

HOUSE BILL NO. HB0127

Obsolete laws-general revisions.

Sponsored by: Management Council

A BILL

for

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

7
8 *Be It Enacted by the Legislature of the State of Wyoming:*

9
10 [SECTION 1. PROVISIONS AFFECTED BY COURT DECISIONS]

11 [a. PROVISIONS HELD TO BE UNCONSTITUTIONAL]

12
13 **Section 101.** W.S. 1-1-114 is amended to read:

14
15 **1-1-114. Pleading of damages.**

16
17 ~~The ad damnum clause or prayer for damages incorporated in~~
18 ~~a pleading which sets forth a claim for relief based upon~~
19 ~~personal injury or wrongful death shall not state any~~
20 ~~dollar amount as alleged damages or demand a sum as~~
21 ~~judgment other than an allegation that the damages are of~~
22 ~~an amount necessary to establish jurisdiction of the court.~~
23 ~~Nothing herein shall be construed to prevent any party from~~
24 ~~arguing to the court or jury the amount of his claim in~~
25 ~~money.~~ In all cases the court shall inform the jury of the
26 consequences of its verdict.

27
28 **Section 102.** W.S. 1-14-128 is repealed.

29
30 [SECTION 1. PROVISIONS AFFECTED BY COURT DECISIONS]

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

33

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

2
3
4

1-17-341. Appraiser's fees.

5 Each appraiser of real estate under W.S. 1-17-301 through
6 1-17-345, other than qualified appraisers, shall receive
7 three dollars (\$3.00) per day and one dollar and fifty
8 cents (\$1.50) per half day for his services, to be
9 collected on the execution. Qualified appraisers so acting
10 shall receive a reasonable fee to be collected on the
11 execution.

12

[SECTION 2. PROVISIONS WHICH ARE OBSOLETE]

13

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

15

[i. JUSTICES OF THE PEACE REFERENCES]

16

17

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

20

1-1-107. Furnishing of transcripts.

21

22
23 Upon request and receipt of the lawful fees required,
24 ~~justices of the peace and~~ judges of ~~other~~ judicial
25 tribunals and the clerks of every court of record, shall
26 furnish to any person an authenticated transcript of
27 proceedings containing the judgment or final order in their
28 court.

29

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

31

32
33 (a) The terms of office and offices voted on at
34 general elections are as follows:

35

36 (ii) Four Year Term. - At the general election
37 in 1974 and in every fourth (4th) year thereafter, there
38 shall be elected the following officers: one (1) governor,
39 one (1) secretary of state, one (1) state treasurer, one
40 (1) state auditor, one (1) superintendent of public
41 instruction, county clerks, county treasurers, county
42 assessors, county coroners, county and prosecuting
43 attorneys, district attorneys, sheriffs, clerks of the
44 district court. ~~and justices of the peace.~~ At every general
45 election there shall be elected the necessary member or
46 members of the Wyoming senate and county commissioners. ~~In~~
47 ~~those counties that have established a circuit court, The~~

1 question of retention of a circuit court judge or a
2 magistrate of the circuit court shall be submitted:

3
4 (A) For a circuit court judge, to the electorate
5 of all counties within the circuit; ~~except for any county~~
6 ~~which is not a part of the circuit court system;~~

7
8 **22-2-117. Vote required for election; ratification.**

9
10 (a) ~~With the exception of justices of the peace,~~
11 Partisan and nonpartisan candidates who receive the largest
12 number of votes for each office to be filled at the general
13 election are elected.

14
15 **Section 202.** W.S. 1-2-102(a)(xiii) and 22-2-117(b)
16 are repealed.

17
18 [SECTION 2. PROVISIONS WHICH ARE OBSOLETE]
19 [a. DUE TO EARLIER LEGISLATIVE ACTION AND SUBSEQUENT
20 IMPLEMENTATION]
21 [ii. FINES AND PENALTIES TO SCHOOL FUND]

22
23 **Section 203.** W.S. 1-28-107 is amended to read:

24
25 **1-28-107. Enforcement of injunction; penalties.**

26
27 An injunction or restraining order granted by a judge may
28 be enforced as the act of the court, and disobedience may
29 be punished by the court as a contempt. An attachment may
30 be issued against the disobedient party upon satisfactory
31 showing by affidavit of the breach of the injunction or
32 restraining order. The disobedient party may be required by
33 the court or judge to pay a fine not exceeding two hundred
34 dollars (\$200.00), ~~for the use of the county,~~ to make
35 immediate restitution to the party injured and to give
36 further security to obey the injunction or restraining
37 order. In default thereof, he may be committed to custody
38 until he complies with the requirements or is otherwise
39 legally discharged. Fines collected under this section
40 shall be paid to the state treasurer and credited as
41 provided in W.S. 8-1-109.

42
43 [SECTION 2. PROVISIONS WHICH ARE OBSOLETE]
44 [b. FULLY EXECUTED]

45
46 **Section 204.** W.S. 1-42-202(a) and 9-4-715(m)(ii)(B)
47 are amended to read:

1
2 **1-42-202. Local government self-insurance program;**
3 **creation; authorized payments.**

4
5 (a) ~~Effective upon the transfer of the local~~
6 ~~government account as provided in W.S. 1-42-113,~~ There is
7 created the local government self-insurance program to
8 provide a mechanism for local governments to pool resources
9 to handle claims brought against local governments under
10 the Wyoming Governmental Claims Act and arising under
11 federal law. It is the intent of the legislature that the
12 local government self-insurance program shall be operated
13 by a joint powers board formed by local governments
14 participating in the program and administered in accordance
15 with the provisions of this act. The program shall provide
16 for assessments by participating local governments, which
17 together with all income from investments of the program
18 and payments by insurance or reinsurance companies are
19 actuarially sufficient to meet anticipated claims against
20 participating local governments and all associated
21 administrative expenses.

22
23 **9-4-715. Permissible investments.**

24
25 (m) To promote economic development, the state
26 treasurer may invest and keep invested not to exceed one
27 hundred million dollars (\$100,000,000.00) of any state
28 permanent funds through the purchase of industrial
29 development bonds issued by joint powers boards,
30 municipalities or counties under W.S. 15-1-701 through
31 15-1-710 subject to the terms and conditions specified
32 under this subsection. By December 31 of each calendar
33 year, the state treasurer and the Wyoming business council
34 shall each provide a report to the joint minerals, business
35 and economic development interim committee on the
36 effectiveness of the investment program authorized by this
37 subsection. The reports shall include the costs incurred
38 by the state to the permanent mineral trust fund,
39 expenditures made from the account created under paragraph
40 (v) of this subsection and the revenue received by the
41 Wyoming business council through fees and businesses who
42 utilized the program:

43
44 (ii) No investment shall be made under this
45 subsection unless:

46

1 (B) The Wyoming business council shall
 2 establish guidelines dependent upon the type of business
 3 concerned in each project considered and shall set the
 4 maximum amount of the investment to be made by the state of
 5 Wyoming in each project. In setting the maximum amount of
 6 investment the business council shall consider the number
 7 of jobs created or preserved by the facility and the
 8 economic impact to the state which may result from the
 9 facility; ~~The council shall review each project considered
 10 with the Wyoming energy commission created pursuant to W.S.
 11 30-7-101, provided the project being considered involves an
 12 area over which the commission has been given authority;~~

13
 14 **Section 205.** W.S. 1-42-112, 1-42-113, 9-2-1601
 15 through 9-2-1606, 9-2-1608, 9-2-1609, 9-2-2401 and 30-7-101
 16 are repealed.

17
 18 [SECTION 2. PROVISIONS WHICH ARE OBSOLETE]

19 [c. ARCHAIC REFERENCES]

20 [i. REFERENCES TO REGISTER OF DEEDS]

21
 22 **Section 206.** 5-3-305, 18-3-402(a)(xxii), 19-14-104(a)
 23 and (d), 24-9-103(c), 30-1-101(a)(intro),
 24 30-1-103(a)(intro), 30-1-110(a)(intro), 30-1-115,
 25 30-5-110(s), 34-1-104, 34-1-121(a)(intro), 34-1-124,
 26 34-1-127, 34-1-133, 34-1-134, 34-2-109, 34-2-130,
 27 34-2-132(a)(i), 34-2-133(a), 34-5-103, 34-5-113, 34-8-103,
 28 34-10-101(a)(ii), 34-11-101(a), 37-9-601, 41-5-201 and
 29 41-6-503 are amended to read:

30
 31 **5-3-305. Appointment and termination thereof to be**
 32 **reported to county clerk.**

33
 34 When any court or the judge thereof, shall appoint a court
 35 commissioner who shall be authorized to take
 36 acknowledgments and administer oaths under this act, or
 37 whenever any court or the judge thereof shall revoke the
 38 appointment of any such court commissioner, or when any
 39 such commissioner shall resign, or his appointment cease
 40 for any reason, it shall be the duty of the clerk of said
 41 court to immediately notify, in writing, the county clerk
 42 ~~and ex officio register of deeds~~ of each county embraced
 43 within the jurisdiction of said court, of the making of
 44 said appointment or the termination thereof, as the case
 45 may be.

46
 47 **18-3-402. Duties generally.**

1

2 (a) The county clerk shall:

3

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

7

8 **19-14-104. Recordation of discharges.**

9

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

16

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

23

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

26

27 (c) After the board of county commissioners has
28 received proof of payment by the applicant of any damages
29 and costs ordered to be paid, the board shall cause a
30 certified copy of the order to be filed with the ~~register~~
31 ~~of deeds~~ county clerk declaring the road to be a private
32 road, and citing in the order any conditions imposed by the
33 board.

34

35 **30-1-101. Recording mining claims required;**
36 **requisites of certificate.**

37

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

44

45 **30-1-103. Prerequisites to filing location**
46 **certificates.**

47

1 (a) Before the filing of a location certificate in
2 the office of the county clerk, ~~and ex officio register of~~
3 ~~deeds~~, the discoverer of any lode, vein or fissure shall
4 designate the location thereof as follows:
5

6 **30-1-110. Location certificate for placer claims.**
7

8 (a) Hereafter the discoverer of any placer claim
9 shall, within ninety (90) days after the date of discovery,
10 cause such claim to be recorded in the office of the county
11 clerk ~~and ex officio register of deeds~~ of the county within
12 which such claim may exist, by filing therein a location
13 certificate, which shall contain the following:
14

15 **30-1-115. Assessment work; rental fee; affidavit**
16 **required upon completion or payment.**
17

18 Upon completion of the required assessment work or payment
19 of the annual claim rental fee as required by federal law
20 for any mining claim, the owner or owners or agent of such
21 owner or owners shall cause to be made by some person
22 cognizant of the facts, an affidavit setting forth that the
23 required amount of work was done or rental fee paid, which
24 affidavit shall within sixty (60) days of the completion of
25 the work or payment of the fee, be filed for record, and
26 shall thereafter be recorded in the office of the county
27 clerk ~~and ex officio register of deeds~~ of the county in
28 which the said claim is located.
29

30 **30-5-110. Agreements for waterflooding or other**
31 **recovery operations, repressuring or pressure-maintenance**
32 **operations, cycling or recycling operations; operation as a**
33 **unit of 1 or more pools or parts thereof and pooling of**
34 **interests in oil and gas therein; amendment of orders and**
35 **agreements.**
36

37 (s) A certified copy of any order of the commission
38 entered under the provisions of this section shall be
39 entitled to be recorded in the office of the ~~register of~~
40 ~~deeds~~ county clerk for the counties where all or any
41 portion of the unit area is located, and such recordation
42 shall constitute notice thereof to all persons.
43

44 **34-1-104. Letters of attorney; recordation; effect as**
45 **evidence.**
46

1 Every letter of attorney, or other instrument, containing a
2 power to convey lands as agent or attorney for the owner of
3 such lands, and every executory contract for the sale or
4 purchase of lands, only when acknowledged by such owner,
5 may be recorded by the ~~register of deeds~~ county clerk of
6 any county in which the lands to which such letter,
7 instrument or contract relates, or any part of such lands,
8 may be situated, and when so acknowledged, and the record
9 thereof when recorded, or a transcript of such record duly
10 certified, may be read in evidence in the same manner and
11 with like effect as a conveyance recorded in such county.

12

13 **34-1-121. Recorded instrument as notice to subsequent**
14 **purchasers; recordation of instruments issued by United**
15 **States or state of Wyoming.**

16

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

30

31 **34-1-124. Federal land office instruments; generally;**
32 **railway maps and affidavits; recording and recording fees.**

33

34 Patents heretofore or hereafter issued by the United
35 States, for lands and certificates of purchase or payment
36 for public lands, heretofore or hereafter issued by the
37 receiver of any land office of the United States, shall be
38 entitled to be recorded under the provisions of this
39 chapter, and the record of all such instruments shall have
40 the effect to all intents and purposes, as though same were
41 acknowledged and otherwise executed as required by law;
42 provided, that any railroad company, having a right-of-way
43 or station grounds, acquired in conformity to an act of the
44 congress of the United States, requiring a map thereof, to
45 be approved by the secretary of the interior, shall file
46 with the ~~register of deeds~~ county clerk, of any county in
47 this state, wherein such right-of-way and station grounds

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

13

14 **34-1-127. Effect on purported absolute conveyance of**
15 **unrecorded deed of defeasance.**

16

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

27

28 **34-1-133. Release; mortgage of deceased nonresident**
29 **mortgagee.**

30

31 Whenever any nonresident of this state shall die without
32 this state, owing, at the time of his death, debts secured
33 by mortgage or other incumbrance upon real or personal
34 property situated in this state, and the debtor shall make
35 voluntary payment of such debt to the executor of the last
36 will and testament of such deceased person, or to the
37 administrator of the estate of such deceased person, whose
38 letters testamentary or of administration, as the case may
39 be, were issued from the proper court of the state or
40 territory of the United States, where such deceased
41 creditor resided at the time of his death, it shall be
42 lawful and competent for such executor or administrator to
43 execute a full and valid release, and acquittance of such
44 debt, and of the mortgage or other incumbrance securing the
45 same; provided, that there shall be attached to such
46 release and acquittance, and made a part thereof, a full
47 and complete transcript of the records of the court issuing

1 such letters testamentary or of administration, as the case
2 may be, certified to by the clerk of such court, or other
3 proper custodian of the records thereof, under his hand and
4 under the seal of such court, fully exhibiting the due
5 appointment and qualification of such executor or
6 administrator, and there shall also be attached to such
7 release and made a part thereof, a certificate under the
8 hand of the presiding judge of such court, or the clerk
9 thereof, that at the date of such release, the person or
10 persons executing the same, was such duly appointed and
11 qualified executor or administrator, as set forth in such
12 release. Any release so executed shall be admitted to
13 record, in this state, in the office of any of the county
14 clerks and ex officio register of deeds, and upon being
15 recorded in the proper office, the ~~register of deeds county~~
16 ~~clerk~~ shall discharge the mortgage or other incumbrance in
17 such release mentioned, in the manner provided by law, but
18 this section shall not be construed to authorize any
19 administrator appointed by the courts of any other state or
20 territory of the United States, to exercise any power,
21 within the state other than the power to receive voluntary
22 payments of debts due to his intestate, and to release
23 mortgages or other incumbrances upon property situate in
24 this state and securing such debts.

25
26 **34-1-134. Release; mortgage of bankrupt corporation**
27 **mortgagee.**

28
29 It shall be the duty of any county clerk ~~and ex officio~~
30 ~~register of deeds~~ within the state of Wyoming, upon request
31 of any person and the filing in his office of a certified
32 copy of an order of discharge of any receiver or trustee in
33 bankruptcy of any national or state bank, trust company or
34 building and loan association, to cancel of record any
35 unreleased and unassigned mortgage or deed of trust of
36 record in his office in which such national or state bank,
37 trust company, or building and loan association, is
38 mortgagee by releasing the said mortgage or deed of trust
39 on the margin of the book where the same has been placed of
40 record, and said release shall be effective and constitute
41 a discharge of the lien of said mortgage or trust deed upon
42 the real property covered by the same in the same manner
43 and to the same effect as if said release had been made by
44 the mortgagee thereof.

45
46 **34-2-109. Master form mortgage; recording authorized;**
47 **entitlement on face; need not be acknowledged.**

1
 2 An instrument containing a form or forms of covenants,
 3 conditions, obligations, powers, and other clauses of a
 4 mortgage may be recorded in the ~~registry of deeds of any~~
 5 ~~county and the recorder of such~~ office of the county clerk,
 6 upon the request of any person, on tender of the lawful
 7 fees therefor, shall record the same in his registry. Every
 8 such instrument shall be entitled on the face thereof as a
 9 "Master form recorded by (name of person causing the
 10 instrument to be recorded)". Such instrument need not be
 11 acknowledged to be entitled to record.

12
 13 **34-2-130. Leases; expiration of oil, gas or other**
 14 **mineral leases; failure to record cancellation or other**
 15 **termination.**

16
 17 If any lessee, his personal representative, successor or
 18 assign, as the case may be, after an oil, gas or other
 19 mineral lease has expired, been cancelled, surrendered,
 20 relinquished or otherwise terminated shall for the space of
 21 twenty (20) days after being thereto requested, fail,
 22 refuse or neglect to record in the office of the county
 23 clerk ~~and ex officio register of deeds~~ of the county
 24 wherein the lands described in said lease are located a
 25 recordable certificate or deed of discharge or release
 26 thereof, he shall be liable to the lessor, his heirs or
 27 assigns for all damages occasioned by such failure,
 28 refusal, or neglect, to be recovered in a civil action. The
 29 lessor's request for discharge or release shall be in
 30 writing and delivered to the lessee by personal service or
 31 registered mail at his last known address. A letterpress or
 32 carbon or written copy of said demand, when shown to be
 33 such, may be used as evidence in any court with the same
 34 force and effect as the original.

35
 36 **34-2-132. Tax deeds; 2-year limitation.**

37
 38 (a) No action, suit or other proceeding shall be
 39 commenced by the former owner to set aside, declare invalid
 40 or redeem from a tax deed or the sale, forfeiture,
 41 foreclosure or other proceeding upon which it is based or
 42 to recover possession, quiet title or otherwise litigate or
 43 contest the title of the grantee, if:

44
 45 (i) Two (2) years or more have elapsed after the
 46 date of recording the deed in the office of the county
 47 clerk ~~and ex officio register of deeds~~ for the county in

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

3

4 **34-2-133. Tax deeds; possession and affidavits of**
5 **possession.**

6

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

26

27 AFFIDAVIT OF POSSESSION AND CLAIM UNDER TAX DEED

28

29 State of)

30

31) ss

32

33 County)

34

35 I,, (name) residing at (address), being
36 first duly sworn, depose and say that on (date) a tax
37 deed was issued to (grantee) for the following
38 described real estate: that said tax deed was
39 filed for record in the office of the county clerk and ex
40 officio register of deeds for county,, on
41 (date), and appears in the records of that office in
42 County as recorded in book page of the
43 records; that I am now in possession of such real estate
44 and claim title to the same by virtue of such tax deed;
45 that I have been in possession of such real estate for a
46 continuous period of not less than six (6) months
47 immediately preceding the date of this affidavit; and that

1 the facts concerning the possession of such real estate
2 from the date of recording the tax deed to the date of this
3 notice are, insofar as known to me, as follows:

4
5
6
7
8
9

10
11 Subscribed and sworn to before me this day
12 of, (year).

13
14

15
16 Notary Public in and for
17
18 County
19
20 (state)

21
22 **34-5-103. Certificate of acknowledgment; failure to**
23 **state acknowledgment was according to law; liability of**
24 **county clerk.**

25
26 All deeds, mortgages, powers of attorney and other
27 instruments executed and acknowledged in any other state,
28 territory or district of the United States five (5) years
29 prior to January 1, 1935, affecting property or property
30 rights in this state, but where the person taking the
31 acknowledgment has omitted to state in his certificate of
32 acknowledgment that such deed, mortgage, power of attorney
33 or other instrument was executed and acknowledged according
34 to the law of such state, territory or district, and when
35 the laws of this state in relation to such certificate have
36 in all other respects been complied with, shall be deemed
37 valid and shall be so construed by the courts of this
38 state, and such instruments shall be entitled to record and
39 the record thereof shall have the same force and effect as
40 if such deeds, mortgages, powers of attorney or other
41 instruments had been acknowledged in the manner provided by
42 the laws of this state, and in case any ~~register of deeds~~
43 county clerk shall have received for record such defective
44 instruments, he shall not be liable in an action for
45 damages for having received for record and recorded any
46 such deed, mortgage, power of attorney or other instrument.

47

1 **34-5-113. Where release of homestead or marital**
 2 **status of grantor not indicated.**

3
 4 All conveyances by which any estate or interest in real
 5 estate is created, alienated, mortgaged or assigned, or by
 6 which the title to any real estate may be affected in law
 7 or in equity wherein there is no release or waiver of
 8 homestead or the marital status of the grantor is not set
 9 forth, and which have been or hereafter may be recorded for
 10 a period of ten (10) years in the office of the county
 11 clerk ~~and ex officio register of deeds~~ of the county
 12 wherein such real estate is situated, it shall be
 13 conclusively presumed that said real estate was not used,
 14 occupied or claimed by the grantor, or the spouse of the
 15 grantor as a homestead at the time of said conveyance.

16
 17 **34-8-103. When defective instruments validated by**
 18 **operation of law.**

19
 20 When an instrument of writing, in any manner affecting or
 21 purporting to affect the title to real estate, has been, or
 22 may hereafter be recorded for a period of ten (10) years in
 23 the office of the county clerk ~~and ex officio register of~~
 24 ~~deeds~~ of the county wherein such real estate is situated,
 25 and such instrument, or the record thereof, because of
 26 defect, irregularity or omission, fails to comply in any
 27 respect with any statutory requirement or requirements
 28 relating to the execution, attestation, acknowledgment,
 29 certificate of acknowledgment, recording or certificate of
 30 recording, such instrument and the record thereof shall,
 31 notwithstanding any or all such defects, irregularities and
 32 omissions, be fully legal, valid, binding and effectual for
 33 all purposes to the same extent as though such instrument
 34 had, in the first instance, been in all respects duly
 35 executed, attested, and acknowledged and recorded.

36
 37 **34-10-101. Definitions.**

38
 39 (a) As used in this act:

40
 41 (ii) "Records" includes probate and other
 42 official public records, as well as records in the office
 43 of the county clerk; ~~and ex officio register of deeds;~~
 44

45 **34-11-101. Recorded affidavit as evidence; subjects;**
 46 **facts.**

47

1 (a) An affidavit stating facts relating to matters
2 which may affect the title to real estate in this state,
3 made by any person having knowledge of the facts and
4 competent to testify concerning them in open court, may be
5 recorded in the office of the county clerk ~~and ex officio~~
6 ~~register of deeds~~ in the county in which the real estate is
7 situated. A certificate of acknowledgement shall not be
8 required on an affidavit containing a jurat in order to be
9 recorded. A recorded affidavit or a certified copy thereof
10 is prima facie evidence of the facts therein stated insofar
11 as the facts affect title to real estate.

12
13 **37-9-601. Contractor's bond.**

14
15 Whenever any railroad company shall contract with any
16 person, persons or corporation for the construction of its
17 railroad or any part thereof, the company shall take from
18 the person, persons, or corporation with whom a contract is
19 made, a good and sufficient bond, in some guarantee or
20 surety company authorized to do business in this state,
21 conditioned that the contractor or contractors shall pay or
22 cause to be paid all laborers, mechanics, materialmen,
23 ranchmen, farmers, merchants, and other persons who supply
24 the contractor or contractors, or any of his or their
25 subcontractors, with labor, work, material, ranch or farm
26 products, provisions, goods or supplies of any kind, all
27 just debts incurred therefor in carrying on the work, which
28 bond shall be filed by the company in the office of the
29 county clerk ~~and ex officio register of deeds~~ in the county
30 where the principal work of the contractor shall be carried
31 on; and if any railroad company shall fail to take a bond,
32 the railroad company shall be liable to the persons herein
33 mentioned to the full extent of all debts so contracted by
34 the contractor, or contractors, or any of his or their
35 subcontractors. Any contractor or contractors may take a
36 similar bond from each of his or their subcontractors to
37 secure the payment of all debts of the kind above
38 mentioned, incurred by him, and file the same as above
39 provided. All persons mentioned in this section to whom any
40 debt of the kind above mentioned shall be due from any
41 contractor or subcontractor shall severally have a right of
42 action upon any bond covering the debt taken as herein
43 provided for the recovery of the full amount of the debt,
44 and a certified copy of the bond shall be received as
45 evidence in any action; provided, however, that in order
46 that the right of action upon the bonds may exist, the
47 person or parties herein granted the right shall comply

1 with either of the following conditions, to-wit: First, an
2 action in a court of competent jurisdiction, in the county
3 where the bond is filed shall be commenced within ninety
4 (90) days after the last item of indebtedness shall have
5 accrued; or second, an itemized statement of the
6 indebtedness duly verified shall within ninety (90) days
7 after the last item of the indebtedness shall have accrued
8 be filed in the office of the county clerk of the proper
9 county; and an action shall be brought in any court of
10 competent jurisdiction of the county within three (3)
11 months after the filing of the statement. In case an action
12 is commenced upon the bond of a contractor, the contractor
13 may give notice thereof to the subcontractor liable for the
14 claim, and in a case the result of the action shall be
15 binding upon the subcontractor, and his sureties, and in
16 any case when a contractor has paid a claim for which a
17 subcontractor is liable, the contractor shall bring action
18 against the subcontractor and his sureties within sixty
19 (60) days after the payment of the claim.

20

21

41-5-201. Contractor's bond.

22

23 Whenever any ditch or canal company, or other owner or
24 owners, shall contract with any person, persons or
25 corporation, for the construction of its, his or their
26 ditch, canal or reservoir, or any part thereof, such
27 company, owner or owners, shall take from the person,
28 persons or corporation with whom such contract is made, a
29 good and sufficient bond, conditioned that such contractor
30 or contractors shall pay or cause to be paid all laborers,
31 mechanics, material men, ranchmen, farmers, merchants and
32 other persons who supply such contractor or contractors, or
33 any of his or their subcontractors with labor, work,
34 material, or goods of any kind which shall enter into or
35 become a part of such irrigation works, which bonds shall
36 be filed by such company or other owner in the office of
37 the county clerk ~~and ex officio register of deeds~~ in the
38 county where the principal work of such contractor shall be
39 carried on; and if any such ditch or canal company, or
40 other owner or owners, shall fail to take such bond, such
41 ditch or canal company or other owner or owners shall be
42 liable to the persons herein mentioned to the full extent
43 of all such debts so contracted by such contractor, or
44 contractors, or any of his or their subcontractors. Any
45 such contractor or contractors may take a similar bond from
46 each subcontractor to secure the payment of all debts of
47 the kind above mentioned incurred by him, and file the same

1 as above provided. All such persons mentioned in this
2 section to whom any debt of the kind above mentioned shall
3 be due from any contractor or subcontractor shall severally
4 have a right of action upon any such bond covering such
5 debt taken as herein provided for the recovery of the full
6 amount of such debt. Provided, however, that in order that
7 the right of action upon such bonds may exist, such persons
8 or parties herein granted such right shall comply with
9 either of the following conditions, to-wit, first, an
10 action in a court of competent jurisdiction, in the county
11 where such bond is filed, shall be commenced within ninety
12 (90) days after the last item of indebtedness shall have
13 accrued; or, second, an itemized statement of the
14 indebtedness duly verified, shall, within ninety (90) days
15 after the last item of such indebtedness shall have
16 accrued, be filed in the office of the county clerk of the
17 proper county; and an action shall be brought in any court
18 of competent jurisdiction of such county within three (3)
19 months after the filing of such statement. In case an
20 action is commenced upon the bond of a contractor liable
21 for the claim, and in such case the result of such action
22 shall be binding upon the subcontractor, and his sureties,
23 and in any case when a contractor has paid a claim for
24 which a subcontractor is liable, such contractor shall
25 bring action against the subcontractor and his sureties
26 within sixty (60) days after the payment of such claim.

27

28 **41-6-503. Foreclosure of tax deeds; tax certificates**
29 **as liens; actions to enforce generally; sale of lands**
30 **generally.**

31

32 Any person, drainage district or irrigation district
33 holding a drainage or irrigation tax sale certificate of
34 purchase or tax deed heretofore or hereafter issued for
35 delinquent drainage or irrigation taxes and assessments
36 legally levied and assessed, together with the penalty and
37 costs due on the land described therein, shall have a lien
38 on said land for such taxes, penalty and costs, and all
39 subsequent taxes paid thereon by said person, drainage or
40 irrigation district and those under whom he holds, with
41 interest thereon, and all accruing penalties, and for the
42 value of all improvements placed thereon by such lienholder
43 while lawfully in possession of the premises, and those
44 under whom the same is held, which lien shall be superior
45 to any other lien, except that of subsequent taxes, and may
46 be enforced by such lienholder by a civil action in the
47 district court of the county wherein said land lies, or in

1 any action in such court concerning said land in which such
 2 lienholder may be made a defendant; in which action every
 3 person having an interest in said land, as shown by the
 4 records in the office of the county clerk ~~and ex officio~~
 5 ~~register of deeds~~ of said county, may be made a party; and
 6 all the proceedings in such action, so far as applicable
 7 and not inconsistent with the provisions of this act, shall
 8 be the same as provided by law, for the foreclosure of
 9 mortgages on real estate by action and sales thereunder;
 10 provided that the decree rendered in such action may
 11 contain the order of sale, directed to the sheriff of said
 12 county, commanding him to advertise and sell said lands
 13 without appraisal, and to make a return of his
 14 proceedings thereunder within sixty (60) days from the date
 15 thereof, which shall be sufficient authority for the sale
 16 of said land, and no other order of sale shall be
 17 necessary; and provided further, that any number of tracts
 18 of land belonging to any one (1) person upon which any one
 19 (1) lienholder shall have said lien, may be united in one
 20 (1) suit, in which suit each of said tracts of land shall
 21 bear its proportionate share of the cost of such suit,
 22 calculated upon the amount for which it shall sell.
 23 Provided further, that no such action shall be commenced on
 24 any drainage or irrigation district tax sale certificate
 25 within eighteen (18) months from the date of the sale
 26 mentioned herein.

27

28 [SECTION 2. PROVISIONS WHICH ARE OBSOLETE]

29

[c. ARCHAIC REFERENCES]

30

[ii. OTHER ARCHAIC USES]

31

32 **Section 207.** W.S. 1-14-109, 36-4-121(m), 36-8-1101,
 33 36-8-1102, 37-7-301 through 37-7-310 and 39-14-202(a)(iv)
 34 through (viii) and (x) are repealed.

35

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

38

[a. WYOMING OR INTERNAL CITATIONS]

39

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

41

42 **31-5-932. Approved sale of lighting devices;**
 43 **mounting.**

44

45 (a) No person shall have for sale, sell or offer for
 46 sale for use upon or as a part of the equipment of a motor
 47 vehicle, trailer, semitrailer, motorcycle, motor-driven

1 cycle, moped or pole trailer, or use upon the vehicle any
 2 head lamp, auxiliary or fog lamp, rear lamp, signal lamp or
 3 reflector, which reflector is required ~~hereunder~~ by this
 4 article, or parts of any of the foregoing which tend to
 5 change the original design or performance, unless of a type
 6 which has been submitted to the superintendent and approved
 7 by him. This section does not apply to equipment in actual
 8 use prior to January 1, 1956, or replacement parts
 9 therefor.

10
 11 [SECTION 3. INCORRECT CITATIONS OR FAILURE TO UPDATE CROSS
 12 REFERENCED PROVISIONS]
 13 [b. FEDERAL CITATIONS]
 14

15 **Section 302.** W.S. 7-3-101(a)(i) and
 16 9-2-1016(c)(intro) and (ii) is amended to read:

17
 18 **7-3-101. Legislative findings.**

19
 20 (a) The legislature finds and declares:

21
 22 (i) The congress of the United States, pursuant
 23 to the provisions of section 10 of article I of the
 24 constitution of the United States, has granted its consent,
 25 by that certain act of June 6, 1934 (Public Law No. 293,
 26 H.R. 7353), ~~approved June 6, 1934~~ as amended, that any two
 27 (2) or more states may enter into agreements or compacts
 28 for cooperative effort and mutual assistance in the
 29 prevention of crime and in the enforcement of their
 30 respective criminal laws and policies, and for the
 31 establishment of any agencies, joint or otherwise, as they
 32 may deem desirable, for making effective the agreements or
 33 compacts;

34
 35 **9-2-1016. General services division.**

36
 37 (c) The surplus property section within the division
 38 of general services is created, which shall be the state's
 39 surplus property agency pursuant to the terms of ~~section~~
 40 ~~203(j) of the Federal Property and Administrative Services~~
 41 ~~Act of 1949, as amended~~ 40 U.S.C. § 549. The surplus
 42 property section may:

43
 44 (ii) Receive applications from eligible health
 45 and educational institutions for the acquisition of federal
 46 surplus real property, investigate the same, obtain
 47 expression of views respecting the applications from the

1 appropriate health or educational authorities of the state,
2 make recommendations regarding the need of the applicant
3 for the property, the merits of its proposed program of
4 utilization, the suitability of the property for the
5 purposes, and otherwise assist in the processing of
6 applications for acquisition of real and related personal
7 property of the United States under ~~section 203(k) of the~~
8 ~~act~~ 40 U.S.C. § 550;

9

10

[SECTION 4. WATER DEVELOPMENT PROJECTS]

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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
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. This act is effective July 1, 2009.

(END)