

HOUSE BILL NO. HB0044

Surveyors and engineers.

Sponsored by: Representative(s) Jorgensen, Jaggi, Hammons
and Lockhart and Senator(s) Decaria, Hastert
and Vasey

A BILL

for

1 AN ACT relating to professions and occupations; amending
2 provisions relating to licensure of engineers and land
3 surveyors; providing for administration and regulation of
4 engineers and land surveyors as specified; providing for
5 electronic filings; modifying name of licensing board;
6 providing fees; providing disciplinary proceedings;
7 imposing penalties; making conforming amendments; and
8 providing for an effective date.

9

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

11

12 **Section 1.** W.S. 33-29-150 through 33-29-173 are
13 created to read:

14

15 **33-29-150. Definitions.**

16

1 (a) As used in this act:

2

3 (i) "Board" means the Wyoming board for
4 professional engineers and professional land surveyors;

5

6 (ii) "Engineer" means a person who has acquired
7 special knowledge and use of the mathematical, physical and
8 engineering sciences and the principles and methods of
9 engineering analysis and design, via engineering education
10 and engineering experience;

11

12 (iii) "Engineer intern" means a person who has
13 been duly certified as an engineer intern by the board as
14 provided in this act;

15

16 (iv) "Firm" means any form of business entity
17 other than an individual licensee operating under his name
18 that offers professional engineering or land surveying
19 services to the public;

20

21 (v) "Inactive licensee" means a licensee who is
22 not actively engaged in professional engineering or land
23 surveying practice in this state and who has been granted
24 inactive status by the board. No inactive licensee may

1 practice in this state unless otherwise exempted by this
2 act. An inactive licensee shall be exempt from the
3 continuing education requirements of this act;

4

5 (vi) "Land surveyor" means a person who has
6 acquired special knowledge in the technique of measuring
7 land through the use of the mathematical, physical and
8 applied sciences, and the requirements of the law relevant
9 to surveying of real property, via surveying education and
10 surveying experience;

11

12 (vii) "Surveyor intern" means a person who has
13 been duly certified as a surveyor intern by the board as
14 provided in this act;

15

16 (viii) "Licensee" means any person issued a
17 certificate of licensure as a professional engineer or
18 professional land surveyor or certified or enrolled as an
19 engineer intern or surveyor intern, or a firm issued a
20 certificate of authorization under this act;

21

22 (ix) "Practice of engineering" means any service
23 or creative work, which requires engineering education,
24 training and experience and the application of special

1 knowledge of the mathematical, physical and engineering
2 sciences to adequately perform those services or creative
3 work. It shall include consultation, investigation, expert
4 technical testimony, evaluation, planning, design and
5 design coordination of engineering works and systems;
6 teaching of advanced engineering subjects; performing
7 engineering surveys and studies; and the review or
8 management of construction for the purpose of monitoring or
9 ensuring compliance with drawings and specifications when
10 those services require the application of engineering
11 principles. It shall embrace such services or work in
12 connection with utilities, structures, buildings, machines,
13 equipment, processes, work systems, projects, communication
14 systems, transportation systems and industrial or consumer
15 products; or equipment of control systems, communications,
16 mechanical, electrical, hydraulic, pneumatic, petroleum,
17 nuclear, mining, chemical, environmental or equipment of a
18 thermal nature, insofar as they involve safeguarding life,
19 health or property, and include such other professional
20 services as may be necessary for the planning, progress and
21 completion of any engineering services. Design coordination
22 includes the review and coordination of those technical
23 submissions prepared by others, including as appropriate
24 and without limitation, consulting engineers, architects,

1 landscape architects, land surveyors, geologists and other
2 professionals working under the direction of the engineer.
3 Engineering surveys include all survey activities required
4 to support the sound conception, planning, design,
5 construction, maintenance and operation of engineered
6 projects, but exclude the surveying of real property for
7 the establishment of land boundaries, rights-of-way,
8 easements and the dependent or independent surveys or
9 resurveys of the public land survey system. A person shall
10 be deemed to be practicing or offering to practice
11 engineering if he practices any branch of the profession of
12 engineering, or by verbal claim, sign, advertisement,
13 letterhead, card or any other manner represents himself to
14 be a professional engineer, or through the use of some
15 other title implies that he is a professional engineer or
16 that he is licensed under this act, or holds himself out as
17 able to perform or does perform any engineering service or
18 work or any other service designated by the practitioner
19 which is recognized as engineering;

20

21 (x) "Practice of land surveying" means to
22 provide or offer to provide professional land surveying
23 services using the sciences of mathematics, geodesy and
24 photogrammetry. Professional land surveying services shall

1 include consultation, investigation, design coordination,
2 testimony evaluation, expert technical testimony, teaching
3 of advanced surveying topics, planning, mapping, assembling
4 and interpreting gathered measurements and information
5 related to any one (1) or more of the following:

6

7 (A) Determining by measurement the
8 configuration or contour of the earth's surface or the
9 position of fixed objects thereon;

10

11 (B) Determining by geodetic surveys the
12 size and shape of the earth or the position of any point on
13 the earth;

14

15 (C) Locating, relocating, establishing,
16 reestablishing or retracing property lines or boundaries of
17 any tract of land, road, right-of-way or easement;

18

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

21

22 (E) Locating or laying out control for
23 alignments, positions or elevations for the construction of
24 fixed works;

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(F) Determining, by the use of principles of surveying, the position for any survey monument, boundary or nonboundary, or reference point, or establishing or replacing any such monument or reference point; or

(G) Creating, preparing or modifying electronic, computerized or other data relative to the performance of the activities in the described activities in this paragraph.

(xi) "Professional engineer" means a person who, by reason of special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering and who has been duly licensed as a professional engineer by the board. The board may designate a professional engineer as being licensed in a specific discipline or branch of engineering signifying the area in which the engineer has demonstrated competence on the basis of education, experience and examination;

1 (xii) "Professional land surveyor" means a
2 person who has been duly licensed as a professional land
3 surveyor by the board, and who is a professional specialist
4 in the technique of measuring land, educated in the basic
5 principles of mathematics and the related physical and
6 applied sciences, and the relevant requirements of law for
7 adequate evidence required to survey real property, and who
8 is engaged in the practice of surveying as defined by this
9 act. The board may designate a professional land surveyor
10 on the basis of education, experience and examination;

11

12 (xiii) "Responsible charge" means direct charge
13 and control and personal supervision of engineering work or
14 land surveying. Only a professional engineer or
15 professional land surveyor may legally assume responsible
16 charge under this act;

17

18 (xiv) "Seal" means a symbol, image or list of
19 information adopted in accordance with board rules and
20 regulations;

21

22 (xv) "This act" means W.S. 33-29-150 through
23 33-29-173.

24

1 **33-29-151. Creation of board.**

2

3 (a) The Wyoming board for professional engineers and
4 professional land surveyors is created to consist of eight
5 (8) members appointed by the governor for a term of four
6 (4) years plus the state engineer who shall serve during
7 his term in office. The board shall be comprised as
8 follows:

9

10 (i) The state engineer;

11

12 (ii) One (1) professional engineer in the
13 education field at the university level;

14

15 (iii) One (1) professional engineer in a
16 discipline other than civil engineering;

17

18 (iv) Two (2) professional engineers who are
19 engaged in private practice;

20

21 (v) One (1) public member, neither an engineer
22 nor a land surveyor; and

23

1 (vi) Three (3) professional land surveyors
2 including two (2) engaged in private practice. One (1) of
3 the three (3) may hold dual licensure in engineering and
4 land surveying.

5

6 (b) The governor may remove a member of the board as
7 provided in W.S. 9-1-202. Appointment to fill a vacancy
8 caused other than by expiration of term shall be for the
9 unexpired portion of the term.

10

11 **33-29-152. Qualifications of board members.**

12

13 (a) Each member of the board shall be a citizen of
14 the United States and a resident of this state.

15

16 (b) Each engineer member of the board shall have been
17 engaged in the lawful practice of engineering as a
18 professional engineer for not less than twelve (12) years,
19 have been in responsible charge of engineering services for
20 not less than five (5) years, and shall be a licensed
21 professional engineer in this state.

22

23 (c) Each land surveyor member shall have been engaged
24 in the lawful practice of land surveying as a professional

1 land surveyor for not less than twelve (12) years and shall
2 have been in responsible charge of land surveying services
3 for not less than five (5) years and shall be a licensed
4 professional land surveyor in this state.

5

6 **33-29-153. Compensation of board members.**

7

8 Each member of the board except the state engineer shall
9 receive as salary the sum paid each day to legislators for
10 the time consumed in the performance of his duties. Each
11 member shall receive per diem and mileage allowance as
12 allowed to state employees. Compensation and expenses shall
13 be paid only from the fees collected by the board.

14

15 **33-29-154. Organization of board.**

16

17 (a) The board shall biennially elect from its
18 membership a chair, vice-chair and secretary-treasurer to
19 serve for not more than two (2) terms. The board shall
20 hold at least four (4) regular meetings each year and such
21 special or called meetings as the rules provide.

22

1 (b) Five (5) members shall constitute a quorum. No
2 decision shall be made unless it receives the affirmative
3 votes of at least five (5) members of the board.

4

5 **33-29-155. Powers and duties of board.**

6

7 (a) Responsibility for enforcement of this act is
8 vested in the board. The board shall have all duties,
9 powers and authority specifically granted by and necessary
10 to the enforcement of this act.

11

12 (b) The board shall make, adopt, amend, repeal and
13 enforce reasonable rules and regulations necessary for the
14 proper administration and enforcement of this act, the
15 board's meetings, procedures, records, examinations and the
16 conduct thereof. The board shall also adopt rules and
17 regulations for professional conduct. Rules adopted by the
18 board shall be binding upon any person licensed under this
19 act and any nonlicensed person found by the board to be in
20 violation of the provisions of this act. The rules shall
21 be applicable to any business entity holding a certificate
22 of authorization. The board shall adopt an official seal
23 which shall be affixed to each license issued by the board.

24

1 (c) In carrying out the provisions of this act, the
2 board may subpoena witnesses and compel their attendance,
3 and also may require the submission of books, papers,
4 documents or other pertinent data, in any disciplinary
5 matter, or in any case where a violation of this act is
6 alleged. Upon failure or refusal to comply with any lawful
7 order of the board, or upon failure to honor its subpoena
8 as herein provided, the board may apply to any Wyoming
9 court to enforce compliance with the provisions of this
10 subsection.

11

12 (d) The board may apply for relief by injunction in
13 the established manner provided in civil cases, without
14 bond, to enforce the provisions of this act or to restrain
15 any violation thereof. In those proceedings, it shall not
16 be necessary to allege or prove either that an adequate
17 remedy at law does not exist or that substantial or
18 irreparable damage would result from the continued
19 violation thereof. The members of the board shall not be
20 personally liable for instituting these proceedings.

21

22 (e) The board may require applicants for licensure to
23 pass such examinations as it deems necessary to determine
24 the applicant's qualifications.

1

2 (f) The board shall have the power and authority to
3 require a demonstration of continuing professional
4 competency of engineers and land surveyors as a condition
5 of renewal or relicensure.

6

7 (g) No action or other legal proceedings for damages
8 shall be instituted against the board or against any board
9 member or employee or agent of the board for any act done
10 in good faith and in the intended performance of any power
11 granted under this act or for any neglect or default in the
12 performance or exercise in good faith of any duty or power.

13

14 (h) In carrying out the duties, functions and
15 obligations of this act, the board may contract with any
16 agency or private vendor as the board considers
17 appropriate. The board may also enter into contracts to
18 acquire, own, encumber, issue, replace, deal in and dispose
19 of real and personal property.

20

21 (j) The board shall have the power to appoint
22 committees as it deems necessary to assist the board in
23 carrying out its responsibilities under this act. Any
24 individual appointed by the board to serve on a committee

1 or otherwise carry out the functions of this act is
2 entitled to reimbursement of expenses as approved by the
3 board.

4

5 (k) The board shall have the power to employ a board
6 administrator and staff to properly perform its work and to
7 assist in carrying out the responsibilities of this act.
8 Any individual employed by the board shall receive a salary
9 and salary adjustments as the board shall determine.

10

11 (m) The board shall have the power to establish and
12 collect fees as provided by W.S. 33-1-201. The board
13 administrator shall receive and account for all monies
14 received under this act. All monies received, and the
15 interest thereon, shall be deposited in the state treasury
16 and credited to the professional engineer and professional
17 land surveyor account. Expenditures from the account shall
18 be made only upon requisition submitted by the board
19 administrator or secretary-treasurer. All monies in the
20 account are specifically designated for the use of the
21 board to cover expenses reasonably necessary for the proper
22 performance of its duties under this act, including the
23 expenses of board delegates to meetings of, and membership
24 fees to, any national organization. The board may pay

1 miscellaneous expenses associated with board members
2 seeking and holding appropriate regional or national
3 offices.

4

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

7

8 **33-29-156. Petition for injunction.**

9

10 (a) The district court may issue an injunction upon a
11 petition filed as provided in this section to enjoin the
12 practice of engineering or land surveying by any person not
13 licensed to practice those occupations who is not exempt
14 under this act from licensure requirements.

15

16 (b) The district court of any county in which the
17 offending party may be found or the district court of
18 Laramie County shall have original jurisdiction of any
19 injunction proceedings.

20

21 (c) In a petition for injunction pursuant to
22 subsection (a) of this section, it shall be sufficient to
23 charge that the respondent on a day certain in a named
24 county engaged in the practice of engineering or land

1 surveying without a license and without being exempt under
2 this act from licensure requirements. No showing of actual
3 damage or injury shall be required.

4

5 (d) The petition shall be filed in the name of the
6 state by the board or at the request of the board by the
7 attorney general or any district attorney in Laramie County
8 or any other county where the respondent may be found.

9

10 (e) Issuance of an injunction shall not relieve
11 respondent from being subject to any other proceeding under
12 this act. Any violation of an injunction shall be punished
13 as contempt of court.

14

15 **33-29-157. Annual report of board; filing copies of**
16 **lists of licensees.**

17

18 On or before October 30 of each year the board shall report
19 to the governor, which shall include the operation and
20 statistics relative to the board's statutory duties. A
21 complete roster showing the names and last known address of
22 all licensed professional engineers and licensed
23 professional land surveyors shall be established by the

1 board administrator once each year in a format approved by
2 the board.

3

4 **33-29-158. Immunity from personal liability.**

5

6 (a) A member, agent or employee of the board and any
7 person reporting information to the board under oath shall
8 be immune from personal liability with respect to any act
9 done and any action taken in good faith without fraud or
10 malice.

11

12 (b) The immunity provided by this section shall
13 extend to any member of any professional review committee,
14 investigator or witness appearing before the committee or
15 board.

16

17 **33-29-159. License required for the practice of**
18 **engineering or land surveying.**

19

20 The practice of engineering and land surveying is a
21 privilege which shall be granted by the board pursuant to
22 this act based on the qualifications of the person or
23 business entity. In order to safeguard life, health and
24 property and to promote the public welfare, any person or

1 business entity in either public or private capacity
2 desiring to practice or offer to practice professional
3 engineering or professional land surveying in Wyoming shall
4 be required to submit evidence to the board showing that
5 the applicant is qualified to practice and if qualified
6 shall be licensed as provided by this act and board rules
7 and regulations.

8

9 **33-29-160. Qualifications for intern licensure.**

10

11 (a) An applicant for enrollment as an engineer intern
12 shall be of good moral character and repute. A college
13 senior or graduate of an engineering program of four (4)
14 years or more approved by the board shall be admitted to an
15 eight (8) hour written examination in the fundamentals of
16 engineering. Upon passing the examination and providing
17 proof of graduation from the engineering program, the
18 applicant shall be certified or enrolled as an engineer
19 intern if otherwise qualified.

20

21 (b) An applicant for enrollment as a surveyor intern
22 shall be of good moral character and repute. One (1) of
23 the following shall apply:

24

1 (i) A college senior or graduate of a surveying
2 program of four (4) years or more approved by the board
3 shall be admitted to an eight (8) hour written examination
4 in the fundamentals of surveying. Upon passing the
5 examination and providing proof of graduation, the
6 applicant shall be certified or enrolled as a surveyor
7 intern if otherwise qualified;

8

9 (ii) A graduate of a nonsurveying engineering
10 program of four (4) years or more approved by the board,
11 who has at least two (2) years of progressive experience in
12 surveying, and at least thirty (30) semester credit hours
13 in surveying, mapping, and other courses, approved by the
14 board, shall be admitted to an eight (8) hour written
15 examination in the fundamentals of surveying. Upon passing
16 the examination, the applicant shall be certified or
17 enrolled as a surveyor intern, if otherwise qualified;

18

19 (iii) A graduate of a four (4) year or more
20 program not directly related to surveying or engineering,
21 approved by the board, who has at least four (4) years of
22 progressive experience in surveying and at least thirty
23 (30) semester credit hours in surveying, mapping and other
24 courses, approved by the board, shall be admitted to an

1 eight (8) hour written examination in the fundamentals of
2 surveying. Upon passing the examination, the applicant
3 shall be certified or enrolled as a surveyor intern, if
4 otherwise qualified;

5

6 (iv) A graduate with an associate degree in a
7 surveying technology curriculum approved by the board who
8 has four (4) years of combined office and field experience
9 in land surveying, of which two (2) years shall have been
10 in charge of land surveying projects under the supervision
11 of a licensed land surveyor shall be admitted to an eight
12 (8) hour written examination in the fundamentals of
13 surveying. Upon passing the examination, the applicant
14 shall be certified or enrolled as a surveyor intern, if
15 otherwise qualified. This paragraph is repealed effective
16 June 30, 2016.

17

18 **33-29-161. Qualifications for professional licensure**
19 **by examination.**

20

21 (a) The following shall apply to an applicant for
22 professional licensure as an engineer:

23

1 (i) The applicant shall be of good moral
2 character and repute;

3

4 (ii) The applicant shall meet all the
5 qualifications for an engineer intern as defined in W.S.
6 33-29-160;

7

8 (iii) An engineer intern or an individual with a
9 doctorate in engineering acceptable to the board and with a
10 specific record of four (4) years or more, earned after the
11 four (4) year degree described in W.S. 33-29-160(a), of
12 progressive experience on engineering projects of a grade
13 and a character which indicates to the board that the
14 applicant may be competent to practice engineering shall be
15 admitted to an eight (8) hour written examination in the
16 principles and practice of engineering. Upon passing the
17 examination, the applicant shall be granted a certificate
18 of licensure to practice engineering in this state,
19 provided the applicant is otherwise qualified;

20

21 (iv) The board may exempt an applicant from the
22 fundamentals of engineering examination if he is a graduate
23 of a school and curriculum approved by the board and has
24 been actively engaged in experience in the profession for

1 which licensure is sought for at least twenty (20) years
2 following graduation.

3

4 (b) The following shall apply to an applicant for
5 professional licensure as a land surveyor:

6

7 (i) The applicant shall be of good moral
8 character and repute;

9

10 (ii) The applicant shall meet all the
11 qualifications for a surveyor intern as defined in W.S.
12 33-29-160;

13

14 (iii) A surveyor intern or an individual with a
15 doctorate in surveying acceptable to the board who has a
16 specific record of four (4) years or more, earned after the
17 degree described in W.S. 33-29-160(b)(i), (ii) or (iii), of
18 combined office and field experience satisfactory to the
19 board in land surveying under the supervision of a
20 professional land surveyor shall be admitted to an eight
21 (8) hour written examination in the principles and practice
22 of surveying. Upon passing the examination, the applicant
23 shall be granted a certificate of licensure to practice

1 surveying in this state, provided the applicant is
2 otherwise qualified.

3

4 (c) Notwithstanding the requirements in this section,
5 the board may adopt rules for the licensure of graduates of
6 foreign universities.

7

8 **33-29-162. Application for licensure.**

9

10 (a) Application for licensure as a professional
11 engineer or professional land surveyor or licensure as an
12 engineer intern or surveyor intern shall be on a form and
13 in a manner prescribed and furnished by the board; shall
14 contain statements made under oath, showing the applicant's
15 education and a detailed summary of technical and
16 engineering experience or land surveying experience; and
17 shall include the names and complete mailing addresses of
18 the applicant's references.

19

20 (b) The board may accept the verified information
21 contained in a valid council record issued by the National
22 Council of Examiners for Engineering and Surveying for
23 applicants which contains all information that is required
24 by the board.

1

2 **33-29-163. Fees.**

3

4 (a) The licensure fees shall be established by rules
5 and regulations of the board for licensure as a
6 professional engineer, professional land surveyor, engineer
7 intern or surveyor intern in accordance with the provisions
8 of W.S. 33-1-201, and the appropriate fee shall accompany
9 the application.

10

11 (b) The licensure fee for a business entity shall be
12 established by rule and regulation of the board in
13 accordance with the provisions of W.S. 33-1-201 and the
14 appropriate fee shall accompany the application.

15

16 (c) The reasonable cost of rendering administrative
17 services and other miscellaneous services may be recovered
18 by the board.

19

20 (d) All fees submitted to the board shall be
21 nonrefundable.

22

23 **33-29-164. Seals and licenses.**

24

1 (a) The board shall adopt and prescribe seals for use
2 by a licensee who holds a valid license under this act.
3 Each seal shall bear the name of the licensee, shall state
4 the profession in which he is permitted to practice and, in
5 the case of engineering, the branch or branches of
6 engineering in which he has demonstrated proficiency and
7 other data the board deems pertinent.

8

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

13

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

19

20 (d) It shall be unlawful for any person not licensed
21 under this act to cause or permit the illegal use of a
22 licensee's seal, signature or stamp on any document.

23

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

11

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

17

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

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

3

4 (h) Each licensee under this act shall, upon
5 licensure, obtain a seal, the use and design of which shall
6 be prescribed by board rules and regulations. It shall be
7 unlawful for a licensee to affix or to permit his seal and
8 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 provision 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 **33-29-165. Licensure by comity.**

19

20 (a) A person who is licensed to engage in the
21 practice of engineering or land surveying issued by the
22 proper authority of a jurisdiction or possession of the
23 United States, the District of Columbia or any foreign
24 country who meets requirements that do not conflict with

1 the provisions of this act, and which are, in the judgment
2 of the board, not lower than the requirements in effect in
3 this state at the time the out-of-state license was issued
4 may be licensed without further examination except as
5 required to present evidence of knowledge of statutes,
6 rules and design requirements unique to this state.

7

8 (b) A person holding an active council record with
9 the National Council of Examiners for Engineering and
10 Surveying whose qualifications are evidenced by council
11 record and meet the requirements of this act may, upon
12 application, be licensed without further examination except
13 as required to examine the applicant's knowledge of
14 statutes, rules and design requirements unique to this
15 state.

16

17 **33-29-166. Renewal of licenses; relicensure;**
18 **reinstatement of license.**

19

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

22

23 (b) A certificate of licensure shall be renewed by
24 the board upon payment of the renewal fee and satisfactory

1 evidence of compliance with continuing professional
2 competency as established by rules and regulations of the
3 board. Any license issued by the board shall expire if the
4 licensee fails to renew the license prior to the date of
5 expiration. Failure to renew the license by the expiration
6 date shall result in the forfeiture of the right to
7 practice engineering or land surveying in this state.

8

9 (c) A licensee who has allowed his license to lapse
10 for failure to renew as herein provided may apply for
11 relicensure according to board rules and regulations.

12

13 (d) Any licensee who holds an active license to
14 practice in this state, and who wishes to discontinue the
15 practice of professional engineering or professional land
16 surveying in this state, may request in writing that the
17 board place his license on inactive status. A license on
18 inactive status shall not be considered lapsed or expired.
19 A reduced biennial renewal fee shall be required to retain
20 the inactive status. A licensee on inactive status may
21 apply for reinstatement pursuant to board rules and
22 regulations.

23

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

3

4 **33-29-167. Disciplinary authority; grounds; fines;**
5 **due process of law; settlement; reinstatement.**

6

7 (a) The board may refuse to issue, renew or
8 reinstate, or may suspend or revoke the certificate of
9 licensure of any professional engineer or professional land
10 surveyor, the certification or enrollment of any engineer
11 intern or surveyor intern, or certificate of authorization
12 of any firm, or may place on probation, fine or reprimand
13 any licensee who:

14

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

18

19 (ii) Has practiced fraud or misrepresentation:

20

21 (A) In obtaining or attempting to obtain
22 either an initial or renewal certificate of licensure or
23 certificate of authorization;

24

1 (B) In submitting any information or record
2 to the board; or

3

4 (C) In signing any document as a licensed
5 professional engineer or land surveyor.

6

7 (iii) Is unfit to practice by reason of
8 incompetence, negligence or other misconduct in the
9 practice of his profession;

10

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

17

18 (v) Has had a license to practice engineering or
19 land surveying in another jurisdiction, territory or
20 possession of the United States denied, revoked, suspended,
21 restricted, placed on probation or otherwise disciplined,
22 including fines, other than by reason of failure to renew
23 or meet education requirements;

24

1 (vi) Is convicted of, or enters a plea of guilty
2 or nolo contendere to, any felony, or is convicted of, or
3 enters a plea of guilty or nolo contendere to, any
4 misdemeanor in which dishonesty is an essential element, or
5 which is directly related to the practice of engineering or
6 land surveying;

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

14
15 (viii) Has violated this act, the Corner
16 Perpetuation and Filing Act under W.S. 33-29-140 through
17 33-29-149 or any provision of the rules or regulations of
18 the board or any lawful order of the board;

19
20 (ix) Has failed to cooperate in any board
21 investigation or request for information by the board;

22
23 (x) Has made a false statement or signed a false
24 statement, certification, or affidavit to induce payment;

1

2 (xi) Violates any term of probation imposed by
3 the board;

4

5 (xii) Uses a seal or practices engineering or
6 land surveying while the professional engineer's or land
7 surveyor's license is suspended, revoked, expired or
8 inactive;

9

10 (xiii) Signs, affixes or permits the licensee's
11 seal or signature to be affixed to any specification,
12 report, drawing, plan, plat, design information,
13 construction document or calculation, survey or revision
14 thereof which has not been prepared by the licensee or
15 under the licensee's responsibility or direct personal
16 supervision;

17

18 (xiv) Engages in dishonorable, unethical or
19 unprofessional conduct as defined by the board's rules and
20 regulations;

21

22 (xv) Fails to meet the continuing professional
23 competency requirements prior to the license or certificate
24 expiration date;

1

2 (xvi) Fails to provide proof of continuing
3 professional competency upon request by the board.

4

5 (b) In addition to, or in lieu of, any other penalty
6 provided in this section, any licensee who violates a
7 provision of this act or any rule or regulation pertaining
8 thereto, the board may impose a civil penalty in an amount
9 not to exceed two thousand five hundred dollars (\$2,500.00)
10 per offense, plus investigation and hearing costs. In
11 determining the amount of civil penalty to be assessed, the
12 board may consider the following factors:

13

14 (i) Whether the amount imposed will be a
15 substantial economic deterrent to the violation;

16

17 (ii) The circumstances leading to the violation;

18

19 (iii) The severity of the violation; and

20

21 (iv) The risk of, or actual harm to the public.

22

23 (c) Upon reasonable grounds to believe that a person
24 under the board's authority has committed acts in violation

1 of this act, the board may conduct investigations, hearings
2 and proceedings to determine whether a disciplinary action
3 should be taken against the holder of a license under this
4 act. No licensee may be disciplined by the board without
5 affording the licensee due process of law. The board may
6 promulgate rules for the practice and procedure concerning
7 investigations and disciplinary action against licensees in
8 accordance with this act and the Wyoming Administrative
9 Procedure Act.

10

11 (d) Disciplinary action may be informally settled by
12 the board and the holder of a certificate under this act
13 who is the subject of the action either before or after
14 initiation of hearing proceedings in accordance with the
15 provisions of W.S. 16-3-107(n).

16

17 (e) Any person whose license has been denied,
18 suspended or revoked pursuant to this act may apply for
19 reinstatement to the board after fulfilling those
20 requirements determined by the board. The application
21 shall be made in writing and in the form prescribed by the
22 board. The board may grant or deny the application or it
23 may modify its original findings to reflect any

1 circumstances that have changed sufficiently to warrant
2 modifications.

3

4 (f) As a result of disciplinary action, the board may
5 in addition to the other powers and duties, issue, renew or
6 reinstate a license subject to reasonable conditions which
7 the board may impose.

8

9 (g) A final decision of the board is subject to
10 judicial review as provided by law.

11

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

21

22 **33-29-168. Confidentiality of records.**

23

1 The following board records and papers are of a
2 confidential nature and shall not be deemed public records:
3 examination material for examinations not yet given, file
4 records of examination questions and solutions, exam
5 scores, letters of inquiry and reference concerning
6 applicants, transcripts of college courses and grades,
7 electronic mail addresses, board inquiry forms concerning
8 applicants, pending and closed complaints and investigative
9 files until a formal hearing may commence or until final
10 disciplinary action is taken, complaints and investigative
11 files for cases dismissed without disciplinary action,
12 other materials of similar confidential nature and
13 information otherwise protected by law.

14

15 **33-29-169. Practice by business entities.**

16

17 (a) A firm that practices or offers to practice
18 engineering or land surveying shall be required to obtain a
19 certificate of authorization by the board in accordance
20 with its rules.

21

22 (b) An engineering or land surveying firm desiring a
23 certificate of authorization shall file with the board a
24 complete application using a form provided by the board. A

1 form provided by the board shall be filed with the board
2 upon renewal or within thirty (30) days of the time any
3 information contained on the application form is changed or
4 differs for any reason. If in the judgment of the board
5 the application meets the requirements of this act, the
6 board shall issue a certificate of authorization for the
7 firm to practice engineering or land surveying.

8

9 (c) A certificate of authorization shall not be
10 required for a firm performing engineering or land
11 surveying for the firm itself or a parent or subsidiary of
12 the firm.

13

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

23

24 **33-29-170. Public works.**

1

2 No state, county or local government agency or authority,
3 or officials or employees thereof, shall engage in the
4 practice of engineering or land surveying involving either
5 public or private property without the project being under
6 the direct charge and supervision of a professional
7 engineer for an engineering project or a professional land
8 surveyor for a land surveying project.

9

10 **33-29-171. Exemptions and limitations.**

11

12 (a) Nothing in this act shall be construed to prevent
13 the practice by:

14

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

20

21 (ii) Any other legally recognized profession;

22

23 (iii) An employee of a licensee or of a person
24 exempt from licensure, if the employment does not involve

1 direct responsibility for design, inspection or
2 supervision;

3

4 (iv) Any full-time employee of any business
5 entity while doing work for that entity, provided that any
6 map, plat, plan or design filed in any office of public
7 record in this state shall be certified by a licensed
8 professional engineer or professional land surveyor as
9 provided by W.S. 33-29-173. This exemption shall not apply
10 to any business entity offering its services to the public
11 as professional engineers or professional land surveyors or
12 to any business entity engaged in designing and supervising
13 the building of works for public or private interests not
14 their own;

15

16 (v) An employee or a subordinate of a person
17 holding a certificate of licensure under this act, or an
18 employee of a person practicing lawfully under paragraph
19 (ii) of this subsection, provided the work does not include
20 final engineering or land surveying designs or decisions
21 and is done under the direct supervision of and verified by
22 a person holding a certificate of licensure under this act
23 or a person practicing lawfully under paragraph (ii) of
24 this subsection.

1

2 **33-29-172. Violations; penalty.**

3

4 (a) No person shall engage in the practice of
5 professional engineering or professional land surveying as
6 defined in this act without a valid current license except
7 as otherwise permitted pursuant to W.S. 33-29-171.

8

9 (b) Violation of any provision of this act shall
10 constitute a misdemeanor and upon conviction, the person
11 shall be subject to a fine of not more than one thousand
12 dollars (\$1,000.00), imprisonment for not more than one (1)
13 year, or both.

14

15 (c) The district attorney of the county in which the
16 misdemeanor is committed shall prosecute the case upon
17 proper information of the board or any other interested
18 party.

19

20 **33-29-173. Maps, plats, plans or designs for filing**
21 **to be certified by professional engineer or surveyor;**
22 **exception; size of maps.**

23

1 (a) All maps, plats, plans or designs filed in the
2 state engineer's office, the office of state lands and
3 investments, all county clerks offices, all city or town
4 offices, or any other office of public record in the state
5 of Wyoming, shall be certified by a professional engineer
6 or land surveyor licensed under this act as defined in W.S.
7 33-29-150(a)(ix) and (x). Hardcopy originals shall either
8 be drawn in waterproof black ink or acetate ink, or be an
9 acceptable photographic or other kind of reproduction on
10 good quality polyester base drafting film in a minimum
11 thickness of four-thousandths (.004) inch, or as otherwise
12 required by the receiving entity. Maps may be submitted in
13 electronic form pursuant to the Uniform Electronic
14 Transactions Act, W.S. 40-21-101 through 40-21-119. All
15 nonelectronic maps, plats, plans or designs shall conform
16 to one (1) of the following sizes and shall consist of one
17 (1) original drawing together with one (1) print:

18

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

21

22 (ii) Size AA - Eight and one-half (8 1/2) inches
23 wide and fourteen (14) inches long;

24

1 (iii) Size AAA - Eleven (11) inches wide and
2 seventeen (17) inches long;

3

4 (iv) Size B - Fifteen (15) inches long and ten
5 and three-fourths ($10 \frac{3}{4}$) inches wide. There shall be a
6 minimum of one and one-half ($1 \frac{1}{2}$) inch margin on the left
7 side of the short dimension for a binding edge; the
8 remaining three (3) margins shall be one-fourth ($\frac{1}{4}$) inch
9 each;

10

11 (v) Size C - Thirty-six (36) inches long and
12 twenty-two (22) inches wide. There shall be a minimum of
13 one and one-half ($1 \frac{1}{2}$) inch margin on the left side of
14 the short dimension for a binding edge; the remaining three
15 (3) margins shall be one-half ($\frac{1}{2}$) inch each;

16

17 (vi) Size D - Twenty-one and one-half ($21 \frac{1}{2}$)
18 inches long and fifteen (15) inches wide. There shall be a
19 minimum of one and one-half ($1 \frac{1}{2}$) inch margin on the left
20 side of the long dimension to serve as a binding edge; the
21 three (3) remaining margins shall be three-eighths ($\frac{3}{8}$) of
22 an inch each;

23

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

7

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

11

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

17

18 (x) 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) inch margin on the left side of the long dimension
21 to serve as a binding edge; the three (3) remaining margins
22 shall be three-eighths (3/8) of an inch each.

23

1 (b) The requirement for certification of maps and
2 plans by a licensed engineer or land surveyor shall not
3 apply in the case of applications filed in the state
4 engineer's office to construct:

5

6 (i) Small reservoirs for stock purposes with a
7 capacity up to twenty (20) acre feet or a dam height of
8 twenty (20) feet or less;

9

10 (ii) Special application reservoirs for fish
11 propagation, wetlands, recreation, aesthetics, domestic, or
12 wildlife purposes with a capacity up to twenty (20) acre
13 feet or a dam height of twenty (20) feet or less;

14

15 (iii) Flood detention reservoirs with a capacity
16 up to fifty (50) acre feet or a dam height of twenty (20)
17 feet or less provided the reservoir has a minimum outlet of
18 eighteen (18) inches diameter and the dead storage does not
19 exceed twenty (20) acre feet;

20

21 (iv) Diversions from a stream for stock or
22 domestic purposes with flow rates up to twenty-five (25)
23 gallons per minute;

24

1 (v) Diversions from springs for stock or domestic
2 purposes that divert twenty-five (25) gallons per minute or
3 less that do not fall under groundwater filing procedures.

4

5 **Section 2.** W.S. 9-1-901, 9-2-1028(a)(v)(B),
6 9-2-1032(d), 15-1-202(a)(i), 15-1-415(b)(ii), 15-1-418(b),
7 18-3-402(a)(xxiv), 18-3-704(a)(i) and (iv), 24-1-132(d),
8 24-2-110(f)(i), 30-5-108, 33-4-117(b)(iii),
9 33-29-141(a)(viii) and (ix), 33-29-147, 33-41-117(a)(iv),
10 33-41-121, 35-11-304(a)(iv), 41-3-114(d), 41-3-308(a) and
11 41-3-309(a) are amended to read:

12

13 **9-1-901. Qualifications.**

14

15 The state engineer shall have theoretical knowledge and
16 practical and managerial skill and experience which fits
17 him for the position and shall have at least two (2) years
18 of engineering practice and experience in the state and
19 shall be a ~~registered~~licensed professional engineer.

20

21 **9-2-1028. Definitions.**

22

23 (a) As used in this act:

24

1 (v) "Professional services" means:

2

3 (B) The practice of engineering or land
4 surveying pursuant to W.S. ~~33-29-114 through 33-29-149~~
5 33-29-150 through 33-29-173.

6

7 **9-2-1032. Contract procedure.**

8

9 (d) Each contract for professional services entered
10 into by the principal representative shall contain a
11 prohibition against gratuities, kickbacks and contingent
12 fees. The architect, ~~registered~~licensed land surveyor or
13 professional engineer shall certify under oath that he has
14 not in any way been involved in any gratuities, kickbacks,
15 or contingent fees in connection with his selection or
16 ultimate performance of this contract.

17

18 **15-1-202. Survey, map and census; contents;**
19 **affidavits.**

20

21 (a) Any person intending to apply for the
22 incorporation of a town shall:

23

1 (i) Have prepared an accurate survey and map of
2 the territory intended to be embraced within its limits,
3 which shall be made by a land surveyor ~~registered~~licensed
4 under the laws of Wyoming and shall show the courses and
5 distances of the boundaries of the territory, the quantity
6 of land embraced and be accompanied by the affidavit of the
7 surveyor. In preparing an accurate survey and map of the
8 territory intended to be embraced within the town limits, a
9 land surveyor ~~registered~~licensed under the laws of Wyoming
10 may reference or adopt courses and distances of the
11 boundaries of the territory from subdivision plats made by
12 a land surveyor ~~registered~~licensed under the laws of
13 Wyoming, platted in accordance with the provisions of W.S.
14 34-12-101 through 34-12-104;

15

16 **15-1-415. Additions to cities or towns by subdividing**
17 **landowners; plat requirements; filing and effect thereof;**
18 **controlling layout of streets.**

19

20 (b) The plat shall:

21

22 (ii) Have appended a survey made by a land
23 surveyor ~~registered~~licensed under the laws of this state
24 with a certificate that he has accurately surveyed the

1 addition, and that the parts thereof are accurately staked
2 off and marked with an appropriate metal monument including
3 magnetic iron, inscribed at least with the ~~registration~~
4 license number of the land surveyor to provide source
5 identification, at all lot corners and survey control
6 points of the addition.

7

8 **15-1-418. Annexing contiguous cities or towns;**
9 **annexation ordinance; filing.**

10

11 (b) A certified copy of the annexation ordinance
12 including a legal description of the area and the map
13 prepared pursuant to W.S. 15-1-402(c)(i) and in accordance
14 with W.S. ~~33-29-139~~33-29-173 shall be filed with the
15 county clerk of the county in which the action has taken
16 place.

17

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

19

20 (a) The county clerk shall:

21

22 (xxiv) File maps as defined in W.S. ~~33-29-139~~
23 33-29-173. The county clerk shall charge a fee of twenty-
24 five dollars (\$25.00) for filing the maps.

1

2

18-3-704. Establishment of lost corners.

3

4

5

6

7

(a) Whenever the location of any monument which marks the corner of any tract or tracts of land is in dispute between the owners of the adjoining lands, the monument shall be established as follows:

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

(i) The county surveyor of the county in which the corner is located or any ~~registered~~licensed land surveyor employed by one of the landowners shall immediately give notice in writing to all parties interested in the establishment of the corner, giving at least thirty (30) days notice and naming a day when he will make the necessary surveys to establish or restore the corner. If written notice cannot be made upon the owners or their agents because of nonresidence, then the notice shall be published once each week for four (4) consecutive weeks in a newspaper published in the county, or if there is no newspaper published in the county then in a newspaper of general circulation published nearest such county;

(iv) Any ~~registered~~licensed land surveyor rendering service under this section is entitled to fees

1 and other incident expense to be collected equally from all
2 interested parties.

3

4 **24-1-132. Contracts for county bridge work; bids;**
5 **exception.**

6

7 (d) All bridges to be constructed shall be designed
8 by a professional engineer who holds a valid ~~certificate of~~
9 ~~registration~~ license granted by the ~~state~~ Wyoming board ~~of~~
10 ~~examining~~ for professional engineers ~~of the state of~~
11 ~~Wyoming~~ and professional land surveyors. Plans and
12 specifications shall be prepared in accordance with the
13 provisions of W.S. 24-2-106.

14

15 **24-2-110. Cooperation with counties in construction**
16 **of county roads; allocation of costs; state-county road**
17 **construction account established.**

18

19 (f) There is created a Wyoming county road standards
20 committee appointed by the governor consisting of:

21

22 (i) Three (3) members nominated by the Wyoming
23 county commissioners association, one (1) of whom shall be
24 a ~~registered~~ licensed professional engineer;

1

2 **30-5-108. State oil and gas supervisor; appointment;**
3 **duties; authority of commission to appoint other employees;**
4 **payment of traveling and living expenses.**

5

6 To enable the commission to carry out its duties and powers
7 under the laws of this state with respect to conservation
8 of oil and gas, and to enforce the rules and regulations so
9 prescribed, the commission shall appoint one (1) chief
10 administrator who shall be a qualified and registered
11 licensed professional petroleum engineer or petroleum
12 geologist who shall be designated and known as the "State
13 Oil and Gas Supervisor." Such supervisor shall hold office
14 at the pleasure of the commission and shall receive a
15 salary, to be fixed by the commission. The state oil and
16 gas supervisor shall be charged with such duties as are
17 delegated by the commission, and in addition thereto he
18 shall investigate charges and complaints of violation of
19 the laws of this state with respect to conservation of oil
20 and gas, and any order, rules and regulation of the
21 commission made in connection therewith, and report
22 concerning all such violations to the commission. The
23 commission may at any time, when it finds that the public
24 interest will be served thereby appoint such other

1 employees as are found to be necessary, to assist the
2 commission and the state oil and gas supervisor in the
3 discharge of their respective duties. All employees or
4 assistants authorized by this act shall be paid their
5 necessary traveling and living expenses when traveling on
6 official business, at such rates and within such limits as
7 may be fixed by the commission, subject to existing law.

8

9 **33-4-117. Exemptions.**

10

11 (b) Nothing in this act shall be construed:

12

13 (iii) To prevent the independent employment of a
14 ~~registered~~licensed professional engineer for any
15 professional service related solely to civil, structural,
16 mechanical or electrical engineering in connection with any
17 building or building project.

18

19 **33-29-141. Definitions.**

20

21 (a) Except where the context indicates a different
22 meaning, terms used in W.S. 33-29-140 through 33-29-149
23 shall be defined as follows:

24

1 (viii) A "~~registered~~licensed land surveyor" is
2 a surveyor who is ~~registered~~licensed to practice land
3 surveying under W.S. ~~33-29-114 through 33-29-139~~33-29-150
4 through 33-29-173, and has a current ~~certificate~~license
5 for that calendar year;

6

7 (ix) The "board" is the ~~state~~Wyoming board ~~of~~
8 ~~registration~~ for professional engineers and professional
9 land surveyors.

10

11 **33-29-147. Signature on corner record required.**

12

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

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 engineers and land surveyors,
5 ~~registered~~licensed by the Wyoming board ~~of registration~~
6 for professional engineers and professional land surveyors
7 pursuant to W.S. ~~33-29-114 through 33-29-139~~ 33-29-150
8 through 33-29-173 are exempt from the ~~registration~~
9 licensure provisions of this act, providing, that no name,
10 title, or words are used which tend to convey the
11 impression that a ~~nonregistered~~ nonlicensed individual is
12 offering to perform services 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~~ 33-29-150
20 through 33-29-173, 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 **35-11-304. Administrator required to delegate certain**
2 **management functions to local governmental entities.**

3

4 (a) To the extent requested by a municipality, water
5 and sewer district or county, the administrator of the
6 water quality division, with the approval of the director,
7 shall delegate to municipalities, water and sewer districts
8 or counties which apply the authority to enforce and
9 administer within their boundaries the provisions of W.S.
10 35-11-301(a)(iii) and (v), including the authority to
11 develop necessary rules, regulations, standards and permit
12 systems and to review and approve construction plans,
13 conduct inspections and issue permits. Any authority
14 delegated under this section shall be subject to the
15 following conditions:

16

17 (iv) The local governmental entity shall
18 demonstrate to the administrator that all facilities will
19 be approved by a ~~registered~~licensed professional engineer
20 or city or county sanitarian for small wastewater
21 facilities or other qualified individual approved by the
22 water quality division administrator, and that it employs a
23 properly certified waste treatment plant operator
24 responsible for operation and maintenance of the treatment

1 works in a manner at least as stringent as the department
2 of environmental quality would require;

3

4 **41-3-114. Petition to change point of diversion or**
5 **means of conveyance.**

6

7 (d) Such petitions shall be accompanied by ~~maps~~ a map
8 in ~~duplicate, one (1) of which shall be on tracing linen of~~
9 ~~a size~~ a format required by the state engineer and state
10 board of control, prepared under certificate of a
11 ~~registered~~ licensed land surveyor in conformance with W.S.
12 33-29-173, and showing accurately the location of the
13 stream, the location of the ditch or ditches involved,
14 location of any intervening diversions, and if for
15 irrigation, the location of the lands changed or affected
16 by such change.

17

18 **41-3-308. Alterations or repairs of dams or diversion**
19 **systems; plans and specifications; duties of state**
20 **engineer.**

21

22 (a) Plans and specifications of any proposed
23 construction, enlargement, major repair, alteration or
24 removal of a dam or diversion system shall be prepared by

1 or under the direction of a ~~registered~~ professional
2 engineer licensed to practice in the state of Wyoming and
3 experienced in dam design and construction, and shall be
4 submitted to the state engineer for approval. It is
5 unlawful to commence construction, enlargement, major
6 repair, alteration or removal until the plans and
7 specifications have been approved by the state engineer. At
8 the request of the state engineer, the professional
9 engineer responsible for the plans and specifications shall
10 carry out any revisions of the plans and specifications or
11 provide such additional information as is necessary to
12 justify or clarify the design.

13

14 **41-3-309. Alterations or repairs of dams or diversion**
15 **systems; inspections performed and reports submitted to**
16 **state engineer by professional engineer.**

17

18 (a) A ~~registered~~ professional engineer licensed to
19 practice in the state of Wyoming shall be in charge of and
20 responsible for the construction, enlargement, major
21 repair, alteration or removal of any dam or diversion
22 system.

23

1 **Section 3.** W.S. 33-29-114 through 33-29-139 are
2 repealed.

3

4 **Section 4.** Licensure under the provisions of W.S.
5 33-29-114 through 33-29-139 prior to July 1, 2009 shall be
6 considered as years of experience for the purposes of this
7 act.

8

9 **Section 5.** This act is effective July 1, 2009.

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11

(END)