

HOUSE BILL NO. HB0265

Public procurement late payments.

Sponsored by: Representative(s) Hornok, Banks, Pendergraft,
Slagle and Wylie and Senator(s) Ide

A BILL

for

1 AN ACT relating to public property; increasing the rate of
2 interest that accrues on late payments for the purchase of
3 goods and services by public entities as specified;
4 providing for the accrual of interest on late payments for
5 public works projects as specified; and providing for an
6 effective date.

7

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

9

10 **Section 1.** W.S. 16-6-116(a)(iii), 16-6-602 and
11 16-6-702(a) are amended to read:

12

13 **16-6-116. Payment to contractor; substantial**
14 **completion; final completion; required notices.**

15

1 (a) When any public work is let by contract, the
2 public entity under whose direction or supervision the work
3 is being carried on and conducted shall:

4
5 (iii) Upon the forty-first day after the notice
6 required under paragraph (ii) of this subsection was first
7 published and posted, the public entity under whose
8 direction or supervision the work has been carried on shall
9 pay to the general contractor any payment retained by the
10 public entity under W.S. 16-6-702(b) together with any
11 other amount due under the contract, less any amount
12 withheld for the portion of the public work that is
13 incomplete or not completed in accordance with the contract
14 and associated documents. Except as otherwise provided
15 under the contract, the public entity shall pay the amount
16 due under this paragraph to the general contractor within
17 one (1) business day or shall pay interest at the rate
18 specified in W.S. 16-6-602 until the amount due is paid in
19 full;

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21 **16-6-602. Payment of agency accounts; interest.**

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1 Except as provided by contract, any agency which purchases
2 or procures goods and services from a nongovernmental
3 entity shall pay the amount due within forty-five (45) days
4 after receipt of a correct notice of amount due for the
5 goods or services provided or shall pay interest from the
6 forty-fifth day at the rate of ~~one and one-half percent (1~~
7 ~~1/2%)~~ five percent (5%) per month on the unpaid balance
8 until the account is paid in full, unless a good faith
9 dispute exists as to the agency's obligation to pay all or
10 a portion of the account.

11

12 **16-6-702. Public entity; contracts; partial payments;**
13 **retainage; alternate delivery methods authorized.**

14

15 (a) A public entity awarding a contract for a public
16 work shall authorize partial payments of the amount due
17 under the contract as stipulated in the contract document
18 ~~or as soon thereafter as practicable,~~ to the contractor if
19 the contractor is satisfactorily performing the contract.
20 Except as otherwise provided under the contract, interest
21 shall accrue on unpaid partial payments due under this
22 paragraph as provided by W.S. 16-6-602.

23

1 **Section 2.** This act is effective July 1, 2023.

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(END)