



WYOMING
EXECUTIVE DEPARTMENT
CHEYENNE

STANLEY K. HATHAWAY
GOVERNOR

G. KEITH OSBORN
ADMINISTRATIVE ASSISTANT

February 14, 1969

The Honorable Thyra Thomson
Secretary of State
BUILDING

Dear Mrs. Thomson:

I am attaching hereto Enrolled Act No. 14, Wyoming Senate, Fortieth Legislature to the State of Wyoming, being Original Senate File No. 177.

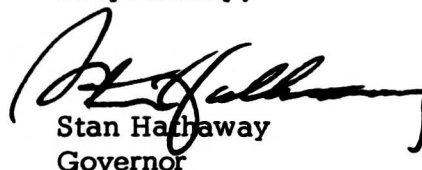
This act invalidates provisions for indemnity in certain contracts where there is negligence attributable to the indemnitee and provides an exemption thereto.

Section 1(c) (ii) provides that any such contracts "are against public policy and are void and unenforceable." I am advised by the Attorney General of the State of Wyoming that this proviso of the act is in contradiction with the Wyoming Constitution in that it violates Section 35, Article I of the Constitution which provides that:

"No ex post facto law nor any law impairing the obligations of contracts shall ever be made."

The Attorney General does not believe, however, that the courts would hold this act unconstitutional when applied prospectively. For that reason I am not vetoing the act, but am permitting Enrolled Act No. 14, being Original Senate File 177, to become law without my approval.

Respectfully,



Stan Hathaway
Governor

Attachment

cc: Mr. James E. Barrett
Attorney General

Chapter 46

Enrolled Act No. ¹⁴_____, Senate

FORTIETH SESSION OF THE _____ STATE LEGISLATURE OF
THE STATE OF WYOMING

AN ACT invalidating, as against public policy, provisions
for indemnity in certain contracts where there is
negligence attributable to the indemnitee, and
providing an exemption thereto.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WYOMING:

Section 1. All agreements and all covenants or promises contained in, collateral to, _____
or affecting any agreement pertaining to any well for oil, gas, or water, or mine for any mineral _____
and which purport to indemnify the indemnitee against loss or liability for damages for _____

(a) death or bodily injury to persons, or _____

(b) injury to property, or _____

(c) any other loss, damage, or expense arising under either (a) or (b) from _____

(i) the sole or concurrent negligence of the indemnitee or the agents or employees _____
of the indemnitee or any independent contractor who is directly responsible to such indemnitee; _____
or _____

(ii) from any accident which occurs in operations carried on at the direction or _____
under the supervision of the indemnitee or an employee or representative of the indemnitee or in _____
accordance with methods and means specified by the indemnitee or employees or representatives of _____
the indemnitee, _____

are against public policy and are void and unenforceable. This provision shall not affect the _____
validity of any insurance contract or any benefit conferred by the workmen's compensation law of _____
this state. _____

Section 2: The term "agreement pertaining to any well for oil, gas, or water, or mine _____
for any mineral" as used in Section 1 hereof, means any agreement or understanding, written or _____

Enrolled Act No. ¹⁴_____, SenateFORTIETH SESSION OF THE STATE LEGISLATURE OF
THE STATE OF WYOMING

oral, concerning any operations related to drilling, deepening, reworking, repairing, improving, testing, treating, perforating, acidizing, logging, conditioning, altering, plugging, or otherwise rendering services in or in connection with any well drilled for the purpose of producing or disposing of oil, gas or other minerals, or water, and designing, excavating, constructing, improving, or otherwise rendering services in or in connection with any mine shaft, drift, or other structure intended for use in the exploration for or production of any mineral, or an agreement to perform any portion of any such work or services or any act collateral thereto, including the furnishing or rental of equipment, incidental transportation, and other goods and services furnished in connection with any such service or operation.

Section 3. Provided that nothing in this act shall be construed to deprive an owner of the surface estate of the right to secure an indemnity from any lessee, operator, contractor or other person conducting operations for the exploration or production of minerals on such owner's land.

Verda L. James
Speaker of the House

Earl Christensen
President of the Senate

Enrolled Act No. 14 Senate

FOURTH SESSION OF THE STATE LEGISLATURE OF
THE STATE OF WYOMING

I hereby certify that this act originated in the Senate

William E. Wynn Jr.
Chief Clerk

I certify this act to be correctly enrolled.

Paul T. Simon Jr.
Senate Attorney