

SENATE FILE NO. SF0048

Professional Engineers and Surveyors Practice Act.

Sponsored by: Senator(s) Johnson

A BILL

for

1 AN ACT relating to surveyors and engineers; repealing and
2 recreating statutes governing engineering and land
3 surveying; modifying definitions, provisions relating to
4 the licensing board, licensing requirements, discipline and
5 the practice of professional engineering and the practice
6 of professional land surveying; making conforming
7 amendments; renumbering and amending statutes relating to
8 corners; and providing for an effective date.

9

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

11

12 **Section 1.** W.S. 33-29-201, 33-29-301 through
13 33-29-308, 33-29-401 through 33-29-406, 33-29-501 and
14 33-29-502, 33-29-601 through 33-29-604, 33-29-701 through
15 33-29-709 and 33-29-801 are created to read:

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CHAPTER 29

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SURVEYORS AND ENGINEERS

ARTICLE 2

GENERAL PROVISIONS

33-29-201. Definitions.

(a) As used in this act:

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

(ii) "Business entity" means a corporation, limited liability company, partnership, limited partnership, limited liability partnership or any other form of business except a sole proprietorship;

(iii) "Engineer intern" means an individual who is certified by the board as an engineer intern;

(iv) "Jurisdiction" means a licensing agency, including agencies outside of the United States;

1 (v) "Land surveyor intern" means an individual
2 who is certified by the board as a land surveyor intern;

3

4 (vi) "Licensee" means a professional engineer or
5 professional land surveyor licensed by the board;

6

7 (vii) "Practice of professional engineering"
8 means performing for others or offering to perform for
9 others any professional service or professional creative
10 work requiring engineering education, training and
11 experience and special knowledge of mathematics, physics
12 and engineering sciences. An individual is deemed to
13 engage in the practice of professional engineering if he:

14

15 (A) Represents himself to be a professional
16 engineer by sign, advertisement, letterhead, card, verbal
17 claim or any other manner;

18

19 (B) Quotes a fee for a professional
20 engineering service;

21

22 (C) Executes a contract or agreement for a
23 professional engineering service;

24

1 (D) Teaches upper division engineering
2 design subjects at a college or university;

3

4 (E) Performs professional engineering
5 research investigations;

6

7 (F) Testifies as an expert in professional
8 engineering; or

9

10 (G) Holds himself out as able to perform or
11 does perform any service defined by board rule as the
12 practice of professional engineering.

13

14 (viii) "Practice of professional land surveying"
15 means performing for others or offering to perform for
16 others professional services which involve the application
17 of special knowledge or principles of mathematics and
18 methods of measurement for the determination and
19 preservation of land boundaries and for the determination
20 of land features and forms. An individual is deemed to
21 engage in the practice of professional land surveying if
22 he:

23

1 (A) Makes geometric measurements and
2 gathers related information pertaining to the physical or
3 legal features of the earth, improvements on the earth and
4 the space above, on or below the earth;

5

6 (B) Teaches upper division university level
7 land surveying design subjects;

8

9 (C) Performs professional land surveying
10 research investigations;

11

12 (D) Creates work product relating to land
13 surveying such as graphics, data, maps, plans, reports and
14 descriptions;

15

16 (E) Represents himself to be a professional
17 land surveyor by sign, advertisement, letterhead, card,
18 verbal claim or any other way;

19

20 (F) Testifies as an expert in professional
21 land surveying; or

22

1 (G) Holds himself out as able to perform or
2 does perform any service defined by board rule as
3 professional land surveying.

4

5 (ix) "Professional engineer" means an individual
6 who, by reason of intensive preparation in the use of
7 mathematics, physics and engineering sciences including the
8 principles and methods of engineering analysis and design,
9 is qualified to practice professional engineering and is
10 licensed under this act;

11

12 (x) "Professional land surveyor" means an
13 individual who by reason of specialized knowledge in the
14 technique of measuring land, mathematics, physical and
15 applied sciences, and legal requirements of surveying real
16 property, is qualified to practice professional land
17 surveying and is licensed under this act;

18

19 (xi) "Responsible charge" means the exercise of
20 direct control or the personal supervision of engineering
21 work by a professional engineer or surveying work by a
22 professional land surveyor;

23

1 (xii) "This act" means W.S. 33-29-201 through
2 33-29-801.

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ARTICLE 3

5

WYOMING BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL

6

LAND SURVEYORS

7

8

33-29-301. Creation of board.

9

10 (a) The Wyoming board of professional engineers and
11 professional land surveyors is created to regulate the
12 practice of professional engineering and professional land
13 surveying in order to safeguard life, health and property
14 and to promote the public welfare. The board shall consist
15 of eight (8) members appointed by the governor for a term
16 of four (4) years plus the state engineer who shall serve
17 during his term in office. The board shall be composed of:

18

19

(i) The state engineer;

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(ii) Four (4) professional engineers. One (1)
shall teach engineering at the university level. Two (2)
shall be in private practice;

23

24

1 (iii) Three (3) professional land surveyors. Two
2 (2) shall be in private practice; and

3

4 (iv) One (1) member who is neither a professional
5 engineer nor a professional land surveyor.

6

7 (b) The governor may remove any board member he
8 appoints in accordance with W.S. 9-1-202.

9

10 **33-29-302. Qualifications of board members.**

11

12 (a) Appointed members of the board shall have been
13 residents of Wyoming for at least five (5) years
14 immediately prior to appointment, shall be residents during
15 their appointment and shall be citizens of the United
16 States.

17

18 (b) Professional engineer members shall have engaged
19 in the practice of engineering as licensed professional
20 engineers for at least twelve (12) years and shall have
21 been in responsible charge for at least five (5) years.

22

23 (c) Professional land surveyor members shall have been
24 engaged in the practice of land surveying as licensed

1 professional land surveyors for at least twelve (12) years
2 and shall have been in responsible charge for at least five
3 (5) years.

4

5 **33-29-303. Compensation of board members.**

6

7 Members of the board shall receive compensation for each
8 day or part of a day in which they engage in the
9 performance of their board duties at the same rate provided
10 members of the state legislature under W.S. 28-5-101 and
11 shall be reimbursed for actual and necessary expenses
12 incurred in the performance of their board duties.
13 Compensation and expenses incurred by the board or any
14 member shall be approved by the board. Compensation and
15 expenses shall be paid only from the fees collected by the
16 board. This section shall not apply to the state engineer.

17

18 **33-29-304. Organization of board.**

19

20 (a) The board shall meet as often as needed, but not
21 less than four (4) times a year.

22

23 (b) The board shall elect the following officers
24 biennially to serve not more than two (2) consecutive

1 terms: a chairperson, a vice chairperson and a secretary-
2 treasurer.

3

4 (c) Six (6) members of the board constitute a quorum.

5

6 (d) The board is hereby transferred to the department
7 of the state engineer under a Type 3 transfer as defined in
8 W.S. 9-2-1707(b)(iii).

9

10 **33-29-305. Powers of board.**

11

12 (a) The board shall have the powers necessary to
13 enforce this act, including the power to:

14

15 (i) Promulgate rules and regulations necessary
16 to enforce this act;

17

18 (ii) Promulgate rules and regulations necessary
19 to regulate the practice of professional engineering and
20 professional land surveying, including qualifications for
21 intern certificates and professional licenses, professional
22 conduct, continuing education, discipline and license
23 status categories;

24

1 (iii) Conduct hearings, take testimony,
2 administer oaths, subpoena witnesses and issue subpoenas
3 for the production of documents or data;

4
5 (iv) Use investigators, the office of the
6 attorney general and consultants to investigate and
7 evaluate possible violations of this act or the board's
8 rules;

9
10 (v) Adopt an official seal for the board and
11 adopt a professional seal for the use of licensees;

12
13 (vi) Employ a board administrator and such
14 additional staff as necessary to administer and enforce
15 this act and board rules;

16
17 (vii) Appoint advisory committees comprised of
18 persons who may or may not be members of the board to
19 undertake tasks assigned by the board. The board may
20 reimburse committee members for reasonable incidental
21 expenses incurred in the conduct of board business;

22
23 (viii) Establish and collect fees pursuant to
24 W.S. 33-1-201. All fees collected by the board shall be

1 deposited by the state treasurer to the credit of the
2 Wyoming board of professional engineers and professional
3 land surveyors account;

4

5 (ix) Pay for membership to regional and national
6 organizations and expenses incurred by board members to
7 attend organization meetings;

8

9 (x) Use electronic transmissions.

10

11 **33-29-306. Professional engineers and professional**
12 **land surveyors account.**

13

14 All fees and other revenues received by the board shall be
15 deposited by the state treasurer to the credit of the
16 Wyoming board of professional engineers and professional
17 land surveyors account. All monies in the account are
18 continuously appropriated for the use of the board. The
19 account shall be used by the board to defray costs incurred
20 in the administration of this act. Disbursements from the
21 account shall not exceed the monies credited to it.

22

23 **33-29-307. Immunity from personal liability.**

24

1 Any person reporting information to the board under oath
2 and members, agents, investigators and employees of the
3 board are immune from personal liability with respect to
4 acts done and actions taken in good faith without fraud or
5 malice.

6

7 **33-29-308. Confidentiality of records.**

8

9 (a) The following records and papers of the board are
10 confidential and are not public records:

11

12 (i) Letters of inquiry and reference concerning
13 applicants;

14

15 (ii) Completed applications and verification and
16 inquiry forms;

17

18 (iii) Transcripts of educational institutions;

19

20 (iv) Investigative and disciplinary matters
21 dismissed without action; and

22

23 (iv) Files relating to complaints and
24 investigations until a formal hearing is concluded or until

1 final disciplinary action is taken if no hearing is
2 commenced. This paragraph does not prevent use of the
3 board files in a hearing.

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ARTICLE 4

6

LICENSE REQUIREMENTS

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33-29-401. Professional license required.

9

10 Except as provided in this act, no individual shall engage
11 in the practice of professional engineering or professional
12 land surveying unless the individual holds the appropriate
13 license issued by the board.

14

15

33-29-402. Requirements for intern certificate.

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19

(a) An applicant for a certificate as an engineer
intern shall submit evidence satisfactory to the board
showing that the applicant:

20

21

(i) Is of good moral character and repute;

22

23

24

(ii) Has graduated from an engineering curriculum
approved by the board of at least four (4) years; and

1

2 (iii) Has passed an examination in the
3 fundamentals of engineering.

4

5 (b) An applicant for a certificate as a land surveyor
6 intern shall submit evidence satisfactory to the board
7 showing that the applicant:

8

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

10

11 (ii) Has passed an examination in the
12 fundamentals of land surveying;

13

14 (iii) Has graduated from a surveying curriculum
15 approved by the board of at least two (2) years; and

16

17 (iv) Has at least thirty (30) semester credit
18 hours in surveying approved by the board. The hours may be
19 part of the curriculum in paragraph (iii) of this
20 subsection or in addition to the curriculum.

21

22 (c) An engineer intern or land surveyor intern shall
23 not practice as a professional engineer or a professional
24 land surveyor.

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33-29-403. Requirements for professional license.

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(a) An applicant for a license as a professional engineer who has not graduated from a doctoral curriculum in engineering approved by the board shall submit evidence satisfactory to the board showing that the applicant:

(i) Is of good moral character and repute;

(ii) Has passed an examination in the principles and practice of engineering; and

(iii) Has met the requirements for an engineer intern certificate and has four (4) years of engineering experience in increasing responsibility and scope of a grade and character that evidence the applicant is competent to practice as a professional engineer.

(b) An applicant for a license as a professional engineer who has graduated from a doctoral curriculum in engineering approved by the board shall submit evidence satisfactory to the board showing that the applicant:

1 (i) Is of good moral character and repute;

2

3 (ii) Has passed any examinations required by rule
4 of the board to establish competence at a professional
5 level in Wyoming licensing laws and professional ethics;
6 and

7

8 (iii) Has four (4) years of engineering
9 experience in increasing responsibility and scope of a
10 grade and character that evidence the applicant is
11 competent to practice as a professional engineer.

12

13 (c) An applicant for a license as a professional
14 land surveyor shall submit evidence satisfactory to the
15 board showing that the applicant:

16

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

18

19 (ii) Has passed the examination in the
20 principles and practice of land surveying;

21

22 (iii) Has met the requirements for a land
23 surveyor intern certificate; and

24

1 (iv) Has four (4) years of land surveying
2 experience in increasing responsibility and scope of a
3 grade and character that evidence the applicant is
4 competent to practice as a professional land surveyor.

5

6 **33-29-404. Application for license.**

7

8 (a) An applicant for a license under this act shall
9 submit an application on a form and in the manner
10 prescribed by the board.

11

12 (b) In addition to information required by the board,
13 the application shall contain a statement under oath of the
14 applicant's education and engineering or land surveying
15 work experience.

16

17 (c) The board may accept an applicant's records from
18 the national council of examiners for engineering and
19 surveying or its successor organization as a substitute for
20 the information required in this act.

21

22 **33-29-405. Fees.**

23

1 The board shall establish fees in accordance with W.S.
2 33-1-201 as necessary to provide for the administration of
3 this act, including license application fees and fees for
4 services provided by the board. Application fees shall
5 accompany the application. Application fees are
6 nonrefundable.

7

8 **33-29-406. License on the basis of comity.**

9

10 (a) An applicant who holds a license issued by another
11 jurisdiction to practice professional engineering or
12 professional land surveying may be issued a professional
13 license provided:

14

15 (i) The applicant has not been disciplined by
16 another jurisdiction;

17

18 (ii) The applicant has passed any examinations
19 required by rule of the board to establish competence at a
20 professional level in Wyoming licensing laws and
21 professional ethics; and

22

23 (iii) The applicant:

24

1 (A) Meets the education, experience and
2 examination requirements equivalent to the requirements in
3 effect in Wyoming at the time the applicant's license was
4 issued by the other jurisdiction; or

5
6 (B) Meets requirements established by the
7 national council of examiners for engineering and surveying
8 or its successor organization that the board has determined
9 are equivalent to the requirements for a professional
10 license in Wyoming.

11
12 (b) An applicant who holds a license issued by another
13 jurisdiction to practice professional engineering or
14 professional land surveying, and who has held the license
15 for fifteen (15) years immediately prior to submitting the
16 application, may be issued a professional license provided
17 the applicant:

18
19 (i) Has not been disciplined in any
20 jurisdiction; and

21
22 (ii) Has passed any examination required by rule
23 of the board to establish competence at a professional
24 level in Wyoming licensing laws and professional ethics.

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ARTICLE 5

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LICENSE RENEWAL

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33-29-501. Renewal of licenses.

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7

(a) The board shall provide for the biennial renewal of a license. The board may adopt a system under which licenses are renewed on a staggered basis.

10

11

(b) An individual whose license has expired shall not engage in activities that require a license until the license has been renewed or until a new license has been obtained.

15

16

(c) An individual whose license has been expired for less than two (2) years may renew the license by paying the required annual renewal fee and a late fee.

19

20

(d) An individual whose license has been expired for more than two (2) years may not renew the license. The individual may obtain a new license by complying with the requirements of this act for obtaining an original license.

24

1 surveys, reports, plats, drawings and plans filed or
2 recorded pursuant to W.S. 33-29-801.

3

4 (d) The application of a professional seal shall
5 constitute certification that:

6

7 (i) The work was done by the professional
8 licensee or under his responsible charge; and

9

10 (ii) The licensee is competent in the
11 subject matter.

12

13 (e) A licensee shall not:

14

15 (i) Permit the use of his seal by another; or

16

17 (ii) Use his seal when his license has expired,
18 is inactive or has been revoked or suspended.

19

20 (f) An individual who is not licensed shall not use
21 the seal of a licensee.

22

23 **33-29-602. Practice through business entities;**
24 **registration.**

1

2 (a) Professional engineers and professional land
3 surveyors may practice professional engineering or
4 professional land surveying through a business entity
5 provided:

6

7 (i) The business entity has registered with the
8 board;

9

10 (ii) The business entity has submitted the
11 following to the board:

12

13 (A) A description of the engineering or
14 land surveying services to be practiced in the state; and

15

16 (B) A designation of an individual or
17 individuals in responsible charge. A change in the
18 individual or individuals in responsible charge shall be
19 filed with the board within thirty (30) days of the change.

20

21 (iii) All final maps, plats, plans, designs and
22 other documents filed or recorded under W.S. 33-29-801
23 shall be dated and bear the signature and seal of a

1 professional engineer or professional land surveyor in
2 responsible charge of the work; and

3

4 (iv) All personnel of the business entity who
5 act on its behalf as engineers or land surveyors in this
6 state shall be licensed professional engineers or licensed
7 professional land surveyors or shall be exempted from the
8 license requirement under W.S. 33-29-604(a)(iii). No
9 business entity shall be relieved of responsibility for the
10 conduct or acts of its employees, officers or agents by
11 reason of its compliance with this act. Nor shall any
12 individual engaged in engineering or land surveying be
13 relieved of responsibility for engineering or land
14 surveying services performed by reason of his employment or
15 relationship with a business entity.

16

17 **33-29-603. Public works.**

18

19 (a) Drawings, plans, specifications and estimates for
20 public works of the state or a political subdivision of the
21 state involving professional engineering shall be prepared
22 by or under the personal direction of a professional
23 engineer. The construction of the engineering works shall

1 be executed under the direct supervision of a professional
2 engineer.

3

4 (b) Surveys or maps for public works of the state or a
5 political subdivision of the state shall be prepared by or
6 under the personal direction of a professional land
7 surveyor. The surveying work shall be executed under the
8 direct supervision of a professional land surveyor.

9

10 **33-29-604. Exemptions and limitations.**

11

12 (a) The provisions of this act shall not apply to:

13

14 (i) An officer or employee of the United States
15 practicing within the scope of his authority and
16 employment. The exemption under this paragraph shall not be
17 applicable when filing water rights or water right
18 petitions with the state of Wyoming as provided in title 41
19 of the Wyoming statutes;

20

21 (ii) An officer or employee of the state of
22 Wyoming performing agency reviews within the scope of his
23 authority and employment. The exemption under this
24 paragraph shall not be applicable when filing water rights

1 or water right petitions with the state of Wyoming as
2 provided in title 41 of the Wyoming statutes;

3

4 (iii) An individual working for a business entity
5 or licensee provided a licensee exercises responsible
6 charge over all final designs, drawings, inspections, maps,
7 plats and plans filed under W.S. 33-29-801; or

8

9 (iv) A utility company or telecommunications
10 company regulated by the Wyoming public service commission
11 or the company's employees practicing within the scope of
12 their employment and authority.

13

14

ARTICLE 7

15

PROHIBITED ACTS AND DISCIPLINARY PROCEDURES

16

17 **33-29-701. Disciplinary powers of the board.**

18

19 (a) On a determination that a ground for disciplinary
20 action exists under W.S. 33-29-702, the board may:

21

22 (i) Deny an application for a license, intern
23 certificate or business entity registration;

24

1 (ii) Revoke, suspend or refuse to renew a
2 license, intern certificate or business entity
3 registration;

4

5 (iii) Impose probation;

6

7 (iv) Restrict the scope of a license, intern
8 certificate or business entity registration;

9

10 (v) Impose peer review;

11

12 (vi) Require continuing education;

13

14 (vii) Formally or informally reprimand a
15 licensee, intern or registered business entity;

16

17 (viii) Impose civil penalties as provided in
18 W.S. 33-29-707.

19

20 **33-29-702. Grounds for disciplinary action.**

21

22 (a) An individual or business entity is subject to
23 disciplinary action for:

24

1 (i) A violation of this act, board rule, order or
2 code of ethics;

3

4 (ii) Fraud or misrepresentation relating to the
5 practice of engineering or land surveying, including in the
6 submission of information to the board and signing of
7 documents;

8

9 (iii) Allowing or assisting another to violate
10 this act or a rule or order of the board;

11

12 (iv) Incompetence, habitual or gross negligence
13 or other misconduct in the practice of engineering or land
14 surveying;

15

16 (v) Habitual intoxication or addiction to the use
17 of drugs or alcohol which affects the ability to practice
18 engineering or land surveying;

19

20 (vi) Conviction of a felony that is related to
21 the ability to practice engineering or land surveying or
22 that involves dishonesty or evidences lack of good moral
23 character;

24

1 (vii) Discipline or restriction of a license,
2 intern certificate or business entity registration by
3 another jurisdiction if the ground for the action was the
4 same or substantially equivalent to a ground for discipline
5 in this section.

6

7 **33-29-703. Disciplinary proceedings.**

8

9 (a) Any final disciplinary action shall be preceded by
10 notice and an opportunity for a hearing. Hearings shall be
11 conducted as a contested case.

12

13 (b) The board may conduct investigations and issue
14 subpoenas for the attendance of witnesses and the
15 production of evidence.

16

17 (c) The board may settle a disciplinary matter without
18 a formal hearing.

19

20 (d) The board shall notify the clerk of each county in
21 the state and the secretary of state, in the case of a
22 business entity, of suspension or revocation of a license,
23 intern certificate or business entity registration and of

1 the reissuance of a suspended or revoked license,
2 certificate or business entity registration.

3

4 **33-29-704. Judicial review.**

5

6 Except as provided by W.S. 33-29-706, any final action or
7 order of the board is subject to judicial review as
8 provided in W.S. 16-3-114.

9

10 **33-29-705. Reinstatement.**

11

12 A licensee, intern or business entity may apply for
13 reinstatement of a license, intern certificate or business
14 registration upon fulfilling disciplinary conditions
15 imposed by the board. The board may grant or deny the
16 application and may modify its original findings.

17

18 **33-29-706. Court ordered suspension of license.**

19

20 Upon receipt from the department of family services of a
21 certified copy of an order from a court under W.S. 20-6-112
22 to withhold, suspend or otherwise restrict a license issued
23 by the board, the board shall notify the party named in the
24 court order of the withholding, suspension or restriction

1 in accordance with the terms of the court order. No appeal
2 under the Wyoming Administrative Procedure Act shall be
3 allowed for action taken under this section.

4

5 **33-29-707. Civil penalties.**

6

7 (a) In addition to any disciplinary action taken with
8 respect to a license, intern certificate or business entity
9 registration, the board may impose a civil penalty upon any
10 person who violates this act or a rule or order of the
11 board. The penalty may be up to two thousand dollars
12 (\$2,000.00) for each violation and may include the board's
13 costs and expenses for the investigation and prosecution
14 and reasonable attorney's fees.

15

16 (b) The board shall notify the person accused of a
17 violation in writing of the nature of the alleged
18 violation. Upon receipt of a notice of violation the
19 person receiving it shall pay the assessed civil penalty to
20 the board within sixty (60) days or file an appeal to the
21 board. The appeal shall be conducted as a contested case
22 before a hearing examiner of the office of administrative
23 hearings, who shall recommend a decision to the board.

24

1 (c) A civil penalty may be recovered in an action
2 brought in the name of the board in the district court.

3

4 **33-29-708. Criminal penalties.**

5

6 Any person who violates any provision of this act is guilty
7 of a misdemeanor punishable by a fine of not more than one
8 thousand dollars (\$1,000.00), by imprisonment of not more
9 than one (1) year, or both. Each violation shall constitute
10 a separate offense.

11

12 **33-29-709. Injunctions; enforcement of subpoenas.**

13

14 (a) In addition to the discipline and penalties in
15 W.S. 33-29-701, 33-29-707 and 33-29-708, the board may seek
16 an injunction in the district court to enjoin any person
17 from violating this act or the board's rules or orders.
18 The board is authorized to apply for injunctive relief
19 without bond. It shall not be necessary to allege or prove
20 an adequate remedy at law does not exist or irreparable
21 harm would result from the continued violation of this act.

22

23 (b) In case of refusal to obey a subpoena served by
24 the board upon any person, the district court for any

1 county in which the person is found or resides or transacts
2 business, upon application by the board, may issue an order
3 requiring the person to appear and give testimony or to
4 appear and produce documents or both. Any failure to obey
5 the order of the court may be punished by the court as
6 contempt.

7

8

ARTICLE 8

9

FILING AND RECORDING

10

11 **33-29-801. Maps, plats, plans and designs for filing**
12 **or recording to be certified by professional engineer or**
13 **professional land surveyor; exception; size of maps.**

14

15 (a) All maps, plats, plans, designs and all other
16 engineering and surveying documents required to be filed or
17 recorded in the state engineer's office, the office of
18 state lands and investments, all county clerks' offices,
19 all city or town offices, or any other office of public
20 record in the state of Wyoming, shall comply with the
21 following requirements:

22

23 (i) Be made by or under the responsible charge
24 of a professional engineer or professional land surveyor

1 and be signed by and bear the seal of the professional
2 engineer or professional land surveyor;

3

4 (ii) Hardcopy originals shall be drawn in either
5 waterproof black ink or acetate ink or shall be an
6 acceptable photographic or other kind of reproduction on
7 good quality polyester base drafting film in a minimum
8 thickness of four-thousandths (.004) inch or as otherwise
9 required by the receiving entity;

10

11 (iii) Maps formatted as required by the
12 receiving entity may be submitted in electronic form as
13 provided by the Uniform Electronic Transactions Act, W.S.
14 40-21-101 through 40-21-119;

15

16 (iv) Hardcopy documents shall conform to the
17 sizes provided by board rule.

18

19 (b) The requirement in paragraph (a)(i) of this
20 section that all maps, plans, plats and designs be made by
21 or under the responsible charge of a professional engineer
22 or professional land surveyor shall not apply to
23 applications which comply with subsections (c) and (d) of

1 this section and which are filed in the state engineer's
2 office:

3

4 (i) To construct small reservoirs for stock
5 purposes only or fishing preserve waters where the capacity
6 of such reservoir does not exceed twenty (20) acre feet or
7 twenty (20) feet in fill height;

8

9 (ii) To develop springs for stockwater purposes
10 of up to twenty-five (25) gallons per minute; or

11

12 (iii) To construct flood water detention dams
13 storing fifty (50) acre feet or less and not to exceed
14 twenty (20) feet in fill height provided the dam has a
15 minimum outlet of eighteen (18) inches diameter and the
16 dead storage does not exceed twenty (20) acre feet.

17

18 (c) The application shall be signed by the applicant
19 or an agent acting for him and shall be accompanied, at a
20 minimum, by aerial photographs or United States geological
21 survey quadrangle maps, of a scale provided by board rule,
22 with designation of the township, range, section, and
23 section corner or quarter corner, and the location of the
24 installation designated in the quarter section on the

1 photographs or United States geological survey quadrangle
2 maps and 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; and

7

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

10

11 (d) Aerial photographs or United States geological
12 maps shall comply with the following requirements:

13

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

17

18 (ii) The minimum scale on the aerial photographs
19 or United States geological survey quadrangle maps shall be
20 not less than two (2) inches to the mile;

21

22 (iii) An identified section corner or quarter
23 corner shall be shown on each photograph or United States
24 geological survey quadrangle map;

1

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

6

7 (v) The location of the facility shall be shown
8 within the proper forty (40) acre subdivision.

9

10 **Section 2.** W.S. 9-2-1028(a)(v)(B), 15-1-418(b),
11 18-3-402(a)(xxiv), 33-41-117(a)(iv) and 33-41-121 are
12 amended to read:

13

14 **9-2-1028. Definitions.**

15

16 (a) As used in this act:

17

18 (v) "Professional services" means:

19

20 (B) The practice of professional
21 engineering or professional land surveying pursuant to W.S.
22 ~~33-29-114 through 33-29-149~~ 33-29-201 through 33-29-801.

23

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

3

4 (b) A certified copy of the annexation ordinance
5 including a legal description of the area and the map
6 prepared pursuant to W.S. 15-1-402(c)(i) and in accordance
7 with W.S. ~~33-29-139~~ 33-29-801 shall be filed with the
8 county clerk of the county in which the action has taken
9 place.

10

11 **18-3-402. Duties generally.**

12

13 (a) The county clerk shall:

14

15 (xxiv) File maps as defined in W.S. ~~33-29-139~~
16 33-29-801. The county clerk shall charge a fee of twenty-
17 five dollars (\$25.00) for filing the maps.

18

19 **33-41-117. Exemptions.**

20

21 (a) The following are exempt from the licensing
22 provisions of this act if they do not use the title of
23 professional geologist or are not directly represented or

1 held out to the public to be legally qualified to engage in
2 the practice of geology before the public:

3

4 (iv) ~~Qualified~~Professional engineers and land
5 surveyors, ~~registered~~licensed by the board of ~~registration~~
6 ~~for~~ professional engineers and professional land surveyors
7 pursuant to W.S. ~~33-29-114 through 33-29-139~~ 33-29-201
8 through 33-29-801 are exempt from the registration
9 provisions of this act, providing, that no name, title, or
10 words are used which tend to convey the impression that a
11 nonregistered individual is offering to perform services
12 as a professional geologist;

13

14 **33-41-121. Applicability.**

15

16 This act shall not be construed as repealing or amending
17 any law affecting or regulating licensed professional
18 engineers and professional land surveyors pursuant to the
19 provisions of W.S. ~~33-29-114 through 33-29-139~~ 33-29-201
20 through 33-29-801, nor shall this act be construed to
21 affect or prevent the practice of any other legally
22 recognized profession by the members of the profession
23 licensed by the state or under its authority.

24

1 **Section 3.** W.S. 33-29-140 through 33-29-143 as
2 33-29-901 through 33-29-904 and 33-29-146 through 33-29-148
3 as 33-2-907 through 33-29-909 are amended and renumbered to
4 read:

5

6

ARTICLE 9

7

CORNER PERPETUATION AND FILING ACT

8

9

~~33-29-140~~ 33-29-901. **Short title.**

10

11 W.S. ~~33-29-140 through 33-29-149~~ 33-29-901 through
12 33-29-910 may be cited as the "Corner Perpetuation and
13 Filing Act".

14

15

~~33-29-141~~ 33-29-902. **Definitions.**

16

17 (a) Except where the context indicates a different
18 meaning, terms used in W.S. ~~33-29-140 through 33-29-149~~
19 33-29-901 through 33-29-910 shall be defined as follows:

20

21

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

24

1 (ii) A "property controlling corner" for a
2 property is a public land survey corner₇ or any property
3 corner₇ 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
9 corner actually established and monumented in an original
10 survey 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 "corner₇" unless otherwise qualified,
15 means a property corner, or a property controlling corner,
16 or a public land survey corner₇ or any combination of
17 these;

18

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

1

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

4

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

10

11 (viii) A "~~registered~~professional land surveyor"
12 is a surveyor who is ~~registered~~licensed to practice
13 professional land surveying under W.S. ~~33-29-114 through~~
14 ~~33-29-139~~33-29-201 through 33-29-801, and has a current
15 ~~certificate~~license for that calendar year;

16

17 (ix) The "board" is the ~~state board of~~
18 ~~registration for~~Wyoming board of professional engineers
19 and professional land surveyors.

20

21 ~~33-29-142~~33-29-903. Completion of "corner file".

22

23 A professional land surveyor shall complete, sign, and file
24 with the county clerk where the corner is situated, a

1 written record of corner establishment or restoration to be
2 known as a "corner file" for every public land survey
3 corner and accessory to such corner which is established,
4 reestablished, monumented, remonumented, restored,
5 rehabilitated, perpetuated or used as control in any survey
6 by such surveyor, and within ninety (90) days thereafter,
7 unless the corner and its accessories are substantially as
8 described in an existing corner record filed in accordance
9 with the provisions of W.S. ~~33-29-140 through 33-29-149~~
10 33-29-901 through 33-29-910.

11

12 ~~33-29-143~~ 33-29-904. **Filing of corner reference.**

13

14 A professional land surveyor may file such corner record as
15 to any property corner, property controlling corner,
16 reference monument or accessory to a corner.

17

18 ~~33-29-146~~ 33-29-907. **Reconstruction or rehabilitation**
19 **of 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 ~~33-29-140 through 33-29-149~~ 33-29-901 through 33-29-910,

24 the professional land surveyor must reconstruct or

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

7

8 ~~33-29-147~~ 33-29-908. Signature on corner record
9 required.

10

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

16

17 ~~33-29-148~~ 33-29-909. Previously existing corners.

18

19 Corner records may be filed concerning corners established,
20 reestablished or restored before the effective date of W.S.

21 ~~33-29-140 through 33-29-149~~ 33-29-901 through 33-29-910.

22

1 **Section 4.** W.S. 33-29-144 and 33-29-145 is renumbered
2 as 33-29-905 and 33-29-906 and 33-29-149 is renumbered as
3 33-29-910.

4

5 **Section 5.** W.S. 33-29-114 through 33-29-139 are
6 repealed.

7

8 **Section 6.** Notwithstanding W.S. 33-29-301, the
9 initial terms of the two (2) additional members of the
10 Wyoming board of professional engineers and professional
11 land surveyors appointed pursuant to this act, and the
12 first terms of other board members appointed after the
13 effective date of this act, shall be for a number of years
14 which allows for staggered terms of all appointed board
15 members, with two (2) appointed members' terms expiring
16 each year. Thereafter all board members' terms shall be
17 for four (4) years.

18

19 **Section 7.** This act is effective July 1, 2012.

20

21

(END)