



## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536  
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**DATE:** March 26, 1998  
**TO:** INTERESTED LEGISLATORS  
**FROM:** Russ Whitesel, Senior Staff Attorney  
**SUBJECT:** 1997 Senate Bill 420, Relating to the Registration of Professional Geologists, Hydrologists and Soil Scientists

This memorandum provides a description of 1997 Senate Bill 420, relating to the registration of professional geologists, hydrologists and soil scientists. A description is also provided of Senate Substitute Amendment 1 to 1997 Senate Bill 420, relating to the regulation of professional geologists, hydrologists and soil scientists, creating an examining board of professional geologists, hydrologists and soil scientists. In addition, a description is provided of Senate Amendment 1 to Senate Substitute Amendment 1 to 1997 Senate Bill 420. A brief legislative history is also provided.

### A. LEGISLATIVE HISTORY

The Senate has passed Senate Substitute Amendment 1 to 1997 Senate Bill 420 and Senate Amendment 1 to Senate Substitute Amendment 1 to 1997 Senate Bill 420.

1997 Senate Bill 420 was introduced on January 28, 1998 by Senator Shibilski and others; cosponsored by Representative Johnsrud and others; and referred to the Senate Committee on Agriculture and Environmental Resources. A public hearing was held before the Committee on February 25, 1998. At an executive session held March 4, 1998, the Committee reported introduction of Senate Substitute Amendment 1 on a vote of Ayes, 4; Noes, 0. The Committee also recommended introduction and adoption of Senate Amendment 1 to Senate Substitute Amendment 1 on a vote of Ayes, 4; Noes, 0. The Committee subsequently recommended adoption of Senate Substitute Amendment 1 on a vote of Ayes, 4; Noes, 0; and recommended passage of the Bill, as amended, on a vote of Ayes, 4; Noes, 1.

The Bill was referred to the Joint Committee on Finance on March 12 and withdrawn on the same date. The Senate adopted Senate Amendment 1 to Senate Substitute Amendment 1 on a voice vote and recommended adoption of Senate Substitute Amendment 1 and passage on a voice vote. The Bill was received from the Senate on March 16 and referred to the Assembly

Committee on Consumer Affairs. A public hearing was held on the Bill on March 23, 1998. At an executive session held on March 24, 1998, the Committee recommended concurrence in the Bill as passed by the Senate on a vote of Ayes, 7; Noes, 1.

**B. PROVISIONS OF ORIGINAL SENATE BILL 420**

Current law provides, with certain exceptions, that a person may not practice professional geology or represent that he or she is a professional geologist unless he or she has been issued a certificate of registration as a professional geologist by the Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors (the Board) in the Department of Regulation and Licensing (DRL). The Board is authorized to issue such a certificate to a person who satisfies certain requirements, including all of the following:

1. Not having an arrest or conviction record, the circumstances of which substantially relate to the practice of professional geology.
2. Completing specified educational and experience requirements.
3. Submitting letters of recommendation.
4. Passing an examination. The Board may also issue certificates of registration to certain persons who are registered as professional geologists in other states or countries.

The Bill as originally introduced, transferred the authority to issue certificates of registration as a professional geologist from the Board to the DRL. The Bill would have prohibited a person who has not been issued a certificate of registration from representing that he or she is a registered geologist. However, the Bill would not have prohibited such a person from practicing professional geology. The Bill also would have permitted DRL to issue certificates of registration as a professional hydrologist or soil scientist. As with a professional geologist certificate, the Bill would have prohibited a person who has not been issued a certificate from representing that he or she is a registered hydrologist or soil scientist. However, the Bill would not have prohibited such a person from engaging in the practice of professional hydrology or soil science.

Senate Bill 420, as originally drafted, would have required DRL to promulgate rules establishing the educational and experience requirements that a person must satisfy in order to be issued a certificate of registration as a professional geologist, hydrologist or soil scientist. The Bill would have permitted DRL to promulgate rules establishing continuing education requirements that a person must satisfy to renew his or her certificate of registration. In addition, the DRL would have been required to appoint advisory councils to provide advice on the rules. The Bill also would have provided that a person is not eligible for a certificate unless he or she passes an examination and does not have an arrest or conviction record, the circumstances of which substantially relate to the practice of professional geology, hydrology or soil science. Finally, the Bill would have permitted DRL, under certain circumstances, to issue certificates of registration to certain persons who are registered as professional geologists, hydrologists or soil scientists in other states or countries.

### C. PROVISIONS OF SENATE SUBSTITUTE AMENDMENT 1

The Substitute Amendment removes the professional geologists from the Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors Examining Board and creates the professional geologists, hydrologists and soil scientists examining board. The original legislation would have provided "title" protection for professional geologists, hydrologists and soil scientists; the Substitute Amendment provides "practice" protection for each of the groups. The new examining board is patterned on the current Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors Examining Board.

The balance of this section provides a detailed explanation of the provisions contained in the Substitute Amendment.

1. The Substitute Amendment creates an examining board of professional geologists, hydrologists and soil scientists. The Bill is comprised of the following members, appointed for four-year terms: (a) three members who are professional geologists licensed under ch. 470, Stats.; (b) three members who are professional hydrologists licensed under ch. 470; (c) three members who are professional soil scientists licensed under ch. 470; and (d) four public members.

The members are nominated by the Governor and appointed and confirmed by the Senate. In addition, the Substitute Amendment provides that the examining board be divided into three sections: (a) a professional geologists section; (b) a professional hydrologists section; and (c) a professional soil scientists section. Each section consists of the three members of the named profession appointed to the examining board and one public member appointed to the section. The Substitute Amendment also provides that all matters pertaining to passing upon the qualification of applicants for and the granting or revocation of licenses in all other matters of interest to either the professional geologists, hydrologists or soil scientists section shall be acted upon solely by the interested section.

2. The Substitute Amendment provides for license examination and license renewal fees per year.

3. The Substitute Amendment amends the definition of "geology." Under the current statutes, s. 443.01 (3c), Stats., "geology" means the science that involves the study of the earth and the earth's origin as well as other aspects of geology. The Substitute Amendment renumbers and changes the current statute to refer to geology as "*a* science" rather than "*the* science."

4. The Substitute Amendment also defines the terms "hydrology" and "soil science." "Hydrology" is defined to mean a science that involves a study of the waters of the earth, including the study of the occurrence, circulation, distribution, chemistry or quality of water or its role as a natural agent that causes changes in the earth, and the investigation and collection of data concerning waters in the atmosphere or on the surface or in the interior of the earth, including data regarding the interaction of water with other gases, solids or fluids. "Soil science" is defined in the Substitute Amendment to mean a science that involves the study of soils between the surface of the earth and bedrock, including the study of natural or human processes or forces that occur in soils, and the investigation and collection of data concerning

soils, including data regarding the interaction of soils with other gases, solids or fluids or living organisms. The Substitute Amendment defines the "practice of professional hydrology" to mean the performance of or offer to perform any hydraulic service or work in which the public welfare or the safeguarding of life, health, environment or property is concerned or involved. The practice is defined to include the collection of hydrological data, consultation, investigation, evaluation, interpretation, planning or inspection relating to a service or a work that applies hydrology. The "practice of professional soil science" is defined to mean the performance of or offer to perform any service or work related to soil science in which the public welfare or the safeguarding of life, health, environment or property is concerned or involved. This practice is defined to include the collection of soil data, consultation, investigation, evaluation, interpretation, planning or inspection relating to a service or work that applies soil science.

5. The Substitute Amendment prohibits any person from engaging in the practice of professional geology or designating himself or herself as a professional geologist or use any other similar title unless the person is licensed by the professional geologists section. The Substitute Amendment also limits the authority to practice professional hydrology or professional soil science in the same manner.

6. The Substitute Amendment does not require a license for any of the following persons:

- a. Persons lawfully practicing within the scope of a license, permit, registration or certification granted by Wisconsin or by the federal government.
- b. An officer and employe of the federal government while engaged within this state in the practice of professional geology, hydrology or soil science for the federal government.
- c. A public service company or its regular employes acting on its behalf that engage in the practice of professional geology, hydrology or soil science exclusively in connection with the facilities of the company that are subject to regulation, supervision or control by a commission of Wisconsin or the federal government.
- d. A person who engages in the practice of professional geology, hydrology or soil science exclusively as a regular employe of a private company or corporation, provided the person is actually and exclusively employed by that corporation, and if the company or corporation has at least one professional geologist, hydrologist or soil scientist who is licensed under the legislation and is in charge of the company's or corporation's professional geological, hydrological or soil science work in the state.
- e. A contractor, subcontractor or construction material or equipment supplier who performs or undertakes activities that historically and customarily have been performed by a contractor, subcontractor or construction material or equipment supplier in his or her respective trade or specialty. This includes the preparation and use of drawings, specifications or layouts within a

construction firm or in construction operations, superintending of construction, installation and alteration of equipment, cost estimating, consultation with professional geologists, hydrologists or soil scientists or owners concerning material, equipment, methods and techniques and investigations or consultations with respect to construction sites. In order to qualify for the exception, all of these activities must be performed solely with respect to the performance of the contractors, subcontractors or suppliers work on buildings or with respect to supplies or materials furnished by him or her for buildings or structures or their appurtenances which are, or which are to be, erected, enlarged or materially altered in accordance with plans and specifications prepared by professional geologists, hydrologists or soil scientists, or by a person specified in items 1. to 4., above.

- f. A person employed by a county or the state who is engaged in the planning, design, installation or regulation of land and water conservation activities under ch. 92, Stats. (Soil and Water Conservation and Animal Waste Management), or s. 281.65, Stats., and who is certified under s. 92.18, Stats.
- g. A land surveyor registered under ch. 443, Stats., who is engaged in the planning, design, installation or regulation of land and water conservation activities under ch. 92 or s. 281.65.
- h. A person engaged solely in teaching geology, hydrology or soil science or a related physical or natural science or a person engaged solely in geological, hydrological or soil science research as an employe of an educational or research institution or a governmental agency.
- i. A well driller, as defined in s. 280.01 (7), Stats., who is engaged in well drilling as defined in s. 280.01 (8), Stats.
- j. A professional engineer registered under ch. 443 who, while engaged in the practice of professional engineering, collects, investigates, interprets or evaluates data relating to soil, rock, groundwater, surface water, gases or other earth conditions or uses that data for analysis consultation, planning, design or construction.
- k. A professional geologist, hydrologist or soil scientist who is licensed to engage in the practice of professional geology, hydrology or soil science in another state or county and is providing a consultation or demonstration with a professional geologist, hydrologist or soil scientist who is licensed under this chapter.

7. The Substitute Amendment lays out the duties of the newly created examining board. Included in the duties are to promulgate rules establishing requirements and standards for practice of professional geology, hydrology and soil science. The board is also given the authority to promulgate rules that establish continuing education requirements that a person must satisfy to be eligible to renew a license.

8. The Substitute Amendment sets forth the following licensure requirements for a professional geologist, hydrologist or soil scientist, requiring each applicant to do the following:

- a. Submit an application for the license to the department on a form provided by the department.
- b. Pay the fee specified in s. 440.05 (1), Stats.
- c. Pass an examination.
- d. Submit to the department letters of recommendations from five persons, three of which must be from individuals who have personal knowledge of the individual's experience in geological, hydrological or soil science work. At least one of these letters of recommendation must be from an individual who, depending on the license for which an application is made, is licensed as a professional geologist, hydrologist or soil scientist.
- e. Provide evidence that they do not have an arrest or conviction record, the circumstances of which substantially relate to the practice for which the license is being issued.

9. The Substitute Amendment requires that in order to be licensed as a professional hydrologist, the person must have a bachelor's degree with course credits in hydrology or water resources of a variety in nature sufficient to constitute a hydrology or water resources major from a college or university approved by the examining board. The applicant must also have completed at least five years of professional experience in hydrologic work of a character satisfactory to the section which demonstrates that the applicant is qualified to assume responsible charge of hydrologic work. At least two years of the work required must have been performed under the supervision of one of the following:

- a. A person who is licensed as a professional hydrologist or for work performed before January 1, 1999, who is registered as a professional geologist under ch. 443, 1995 Stats.
- b. A person who is licensed as a professional hydrologist in another state or territory or possession of the United States or in another country that has the licensure requirements for a professional hydrologist that are substantially equivalent to the requirements for licensure under this chapter.
- c. Any other person who the section determines is qualified to have responsible charge of hydrologic work. The person may also be eligible if they have completed at least seven years of professional experience in hydrologic work of a character satisfactory to the section which demonstrates that the applicant is qualified to assume a responsible charge of hydrologic work, with the satisfactory evaluation of the last two years of the professional experience under a peer review system approved by the section.

10. The Substitute Amendment creates a similar set of requirements for a person applying for a license as a professional soil scientist.

11. The Substitute Amendment provides that the appropriate section of the examining board must reduce the five-year experience requirement to four years if an applicant for a license has one or more advanced degrees, approved by the section, in geology, geophysics, geochemistry, hydrology, engineering geology, geotechnical engineering, soil science or a related science. The Substitute Amendment also directs the appropriate section of the examining board to reduce the seven-year experience requirement to six years if an applicant has an advanced degree in any of the above noted fields. Finally, the examining board section is authorized to waive a requirement relating to a bachelor's degree which constitutes a major in the field of soil science or professional hydrology.

12. The Substitute Amendment also authorizes firms, partnerships and corporations to undertake the practice of professional geological, hydrological or soil science services, provided they are under the direct supervision of a licensed geologist, hydrologist or soil scientist.

13. The Substitute Amendment provides that, beginning no later than January 1, 2000, the appropriate section of the examining board must conduct or arrange for examinations for licensure at least semiannually and at times and places determined by the section. The examinations administered under the section must require an applicant to demonstrate minimum competency in the principles and practice of subjects substantially related to the practice of professional geology, hydrology or soil science and may consist of one or more written or oral tests, or both.

14. The Substitute Amendment provides for the issuance of reciprocal licenses under certain circumstances and for renewal of licenses.

15. The Substitute Amendment sets forth the requirements for disciplinary proceedings and actions relating to the licensee. A license may be denied, limited, suspended or revoked if the applicant or license holder has done any of the following:

- a. Made a material misstatement in an application for a license or renewal of a license.
- b. Been arrested or convicted of an offense, the circumstances of which substantially relate to the practice of professional geology, hydrology or soil science.
- c. Been adjudicated mentally incompetent by a court of competent jurisdiction.
- d. Advertised in a manner that is false, deceptive or misleading.
- e. Advertised, practiced or attempted to practice under another's name.
- f. Engaged in the practice of professional geology, hydrology or soil science while the person's ability to engage in the practice was impaired by alcohol or another drug.

- g. Violated any requirement or standard relating to the practice of professional geology, hydrology or soil science established by the examining board by rule.
- h. Engaged in conduct while engaging in the practice of professional geology, hydrology or soil science which evidences is a lack of knowledge or ability to apply professional principles or skills.
- i. Failed to cooperate with the examining board in an investigation under this section.
- j. Aided another person in violating ch. 470 or any rule promulgated under ch. 470.

16. The Substitute Amendment provides that any person who violates the law or any rule adopted under the chapter may be required to forfeit not more than \$5,000 for the first offense and may be required to forfeit not more than \$10,000 for the second or any later offense within a year. Each day of continued violation constitutes a separate offense. The Substitute Amendment also provides that any person who wilfully violates this chapter or any rule promulgated under this chapter may be fined not more than \$10,000.

17. The Substitute Amendment provides for the initial appointments to the Board in a staggered fashion and also provides transitional provisions to permit the licensure of professional geologists, hydrologists or soil scientists prior to the establishment of permanent rules relating to licensure. The Substitute Amendment also authorizes the examining board to promulgate emergency rules to implement initial policies. The Substitute Amendment also authorizes the transfer of authority and records between examining boards.

18. The Substitute Amendment provides that the legislation takes effect on January 1, 1999, except for the transitional nonstatutory provisions contained in the Bill which become effective on the day after publication.

*Senate Amendment 1* to Senate Substitute Amendment 1, which was offered by the Senate Committee on Agriculture and Environmental Resources, makes two technical changes in the Bill. The Amendment specifies that the Petroleum Storage Environmental Cleanup Council can consider representatives not just from hydrologists, but from "professional geologists, hydrologists and soil scientists." Also, with regard to the membership on the Dry Cleaner Environmental Response Council, the engineer or hydrologist member could be an engineer member or a professional geologist, hydrologist or soil scientist.

If you have any other questions regarding this matter, please feel free to contact me directly at the Legislative Council Staff offices.

RW:jt:rv;ksm





AMERICAN SOCIETY OF AGRONOMY  
CROP SCIENCE SOCIETY OF AMERICA  
SOIL SCIENCE SOCIETY OF AMERICA

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For reply:  
677 South Segoe Road  
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March 20, 1998

Representative Clifford Otte  
State Capitol  
PO Box 8953  
Madison, WI 53708-8953

Dear Chairman Otte,

The Wisconsin Section of the American Institute of Professional Geologists, Committee for Fairness in the Earth Sciences, and Wisconsin Society of Professional Soil Scientists ask for your support of SB 420 as amended by the Senate that allows the registration of geologists, hydrologists and soil scientists. The legislation requires that our professions be regulated by practice acts under the direction of professional boards. It also establishes a joint examining board. The model proposed in this legislation is consistent with how other professions are regulated in Wisconsin.

We support the substitute amendment practice act because it would; 1) allow only those meeting the minimum standards of competency to practice, 2) those that practice must be licensed, therefore, they are regulated, and 3) definitions of each practice, each science, and their titles are included.

The substitute amendment to SB 420 is the result of many months of in depth discussions between our professions and:

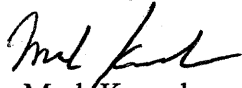
1. Representative DuWayne Johnsrud directing our professions to work together to come up with a remedy when it became clear that incorporating the previously passed Professional Geologist statute into the administrative code would limit the practice of hydrology and soil science.
2. The professions meeting to develop a solution facilitated by the Department of Regulation and Licensing and Senator Kevin Shibilski.
3. Senator Robert Welch insisting that any legislative solution developed must be based on practice acts—which is consistent with how Wisconsin regulates all of its professions.

March 20, 1998

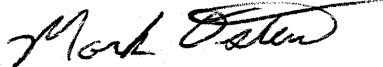
Page 2

We believe that the amended SB 420 meets the mandates from both Representative Johnsrud and Senator Welch. We ask for your support of the substitute amendment to SB 420 so that our three professions can work together to maintain the public health and welfare, as well as protect our valuable natural resources.

Sincerely,



Mark Knaack  
Committee for Fairness  
in the Earth Sciences



Mark Osten  
Regulatory & Legislative Committee  
Chair - AIPG Wisconsin



Thomas Hall  
Wisconsin Society of  
Professional Soil Scientists

cc: Senator Robert Welch  
Representative DuWayne Johnsrud  
Senator Kevin Shibilski



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Tommy G. Thompson  
Governor

Marlene A. Cummings  
Secretary

1400 E. WASHINGTON AVENUE  
P. O. BOX 8935  
MADISON, WISCONSIN 53708-8935  
(608) 266-2112

March 20, 1998

State Representative Clifford Otte, Chair  
Assembly Committee on Consumer Affairs  
State Capitol Room 109 West  
Madison, WI 53702

Dear Representative Otte:

I am writing to respond to the March 20, 1998 letter you received from the Committee on Fairness in the Earth Sciences, American Institute of Professional Geologists, and Wisconsin Society of Professional Soil Scientists.

I want to clarify the fact that the Department of Regulation and Licensing does not support Senate Bill 420 as amended by the Senate Substitute Amendment and passed by the State Senate. The department opposes this amended version of the bill because it would result in the creation of a new 12-member examining board and provide for extensive regulation of two new professions, hydrology and soil science, along with professional geologists.

Senate Bill 420 as amended by the Senate is not consistent with the Governor's call for minimal regulation and his position that no new regulatory boards need to be created. The department worked with these interested parties in creating the original version of Senate Bill 420 which is a reasoned response to the unanticipated adverse consequences of the geology statute created in 1994. Currently, the practice of geology is restricted to individuals who are registered as professional geologists. The definition of geology is so broad, some individuals are prohibited from working in the geology-related professions of hydrology and soil science except under the supervision of a registered geologist. Some students in these geology-related professions are unable to meet the educational and examination requirements set by the board that regulates geologists. The registry model established in the original version of Senate Bill 420 responds to these concerns of disenfranchisement by providing minimal regulation and, at the same time, protecting the public.

State regulation by practice acts imposes significant experience, education and examination requirements which can be anti-competitive and limits public access to professional services. Passage of Senate Bill 420 as amended by the State Senate could have the same adverse consequences that the bill is intended to correct.


Regulatory Boards

Accounting; Architects; Landscape Architects; Professional Geologists; Professional Engineers; Designers and Land Surveyors; Auctioneer; Barbering and Cosmetology; Chiropractic; Dentistry; Dietitians; Funeral Directors; Hearing and Speech; Medical; Nursing; Nursing Home Administrator; Optometry; Pharmacy; Physical Therapists; Psychology; Real Estate; Real Estate Appraisers; Social Workers; Marriage and Family Therapists and Professional Counselors; and Veterinary.

State Representative Clifford Otte  
March 20, 1998  
Page 2

I urge the committee to reject Senate Bill 420 as amended by the State Senate and work toward implementation of the registry model established in the original version of Senate Bill 420.

With respect,

  
Marlene A. Cummings  
Secretary

cc: Members of the Assembly Committee on Consumer Affairs  
State Senator Robert Welch  
State Senator Kevin Shibilski  
Mark Knaack  
Mark Osten  
Thomas Hall

**RUST Rust Environment & Infrastructure Inc.**

A Rust International Company  
4738 North 40th Street  
Sheboygan, WI 53083-1883  
P.O. Box 1067  
Sheboygan, WI 53082-1067

Phone 920.458.8711  
Fax 920.458.0537

March 20, 1998

Representative Clifford Otte  
27th Assembly District  
P.O. Box 8953  
Madison, WI 53708-8953

Dear Mr. Otte:

On behalf of Rust Environment & Infrastructure, an engineering and consulting firm in Sheboygan, Wisconsin, I am writing to express support for a bill and amendment that are under consideration by the Consumer Affairs Committee.

The bill and amendment: provides for registration of geologists, hydrologists, and soil scientists; defines the requirements for professionals to practice; and establishes a professional board that regulates the three disciplines.

The bill, SB 420, and amendment recently received bipartisan support in the Senate. I am hopeful that you will support this bill which promotes professional registration of scientists in Wisconsin.

Sincerely,

*James W. Garvin*

James W. Garvin, P.E. *by JW*  
Vice President

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State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Tommy G. Thompson  
Governor

Marlene A. Cummings  
Secretary

1400 E. WASHINGTON AVENUE  
P. O. BOX 8935  
MADISON, WISCONSIN 53708-8935  
(608) 266-2112

March 19, 1998

State Representative Clifford Otte  
State Capitol Room 109 West  
Madison, WI 53702

Dear Representative Otte:

The Department of Regulation and Licensing cannot support Senate Bill 420 as amended by the State Senate.

The department would be able to accept a compromise as follows:


- Eliminate the geologists from consideration for legislative changes. Current statutes regulating geologists to remain intact with geologists regulated by the Joint Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers, and Land Surveyors.

The Department would agree to:

- Registration of hydrologists and soil scientists, with direct regulation of these professions by the department, with assistance from advisory committees appointed by the Secretary and comprised of members of the professions involved.
- Definitions of professional geology, professional hydrology and professional soil science contained in the Senate Substitute Amendment 1 to SB 420 would be included.
- Language similar to Wis. Stats., 443.14 (13), which exempts professional engineers, may need to be included for soil scientists and hydrologists so that if these professionals are performing work related to their professions which would come under the definition of professional geology, they could perform their job without needing to be registered as a professional geologist. I have notified the drafter that this issue should be looked at to determine if this type of language would be necessary.

The department would be willing to participate in the drafting of this compromise. Please let me know if you would like to discuss this in greater detail.

With respect,

  
Marlene A. Cummings  
Secretary

Regulatory Boards

Accounting; Architects; Landscape Architects; Professional Geologists; Professional Engineers; Designers and Land Surveyors; Auctioneer; Barbering and Cosmetology; Chiropractic; Dentistry; Dietitians; Funeral Directors; Hearing and Speech; Medical; Nursing; Nursing Home Administrator; Optometry; Pharmacy; Physical Therapists; Psychology; Real Estate; Real Estate Appraisers; Social Workers, Marriage and Family Therapists and Professional Counselors; and Veterinary.

*Assembly*

**Committee Report**

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The committee on Consumer Affairs, reports and recommends:

**Senate Bill 420**

Relating to: the registration of professional geologists, hydrologists and soil scientists, providing an exemption from emergency rule procedures, granting rule-making authority and providing a penalty.

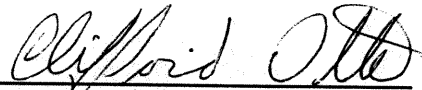
By Senators Shibilski, Panzer, Wineke, Plache, Chvala, Schultz, Rude, Moore, Weeden, Rosenzweig, Fitzgerald, Breske, Cowles, C. Potter, Risser, Zien, Huelsman, A. Lasee, Clausing and Drzewiecki; cosponsored by Representatives Johnsrud, Murat, Gard, Hasenohrl, Baumgart, Bock, Musser, Hanson, Grothman, Ryba, Goetsch, Springer, Gronemus, Ziegelbauer, Kaufert, Otte, Kreibich, Freese and Hebl.

CONCURRENCE RECOMMENDED, Ayes 7, Noes 1, Absent 0

Ayes: (7) Representatives Johnsrud, Ott, M. Lehman,  
Urban, Williams, Hasenohrl and Black.

Noes: (1) Representative Otte.

Absent: (0) None.



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Representative Clifford Otte  
Chair



## Assembly

### Record of Committee Proceedings

#### Committee on Consumer Affairs

##### Senate Bill 420

Relating to: the registration of professional geologists, hydrologists and soil scientists, providing an exemption from emergency rule procedures, granting rule-making authority and providing a penalty.

By Senators Shibilski, Panzer, Wineke, Plache, Chvala, Schultz, Rude, Moore, Weeden, Rosenzweig, Fitzgerald, Breske, Cowles, C. Potter, Risser, Zien, Huelsman, A. Lasee, Clausing and Drzewiecki; cosponsored by Representatives Johnsrud, Murat, Gard, Hasenohrl, Baumgart, Bock, Musser, Hanson, Grothman, Ryba, Goetsch, Springer, Gronemus, Ziegelbauer, Kaufert, Otte, Kreibich, Freese and Hebl.

March 16, 1998      Referred to committee on Consumer Affairs.

March 23, 1998      **PUBLIC HEARING HELD**

Present:    (6)      Representatives Otte, Johnsrud, Ott, M.  
Lehman, Williams and Black.

Absent:    (2)      Representatives Urban and Hasenohrl.

##### Appearances for

- Ron Hermes for Senator Kevin Shibilski, author
- Mark Knaack, Committee for Fairness in Earth Sciences, Stoughton
- Mark Osten, Wisconsin Section American Institute of Professional Geologists, Fitchburg
- Thomas Hall, Wisconsin Society Professional Soil Scientists, Oregon
- Scott M. Provost, Wisconsin Rapids
- Patrick McGuire, Plymouth
- Joan Underwood, Chair, Geology Section - Examining Board of Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors, Plymouth
- Jerry Taylor, UW-Soils, Oregon
- Tom Miller, UW-Stevens Point
- Jack W. Travis, UW - Whitewater - Geology Program , Pewaukee
- Ken Quinn, AIPG, Madison
- Phillip N. Albertson, Stevens Point
- Andrea Engebretson, UW- Soil Science Department, Madison

- Pamm Kasper, Oregon
- James O'Brien, UW-Madison Soil Science Department
- Caroline Van Schail, Madison, UW Soil Science Department

Appearances against

- Patricia McCormack, Deputy Secretary, Department of Regulation & Licensing, Madison

Appearances for Information Only

- Steve Karklins, Department of Natural Resources

Registrations for

- John M. Harkin, UW-Madison
- David M. Mickelson, Geology Section - Examining Board of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors, Madison
- Janet Battista, Madison
- Brad Wolbert, Madison
- Margaret C. Blanchard, Madison
- Philip Fauble, representing "Me, Myself and I", Madison
- Chris Carlson, Madison
- John M. Nonuian, UW - Soil Science, Madison
- Birl Lowery, UW-Soil Science, Madison
- Jayne Englebert, MSA Professional Services, Baraboo
- Melissa McCollech, UW-Madison Soil Science Department
- Kristofor R. Brye, UW - Madison Soil Science Department
- Carol Godiksen, Wisconsin Association of Consulting Engineers, Madison
- Ben Schmidt, UW Soil Science Department, Stoughton
- Robin Harris, UW Soil Science Department, Madison
- Sue Crowley, UW - Madison Soil Science & Forestry
- Dale Rezabek, AIPG, Madison
- Senator Robert Welch, 14th Senate District
- Dale Parker, Parker & Associates, Inc., Madison
- Howard F. Gundlach, WSPSS, Madison
- Carl Wacker, Wisconsin Society of Consulting Soil Scientists, Madison
- Dan Rooney, Soil Scientists, Madison
- John Samuelson, Madison
- Ronald Hartwig, UW - Soil Science Department, Madison
- Cezar Kongoli, UW - Madison - Soil Science
- Francisco J. Arriaa, UW - Madison soil scientists, Madison
- Tuneer Edil, ASCE

- Mel Mitchell, Wisconsin Society of Professional Engineers, Madison
- Fred Madison, UW-Soil Science, Lodi
- John Zajakowski, Fluid Management, Inc., Stevens Point
- William J Jolps (sp?), Fluid Management, Plover
- Peter W. Molling, Fluid Management, Inc., Mosinee

Registrations against

- None.

March 24, 1998

**EXECUTIVE SESSION**

Present: (8) Representatives Otte, Johnsrud, Ott, M. Lehman, Urban, Williams, Hasenohrl and Black.

Absent: (0) None.

Moved by Representative M. Lehman, seconded by Representative Otte, that **LRBa0647/1 (ASA)** be recommended for introduction.

Ayes: (2) Representative Otte and M. Lehman.

Noes: (6) Representative Johnsrud, Ott, Urban, Williams, Hasenohrl and Black.

Absent: (0) None.

MOTION FAILED, Ayes 2, Noes 6, Absent 0

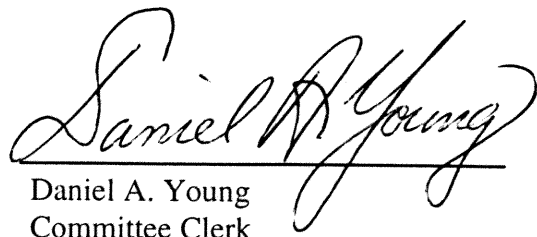
Moved by Representative Johnsrud, seconded by Representative Black, that **Senate Bill 420** be recommended for concurrence.

Ayes: (7) Representatives Johnsrud, Ott, M. Lehman, Urban, Williams, Hasenohrl and Black.

Noes: (1) Representative Otte.

Absent: (0) None.

CONCURRENCE RECOMMENDED, Ayes 7, Noes 1, Absent 0

  
 Daniel A. Young  
 Committee Clerk

# Vote Record

## Assembly Committee on Consumer Affairs

Date: 4-24-98  Executive Session  Public Hearing

Bill Number: SB 420

Moved by: Lehman Seconded by: Otte

Motion: intro of ASA

LRB 20647/1 sub

| <u>Committee Member</u>     | <u>Aye</u>                          | <u>No</u>                           | <u>Absent</u>            | <u>Present</u>           | <u>Absent</u>            |
|-----------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Rep. Clifford Otte, Chair   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Rep. DuWayne Johnsrud       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Rep. Alvin Ott              | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Rep. Michael Lehman         | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Rep. Frank Urban            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Rep. Annette Polly Williams | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Rep. Donald Hasenohrl       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Rep. Spencer Black          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Totals:                     | <u>2</u>                            | <u>6</u>                            |                          |                          |                          |

Motion Carried

Motion Failed

# Vote Record

## Assembly Committee on Consumer Affairs

Date: 4-24-98  Executive Session  Public Hearing

Bill Number: SB 420

Moved by: Johnsrud Seconded by: Black

Motion: concur in SB 420 (SSA 1st amended by Senate)

| <u>Committee Member</u>     | <u>Aye</u>                          | <u>No</u>                           | <u>Absent</u>            | <u>Present</u>           | <u>Absent</u>            |
|-----------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Rep. Clifford Otte, Chair   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Rep. DuWayne Johnsrud       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Rep. Alvin Ott              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Rep. Michael Lehman         | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Rep. Frank Urban            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Rep. Annette Polly Williams | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Rep. Donald Hasenohrl       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Rep. Spencer Black          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Totals:                     | <u>7</u>                            | <u>1</u>                            |                          |                          |                          |

Motion Carried

Motion Failed

FISCAL ESTIMATE

DOA-2048 (R10/94)

- ORIGINAL
- UPDATE
- CORRECTED
- SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.

Amendment No.

SB 420

Subject

Registration of professional geologists, hydrologists, and soil scientists

Fiscal Effect

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- Increase Existing Appropriation
- Increase Existing Revenues
- Decrease Existing Appropriation
- Decrease Existing Revenues
- Create New Appropriation
- Increase Costs - May be possible to absorb within agency's budget  Yes  No
- Decrease Costs

Local:  No local government costs

- 1.  Increase Costs
  - Permissive
  - Mandatory
- 2.  Decrease Costs
  - Permissive
  - Mandatory

- 3.  Increase Revenue
  - Permissive
  - Mandatory
- 3.  Decrease Revenue
  - Permissive
  - Mandatory

5. Types of local government units affected:
- Towns
  - Villages
  - Cities
  - Counties
  - Others \_\_\_\_\_
  - School Districts
  - WTCS Districts

Fund Sources Affected

- GPR
- FED
- PRO
- PRS
- SEG-S

Affected Ch. 20 Appropriations

20.165 (1) (g)

Assumptions Used in Arriving at Fiscal Estimate

This bill would authorize the Department of Regulation and Licensing to issue certificates of registration to geologists, hydrologists and soil scientists who meet the registration requirements. Geologists are currently registered by the examining board of architects, landscape architects, professional geologists, professional engineers, designers, and land surveyors. Costs associated with the new registration process would replace the travel and meeting costs of the Geology Section. The department does not usually pay expenses for advisory committee members. At this time, the department does not anticipate the need for additional staff, unless the number of new credential holders is much higher than anticipated.

The department is estimating that about 100-200 soil scientists and 100-150 hydrologists will register during the first biennium. As a result, the department's revenues will increase by at least \$8,200 in initial credential fees during the first biennium of regulation.

The department already has a geology exam in place to use as part of the application process. There is a soil scientist examination available which the department would use if this legislation is enacted into law. At this time, the department does not know if there will be an examination available for testing hydrologists. The department would seek a cooperative relationship with the American Institute of Hydrology (AIH) should their examinations (hydrologist-groundwater and hydrologist-surface water) be upgraded in accord with professional testing standards. The department has identified areas to be improved in the test and if these improvements are made, the department would be able to use the test. If these tests are not available, the department would need to explore other possibilities, including developing its own exams which could involve significant costs.

Long-Range Fiscal Implications

Agency/Prepared by:

Department of Regulation and Licensing  
 Patricia C. McCormack  
 (608) 267-2435

Authorized Signature

*Patricia C. McCormack*

Date

2/8/98

**FISCAL ESTIMATE WORKSHEET**

1997 Session

Detailed Estimate of Annual Fiscal Effect

ORIGINAL       UPDATE  
 CORRECTED       SUPPLEMENTAL

|                               |               |
|-------------------------------|---------------|
| LRB or Bill No./Adm. Rule No. | Amendment No. |
| SB 420                        |               |

**Subject**

Registration of geologists, hydrologists, and soil scientists

**I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):**

**II. Annualized Costs:**

| A. State Costs by Category  | Annualized Fiscal impact on State funds from: |                 |
|---|---|-----------------|
|   | Increased Costs                               | Decreased Costs |
| State Operations - Salaries and Fringes   | \$  | \$ -            |
| (FTE Position Changes)  | ( FTE)  | ( - FTE)        |
| State Operations - Other Costs  |   | -               |
| Local Assistance  |   | -               |
| Aids to Individuals or Organizations  |   | -               |
| <b>TOTAL State Costs by Category</b>  | <b>\$ 0</b>                                   | <b>\$ -</b>     |
| B. State Costs by Source of Funds   | Increased Costs                               | Decreased Costs |
| GPR   | \$  | \$ -            |
| FED   |   | -               |
| PRO/PRS   |   | -               |
| SEG/SEG-S   |   | -               |
| III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.) | Increased Costs                               | Decreased Costs |
| GPR Taxes   | \$  | \$ -            |
| GPR Earned  |   |                 |
| FED   |   | -               |
| PRO/PRS   | 4,100   |                 |
| SEG/SEG-S   |   | -               |
| <b>TOTAL State Revenues</b>   | <b>\$ 4,100</b>                               | <b>\$</b>       |

**NET ANNUALIZED FISCAL IMPACT**

|                        | STATE   | LOCAL |
|------------------------|---------|-------|
| NET CHANGE IN COSTS    | \$ 0    |       |
| NET CHANGE IN REVENUES | \$4,100 |       |

Agency/Prepared by:  
 Department of Regulation and Licensing  
 Patricia C. McCormack  
 (608) 267-2435

Authorized Signature  
*Patricia C. McCormack*

Date  
 2/8/98



## WISCONSIN ASSOCIATION OF CONSULTING ENGINEERS

131 W. Wilson St., Suite 502 Madison, WI 53703 (608) 257-WACE FAX: (608) 257-0009  
(9223)

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March 20, 1998

Assembly Committee on Consumer Affairs  
Representative Clifford Otte, Chair  
Wisconsin State Assembly  
P O Box 8953  
Madison, WI 53708

RE: SB 420 Geoscience Registry Bill

Dear Representative Otte and Members of the Committee:

The Wisconsin Association of Consulting Engineers (WACE) would like to be placed on record as being in favor of the substitute amendment for SB 420, as passed by the Senate and messaged to the Assembly. This organization represents 58 firms throughout the state. These member firms employ more than 4000 people and include engineers, geologists, soil scientists, and other highly educated, skilled, experienced people in responsible positions.

WACE is in general agreement with the amended bill but would like to make certain the legislation:

1. Does not restrict the practice of engineering
2. Does not license non engineers to do engineering

WACE is already on record as being opposed to the initial SB420 and we respectfully request the committee reject efforts to go back to the original bill. The 3 areas of concern, along with our comments, are as follows:

1. Mandatory Registration – Registration must be mandatory to practice.
2. Level of Education - The level of education, experience, and testing must be similar to that of the existing professional registrations.



3. Consistent Goals – The goals of registration, professional recognition, and protection of the public health and welfare must be consistent with the goals of other existing registrations.

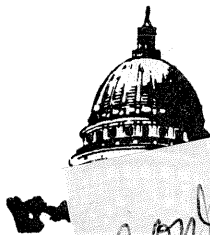
Thank you for allowing WACE to express its opinion on this legislation and we welcome an opportunity to discuss the issue if you feel it appropriate.

Sincerely,

A handwritten signature in cursive script that reads "Philip J. Ramlet". The signature is written in dark ink and is positioned above the printed name and title.

Philip J Ramlet  
President

cc: Sen Shibilski  
WACE legislative committee



State Senator

Contact  
Ron

Kevin Shibilski

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March 16, 1998

Representative Clifford Otte - Chair  
Assembly Committee on Consumer Affairs  
Wisconsin State Capitol  
Room 109 - West  
Madison, WI 53707

Dear Representative Otte:

I am writing to request the Assembly Committee on Consumer Affairs hold a public hearing and executive session on Senate Bill (SB) 420 as amended by Senate Substitute Amendment 1 and Senate Amendment 1 to Senate Substitute 1.

The substitute amendment is an agreement that was reached by the three professions (geology, hydrology and soil science) with the assistance of Senator Welch.

I would like to thank you in advance for your consideration of this matter. If you have any questions, please feel free to contact my Senate office.

Best wishes.

Most sincerely,

KEVIN W. SHIBILSKI  
State Senator  
24<sup>th</sup> Senate District

KS:rh

Rep. Otte and members of the Consumer Affairs Committee:

My name is Caroline van Schaik and as a graduate student in the Soil Science Department at UW-Madison, I would like to present this statement in support of SB 420 as amended. In this, the 109th year of our department, I hardly expected to need to defend the legitimacy of Soil Science as a valid field among the various geosciences. The public - of which I consider myself and you a part - is both more demanding in its definition of the environment and more savvy at making it better. The field of soil science embraces this attitude, and our priorities reflect this. My own research is driven by the dual needs for maximum crop yields and minimal groundwater contamination. Others in my department on both the faculty and student levels are *as* involved, now, in debates concerning land use policy, wastewater treatment, and bioremediation. As a student hopeful of making a contribution in the very near future, I believe that recognizing the whole environmental picture shows foresight and prudence. I sincerely ask that the senate do the same in opening up the current registry to rightful and appropriate fields such as soils science.



Tommy G. Thompson  
Governor

State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Marlene A. Cummings  
Secretary

1400 E. WASHINGTON AVENUE  
P. O. BOX 8935  
MADISON, WISCONSIN 53708-8935  
(608) 266-2112

TESTIMONY OF  
**Patricia McCormack**, representing the  
**DEPARTMENT OF REGULATION AND LICENSING**  
Before the Assembly Committee on  
**Consumer Affairs, State Representative Clifford Otte, Chair**  
Concerning  
**Senate Bill 420**  
**Room 225 NW - State Capitol**  
**Monday, March 23, 1998 2:00 P.M.**

Chairperson Otte, members of the Committee, thank you for this opportunity to present information concerning 1997 Senate Bill 420. I am Pat McCormack, Deputy Secretary of the Department of Regulation and Licensing and I am here to present the position of the Department of Regulation and Licensing on Senate Bill 420.

Regulation of the geology profession in Wisconsin is relatively recent, having been created by 1993 Wisconsin Act 463, effective May 12, 1994. The Department of Regulation and Licensing supports Senate Bill 420 in its original form, as necessary to respond to unanticipated adverse consequences of the geology statute created in 1994. The department does not support Senate Bill 420 as amended by the Senate.

About ten months ago, the profession and professors at the University of Wisconsin - Stevens Point identified problems with the current statute, namely, because the practice of geology is restricted to individuals who are registered as professional geologists. The definition of "geology" is broad, and as a result, some individuals are prohibited from working in the geology-related professions of hydrology and soil science in which they are educated and competent, except

Regulatory Boards

Accounting; Architects; Landscape Architects; Professional Geologists; Professional Engineers; Designers and Land Surveyors; Auctioneer; Barbering and Cosmetology; Chiropractic; Dentistry; Dietitians; Funeral Directors; Hearing and Speech; Medical; Nursing; Nursing Home Administrator; Optometry; Pharmacy; Physical Therapists; Psychology; Real Estate; Real Estate Appraisers; Social Workers; Marriage and Family Therapists and Professional Counselors; and Veterinary.

under the supervision of a registered geologist. In addition, students in these geology-related professions are unable to meet the educational and examination requirements set by the Board that regulates geologists. This group of professionals and students are, in effect, disenfranchised from their professions as a direct result of the extensive state regulatory control over geology.

The Department established a study committee to look into this issue and proposed ideas for legislation which were eventually incorporated into Senate Bill 420. The Department appreciates the support and assistance of many legislators and legislative staff in preparing the original version of Senate Bill 420 as a reasoned response to a limited problem.

In varying degrees, state regulation of a profession may be very restrictive and comprehensive or more modest and less intrusive. The most strict regulation imposes significant experience, education and examination requirements, limits use of professional titles and defines a legally protected scope of practice. Less restrictive regulatory structures do not include experience requirements, require lesser education and may protect professional titles without limiting a defined scope of practice. By nature, occupational regulation is anti-competitive and limits public access to professional services. Consequently, comprehensive regulation of a profession has been imposed where potential harm to public health and safety from incompetent or careless practitioners is the most threatening. Where the consumer is less at risk, the level of regulation has been less restrictive.

The registry model established in the unamended version of Senate Bill 420 provides minimal regulation but provides significant public protection. Under this bill as originally drafted, state law:

- Eliminates the problematic restrictions currently in the law and permits professionals to engage in the work for which they have been trained.
- Recognizes the three related professions of geologists, hydrologists, and soil scientists. Defines "geoscience" and defines the practices of geology, hydrology and soil science in unique terms and as primary branches of geoscience

- ❑ Requires the appointment of professional geology, hydrology and soil science advisory councils to advise and assist the department in regulating these professions.
- ❑ Limits use of the titles "Wisconsin registered professional geologist," "Wisconsin registered professional hydrologist" and Wisconsin registered professional soil scientist" to persons who are registered.
- ❑ Requires the Department to adopt administrative rules establishing requirements and standards for practice, registration requirements, including educational and training requirements and ethical requirements for practice.

The amended version of SB 420 establishes the most restrictive form of state regulation without real evidence of consumer need. SB 420 as amended:

- ❑ Creates a 12 member Examining Board of Professional Geologists, Hydrologists and Soil Scientists to regulate professional geologists, hydrologists and soil scientists who operate through three sections.
- ❑ Retains the current definition of the "practice of professional geology" and defines "hydrology," the "practice of professional hydrology," "soil science" and the "practice of professional soil science;" as independent professions without identifying the overlap and relatedness of the three professions as geoscience.
- ❑ With limited exceptions, prohibits any unlicensed person from practicing the professions of geology, hydrology or soil science or using any title or designation that "may tend to represent" the person as a professional geologist, hydrologist or soil scientist and provides a penalty of up to \$5,000 for a first violation and \$10,000 for a second or "willful" violation of these and other provisions. [Proposed secs. 470.02 and 470.09]
- ❑ Requires the board, upon the advice of the sections, to promulgate rules establishing practice standards and education requirements for the three professions.
- ❑ Requires applicants for licensure to submit letters of recommendation from 5 persons, including at least one letter from a licensee of the board.

- In addition to education, experience and examination prerequisites, requires applicants to have completed specified levels of experience: from 5 - 7 years, depending on the profession and the educational degree of the applicant.

The Department opposes the amended version of SB 420 because it would result in the creation of a new 12-member examining board and extensive regulation of two new professions, hydrology and soil science, along with professional geologists. The amended version has a substantial fiscal impact on our agency, increasing costs such as those expenses associated with an independent examining board, developing two hydrology examinations, and hiring staff to assist with extensive rulemaking by the board and board review and approval of all applications.

A Legislative Council analysis of Senate Bill 420 as originally drafted, states, in part, that,

“ . . . the draft significantly reduces the regulatory burden imposed by the statute, and the precise distinctions in the practice of these professions, while important to those engaged in the practice of the professions, are less critical for the purposes of the statute and are appropriately left for the discretion of the DRL.”

“By allowing DRL to determine the scope of each registration, the draft also avoids the potential for making errors in defining these professions in the statutes. The DRL can engage in a deliberative process with the three advisory committees to determine the appropriate definitions in the administrative rules.

Passage of the amended version of SB 420 could have the same adverse results that the bill is intended to correct.

The department would be able to accept a compromise which would register hydrologists and soil scientists with direct regulation by the department and which would eliminate the geologists from consideration for legislative changes, thereby, leaving the current statutes regulating geologists intact.

In any event, the department would urge the committee to amend SB420 so that it does not restrict the professional practices of these evolving

professions. Thank you for the opportunity to present the department's views on this legislation.