

ENROLLED ACT NO. 93, HOUSE OF REPRESENTATIVES

SIXTIETH LEGISLATURE OF THE STATE OF WYOMING  
2009 GENERAL SESSION

AN ACT relating to the general revision of laws; amending archaic and obsolete provisions; correcting and updating references; conforming provisions to previous enactments; repealing provisions held to be unconstitutional; repealing fully executed and otherwise archaic or obsolete provisions; providing for applicability of the act; providing for an effective date.

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

[SECTION 1. PROVISIONS AFFECTED BY COURT DECISIONS]  
[a. PROVISIONS HELD TO BE UNCONSTITUTIONAL]

**Section 101.** W.S. 1-1-114 is amended to read:

**1-1-114. Pleading of damages.**

~~The ad damnum clause or prayer for damages incorporated in a pleading which sets forth a claim for relief based upon personal injury or wrongful death shall not state any dollar amount as alleged damages or demand a sum as judgment other than an allegation that the damages are of an amount necessary to establish jurisdiction of the court. Nothing herein shall be construed to prevent any party from arguing to the court or jury the amount of his claim in money.~~In all cases the court shall inform the jury of the consequences of its verdict.

**Section 102.** W.S. 1-14-128 is repealed.

[SECTION 1. PROVISIONS AFFECTED BY COURT DECISIONS]  
[b. PROVISIONS AFFECTED BY COURT DECISIONS, OTHER THAN HOLDINGS BASED UPON CONSTITUTIONAL GROUNDS]

**Section 103.** W.S. 1-17-341 is amended to read:

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**1-17-341. Appraiser's fees.**

Each appraiser of real estate under W.S. 1-17-301 through 1-17-345, other than qualified appraisers, shall receive three dollars (\$3.00) per day and one dollar and fifty cents (\$1.50) per half day for his services, to be collected on the execution. Qualified appraisers so acting shall receive a reasonable fee to be collected on the execution.

[SECTION 2. PROVISIONS WHICH ARE OBSOLETE]

[a. DUE TO EARLIER LEGISLATIVE ACTION AND SUBSEQUENT IMPLEMENTATION]

[i. JUSTICES OF THE PEACE REFERENCES]

**Section 201.** W.S. 1-1-107, 22-2-105(a)(ii)(intro) and (A) and 22-2-117(a) are amended to read:

**1-1-107. Furnishing of transcripts.**

Upon request and receipt of the lawful fees required, ~~justices of the peace and~~ judges of ~~other~~ judicial tribunals and the clerks of every court of record, shall furnish to any person an authenticated transcript of proceedings containing the judgment or final order in their court.

**22-2-105. Terms of office and offices voted on at general elections.**

(a) The terms of office and offices voted on at general elections are as follows:

(ii) Four Year Term. - At the general election in 1974 and in every fourth (4th) year thereafter, there

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shall be elected the following officers: one (1) governor, one (1) secretary of state, one (1) state treasurer, one (1) state auditor, one (1) superintendent of public instruction, county clerks, county treasurers, county assessors, county coroners, county and prosecuting attorneys, district attorneys, sheriffs, clerks of the district court, ~~and justices of the peace.~~ At every general election there shall be elected the necessary member or members of the Wyoming senate and county commissioners. ~~In those counties that have established a circuit court,~~ The question of retention of a circuit court judge or a magistrate of the circuit court shall be submitted:

(A) For a circuit court judge, to the electorate of all counties within the circuit; ~~except for any county which is not a part of the circuit court system;~~

**22-2-117. Vote required for election; ratification.**

(a) ~~With the exception of justices of the peace,~~ Partisan and nonpartisan candidates who receive the largest number of votes for each office to be filled at the general election are elected.

**Section 202.** W.S. 1-2-102(a)(xiii) and 22-2-117(b) are repealed.

[SECTION 2. PROVISIONS WHICH ARE OBSOLETE]  
[a. DUE TO EARLIER LEGISLATIVE ACTION AND SUBSEQUENT IMPLEMENTATION]  
[ii. FINES AND PENALTIES TO SCHOOL FUND]

**Section 203.** W.S. 1-28-107 is amended to read:

**1-28-107. Enforcement of injunction; penalties.**

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An injunction or restraining order granted by a judge may be enforced as the act of the court, and disobedience may be punished by the court as a contempt. An attachment may be issued against the disobedient party upon satisfactory showing by affidavit of the breach of the injunction or restraining order. The disobedient party may be required by the court or judge to pay a fine not exceeding two hundred dollars (\$200.00), ~~for the use of the county,~~ to make immediate restitution to the party injured and to give further security to obey the injunction or restraining order. In default thereof, he may be committed to custody until he complies with the requirements or is otherwise legally discharged. Fines collected under this section shall be paid to the state treasurer and credited as provided in W.S. 8-1-109.

[SECTION 2. PROVISIONS WHICH ARE OBSOLETE]  
[b. FULLY EXECUTED]

**Section 204.** W.S. 1-42-202(a) and 9-4-715(m)(ii)(B) are amended to read:

**1-42-202. Local government self-insurance program; creation; authorized payments.**

(a) ~~Effective upon the transfer of the local government account as provided in W.S. 1-42-113,~~ There is created the local government self-insurance program to provide a mechanism for local governments to pool resources to handle claims brought against local governments under the Wyoming Governmental Claims Act and arising under federal law. It is the intent of the legislature that the local government self-insurance program shall be operated by a joint powers board formed by local governments participating in the program and administered in accordance with the provisions of this act. The program shall provide

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for assessments by participating local governments, which together with all income from investments of the program and payments by insurance or reinsurance companies are actuarially sufficient to meet anticipated claims against participating local governments and all associated administrative expenses.

**9-4-715. Permissible investments.**

(m) To promote economic development, the state treasurer may invest and keep invested not to exceed one hundred million dollars (\$100,000,000.00) of any state permanent funds through the purchase of industrial development bonds issued by joint powers boards, municipalities or counties under W.S. 15-1-701 through 15-1-710 subject to the terms and conditions specified under this subsection. By December 31 of each calendar year, the state treasurer and the Wyoming business council shall each provide a report to the joint minerals, business and economic development interim committee on the effectiveness of the investment program authorized by this subsection. The reports shall include the costs incurred by the state to the permanent mineral trust fund, expenditures made from the account created under paragraph (v) of this subsection and the revenue received by the Wyoming business council through fees and businesses who utilized the program:

(ii) No investment shall be made under this subsection unless:

(B) The Wyoming business council shall establish guidelines dependent upon the type of business concerned in each project considered and shall set the maximum amount of the investment to be made by the state of Wyoming in each project. In setting the maximum amount of

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investment the business council shall consider the number of jobs created or preserved by the facility and the economic impact to the state which may result from the facility; ~~The council shall review each project considered with the Wyoming energy commission created pursuant to W.S. 30-7-101, provided the project being considered involves an area over which the commission has been given authority;~~

**Section 205.** W.S. 1-42-112, 1-42-113, 9-2-1601 through 9-2-1606, 9-2-1608, 9-2-1609, 9-2-2401 and 30-7-101 are repealed.

[SECTION 2. PROVISIONS WHICH ARE OBSOLETE]

[c. ARCHAIC REFERENCES]

[i. REFERENCES TO REGISTER OF DEEDS]

**Section 206.** 5-3-305, 18-3-402(a)(xxii), 19-14-104(a) and (d), 24-9-103(c), 30-1-101(a)(intro), 30-1-103(a)(intro), 30-1-110(a)(intro), 30-1-115, 30-5-110(s), 34-1-104, 34-1-121(a)(intro), 34-1-124, 34-1-127, 34-1-133, 34-1-134, 34-2-109, 34-2-130, 34-2-132(a)(i), 34-2-133(a), 34-5-103, 34-5-113, 34-8-103, 34-10-101(a)(ii), 34-11-101(a), 37-9-601, 41-5-201 and 41-6-503 are amended to read:

**5-3-305. Appointment and termination thereof to be reported to county clerk.**

When any court or the judge thereof, shall appoint a court commissioner who shall be authorized to take acknowledgments and administer oaths under this act, or whenever any court or the judge thereof shall revoke the appointment of any such court commissioner, or when any such commissioner shall resign, or his appointment cease for any reason, it shall be the duty of the clerk of said court to immediately notify, in writing, the county clerk

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~~and ex officio register of deeds~~ of each county embraced within the jurisdiction of said court, of the making of said appointment or the termination thereof, as the case may be.

**18-3-402. Duties generally.**

(a) The county clerk shall:

(xxii) Perform other duties as prescribed by law, ~~either~~ as county clerk, and register of deeds; ~~or as ex officio register of deeds;~~

**19-14-104. Recordation of discharges.**

(a) Each Wyoming county clerk ~~and ex officio register of deeds~~ shall record in his office without charge of any fee a certificate of discharge or other separation from service documents from any person who has served in the United States armed forces at any time, and who has been honorably discharged or relieved from active service.

(d) A county clerk ~~and ex officio register of deeds~~ shall, to the greatest extent practical, take appropriate protective actions in accordance with any limitations determined necessary by him with regard to records that were filed with or placed in storage by a county clerk prior to July 1, 2003.

**24-9-103. Report of viewers and appraisers; second hearing; order by commissioners; appeal.**

(c) After the board of county commissioners has received proof of payment by the applicant of any damages and costs ordered to be paid, the board shall cause a certified copy of the order to be filed with the register

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~~of deeds~~ county clerk declaring the road to be a private road, and citing in the order any conditions imposed by the board.

**30-1-101. Recording mining claims required; requisites of certificate.**

(a) A discoverer of any mineral lead, lode, ledge or vein shall, within ninety (90) days from the date of discovery, cause the claim to be recorded in the office of the county clerk ~~and ex officio register of deeds~~ of the county within which the claim may exist, by a location certificate which shall contain the following facts:

**30-1-103. Prerequisites to filing location certificates.**

(a) Before the filing of a location certificate in the office of the county clerk, ~~and ex officio register of deeds,~~ the discoverer of any lode, vein or fissure shall designate the location thereof as follows:

**30-1-110. Location certificate for placer claims.**

(a) Hereafter the discoverer of any placer claim shall, within ninety (90) days after the date of discovery, cause such claim to be recorded in the office of the county clerk ~~and ex officio register of deeds~~ of the county within which such claim may exist, by filing therein a location certificate, which shall contain the following:

**30-1-115. Assessment work; rental fee; affidavit required upon completion or payment.**

Upon completion of the required assessment work or payment of the annual claim rental fee as required by federal law



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for any mining claim, the owner or owners or agent of such owner or owners shall cause to be made by some person cognizant of the facts, an affidavit setting forth that the required amount of work was done or rental fee paid, which affidavit shall within sixty (60) days of the completion of the work or payment of the fee, be filed for record, and shall thereafter be recorded in the office of the county clerk ~~and ex officio register of deeds~~ of the county in which the said claim is located.

**30-5-110. Agreements for waterflooding or other recovery operations, repressuring or pressure-maintenance operations, cycling or recycling operations; operation as a unit of 1 or more pools or parts thereof and pooling of interests in oil and gas therein; amendment of orders and agreements.**

(s) A certified copy of any order of the commission entered under the provisions of this section shall be entitled to be recorded in the office of the ~~register of deeds~~ county clerk for the counties where all or any portion of the unit area is located, and such recordation shall constitute notice thereof to all persons.

**34-1-104. Letters of attorney; recordation; effect as evidence.**

Every letter of attorney, or other instrument, containing a power to convey lands as agent or attorney for the owner of such lands, and every executory contract for the sale or purchase of lands, only when acknowledged by such owner, may be recorded by the ~~register of deeds~~ county clerk of any county in which the lands to which such letter, instrument or contract relates, or any part of such lands, may be situated, and when so acknowledged, and the record thereof when recorded, or a transcript of such record duly

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certified, may be read in evidence in the same manner and with like effect as a conveyance recorded in such county.

**34-1-121. Recorded instrument as notice to subsequent purchasers; recordation of instruments issued by United States or state of Wyoming.**

(a) Each and every deed, mortgage, instrument or conveyance touching any interest in lands, made and recorded, according to the provisions of this chapter, shall be notice to and take precedence of any subsequent purchaser or purchasers from the time of the delivery of any instrument at the office of the ~~register of deeds~~ ~~(county clerk)~~, for record. Any and all instruments or other documents, or copies of instruments or other documents duly certified by any agency, department or bureau of the United States or the state of Wyoming having charge of the records of the instruments or other documents, conveying, remising or demising, or otherwise affecting:

**34-1-124. Federal land office instruments; generally; railway maps and affidavits; recording and recording fees.**

Patents heretofore or hereafter issued by the United States, for lands and certificates of purchase or payment for public lands, heretofore or hereafter issued by the receiver of any land office of the United States, shall be entitled to be recorded under the provisions of this chapter, and the record of all such instruments shall have the effect to all intents and purposes, as though same were acknowledged and otherwise executed as required by law; provided, that any railroad company, having a right-of-way or station grounds, acquired in conformity to an act of the congress of the United States, requiring a map thereof, to be approved by the secretary of the interior, shall file

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with the ~~register of deeds~~ county clerk, of any county in this state, wherein such right-of-way and station grounds may be, a copy of such map, duly authenticated, together with the affidavit of any officer or agent of such railroad company, describing by quarter sections the lands within such county, affected by such right-of-way, which were public lands when such map was approved, and it shall be the duty of such ~~register of deeds~~ county clerk to record said affidavit, and file said map, and to note upon the abstract of lands of his office as to each quarter section so described, that a right-of-way across the same is claimed by the company filing said map; provided, further, that the fee for filing said map and recording said affidavit, shall be two dollars (\$2.00).

**34-1-127. Effect on purported absolute conveyance of unrecorded deed of defeasance.**

When a deed or mortgage purports to be an absolute conveyance in terms, but is made or intended to be made defeasible by force of defeasance, or other instrument for that purpose, the original conveyance shall not be thereby defeated or affected as against any person other than the maker of the defeasance, or his heirs or devisees, or persons having actual notice thereof, unless the instrument of defeasance shall have been recorded in the office of the ~~register of deeds~~ county clerk of the county where the lands lie.

**34-1-133. Release; mortgage of deceased nonresident mortgagee.**

Whenever any nonresident of this state shall die without this state, owing, at the time of his death, debts secured by mortgage or other incumbrance upon real or personal property situated in this state, and the debtor shall make

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voluntary payment of such debt to the executor of the last will and testament of such deceased person, or to the administrator of the estate of such deceased person, whose letters testamentary or of administration, as the case may be, were issued from the proper court of the state or territory of the United States, where such deceased creditor resided at the time of his death, it shall be lawful and competent for such executor or administrator to execute a full and valid release, and acquittance of such debt, and of the mortgage or other incumbrance securing the same; provided, that there shall be attached to such release and acquittance, and made a part thereof, a full and complete transcript of the records of the court issuing such letters testamentary or of administration, as the case may be, certified to by the clerk of such court, or other proper custodian of the records thereof, under his hand and under the seal of such court, fully exhibiting the due appointment and qualification of such executor or administrator, and there shall also be attached to such release and made a part thereof, a certificate under the hand of the presiding judge of such court, or the clerk thereof, that at the date of such release, the person or persons executing the same, was such duly appointed and qualified executor or administrator, as set forth in such release. Any release so executed shall be admitted to record, in this state, in the office of any of the county clerks ~~and ex officio register of deeds,~~ and upon being recorded in the proper office, the ~~register of deeds~~ county clerk shall discharge the mortgage or other incumbrance in such release mentioned, in the manner provided by law, but this section shall not be construed to authorize any administrator appointed by the courts of any other state or territory of the United States, to exercise any power, within the state other than the power to receive voluntary payments of debts due to his intestate, and to release

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mortgages or other incumbrances upon property situate in this state and securing such debts.

**34-1-134. Release; mortgage of bankrupt corporation mortgagee.**

It shall be the duty of any county clerk ~~and ex officio register of deeds~~ within the state of Wyoming, upon request of any person and the filing in his office of a certified copy of an order of discharge of any receiver or trustee in bankruptcy of any national or state bank, trust company or building and loan association, to cancel of record any unreleased and unassigned mortgage or deed of trust of record in his office in which such national or state bank, trust company, or building and loan association, is mortgagee by releasing the said mortgage or deed of trust on the margin of the book where the same has been placed of record, and said release shall be effective and constitute a discharge of the lien of said mortgage or trust deed upon the real property covered by the same in the same manner and to the same effect as if said release had been made by the mortgagee thereof.

**34-2-109. Master form mortgage; recording authorized; entitlement on face; need not be acknowledged.**

An instrument containing a form or forms of covenants, conditions, obligations, powers, and other clauses of a mortgage may be recorded in the ~~registry of deeds of any county and the recorder of such~~ office of the county clerk, upon the request of any person, on tender of the lawful fees therefor, shall record the same in his registry. Every such instrument shall be entitled on the face thereof as a "Master form recorded by .... (name of person causing the instrument to be recorded)". Such instrument need not be acknowledged to be entitled to record.

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**34-2-130. Leases; expiration of oil, gas or other mineral leases; failure to record cancellation or other termination.**

If any lessee, his personal representative, successor or assign, as the case may be, after an oil, gas or other mineral lease has expired, been cancelled, surrendered, relinquished or otherwise terminated shall for the space of twenty (20) days after being thereto requested, fail, refuse or neglect to record in the office of the county clerk ~~and ex officio register of deeds~~ of the county wherein the lands described in said lease are located a recordable certificate or deed of discharge or release thereof, he shall be liable to the lessor, his heirs or assigns for all damages occasioned by such failure, refusal, or neglect, to be recovered in a civil action. The lessor's request for discharge or release shall be in writing and delivered to the lessee by personal service or registered mail at his last known address. A letterpress or carbon or written copy of said demand, when shown to be such, may be used as evidence in any court with the same force and effect as the original.

**34-2-132. Tax deeds; 2-year limitation.**

(a) No action, suit or other proceeding shall be commenced by the former owner to set aside, declare invalid or redeem from a tax deed or the sale, forfeiture, foreclosure or other proceeding upon which it is based or to recover possession, quiet title or otherwise litigate or contest the title of the grantee, if:

(i) Two (2) years or more have elapsed after the date of recording the deed in the office of the county clerk ~~and ex officio register of deeds~~ for the county in

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which the real estate described in the deed is situated;  
and

**34-2-133. Tax deeds; possession and affidavits of possession.**

(a) Possession by the grantee for a continuous period of not less than six (6) months at any time after one (1) year and six (6) months have elapsed since the date of recording the tax deed extinguishes forever all the claims, right, title and interest, including the right to possession, of the former owner, and vests in the grantee any title conveyed or purportedly conveyed by the tax deed. Proof of possession by the grantee and the record of the tax deed constitutes conclusive evidence of the legality and effectiveness of the deed and any proceedings upon which the deed is based, and of the title of the grantee. As a means of proving possession and preserving evidence of possession under a tax deed, the then owner or holder of the title conveyed or purportedly conveyed by the tax deed may, at any time after two (2) years from the date of recording of the tax deed, file for record in the office of the county clerk ~~and ex officio register of deeds~~ in which the real estate is located an affidavit substantially in the following form:

AFFIDAVIT OF POSSESSION AND CLAIM UNDER TAX DEED

State of .... )

) ss

.... County )

I, ....., (name) residing at .... (address), being first duly sworn, depose and say that on .... (date) a tax

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deed was issued to .... (grantee) for the following described real estate: .... that said tax deed was filed for record in the office of the county clerk and ex officio register of deeds for .... county, ....., on .... (date), and appears in the records of that office in .... County as recorded in book .... page .... of the .... records; that I am now in possession of such real estate and claim title to the same by virtue of such tax deed; that I have been in possession of such real estate for a continuous period of not less than six (6) months immediately preceding the date of this affidavit; and that the facts concerning the possession of such real estate from the date of recording the tax deed to the date of this notice are, insofar as known to me, as follows:

....

....

....

Subscribed and sworn to before me this .... day of ....., (year).

.....

Notary Public in and for

..... County

..... (state)

**34-5-103. Certificate of acknowledgment; failure to state acknowledgment was according to law; liability of county clerk.**



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All deeds, mortgages, powers of attorney and other instruments executed and acknowledged in any other state, territory or district of the United States five (5) years prior to January 1, 1935, affecting property or property rights in this state, but where the person taking the acknowledgment has omitted to state in his certificate of acknowledgment that such deed, mortgage, power of attorney or other instrument was executed and acknowledged according to the law of such state, territory or district, and when the laws of this state in relation to such certificate have in all other respects been complied with, shall be deemed valid and shall be so construed by the courts of this state, and such instruments shall be entitled to record and the record thereof shall have the same force and effect as if such deeds, mortgages, powers of attorney or other instruments had been acknowledged in the manner provided by the laws of this state, and in case any ~~register of deeds~~ county clerk shall have received for record such defective instruments, he shall not be liable in an action for damages for having received for record and recorded any such deed, mortgage, power of attorney or other instrument.

**34-5-113. Where release of homestead or marital status of grantor not indicated.**

All conveyances by which any estate or interest in real estate is created, alienated, mortgaged or assigned, or by which the title to any real estate may be affected in law or in equity wherein there is no release or waiver of homestead or the marital status of the grantor is not set forth, and which have been or hereafter may be recorded for a period of ten (10) years in the office of the county clerk ~~and ex officio register of deeds~~ of the county wherein such real estate is situated, it shall be conclusively presumed that said real estate was not used,

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occupied or claimed by the grantor, or the spouse of the grantor as a homestead at the time of said conveyance.

**34-8-103. When defective instruments validated by operation of law.**

When an instrument of writing, in any manner affecting or purporting to affect the title to real estate, has been, or may hereafter be recorded for a period of ten (10) years in the office of the county clerk ~~and ex officio register of deeds~~ of the county wherein such real estate is situated, and such instrument, or the record thereof, because of defect, irregularity or omission, fails to comply in any respect with any statutory requirement or requirements relating to the execution, attestation, acknowledgment, certificate of acknowledgment, recording or certificate of recording, such instrument and the record thereof shall, notwithstanding any or all such defects, irregularities and omissions, be fully legal, valid, binding and effectual for all purposes to the same extent as though such instrument had, in the first instance, been in all respects duly executed, attested, and acknowledged and recorded.

**34-10-101. Definitions.**

(a) As used in this act:

(ii) "Records" includes probate and other official public records, as well as records in the office of the county clerk; ~~and ex officio register of deeds;~~

**34-11-101. Recorded affidavit as evidence; subjects; facts.**

(a) An affidavit stating facts relating to matters which may affect the title to real estate in this state,

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made by any person having knowledge of the facts and competent to testify concerning them in open court, may be recorded in the office of the county clerk ~~and ex officio register of deeds~~ in the county in which the real estate is situated. A certificate of acknowledgement shall not be required on an affidavit containing a jurat in order to be recorded. A recorded affidavit or a certified copy thereof is prima facie evidence of the facts therein stated insofar as the facts affect title to real estate.

**37-9-601. Contractor's bond.**

Whenever any railroad company shall contract with any person, persons or corporation for the construction of its railroad or any part thereof, the company shall take from the person, persons, or corporation with whom a contract is made, a good and sufficient bond, in some guarantee or surety company authorized to do business in this state, conditioned that the contractor or contractors shall pay or cause to be paid all laborers, mechanics, materialmen, ranchmen, farmers, merchants, and other persons who supply the contractor or contractors, or any of his or their subcontractors, with labor, work, material, ranch or farm products, provisions, goods or supplies of any kind, all just debts incurred therefor in carrying on the work, which bond shall be filed by the company in the office of the county clerk ~~and ex officio register of deeds~~ in the county where the principal work of the contractor shall be carried on; and if any railroad company shall fail to take a bond, the railroad company shall be liable to the persons herein mentioned to the full extent of all debts so contracted by the contractor, or contractors, or any of his or their subcontractors. Any contractor or contractors may take a similar bond from each of his or their subcontractors to secure the payment of all debts of the kind above mentioned, incurred by him, and file the same as above

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provided. All persons mentioned in this section to whom any debt of the kind above mentioned shall be due from any contractor or subcontractor shall severally have a right of action upon any bond covering the debt taken as herein provided for the recovery of the full amount of the debt, and a certified copy of the bond shall be received as evidence in any action; provided, however, that in order that the right of action upon the bonds may exist, the person or parties herein granted the right shall comply with either of the following conditions, to-wit: First, an action in a court of competent jurisdiction, in the county where the bond is filed shall be commenced within ninety (90) days after the last item of indebtedness shall have accrued; or second, an itemized statement of the indebtedness duly verified shall within ninety (90) days after the last item of the indebtedness shall have accrued be filed in the office of the county clerk of the proper county; and an action shall be brought in any court of competent jurisdiction of the county within three (3) months after the filing of the statement. In case an action is commenced upon the bond of a contractor, the contractor may give notice thereof to the subcontractor liable for the claim, and in a case the result of the action shall be binding upon the subcontractor, and his sureties, and in any case when a contractor has paid a claim for which a subcontractor is liable, the contractor shall bring action against the subcontractor and his sureties within sixty (60) days after the payment of the claim.

**41-5-201. Contractor's bond.**

Whenever any ditch or canal company, or other owner or owners, shall contract with any person, persons or corporation, for the construction of its, his or their ditch, canal or reservoir, or any part thereof, such company, owner or owners, shall take from the person,

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persons or corporation with whom such contract is made, a good and sufficient bond, conditioned that such contractor or contractors shall pay or cause to be paid all laborers, mechanics, material men, ranchmen, farmers, merchants and other persons who supply such contractor or contractors, or any of his or their subcontractors with labor, work, material, or goods of any kind which shall enter into or become a part of such irrigation works, which bonds shall be filed by such company or other owner in the office of the county clerk ~~and ex officio register of deeds~~ in the county where the principal work of such contractor shall be carried on; and if any such ditch or canal company, or other owner or owners, shall fail to take such bond, such ditch or canal company or other owner or owners shall be liable to the persons herein mentioned to the full extent of all such debts so contracted by such contractor, or contractors, or any of his or their subcontractors. Any such contractor or contractors may take a similar bond from each subcontractor to secure the payment of all debts of the kind above mentioned incurred by him, and file the same as above provided. All such persons mentioned in this section to whom any debt of the kind above mentioned shall be due from any contractor or subcontractor shall severally have a right of action upon any such bond covering such debt taken as herein provided for the recovery of the full amount of such debt. Provided, however, that in order that the right of action upon such bonds may exist, such persons or parties herein granted such right shall comply with either of the following conditions, to-wit, first, an action in a court of competent jurisdiction, in the county where such bond is filed, shall be commenced within ninety (90) days after the last item of indebtedness shall have accrued; or, second, an itemized statement of the indebtedness duly verified, shall, within ninety (90) days after the last item of such indebtedness shall have accrued, be filed in the office of the county clerk of the

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proper county; and an action shall be brought in any court of competent jurisdiction of such county within three (3) months after the filing of such statement. In case an action is commenced upon the bond of a contractor liable for the claim, and in such case the result of such action shall be binding upon the subcontractor, and his sureties, and in any case when a contractor has paid a claim for which a subcontractor is liable, such contractor shall bring action against the subcontractor and his sureties within sixty (60) days after the payment of such claim.

**41-6-503. Foreclosure of tax deeds; tax certificates as liens; actions to enforce generally; sale of lands generally.**

Any person, drainage district or irrigation district holding a drainage or irrigation tax sale certificate of purchase or tax deed heretofore or hereafter issued for delinquent drainage or irrigation taxes and assessments legally levied and assessed, together with the penalty and costs due on the land described therein, shall have a lien on said land for such taxes, penalty and costs, and all subsequent taxes paid thereon by said person, drainage or irrigation district and those under whom he holds, with interest thereon, and all accruing penalties, and for the value of all improvements placed thereon by such lienholder while lawfully in possession of the premises, and those under whom the same is held, which lien shall be superior to any other lien, except that of subsequent taxes, and may be enforced by such lienholder by a civil action in the district court of the county wherein said land lies, or in any action in such court concerning said land in which such lienholder may be made a defendant; in which action every person having an interest in said land, as shown by the records in the office of the county clerk ~~and ex officio register of deeds~~ of said county, may be made a party; and

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all the proceedings in such action, so far as applicable and not inconsistent with the provisions of this act, shall be the same as provided by law, for the foreclosure of mortgages on real estate by action and sales thereunder; provided that the decree rendered in such action may contain the order of sale, directed to the sheriff of said county, commanding him to advertise and sell said lands without appraisalment, and to make a return of his proceedings thereunder within sixty (60) days from the date thereof, which shall be sufficient authority for the sale of said land, and no other order of sale shall be necessary; and provided further, that any number of tracts of land belonging to any one (1) person upon which any one (1) lienholder shall have said lien, may be united in one (1) suit, in which suit each of said tracts of land shall bear its proportionate share of the cost of such suit, calculated upon the amount for which it shall sell. Provided further, that no such action shall be commenced on any drainage or irrigation district tax sale certificate within eighteen (18) months from the date of the sale mentioned herein.

[SECTION 2. PROVISIONS WHICH ARE OBSOLETE]  
[c. ARCHAIC REFERENCES]  
[ii. OTHER ARCHAIC USES]

**Section 207.** W.S. 1-14-109, 36-4-121(m), 36-8-1101, 36-8-1102, 37-7-301 through 37-7-310, 39-11-105(a)(xxi) and 39-14-202(a)(iv) through (viii) and (x) are repealed.

**Section 208.** W.S. 9-4-206(c) and (e) is amended to read:

**9-4-206. Disposition of revenue; cash accounts; investment of monies held by state institutions.**

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(c) The state treasurer, ~~with the concurrence of the department of administration and information,~~ may establish cash accounts for state government units. ~~The department of administration and information may prescribe a monetary limit for expenditures for small local purchases or refunds from any account subject to other provisions of law.~~ The cash accounts may be for purposes of making change, for the payment of small local purchases, refunds under one hundred dollars (\$100.00), or, in the case of the state fair, for any expenditures authorized by law. Cash accounts shall be reimbursed at least monthly by submitting a certified voucher supported by the documentation required by the state auditor for issuance of a state warrant from the appropriate accounts in the same manner as other vouchers are submitted for payment. The reimbursement warrant shall be paid from the appropriate account and charged to the budgeted expense classifications, if any. Money provided by this subsection may be placed in demand deposits for disbursement. All approved change and petty cash accounts shall be an accountable cash item within the state treasurer's cash accountability and supported by receipts from the administrator of the state unit holding change or petty cash accounts.

(e) Excluding compensation earned by prisoners confined to a state penal institution, to the greatest extent possible all monies held by any state institution belonging to patients, residents or inmates of the state institution shall be deposited or held at the location of the institution, to earn the highest available rate of interest on an investment insured by the United States government or agency or any department thereof and to be available for withdrawal without penalty, and need not be accounted for within the agency fund. With the consent of the person owning the money or of any person legally responsible for that person's financial affairs the monies



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may be invested in accounts or certificates of deposit insured by the United States government, agency or department which are for a fixed term and have a penalty for early withdrawal. Each chief administrator of an institution is accountable for all monies. An account shall be kept for each individual showing all receipts, disbursements and monies by type of account. To the greatest extent possible, all monies not invested in fixed term investments shall be deposited in individual savings accounts to accrue interest for each individual. Monies not so deposited shall be kept in a separate pooled demand account. The total receipts, disbursements and balances shall be reported monthly to the state treasurer, ~~department of administration and information,~~ and state auditor for disclosure in the state financial reports. Upon discharge all money plus accrued interest held on behalf of a patient, resident or inmate, excluding lawful charges, shall be returned to that person or a duly authorized person. If the patient, resident or inmate, or other duly authorized person, cannot be found, or in the event of death of the patient, resident or inmate, the money plus accrued interest, excluding lawful charges, shall after a reasonable effort to find and notify the heirs has failed, be transmitted to the state treasurer to be held or distributed as provided by W.S. 9-5-203.

[SECTION 3. INCORRECT CITATIONS OR FAILURE TO UPDATE CROSS  
REFERENCED PROVISIONS]

[a. WYOMING OR INTERNAL CITATIONS]

**Section 301.** W.S. 31-5-932(a) is amended to read:

**31-5-932. Approved sale of lighting devices;  
mounting.**

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(a) No person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, semitrailer, motorcycle, motor-driven cycle, moped or pole trailer, or use upon the vehicle any head lamp, auxiliary or fog lamp, rear lamp, signal lamp or reflector, which reflector is required ~~hereunder~~ by this article, or parts of any of the foregoing which tend to change the original design or performance, unless of a type which has been submitted to the superintendent and approved by him. This section does not apply to equipment in actual use prior to January 1, 1956, or replacement parts therefor.

[SECTION 3. INCORRECT CITATIONS OR FAILURE TO UPDATE CROSS  
REFERENCED PROVISIONS]  
[b. FEDERAL CITATIONS]

**Section 302.** W.S. 7-3-101(a)(i) and 9-2-1016(c)(intro) and (ii) are amended to read:

**7-3-101. Legislative findings.**

(a) The legislature finds and declares:

(i) The congress of the United States, pursuant to the provisions of section 10 of article I of the constitution of the United States, has granted its consent, by that certain act of June 6, 1934 (Public Law No. 293, H.R. 7353), ~~approved June 6, 1934~~ as amended, that any two (2) or more states may enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and in the enforcement of their respective criminal laws and policies, and for the establishment of any agencies, joint or otherwise, as they may deem desirable, for making effective the agreements or compacts;

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**9-2-1016. General services division.**

(c) The surplus property section within the division of general services is created, which shall be the state's surplus property agency pursuant to the terms of ~~section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended~~ 40 U.S.C. § 549. The surplus property section may:

(ii) Receive applications from eligible health and educational institutions for the acquisition of federal surplus real property, investigate the same, obtain expression of views respecting the applications from the appropriate health or educational authorities of the state, make recommendations regarding the need of the applicant for the property, the merits of its proposed program of utilization, the suitability of the property for the purposes, and otherwise assist in the processing of applications for acquisition of real and related personal property of the United States under ~~section 203(k) of the act~~ 40 U.S.C. § 550;

[SECTION 4. WATER DEVELOPMENT PROJECTS]

**Section 401.** W.S. 41-2-201 through 41-2-222 as 99-99-201 through 99-99-222, 41-2-301 as 99-99-301, 41-2-401 as 99-99-401, 41-2-501 through 41-2-506 as 99-99-501 through 99-99-506, 41-2-601 as 99-99-601, 41-2-701 as 99-99-701, 41-2-901 as 99-99-901, 41-2-1001 as 99-99-1001, 41-2-1101 as 99-99-1101 and 41-2-1201 as 99-99-1201 are renumbered.

**Section 402.** The legislative service office is authorized and directed to modify internal citations within

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Wyoming statutes to reflect the renumbering under section 401 of this act.

**Section 501.** All property and duties of the Wyoming centennial commission are transferred to the state board of land commissioners.

**Section 601.** Any other act, other than 2009 House Bill 61, adopted by the Wyoming legislature during the same session in which this act is adopted shall be given precedence and shall prevail over the amendments in this act to the extent that such acts are in conflict with this act.

**Section 602.** This act is effective July 1, 2009.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk