

SENATE FILE NO. SF0113

Surveyors and engineers practice act-revisions.

Sponsored by: Senator(s) Johnson and Representative(s)
Burkhart, Byrd, Childers, Gay, Lockhart,
Petroff and Roscoe

A BILL

for

1 AN ACT relating to professional surveyors and engineers;
2 repealing and recreating statutes governing licensure for
3 professional surveyors and engineers; amending provisions
4 relating to licensure of engineers and land surveyors;
5 providing for administration and regulation of engineers
6 and land surveyors as specified; providing for two
7 additional board members; removing "discipline-specific"
8 licensure; providing for the transfer of the board to the
9 department of administration and information; modifying
10 name of licensing board; providing for licensure of
11 international and doctoral candidates; providing fees;
12 providing disciplinary proceedings; imposing penalties;
13 making conforming amendments; and providing for an
14 effective date.

15

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

1

2 **Section 1.** W.S. 33-29-201 through 33-29-227 and
3 33-29-240 through 33-29-249 are created to read:

4

5

CHAPTER 29

6

SURVEYORS AND ENGINEERS

7

8

ARTICLE 2

9

WYOMING SURVEYORS AND ENGINEERS PRACTICE ACT

10

11 **33-29-201. Definitions.**

12

13 (a) As used in this act:

14

15 (i) "Board" means the Wyoming board of
16 professional engineers and professional land surveyors;

17

18 (ii) "Design coordination" for professional
19 engineers means the review and coordination of those
20 technical submissions prepared by others, including as
21 appropriate and without limitation, consulting engineers,
22 architects, landscape architects, land surveyors,
23 geologists and other professionals working under the
24 direction of a professional engineer. "Design

1 coordination" for professional land surveyors means the
2 review and coordination of those technical submissions
3 prepared by others, including as appropriate and without
4 limitation, consulting engineers, architects, landscape
5 architects, land surveyors, geologists and other
6 professionals working under the direction of the
7 professional land surveyor;

8

9 (iii) "Engineer" means a person who is qualified
10 to practice engineering by reason of special knowledge and
11 use of the mathematical, physical and engineering sciences
12 and the principles and methods of engineering analysis and
13 design, acquired by engineering education and engineering
14 experience;

15

16 (iv) "Engineer intern" means a person who has
17 qualified for, taken and passed an examination in the
18 fundamental engineering subjects, as provided in this act;

19

20 (v) "Engineering surveys" means all survey
21 activities required to support the sound conception,
22 planning, design, construction, maintenance and operation
23 of engineered projects, but excluding the surveying of real
24 property for the establishment of land boundaries, rights-

1 of-way, easements and the dependent or independent surveys
2 or resurveys of the public land survey system;

3

4 (vi) "Firm" means any form of business entity
5 other than an individual licensee operating under his or
6 her name that offers professional engineering or land
7 surveying services of their licensed personnel to the
8 public;

9

10 (vii) "Inactive licensee" means a licensee who is
11 not engaged in professional engineering or land surveying
12 practice which requires licensure in Wyoming who has been
13 granted inactive status. No inactive licensee may practice
14 in Wyoming unless otherwise exempted in this act. Inactive
15 licensees are exempt from the continuing education
16 requirements;

17

18 (viii) "Jurisdiction" means a state, the District
19 of Columbia or any territory, commonwealth or possession of
20 the United States that issues licenses to practice and
21 regulates the practice of engineering or land surveying
22 within its legal boundaries;

23

1 (ix) "Land surveyor intern" means a person who
2 has qualified for, taken and has passed an examination in
3 the fundamental surveyor intern subjects, as provided by
4 this act;

5

6 (x) "Licensee" means any person licensed by the
7 board under this act;

8

9 (xi) "Managing agent" means a natural person who
10 is licensed and who has been designated managing agent by a
11 firm. A managing agent is responsible for the engineering
12 or land surveying work in Wyoming or for projects or
13 property within Wyoming offered or provided by a firm. A
14 licensee may not be designated as a managing agent for more
15 than one (1) firm. An engineer or land surveyor who
16 renders occasional, part-time or consulting engineering or
17 land surveying services to, or for, a firm may not be
18 designated as a managing agent. A managing agent's
19 responsibilities include:

20

21 (A) Renewal of the certificate of authority
22 and notification to the board of any change in managing
23 agent;

24

1 (B) Overall supervision of a firm's licensed
2 and subordinate personnel who provides engineering or land
3 surveying work in Wyoming;

4
5 (C) Institution of and insuring adherence to
6 policies of a firm relative to the rules of professional
7 conduct.

8
9 (xii) "Practice of engineering" means any
10 service or creative work the adequate performance of which
11 requires engineering education, training and experience and
12 the application of special knowledge of the mathematical,
13 physical and engineering sciences to adequately perform
14 such services or creative work. It includes consultation,
15 research investigation, expert technical testimony,
16 teaching upper division engineering design subjects,
17 evaluation, planning, design and design coordination of
18 engineering works and systems, planning the use of land,
19 air and water, performing engineering surveys and studies
20 and the review or management of construction for the
21 purpose of monitoring or ensuring compliance with drawings
22 and specifications when such service requires the
23 application of engineering principles. Practice of
24 engineering embraces those services or work, in connection

1 with utilities, structures, buildings, machines, equipment,
2 process, work systems, projects, communication systems,
3 transportation systems and industrial or consumer products
4 or equipment of control systems, communications,
5 mechanical, electrical, hydraulic, pneumatic, petroleum,
6 nuclear, mining, chemical, environmental or equipment of
7 thermal nature, insofar as they involve safeguarding life,
8 health or property. Practice of engineering includes other
9 professional services as may be necessary for the planning,
10 progress and completion of any engineering services. A
11 person shall be construed to practice or offer to practice
12 engineering who practices any branch of the profession of
13 engineering, or by verbal claim, sign, advertisement,
14 letterhead, card or any other way represents a person to be
15 a professional engineer, or through the use of some other
16 title implies that the person is a professional engineer or
17 that the person is licensed under this act. Practice of
18 engineering includes holding a person out as able to
19 perform or performing any engineering service or work or
20 any other service designated by the practitioner which is
21 recognized as engineering;

22

23 (xiii) "Practice of land surveying" means to
24 provide or offer to provide professional land surveying

1 services using such sciences as mathematics, geodesy and
2 photogrammetry and involves both:

3

4 (A) The making of geometric measurements and
5 gathering related information pertaining to the physical or
6 legal features of the earth, improvements on the earth, the
7 space above, on or below the earth and the research,
8 investigation and teaching of advanced surveying subjects,
9 evaluation and planning; and

10

11 (B) Providing, utilizing or developing the
12 same into survey products such as graphics, data, maps,
13 plans, reports, descriptions or projects. A person shall
14 be construed to practice or to offer to practice land
15 surveying within the meaning and intent of this act, who
16 engages in land surveying, or by verbal claim, sign,
17 advertisement, letterhead, card or any other way represents
18 themselves to be a professional land surveyor, through the
19 use of some other title implies that they are able to
20 perform, or who does perform any land surveying service or
21 work or any other service designated by the practitioner
22 which is recognized as land surveying.

23

1 (xiv) "Professional engineer" means a person who,
2 by reason of special knowledge of the mathematical,
3 physical sciences and the principles and methods of
4 engineering analysis and design, acquired by professional
5 education and practical experience, is qualified to
6 practice engineering and who has been duly licensed as a
7 professional engineer by the board;

8

9 (xv) "Professional engineer, retired" means a
10 person who has been duly licensed as a professional
11 engineer by the board and who chooses to relinquish or not
12 to renew a license and who applies and the board approves
13 the use of the honorific title "professional engineer,
14 retired;"

15

16 (xvi) "Professional land surveying services"
17 means consultation, investigation, design coordination,
18 testimony evaluation, expert technical testimony, planning,
19 mapping, assembling and interpreting gathered measurements
20 and information related to any one (1) or more of the
21 following:

22

1 (A) Determining by measurement the
2 configuration or contour of the earth's surface or the
3 position of fixed objects thereon;

4

5 (B) Determining by geodetics surveys the
6 size and shape of the earth or the position of any point on
7 the earth;

8

9 (C) Locating, relocating, establishing,
10 reestablishing or retracing property lines or boundaries of
11 any tract of land, road, right-of-way or easement;

12

13 (D) Making any survey for the division,
14 subdivision or consolidation of any tract of land;

15

16 (E) Locating or laying out control for
17 alignments, positions or elevations for the construction of
18 fixed works;

19

20 (F) Determining, by the use of principles of
21 surveying, the position for any survey monument, boundary
22 or non-boundary, or reference point and establishing or
23 replacing any such monument or reference point;

24

1 (G) Creating, preparing or modifying
2 electronic, computerized or other data relative to the
3 performance of the activities in subparagraphs (A) through
4 (F) of this paragraph.

5

6 (xvii) "Professional land surveyor" means a
7 person who has been duly licensed as a professional land
8 surveyor by the board established under this act, and who
9 is a professional specialist in the technique of measuring
10 land, educated in the basic principles of mathematics the
11 related physical and applied sciences and the relevant
12 requirements of law for adequate evidence requisite to
13 surveying of real property, and who is engaged in the
14 practice of surveying as herein defined. The Board may
15 designate a professional land surveyor, on the basis of
16 education, experience and examination;

17

18 (xviii) "Professional land surveyor, retired"
19 means a person who has been duly licensed as a professional
20 land surveyor by the board, who chooses to relinquish or
21 not to renew a license and who applies and the board
22 approves the use of the honorific title "Professional Land
23 Surveyor, Retired;"

24

1 (xix) "Responsible charge" means direct charge
2 and control and personal supervision of engineering work or
3 land surveying. Only a professional engineer or
4 professional land surveyor may legally assume responsible
5 charge under this act;

6

7 (xx) "Seal" means a symbol, image or list of
8 information adopted in accordance with board rules;

9

10 (xxi) "This act" means W.S. 33-29-201 through
11 33-29-249.

12

13 **33-29-202. Creation of board.**

14

15 (a) The Wyoming board of professional engineers and
16 professional land surveyors is created to consist of eight
17 (8) members appointed by the governor for a term of four
18 (4) years plus the state engineer who shall serve during
19 his term in office. The board shall be composed of:

20

21 (i) The state engineer;

22

23 (ii) Four (4) professional engineers, one (1) of
24 whom shall be involved in engineering education at the

1 university level, and two (2) of whom shall be in private
2 practice. At most, one (1) may be a dual licensee;

3

4 (iii) Three (3) professional land surveyors, two
5 (2) of whom shall be in private practice; and

6

7 (iv) One (1) public member who is neither a
8 professional engineer nor a professional land surveyor.

9

10 (b) The governor may remove any member of the board
11 for misconduct, incompetence, neglect of duty or for reason
12 prescribed by law for removal of Wyoming officials.
13 Vacancies in the membership of the board shall be filled
14 for the unexpired term by appointment of the governor.

15

16 (c) Each member of the board shall receive a
17 certificate of appointment from the governor, and before
18 beginning his term of office, he shall file with the
19 secretary of state the constitutional oath of office.

20

21 **33-29-203. Qualifications of board members.**

22

23 (a) All appointees shall be a resident of Wyoming for
24 five (5) years or more.

1

2 (b) Each engineering member of the board shall be a
3 citizen of the United States and a resident of Wyoming.
4 Each engineering member shall have been engaged in the
5 lawful practice of engineering as a professional engineer
6 for at least twelve (12) years, shall have been in
7 responsible charge of engineering services for at least
8 five (5) years and shall be a licensed professional
9 engineer in Wyoming.

10

11 (c) Each land surveyor member of the board shall be a
12 citizen of the United States and a resident of Wyoming.
13 Each land surveyor member shall have been engaged in the
14 lawful practice of land surveying as a professional land
15 surveyor for at least twelve (12) years, shall have been in
16 responsible charge of land surveying services for at least
17 five (5) years and shall be licensed as a professional land
18 surveyor in Wyoming.

19

20 **33-29-204. Compensation of board members.**

21

22 Each member of the board except the state engineer shall
23 receive as salary the sum paid each day to legislators for
24 the time consumed in the performance of his duties. Each

1 member shall receive reimbursement for all travel,
2 incidental and other expenses which is normal, under state
3 policy. Mileage allowance as allowed to state employees
4 shall be paid. Compensation and expenses shall be paid
5 only from the fees collected by the board.

6

7 **33-29-205. Organization of board.**

8

9 (a) The board shall hold at least four (4) regular
10 meetings each year. Special meetings may be held as the
11 statutes or rules of the board provide.

12

13 (b) The board shall elect the following officers
14 biennially to serve not more than two (2) consecutive
15 terms: a chairperson, a vice chairperson and a secretary-
16 treasurer.

17

18 (c) Six (6) members constitute a quorum. No decision
19 shall be made unless it receives affirmative votes of at
20 least five (5) members of the board.

21

22 **33-29-206. Powers and duties of board.**

23

1 (a) The board shall have the power to adopt and amend
2 bylaws and rules of procedure not inconsistent with the
3 constitution and laws of Wyoming or this act. The board
4 may adopt and amend the rules and procedures as are
5 necessary to carry out the provisions of this act,
6 including, but not limited to, the adoption and
7 promulgation of rules of professional conduct, which may be
8 reasonably necessary for the proper performance of its
9 duties and the regulation of its procedures, meetings,
10 records, examinations and the conduct thereof. Rules
11 adopted by the board shall be binding upon persons licensed
12 under this act and on nonlicensees found by the board to be
13 in violation of provisions of this act and shall be
14 applicable to business entities holding a license of
15 authorization. The board shall adopt and have an official
16 seal, which shall be affixed to each license issued.

17

18 (b) In carrying into effect the provisions of this
19 act, the board may subpoena witnesses and compel their
20 attendance and also may require the submission of books,
21 papers, documents, or other pertinent data, in any
22 disciplinary matter, or in any case wherever a violation of
23 this act is alleged. Upon failure or refusal to comply
24 with any such order of the board or upon failure to honor

1 its subpoena, as herein provided, the board may apply to
2 any Wyoming court to enforce compliance with same.

3

4 (c) The board is hereby authorized to apply for relief
5 by injunction in the established manner provided in civil
6 cases, without bond, to enforce to the provisions of this
7 act or to restrain any violation thereof. In those
8 proceedings, it shall not be necessary to allege or prove,
9 either that an adequate remedy at law does not exist, or
10 that substantial or irreparable damage would result from
11 the continued violation thereof. The members of the board
12 shall not be personally liable for instituting these
13 proceedings.

14

15 (d) The board may subject an applicant for licensure
16 to such examinations as it deems necessary to determine the
17 applicant's qualifications.

18

19 (e) The board shall have the power and authority to
20 require a demonstration of continuing professional
21 competency of engineers and land surveyors as a condition
22 of renewal or relicensure.

23

1 (f) The board has the authority for citation and
2 fining of persons engaged in the unlawful practice of
3 engineering or land surveying who are not licensed in
4 Wyoming as provided by law.

5

6 (g) The board shall retain and exercise all
7 administrative and civil rights and remedies commonly
8 available to agencies in Wyoming. No action or other legal
9 proceedings for damages shall be instituted against the
10 board or against any board member or employee or agent of
11 the board for any act done in good faith and in the
12 intended performance of any power granted under this act or
13 for any neglect or default in the performance or exercise
14 in good faith of any such duty or power.

15

16 (h) The board shall have the power and authority to
17 waive requirements of this law pertaining to land surveying
18 or engineering licensure provided consideration is given to
19 safeguarding life, health and property and promoting the
20 public welfare.

21

22 (j) In carrying out the duties, functions and
23 obligation in this act, the board may contract with any
24 Wyoming agency or private vendor as the board considers

1 appropriate. The board may also enter into contracts to
2 acquire, own, encumber, issue, replace, deal in and dispose
3 of real and personal property.

4

5 (k) The board shall have the power to appoint
6 committees as it deems necessary to assist the board in
7 carrying out its responsibilities under this act. All
8 individuals appointed by the board to serve on committees
9 or otherwise carryout the functions of this act are
10 entitled to reimbursement of expenses as approved by the
11 board.

12

13 (m) The board shall have the power to employ a board
14 administrator and staff to properly perform its work and to
15 assist in carrying out the responsibilities of this act.
16 All individuals employed by the board shall receive such
17 salary and salary adjustments as the board shall determine.

18

19 (n) The board shall have the power to adopt and
20 collect fees in amounts necessary to enable the board to
21 carry out its function under this act. The board
22 administrator shall receive and account for all monies
23 derived under the provisions of this act. This fund shall
24 be known as the professional engineer and professional

1 surveyors' fund and shall be deposited with the Wyoming
2 state treasurer, and shall be paid out only upon
3 requisitions submitted by the board administrator and
4 secretary-treasurer. All monies in this fund are hereby
5 specifically appropriated for the use of the board. The
6 board administrator and secretary-treasurer shall give a
7 surety bond to the Wyoming state treasurer in such sum and
8 may be required by the laws of Wyoming. The premium on
9 said bond shall be regarded as a proper and necessary
10 expense of the board. The board shall pay expenditures
11 from the abovementioned fund for any purpose which, in the
12 opinion of the board, is reasonably necessary for the
13 proper performance of its duties under this act, including
14 the expenses of the board's delegates to meetings of, and
15 membership fees to, any national organization including
16 miscellaneous expenses associated with election to regional
17 or national offices deemed appropriate by the board. Under
18 no circumstance shall the total amount of warrants issued
19 in payment of the expenses and compensation provided for in
20 this act exceed the amount of monies collected. The board
21 shall adopt a budget in accordance with accepted accounting
22 principles and Wyoming requirements. Periodic budget
23 status reports showing classifications of expenditures and
24 revenues shall be made to the public of stakeholders. An

1 annual financial report shall be made by the board
2 administrator and secretary-treasurer to the governor,
3 state auditor or other appropriate fiscal oversight
4 authority in Wyoming.

5

6 (o) The board shall be authorized to use electronic
7 transmissions for all purposes permitted under this act.

8

9 (p) The board may establish or adopt by rule and
10 regulation minimum standards of practice for professional
11 land surveyors.

12

13 **33-29-207. Petition for injunction.**

14

15 (a) The district court shall issue an injunction
16 forthwith upon a petition filed as provided in this section
17 to enjoin the practice of engineering or land surveying by
18 any person not licensed to practice those occupations or
19 who is not exempt under this act from registration
20 requirements.

21

22 (b) The district court of the district in which the
23 offending party resides or the district court of Laramie

1 county shall have original jurisdiction of any injunction
2 proceedings.

3

4 (c) In a petition for injunction pursuant to
5 subsection (a) of this section, it shall be sufficient to
6 charge that the respondent on a day certain in a named
7 county engaged in the practice of engineering or land
8 surveying without a license and without being exempt under
9 this act from licensure requirements. No showing of actual
10 damage or injury shall be required.

11

12 (d) The petition shall be filed in the name of the
13 state by the board or at the request of the board by the
14 attorney general or any county or district attorney in any
15 county where the respondent resides or may be found.

16

17 (e) Issuance of an injunction shall not relieve
18 respondent from being subject to any other proceeding under
19 this act. Any violation of an injunction shall be punished
20 as contempt of court.

21

22 **33-29-208. Annual report of board; filing copies of**
23 **lists of registrants.**

24

1 In October of each year the board shall make a report to
2 the governor. A complete roster showing the names and last
3 known addresses of all licensed professional engineers and
4 licensed professional land surveyors shall be published by
5 the board administrator once each year in a format approved
6 by the board.

7

8 **33-29-209. Technical licensure fund.**

9

10 The secretary-treasurer or board administrator shall
11 transmit to the state treasurer all fees or other revenues
12 received by the board to be credited to a separate account.
13 Revenues of the board shall be subject at all times to the
14 warrant of the state auditor, drawn upon written
15 requisition of the secretary-treasurer or board
16 administrator of the board for payment of any expenses
17 received by the board.

18

19 **33-29-210. Immunity from personal liability.**

20

21 (a) Members, agents and employees of the board and any
22 person reporting information to the board under oath, are
23 immune from personal liability with respect to acts done
24 and actions taken in good faith without fraud or malice.

1

2 (b) The immunity provided by this section shall extend
3 to the members of any professional review committee,
4 investigator and witnesses appearing before the committee
5 or board.

6

7 **33-29-211. License required for the practice of**
8 **engineering or land surveying.**

9

10 The practice of engineering and land surveying is a
11 privilege which shall be granted by the licensing board
12 pursuant to this act, based on the qualifications of the
13 person or business entity as evidenced by a license. In
14 order to safeguard life, health and property and to promote
15 the public welfare, any person, or business entity in
16 either public or private capacity desiring to practice or
17 offer to practice professional engineering or professional
18 land surveying in Wyoming shall be required to submit
19 evidence to the board showing that the applicant is
20 qualified to practice and shall be licensed as provided by
21 this act and board rules and regulations.

22

23 **33-29-212. Qualification for intern licensure.**

24

1 (a) An applicant for intern licensure as an engineer
2 shall:

3

4 (i) Be of good moral character and repute; and

5

6 (ii) The following shall be considered as minimum
7 evidence that the applicant is qualified for licensure as
8 an engineer intern. A college senior or graduate of an
9 engineering program of four (4) years or more approved by
10 the board shall be admitted to an eight (8) hour written
11 examination in the fundamentals of engineering. Upon
12 passing the examination and providing proof of graduation
13 from an engineering program, the applicant shall be
14 certified or enrolled as an engineer intern, if of good
15 moral character and repute.

16

17 (b) An applicant for intern licensure registration as
18 a land surveyor shall:

19

20 (i) Be of good moral character and repute; and

21

22 (ii) A college senior or graduate of a surveying
23 program of four (4) years or more approved by the board
24 shall be admitted to an eight (8) hour written examination

1 in the fundamentals of surveying. Upon passing the
2 examination and providing proof of graduation, the
3 applicant shall be certified or enrolled as a surveyor
4 intern, if the applicant is otherwise qualified; or

5
6 (iii) A graduate of a program related to
7 surveying of four (4) years or more, including at least
8 thirty (30) semester credit hours in surveying, as approved
9 by the board and with a specific record of two (2) years of
10 progressive experience in surveying shall be admitted to an
11 eight (8) hour written examination in the fundamentals of
12 surveying. Upon passing the examination, the applicant
13 shall be certified or enrolled as a surveyor intern, if the
14 applicant is otherwise qualified; or

15
16 (iv) A graduate of a program not related to
17 surveying of four (4) years or more, including at least
18 thirty (30) semester credit hours in surveying, as approved
19 by the board and with a specific record of four (4) years
20 of progressive experience in surveying shall be admitted to
21 an eight (8) hour written examination in the fundamentals
22 of surveying. Upon passing the examination, the applicant
23 shall be certified or enrolled as a surveyor intern, if the
24 applicant is otherwise qualified; or

1

2 (v) Have an associate degree in surveying
3 technology curriculum approved by the board plus four (4)
4 years of combined office and field experience in land
5 surveying, of which two (2) years shall have been in charge
6 of land surveying projects under the supervision of a
7 registered land surveyor;

8

9 (vi) Unless exempt under W.S. 33-29-217(c), pass
10 the fundamentals of land surveying examination.

11

12 **33-29-213. Qualification for professional licensure.**

13

14 (a) An applicant for professional registration as an
15 engineer shall:

16

17 (i) Be of good moral character and repute; and

18

19 (ii) Meet all the qualifications for an
20 engineering intern;

21

22 (iii) Be an engineer intern or an individual with
23 a doctorate in engineering acceptable to the board with a
24 specific record of an additional four (4) years or more of

1 progressive experience on engineering projects of a grade
2 and a character which indicates to the board that the
3 applicant may be competent to practice engineering shall be
4 admitted to an eight (8) hour written examination in the
5 principles and practice of engineering. Upon passing such
6 examinations, the applicant shall be granted a license to
7 practice engineering in Wyoming, provided the applicant is
8 otherwise qualified;

9

10 (iv) Unless exempt under W.S. 33-29-217, pass the
11 fundamentals and professional examinations in the
12 discipline in which licensure is sought;

13

14 (v) Notwithstanding the requirements in
15 paragraphs (i) through (iv) of this subsection, the board
16 may adopt rules for the licensure of an international
17 candidate;

18

19 (vi) Notwithstanding the requirements in
20 paragraphs (i) through (iv) of this subsection, the board
21 may adopt rules for the licensure of a comity applicant who
22 has twenty (20) years of discipline free practice;

23

1 (vii) Notwithstanding the requirements in
2 paragraphs (i) through (iv) of this subsection, the board
3 may adopt rules for the licensure of an applicant who has
4 earned a doctorate in engineering.

5

6 (b) An applicant for professional licensure as a land
7 surveyor shall:

8

9 (i) Be of good moral character and repute; and

10

11 (ii) Meet all the qualifications for a land
12 surveyor intern; and

13

14 (iii) Have a specific record of an additional
15 four (4) years of combined office and field experience
16 satisfactory to the board in land surveying of which a
17 minimum of three (3) years' progressive experience has been
18 on land surveying projects under the supervision of a
19 professional land surveyor, shall be admitted to an eight
20 (8) hour written examination in the principles and practice
21 of surveying. Upon passing such examination, the applicant
22 shall be granted a license to practice surveying in
23 Wyoming, provided the applicant is otherwise qualified;

24

1 (iv) Unless exempt under W.S. 33-29-217, pass the
2 intern and professional examination;

3

4 (v) Notwithstanding the requirements in
5 paragraphs (i) through (iv) of this subsection, the board
6 may adopt rules for the licensure of an international
7 candidate;

8

9 (vi) Notwithstanding the requirements in
10 paragraphs (i) through (iv) of this subsection, the board
11 may adopt rules for the licensure of a comity applicant who
12 has twenty (20) years of discipline free practice;

13

14 (vii) Notwithstanding the requirements in
15 paragraphs (i) through (iv) of this subsection, the board
16 may adopt rules for the licensure of an applicant who has
17 earned a doctorate in land surveying.

18

19 **33-29-214. Application for licensure.**

20

21 (a) Application for licensure as a professional
22 engineer or professional land surveyor or licensure as an
23 engineer intern or surveyor intern shall be on a form and
24 in a manner prescribed and furnished by the board; shall

1 contain statements made under oath, showing the applicant's
2 education and a detailed summary of technical and
3 engineering experience or land surveying experience and
4 shall include the names and complete mailing addresses of
5 the applicant's references.

6

7 (b) The board may accept the verified information
8 contained in a valid council record issued by the national
9 council of examiners for engineering and surveying or its
10 successor organization for applicants which contains all
11 information that is required on the form prescribed and
12 furnished by the board.

13

14 **33-29-215. Fees.**

15

16 The licensure fee shall be established by regulations of
17 the board for licensure as a professional engineer or a
18 professional land surveyor, for licensure as an engineer
19 intern or surveyor intern, shall be in accordance with W.S.
20 33-1-201 and shall accompany the application. The
21 licensure fee for business entities shall be established by
22 regulation of the board and shall accompany the
23 application. The reasonable cost of rendering other

1 miscellaneous services may be recovered by the board. All
2 fees are nonrefundable.

3

4 **33-29-216. Seals and licenses.**

5

6 (a) The board shall adopt and prescribe seals for use
7 of licensees who hold valid licenses. Each seal shall bear
8 the name of the licensee, shall state the profession in
9 which he is permitted to practice and other data the board
10 deems pertinent.

11

12 (b) Nonelectronic plans, specification, plats or
13 reports prepared by a licensee or his bona fide employee
14 shall be issued under his seal, with the signature of the
15 licensee and the date signed superimposed over the seal.

16

17 (c) It is unlawful for a licensee whose license has
18 expired or has been revoked or suspended to use the seal or
19 for a licensee to sign, stamp or seal any document not
20 prepared by him or by an employee under his supervision.

21

22 (d) It is unlawful for any nonlicensee to cause or
23 permit the illegal use of a licensee's seal, signature or
24 stamp on any document prepared by the nonlicensee.

1

2 (e) The board shall issue to any applicant who, in the
3 opinion of the board, has met the requirements of this act,
4 a license giving the licensee proper authority to practice
5 their profession in Wyoming. The license of licensure for
6 a professional engineer shall carry the designation
7 "professional engineer" and for a professional land
8 surveyor, "professional land surveyor." It shall give the
9 full name of the licensee with licensure number and shall
10 be signed by the chairperson and the board administrator
11 under the seal of the board.

12

13 (f) This license shall be prima facie evidence that
14 the person named thereon is entitled to all rights,
15 privileges and responsibilities of a professional engineer
16 or professional land surveyor while the said licensure
17 remains unrevoked and unexpired.

18

19 (g) The board shall issue to any applicant who, in the
20 opinion of the board, has met the requirements of this act,
21 an enrollment card as engineer intern or land surveyor
22 intern, which indicates that their name has been recorded
23 as such in the board office. The engineer intern or land
24 surveyor intern enrollment card does not authorize the

1 holder to practice as a professional engineer or a
2 professional land surveyor.

3

4 (h) Each licensee hereunder shall, upon licensure,
5 obtain a seal, the use and design of which shall be
6 described fully in board rules and regulations. It shall
7 be unlawful for a licensee to affix or to permit their seal
8 and signature to be affixed to any document after the
9 expiration or revocation of a license or for the purpose of
10 aiding or abetting any other person to evade or attempt to
11 evade any provisions of this act. Whenever the seal is
12 applied, the document shall be signed by the licensee
13 thereby certifying that he is competent in the subject
14 matter and was in responsible charge of the work product.
15 Documents shall be sealed and signed in accordance with
16 board rules.

17

18 **33-29-217. Licensure by comity.**

19

20 (a) A person holding a license to engage in the
21 practice of engineering, issued by a proper authority of
22 any jurisdiction or any foreign country, based on
23 requirements that do not conflict with the provisions of
24 this act and possessing credentials that are, in the

1 judgment of the board, based on a standard not lower than
2 that specified in the licensure act in effect in Wyoming at
3 the time the license was issued may be licensed without
4 further examination except as required to present evidence
5 of knowledge of statutes, rules and design requirements
6 unique to Wyoming, upon application which may include a
7 council record with national council of examiners for
8 engineering and surveying.

9

10 (b) A person holding an active council record with the
11 national council of examiners for engineering and surveying
12 or successor, whose qualifications are evidenced by the
13 council record, and meet the requirements of this act, may
14 be licensed without further examination except as required
15 to examine the applicant's knowledge of statutes, rules and
16 design requirements unique to Wyoming, upon application.

17

18 (c) The board may exempt an applicant from the
19 fundamentals examination if he is a graduate of a school
20 and curriculum approved by the board and has been actively
21 engaged in experience in the profession for which licensure
22 is sought for at least twenty (20) years after graduation.

23

1 (d) A person holding a license to engage in the
2 practice of land surveying, issued by a proper authority of
3 any jurisdiction or any foreign country, which is based on
4 requirements that do not conflict with the provisions of
5 this act who possesses credentials that, in the judgment of
6 the board, meet a standard not lower than that specified in
7 the licensure act of effect in Wyoming at the time the
8 license was issued, may, upon application which may include
9 a council record with NCEES, be licensed without further
10 examination except as required to present evidence of
11 knowledge of states, rules and surveying requirements
12 unique to Wyoming.

13

14 (e) A person holding an active council record with the
15 national council of examiners for engineering and
16 surveying, whose qualifications, as evidenced by a council
17 record, meet the requirements of this act, may be licensed
18 without further examination except as required to examine
19 the applicant's knowledge of statutes, rules and surveying
20 requirements unique to Wyoming upon application.

21

22 **33-29-218. Renewal of licenses; fees and penalties.**

23

1 (a) The board may establish a staggered system for
2 renewing certificates of licensure on a biennial basis.

3

4 (b) Certificates of licensure are invalid after their
5 expiration date unless renewed by payment of the required
6 renewal fee. If the renewal fee is not paid prior to the
7 expiration date, it shall be accompanied by a penalty fee
8 established by the board based on the period of
9 delinquency.

10

11 (c) The board may cancel a certificate of licensure if
12 it has remained invalid for two (2) years. A new
13 application, accompanied by the application fee for
14 relicensure, and by meeting all requirements of the board,
15 including demonstration of continuing professional
16 competency are required for reinstatement.

17

18 (d) If a licensee is granted inactive status, the
19 licensee may return to active status by notifying the board
20 in advance, paying appropriate fees and meeting all
21 requirements of the board, including demonstration of
22 continuing professional competency for reinstatement.

23

1 (e) The board shall establish the biennial renewal fee
2 pursuant to W.S. 33-1-201.

3

4 **33-29-219. Revocation of license; censure; probation;
5 hearing; notice of findings; appeal.**

6

7 (a) The board may take the following disciplinary
8 actions, in combination or alternatively:

9

10 (i) Revocation of a license or certificate of
11 authority;

12

13 (ii) Suspension of a license or certificate of
14 authority;

15

16 (iii) Imposition of an administrative penalty in
17 an amount not to exceed two thousand dollars (\$2,000.00)
18 for each violation of this act or rules promulgated under
19 this act and recover investigation and hearing costs, to be
20 collected, paid to the state treasurer and credited as
21 provided in W.S. 8-1-109;

22

23 (iv) Imposition of restrictions on the scope of
24 the licensee's professional practice;

1

2 (v) Imposition of peer review and professional
3 education requirements;

4

5 (vi) Imposition of probation requirements best
6 adapted to protect the public safety, health and welfare
7 which may include a requirement for restitution payments to
8 professional services clients or to other persons suffering
9 economic loss resulting from violations of this act or
10 rules promulgated under this act;

11

12 (vii) Issuance of a written reprimand.

13

14 (b) The board may take disciplinary action against the
15 holder of a license under this act, upon proof satisfactory
16 to the board that the person:

17

18 (i) Has engaged in any act inconsistent with
19 uniform and reasonable standards of professional conduct as
20 defined by board rules and regulations;

21

22 (ii) Has practiced fraud or misrepresentation:

23

1 (A) In obtaining a license, whether in the
2 application or qualification examination;

3

4 (B) In submitting any information or record
5 to the board; or

6

7 (C) In signing any document as a licensed
8 professional.

9

10 (iii) Is unfit to practice by reason of
11 incompetence, habitual or gross negligence or other
12 misconduct in the practice of his profession;

13

14 (iv) Has aided or abetted another to evade or
15 violate this act or knowingly combined or conspired with an
16 unlicensed person, or allowed one's license to be used by
17 an unlicensed person or acted as agent, partner, associate
18 or otherwise, for an unlicensed person with intent to evade
19 or violate this act;

20

21 (v) Has had a license to practice engineering or
22 land surveying in another jurisdiction denied, revoked,
23 suspended, restricted or otherwise disciplined other than

1 by reason of failure to renew or meet education
2 requirements;

3

4 (vi) Has been found guilty by a court or has
5 entered a plea of nolo contendere to a felony;

6

7 (vii) Has knowingly engaged in an act which the
8 licensee knew was beyond the scope of his professional
9 practice as evidenced by limitations on the licensee's
10 right to practice, or insufficient education and knowledge,
11 or inability to apply engineering or land surveying
12 principles and skills;

13

14 (viii) Has violated this act or any provision of
15 the rules or regulations of the board or any order of the
16 board.

17

18 (c) Upon reasonable grounds to believe that a person
19 under the board's authority has committed acts in violation
20 of this act, the board may conduct investigations, hearing
21 and proceedings to determine whether a disciplinary action
22 should be taken against the holder of a license under this
23 act. The board may issue subpoenas for the attendance of
24 witnesses and the production of books, records, documents

1 and other evidence it deems relevant to an investigation or
2 hearing. A disciplinary action may be informally settled
3 by the board and the holder of a license under this act who
4 is the subject of the action either before or after
5 initiation of hearing proceedings.

6

7 (d) The accused may appear personally or be
8 represented by an attorney at the hearing and present
9 witnesses and evidence in the persons defense and the
10 accused may cross-examine witnesses.

11

12 (e) The board shall immediately notify the clerk of
13 each county in the state and the secretary of state, in the
14 case of a business entity, of the suspension or revocation
15 of a license or of the reissuance of a suspended or revoked
16 license.

17

18 (f) Any person whose license has been denied,
19 suspended or revoked pursuant to this act may apply for
20 reinstatement to the board after fulfilling those
21 requirements determined by the board. The board may grant
22 or deny the application or it may modify its original
23 findings to reflect any circumstances that have changed
24 sufficiently to warrant modifications.

1

2 (g) As a result of disciplinary action, the board may
3 in addition to the other powers and duties, issue, renew or
4 reinstate licenses subject to reasonable conditions which
5 the board may impose.

6

7 (h) Decisions of the board are subject to judicial
8 review as provided by law.

9

10 (j) Upon receipt from the department of family
11 services of a certified copy of an order from a court to
12 withhold, suspend or otherwise restrict a permit issued by
13 the board, the board shall notify the party named in the
14 court order of the withholding, suspension or restriction
15 of the permit in accordance with the terms of the court
16 order. No appeal under the Wyoming Administrative
17 Procedure Act shall be allowed for a permit withheld,
18 suspended or restricted under this subsection.

19

20 **33-29-220. Confidentiality of records.**

21

22 Board records and papers of the following class are of a
23 confidential nature and are not public records: examination
24 material for examinations not yet given, file records of

1 examination problems and solutions, exam scores, letters of
2 inquiry and reference concerning applicants, transcripts of
3 college courses and grades, e-mail addresses, board inquiry
4 forms concerning applicants, pending and closed complaints
5 and investigative files until a formal hearing may commence
6 or until final disciplinary action is taken, cases
7 dismissed without disciplinary action, all other materials
8 of like confidential nature and information otherwise
9 protected by law.

10

11 **33-29-221. Practice by business entities.**

12

13 (a) A firm that practices or offers to practice
14 engineering or land surveying is required to obtain a
15 certificate of authorization by the board in accordance
16 with the board rules.

17

18 (b) An engineering or land surveying firm desiring a
19 certificate of authorization shall file with the board a
20 complete application using a form provided by the board. A
21 form as provided by the board shall be filed with the board
22 upon renewal or within thirty (30) days of the time any
23 information contained on the application form is changed or
24 differs for any reason. If in the judgment of the board

1 the application meets the requirements of this act, the
2 board shall issue a certificate of authorization for the
3 firm to practice engineering or land surveying.

4

5 (c) A certificate of authorization is not required for
6 a firm performing engineering or land surveying for the
7 firm itself or a parent or subsidiary of said firm.

8

9 (d) No firm shall be relieved of responsibility for
10 the conduct or acts of its agents, employees, officers,
11 partners, members or managers by reason of its compliance
12 with the provisions of this section. No individual
13 practicing engineering or land surveying under the
14 provisions of this act shall be relieved of responsibility
15 for engineering or land surveying services performed by
16 reason of employment or other relationship with a firm
17 holding a certificate of authorization.

18

19 **33-29-222. Public works.**

20

21 (a) Drawings, plans, specifications and estimates for
22 public works of the state or a political subdivision
23 thereof involving engineering or land surveying, shall be
24 prepared by or under the personal direction of, and the

1 construction of the works shall be executed under the
2 direct supervision of a qualified licensee within the
3 category involved.

4

5 (b) Surveys or maps required in connection with land
6 surveying shall be made by or under the personal direction
7 of a qualified licensee.

8

9 **33-29-223. Exemptions and limitations.**

10

11 (a) This act shall not be construed to prevent the
12 practice by:

13

14 (i) An officer or employee of the United States
15 practicing within the scope of his authority and employment
16 except when filing water rights or water right petitions
17 with the state of Wyoming as provided in title 41 of the
18 Wyoming statutes;

19

20 (ii) An employee of a licensee or of a person
21 exempt from license, if the employment does not involve
22 direct responsibility for design, inspection or
23 supervision;

24

1 (iii) Any full-time employee of any business
2 entity while doing work for that business entity, provided,
3 that all maps, plats, plans or designs filed in any office
4 of public record in the state of Wyoming shall be certified
5 by a licensed professional engineer or professional land
6 surveyor as provided by W.S. 33-29-226. This exemption
7 does not apply to business entities offering their services
8 to the public as professional engineers or professional
9 land surveyors or to business entities engaged in designing
10 and supervising the building of works for public or private
11 interest not their own;

12

13 (iv) The work of an employee or a subordinate of
14 a person holding a license under this act, provided such
15 work does not include final engineering or land surveying
16 designs or decisions and is done under the direct
17 supervision of and verified by a person holding a license
18 under this act.

19

20 **33-29-224. Violations.**

21

22 (a) The board shall have the power to suspend, revoke,
23 place on probation, fine or reprimand or refuse to issue,

1 restore or renew a license to any professional engineer or
2 professional land surveyor who is found guilty of:

3

4 (i) The practice of any fraud or deceit in
5 obtaining or attempting to obtain or renew a license or
6 certificate of authorization;

7

8 (ii) Any negligence, incompetence or misconduct
9 in the practice of engineering or land surveying;

10

11 (iii) Conviction of or entry of a plea of guilty
12 or nolo contendere to any crime which is a felony, whether
13 related to practice or not, and conviction of or entry of a
14 plea of guilty or nolo contendere to any crime, whether a
15 felony, misdemeanor or otherwise, an essential element of
16 which is dishonesty or which is directly related to the
17 practice of engineering or land surveying;

18

19 (iv) Failure to comply with any of the provisions
20 of this act or any of the rules or regulations pertaining
21 thereto;

22

23 (v) Discipline by another jurisdiction any other
24 governmental agency, if at least one (1) of the grounds for

1 discipline is the same or substantially equivalent to those
2 contained in this section;

3

4 (vi) Failure to provide information requested by
5 the board as a result of a formal or informal complaint to
6 the board which would indicate a violation of this act, or
7 rules and regulations pertaining thereto;

8

9 (vii) Knowingly making false statements or
10 signing false statements, licensures or affidavits to
11 induce payment;

12

13 (viii) Aiding or assisting another person in
14 violating any provision of this act or rules and
15 regulations pertaining thereto;

16

17 (ix) Violating any terms of probation imposed by
18 the board;

19

20 (x) Using a seal or practicing engineering or
21 land surveying while the professional engineer's license or
22 professional surveyor's license is suspended, revoked,
23 nonrenewed or inactive;

24

1 (xi) Signing, affixing or permitting the
2 licensee's seal or signature to be affixed to any
3 specifications, reports, drawings, plans, plats, design
4 information, construction documents or calculations,
5 surveys or revisions thereof which have not been prepared
6 by the licensee or under the licensee's responsibility or
7 direct personal supervision;

8

9 (xii) Engaging in dishonorable, unethical or
10 unprofessional conduct of a character likely to deceive,
11 defraud or harm the public;

12

13 (xiii) Providing false testimony or information
14 to the board;

15

16 (xiv) Habitual intoxication or addiction to the
17 use of drugs or alcohol;

18

19 (xv) Providing engineering or land surveying
20 services outside any of the licensee's fields of
21 competence.

22

23 (b) Anyone found guilty of a violation of this section
24 shall be punished by a fine of not more than one thousand

1 dollars (\$1,000.00), by imprisonment of not more than one
2 (1) year, or both.

3

4 (c) The district attorney of the county in which the
5 misdemeanor is committed shall prosecute the case upon
6 proper information of the board, or any other person
7 interested.

8

9 (d) The board shall have prepared and shall adopt
10 rules of professional conduct as provided for in this act,
11 which shall be made known in writing to every licensee and
12 applicant for licensure under this act. The board may
13 revise and amend these rules of professional conduct from
14 time to time and shall notify each licensee in writing of
15 such revisions or amendments.

16

17 (e) In addition to any other penalty provided in this
18 section, the board shall have the power to revoke, suspend,
19 place on probation, fine or reprimand or refuse to issue,
20 restore or renew the certificate of authorization of any
21 firm where one (1) or more of its officers, directors,
22 partners, members or managers have been found guilty of any
23 conduct which would constitute a violation under the
24 provisions of this section.

1

2 (f) Before issuing an order under this section, the
3 board shall provide the person written notice and the
4 opportunity to request a hearing within thirty (30) days of
5 issuance of notice.

6

7 (g) In connection with any proceeding under
8 subsections (a) and (b) of this section, the board may
9 issue subpoenas to compel the attendance and testimony of
10 witnesses and the disclosure of evidence and may request
11 the attorney general to bring an action to enforce a
12 subpoena.

13

14 **33-29-225. Renewal of license**

15

16 (a) Any individual holding a certificate of
17 registration in this state that is valid on July 1, 2011,
18 shall be deemed to be licensed under this act.

19

20 (b) Those licensed or authorized under the provisions
21 of this act are eligible for renewal of their license or
22 certificate of authorization pursuant to renewal
23 requirements established in this act and the rules and
24 regulations adopted by the board.

1

2 **33-29-226. Maps, plats, plans or designs for filing**
3 **to be certified by professional engineer or surveyor;**
4 **exception; size of maps.**

5

6 (a) All maps, plats, plans or designs necessary to be
7 filed in the state engineer's office, the office of state
8 lands and investments, all county clerks' offices, all city
9 or town office, or any other office of public record in the
10 state of Wyoming, shall be certified by a professional
11 engineer or land surveyor licensed under this act.
12 Hardcopy originals shall either be drawn in waterproof
13 black ink or acetate ink, or be an acceptable photographic
14 or other kind of reproduction on good quality polyester
15 base drafting film in a minimum thickness of four-
16 thousandths (.004) inch or as otherwise required by the
17 receiving entity. Maps formatted as required by the
18 receiving entity may be submitted in electronic form as
19 provided by the Uniform Electronic Transactions Act, W.S.
20 40-21-101 through 40-21-119. All nonelectronic maps,
21 plats, plans or designs shall conform to one (1) of the
22 following sizes and shall consist of one (1) original
23 drawing together with one (1) print:

24

1 (i) Size A - eight and one-half (8 1/2) inches
2 wide and eleven (11) inches long;

3

4 (ii) Size AA - eight and one-half (8 1/2) inches
5 wide and fourteen (14) inches long;

6

7 (iii) Size B - fifteen (15) inches long and ten
8 and three-fourths (10 3/4) inches wide. There shall be a
9 minimum of one and one-half (1 1/2) inch margin on the left
10 side of the short dimension for binding edge; the remaining
11 three (3) margins shall be one-fourth (1/4) inch each;

12

13 (iv) Size C - thirty-six (36) inches long and
14 twenty-two (22) inches wide. There shall be a minimum of
15 one and one-half (1 1/2) inch margin on the left side of
16 the short dimension for a binding edge; the remaining three
17 (3) margins shall be one-half (1/2) inch each;

18

19 (v) Size D - twenty-one and one-half (21 1/2)
20 inches long and fifteen (15) inches wide. There shall be a
21 minimum of one and one-half (1 1/2) inches on the left side
22 of the long dimension to serve as a binding edge; the three
23 (3) remaining margins shall be three-eighths (3/8) of an
24 inch each;

1

2 (vi) Size E - thirty (30) inches long and twenty-
3 one and one-half (21 1/2) inches wide. There shall be a
4 minimum of one and one-half (1 1/2) inch margin on the left
5 side of the short dimension to serve as a binding edge; the
6 remaining margins shall be one-half (1/2) inch each;

7

8 (vii) Size F - forty (40) inches long and thirty-
9 five (35) inches wide. There shall be margins of three-
10 fourths (3/4) of an inch on all edges;

11

12 (viii) Size G - twenty-four (24) inches by
13 thirty-six (36) inches. There shall be a minimum of one
14 and one-half (1 1/2) inch margin on the left side of the
15 short dimension to serve as a binding edge; the three (3)
16 remaining margins shall be one-half (1/2) of an inch each;

17

18 (ix) Size H - eighteen (18) inches by twenty-four
19 (24) inches. There shall be a minimum of one and one-half
20 (1 1/2) inches on the left side of the long dimension to
21 serve as a binding edge; the three (3) remaining margins
22 shall be three-eighths (3/8) of an inch each;

23

1 (x) Size AAA - eleven (11) inches by seventeen
2 (17) inches.

3

4 (b) The requirement for certificate of maps and plans
5 by a registered engineer or land surveyor shall not apply,
6 in the case of applications filed in the state engineer's
7 office to construct small reservoirs for stock purposes
8 only, fishing preserve waters where the capacity of such
9 reservoir does not exceed twenty (20) acre feet or twenty
10 (20) feet in fill height; to develop springs for stock
11 water purposes of up to twenty-five (25) gallons per
12 minute; or to construct flood water detention dam storing
13 fifty (50) acre feet or less and not to exceed twenty (20)
14 feet in fill height provided the dam has a minimum outlet
15 of eighteen (18) inches diameter and the dead storage does
16 not exceed twenty (20) acre feet.

17

18 (c) The application may be signed by the applicant or
19 an agent acting for him and may be accompanied by aerial
20 photographs or United States geological surveyor quadrangle
21 maps of a scale conforming to the requirements of this act
22 with designation thereon of the township, range, section
23 and section corner or quarter corner and the location of
24 the installation designated in the quarter section of the

1 photographs or United States geological survey quadrangle
2 maps a description of:

3

4 (i) The dam including height, width, depth,
5 construction materials, depth to be submerged and height of
6 the free board;

7

8 (ii) The reservoir including length, width,
9 average depth, submerged area and capacity;

10

11 (iii) If aerial photographs or United States
12 geological maps are submitted they shall comply with the
13 following requirements:

14

15 (A) Two (2) aerial photographs or United
16 States geological survey quadrangle maps mounted on eight
17 (8) inch by ten (10) inch sheets shall accompany each
18 application;

19

20 (B) The minimum scale on the aerial
21 photographs or United States geological survey quadrangle
22 maps must be not less than two (2) inches to the mile;

23

1 (C) An identified section corner or quarter
2 corner shall be shown on each photograph or United States
3 geological survey quadrangle map;

4
5 (D) The entire section in which the facility
6 is located shall be shown on each photograph or United
7 States geological survey map along with subdivision lines
8 showing forty (40) acre tracts;

9
10 (E) The location of the facility shall be
11 shown within the proper forty (40) acre subdivision.

12
13 (d) All applications submitted under this act shall
14 comply with properly promulgated rules and regulations of
15 the state engineer and the board of control not in conflict
16 with this act.

17
18 **33-29-227. Administrative transfer to the department**
19 **of administration and information.**

20
21 (a) The board is transferred to the department of
22 administration and information as a Type 3 transfer in
23 accordance with W.S. 9-2-1707(b)(iii).

24

1 (b) Type 3 transfer - a Type 3 transfer is the
2 transfer of an agency with a primary function of issuing
3 licenses or permits to engage in a profession or occupation
4 to a department. The department of administration and
5 information shall provide budget, fiscal, administrative
6 and clerical services to any agency requesting these
7 services, but not affect its authority with respect to
8 licensure. The positions, personnel, property and
9 appropriated funds of these agencies shall not be
10 transferred to the department. Any agency requesting the
11 services described in this paragraph shall compensate the
12 department for them at a reasonable rate established by the
13 department. In addition to offering the optional services
14 specified in this paragraph, the department shall:

15

16 (i) Provide administrative oversight of agency
17 procedures to assure that each agency is in compliance with
18 existing statutes that created the agency and that govern
19 the agency's functions;

20

21 (ii) Provide guidance to agencies in matters
22 pertaining to budget preparation, individual agency
23 administration, personnel and other procedural functions;

24

1 (iii) Function as a liaison between individual
2 agencies within the department and between agencies and
3 other departments within state government;

4
5 (iv) Review the current practices of each agency
6 and make recommendations to individual agencies which might
7 improve the efficiency of the agency.

8

9 **33-29-240. Short title.**

10

11 W.S. 33-29-240 through 33-29-249 may be cited as the
12 "Corner Perpetuation and Filing Act."

13

14 **33-29-241. Definitions.**

15

16 (a) Except where the context indicates a different
17 meaning, terms used in W.S. 33-29-240 through 33-29-249
18 shall be defined as follows:

19

20 (i) A "property corner" is a geographic point on
21 the surface of the earth, and is on, a part of, and
22 controls a property line;

23

1 (ii) A "property controlling corner" for a
2 property is a public land survey corner or any property
3 corner which does not lie on a property line of the
4 property in question, but which controls the location of
5 one (1) or more of the property corners of the property in
6 question;

7
8 (iii) A "public land survey corner" is any corner
9 actually established and monumented in an original survey
10 or resurvey used as a basis of legal description for
11 issuing a patent for the land to a private person from the
12 United States government;

13
14 (iv) A "corner," unless otherwise qualified,
15 means a property corner, or a property controlling corner,
16 or a public land survey corner or any combination of these;

17
18 (v) An "accessory to a corner" is any exclusively
19 identifiable physical object whose spatial relationship to
20 the corner is recorded. Accessories may be bearing trees,
21 bearing objects, monuments, reference monuments, line
22 trees, pits, mounds, charcoal-filled bottles, steel or
23 wooden stakes or other objects;

24

1 (vi) A "monument" is an accessory that is
2 presumed to occupy the exact position of a corner;

3

4 (vii) A "reference monument" is a special
5 monument that does not occupy the same geographical
6 position as the corner itself, but whose spatial
7 relationship to the corner is recorded and which serves to
8 witness the corner;

9

10 (viii) A "licensed land surveyor" is a surveyor
11 who is licensed to practice land surveying under W.S.
12 33-29-201 through 33-29-226 and has a current license for
13 that calendar year;

14

15 (ix) The "board" is the Wyoming board of
16 professional engineers and professional land surveyors.

17

18 **33-29-242. Completion of "corner file."**

19

20 A surveyor shall complete, sign and file with the county
21 clerk where the corner is situated, a written record of
22 corner establishment or restoration to be known as a
23 "corner file" for every public land survey corner and
24 accessory to such corner which is established,

1 reestablished, monumented, remonumented, restored,
2 rehabilitated, perpetuated or used as control in any survey
3 by such surveyor and within ninety (90) days thereafter,
4 unless the corner and its accessories are substantially as
5 described in an existing corner record filed in accordance
6 with the provisions of W.S. 33-29-240 through 33-29-249.

7

8 **33-29-243. Filing of corner reference.**

9

10 A surveyor may file a corner record as to any property
11 corner, property controlling corner, reference monument or
12 accessory to a corner.

13

14 **33-29-244. Information to be included in corner file;**
15 **form.**

16

17 The board shall by regulation provide and prescribe the
18 information which shall be necessary to be included in the
19 corner file and the board shall prescribe the form in which
20 the corner record shall be presented and filed.

21

22 **33-29-245. Preservation of map records; public**
23 **inspection.**

24

1 (a) The county clerk of the county containing the
2 corners, as part of his files, shall have on record maps of
3 each township within the county, the bearings and lengths
4 of the connecting lines to government corners and
5 government corners looked for and not found. These records
6 shall be preserved in hardbound books in numerical order as
7 filed.

8

9 (b) The county clerk shall make these records
10 available for public inspection during all usual office
11 hours.

12

13 (c) The filing fee for each corner record or
14 certificate is one dollar (\$1.00) as provided in W.S.
15 18-3-402(a)(xvi)(Q) and each record or certificate shall
16 apply to only one (1) corner.

17

18 **33-29-246. Reconstruction or rehabilitation of**
19 **monument.**

20

21 In every case where a corner record of a public land survey
22 corner is required to be filed under the provisions of W.S.
23 33-29-240 through 33-29-249, the surveyor shall reconstruct
24 or rehabilitate the monument of such corner, and

1 accessories to such corner, so that the same shall be left
2 by him in such physical condition that it remains as
3 permanent a monument as is reasonably possible and so that
4 the same may be reasonably expected to be located with
5 facility at all times in the future.

6

7 **33-29-247. Signature on corner record required.**

8

9 No corner record shall be filed unless the same is signed
10 by a registered land surveyor or, in the case of an agency
11 of the United States government or the state of Wyoming,
12 the certificate may be signed by the survey party chief
13 making the survey.

14

15 **33-29-248. Previously existing corners.**

16

17 Corner records may be filed concerning corners established,
18 reestablished or restored before the effective date of W.S.
19 33-29-240 through 33-29-249.

20

21 **33-29-249. Exemption from filing fees.**

22

1 All filings relative to official cadastral surveys of the
2 bureau of land management of the United States performed by
3 authorized personnel shall be exempt from filing fees.

4

5 **Section 2.** W.S. 9-2-1028(a)(v)(B), 15-1-418(b),
6 18-3-402(a)(xxiv), 33-41-117(a)(iv) and 33-41-121 are
7 amended to read:

8

9 **9-2-1028. Definitions.**

10

11 (a) As used in this act:

12

13 (v) "Professional services" means:

14

15 (B) The practice of engineering or land
16 surveying pursuant to W.S. ~~33-29-114 through 33-29-149~~
17 33-29-201 through 33-29-249.

18

19 **15-1-418. Annexing contiguous cities or towns;**
20 **annexation ordinance; filing.**

21

22 (b) A certified copy of the annexation ordinance
23 including a legal description of the area and the map
24 prepared pursuant to W.S. 15-1-402(c)(i) and in accordance

1 with W.S. ~~33-29-139~~ 33-29-226 shall be filed with the
2 county clerk of the county in which the action has taken
3 place.

4

5 **18-3-402. Duties generally.**

6

7 (a) The county clerk shall:

8

9 (xxiv) File maps as defined in W.S. ~~33-29-139~~
10 33-29-226. The county clerk shall charge a fee of twenty-
11 five dollars (\$25.00) for filing the maps.

12

13 **33-41-117. Exemptions.**

14

15 (a) The following are exempt from the licensing
16 provisions of this act if they do not use the title of
17 professional geologist or are not directly represented or
18 held out to the public to be legally qualified to engage in
19 the practice of geology before the public:

20

21 (iv) Qualified engineers and land surveyors,
22 registered by the board of registration for professional
23 engineers and professional land surveyors pursuant to W.S.
24 ~~33-29-114 through 33-29-139~~ 33-29-101 through 33-29-249 are

1 exempt from the registration provisions of this act,
2 providing, that no name, title, or words are used which
3 tend to convey the impression that a nonregistered
4 individual is offering to perform services as a
5 professional geologist;

6

7 **33-41-121. Applicability.**

8

9 This act shall not be construed as repealing or amending
10 any law affecting or regulating licensed professional
11 engineers and professional land surveyors pursuant to the
12 provisions of W.S. ~~33-29-114 through 33-29-139~~ 33-29-201
13 through 33-29-249, nor shall this act be construed to
14 affect or prevent the practice of any other legally
15 recognized profession by the members of the profession
16 licensed by the state or under its authority.

17

18 **Section 3.** W.S. 33-29-114 through 33-29-149 are
19 repealed.

20

21 **Section 4.** This act is effective July 1, 2011.

22

23

(END)