 business entity.

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1 **Section 2.** This act is effective July 1, 2015.

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(END)