



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

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November 4, 1999

Senator Judy Robson, Co-Chairperson
Joint Committee for Review of Administrative Rules
15 South, State Capitol
Madison, WI 53702

Representative Glenn Grothman, Co-Chairperson
Joint Committee for Review of Administrative Rules
15 North, State Capitol
Madison, WI 53702

RE: Extending Emergency Rules For Regulating the Professions of
Professional Geology, Hydrology and Soil Science

Dear Senator Robson and Representative Grothman:

I am writing you on behalf of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists (Examining Board). The Examining Board would like to extend its emergency rules relating to the regulation and licensing of professional geologists, professional hydrologists and professional soil scientists for another 60 days.

The Examining Board has adopted its permanent rule. However, the rule will not become effective prior to the expiration of the emergency administrative rules. The Board's request is to assure that there is a rule in place to allow each section criteria for approving its application candidates. The Professional Hydrologists and Professional Soil Scientists sections have over 150 applications to approve under the nonstatutory grandfathering provisions of 1997 Wisconsin Act 300. The provisions set the statutory, educational and experience requirements for approving candidates under the grandfathering period, which ended December 31, 1998. Your committee's granting the extension would greatly assist the Examining Board's timely processing of candidate applications.

If you have any questions, please call me 266-3423.

With respect,

Alfred J. Hall Jr., Director, Bureau of Business and Design Professions on Behalf of the
Examining Board of Professional Geologists, Hydrologists and Soil Scientists
608-266-3423

Enclosure

cc: Examining Board of Professional Geologists, Hydrologists and Soil Scientists
William Black, Legal Counsel
Pamela A. Haack, Paralegal
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Regulatory Boards

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

STATE OF WISCONSIN
EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS,
HYDROLOGISTS AND SOIL SCIENTISTS

IN THE MATTER OF RULE-MAKING	:	
PROCEEDINGS BEFORE THE	:	
EXAMINING BOARD OF	:	ORDER ADOPTING
PROFESSIONAL GEOLOGISTS,	:	EMERGENCY RULES
HYDROLOGISTS AND	:	
SOIL SCIENTISTS	:	

ORDER

An order of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists to create chapters GHSS 1 to 5 relating to the registration and regulation of professional geologists, hydrologists and soil scientists.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2), Stats., and ss. 470.03 and 470.04, Stats., as created by 1997 Wisconsin Act 300.

Statutes interpreted: Chapter 470, Stats.

This proposed rule-making order of the Examining Board of Geologists, Hydrologists and Soil Scientists creates rules as authorized by 1997 Wisconsin Act 300.

The purpose of the rules is to specify requirements and procedures which apply to all three sections of the board. Chapter GHSS 1 identifies the requirements for the dimensions and use of licensure seals to verify how and when to use a licensure seal to verify that the professional has done the drawings or had direct supervision of the person. All firms holding themselves out to practice professional geology, hydrology and soil science must be registered. The firm must have a licensed professional who has responsible charge for each project. Chapter GHSS also include definitions, the responsibilities for professional geologist, hydrologists and soil scientists branch offices, for changing an address, and failure to renew a license.

Chapters GHSS 2, 3 and 4 specify the licensure requirements for professional geologists, hydrologists and soil scientists. And Chapter GHSS 5 defines unprofessional conduct.

TEXT OF RULE

SECTION 1. Chapters GHSS 1 to 5 are created to read:

CHAPTER GHSS 1

GENERAL REQUIREMENTS AND PROCEDURES

GHSS 1.01 Purpose. The purpose of rules in this chapter is to specify general requirements and procedures which apply to all 3 sections of the board. Requirements specific to professional geologists, professional hydrologists and professional soil scientists are specified in chs. GHSS 2, 3 and 4. Rules of professional conduct for all licensees are specified in ch. GHSS 5.

GHSS 1.02 Licensure seals. (1) Each professional geologist, hydrologist and soil scientist shall obtain a seal that complies with board specifications for licensure seals. The overall diameter may not be less than 1 5/8 inches nor more than 2 inches. Each seal shall include the licensee's name, license or permit number and city.

(2) The following designs for licensure seals have been approved:

[designs not included]

(3) A rubber stamp, identical in size, design and content to a board-approved seal, may be used as a substitute for a licensure seal.

(4) Each sheet of plans, drawings, documents, specifications and reports for professional geology, hydrology and soil science practice shall be signed, sealed and dated by the licensee who prepared, or directed and controlled preparation of, the written material, except as specified in sub. (5).

(5) If more than one sheet is bound together in a volume, the licensee who prepared or directed and controlled the preparation of the volume, may sign, seal and date only the title or index sheet if the signed sheet identifies clearly all other sheets comprising the bound volume and if any other sheets which are prepared by or under the direction and control of another licensee are signed, sealed and dated by the other licensee.

(6) Any addition, deletion or other revision to each sheet of plans, drawings, documents, specifications and reports for professional geology, hydrology, or soil science practice which affects public health and safety or any state or local code requirements may not be made unless signed, sealed and dated by the licensee who made or directed and controlled the making of the revision.

(7) All seals or stamps affixed to drawings to be filed as public documents shall be original. No stickers or electronically scanned images may be used. All seals and stamps on drawings shall be signed and dated by the licensed professional in a permanent ink contrasting with both the seal and the background. If other standards are prescribed by statute, the statutes shall govern.

GHSS 1.03 Branch offices. (1) DEFINITIONS. In this section,

(a) "Firm" means any business entity located in Wisconsin which provides or offers to provide geology, hydrology or soil science services to the public.

(b) "Resident" means a currently-registered professional geologist, professional hydrologist or professional soil scientist who spends the majority of his or her working schedule in one firm location and who is in charge of and responsible for the type of services offered or provided from that location.

(2) RESIDENT REQUIRED; RESPONSIBILITIES. Every firm maintaining one or more places of business in Wisconsin shall have:

(a) A resident professional geologist in each separate business location which provides or offers to provide professional geology services.

(b) A resident professional hydrologist in each separate business location which provides or offers to provide professional hydrology services.

(c) A resident professional soil scientist in each separate business location which provides or offers to provide professional soil science services.

(3) NOTICE. Every firm shall notify the board of at least one resident who is in charge of and responsible for each separate business location.

(4) RESIDENT LIMITATION. A resident may not be in charge of or responsible for services offered or provided from more than one business location.

GHSS 1.04 Change of address. Every licensee shall notify the board in writing of a change of address within 30 days of the change. The notice shall include the person's or firm's former and new addresses and each license or certification number held.

GHSS 1.05 Failure to renew a license. (1) If a licensee who fails to renew his or her license by the established renewal date applies for renewal of the license less than 5 years after its expiration, the license shall be renewed upon payment of the renewal fee specified in s. 440.08, Stats.

(2) (a) If a licensee applies for renewal of his or her license more than 5 years after its expiration, the board shall determine whether the applicant is competent to practice under the license in this state. The inquiry shall include a review of the applicant's practice within the previous 5 years, if any, in other licensing jurisdictions.

(b) After inquiry, the board shall impose any reasonable conditions on reinstatement of the license as the board deems appropriate, including a requirement that the applicant complete any current requirement for original licensure.

CHAPTER GHSS 2

PROFESSIONAL GEOLOGIST LICENSE

GHSS 2.01 Authority and purpose. The rules in this chapter are adopted under authority in ss. 15.08 (5) (b), 227.11 (2), 470.03 (1) (a) and 470.04, Stats. The purpose of the rules in this chapter is to interpret basic education, experience and examination requirements for registration as a professional geologist as specified in ss. 470.04 and 470.05, Stats.

GHSS 2.02 Applications. An applicant who files an application but does not comply with a request for information related to the application within one year from the date of the request shall file a new application.

Note: Applications are available upon request to the Professional Geologist Section of the board at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

GHSS 2.03 Experience as a professional geologist. (1) To qualify as satisfactory professional geologic work for the purposes of s. 470.02 (2) (c), Stats., an applicant's experience shall include the application of accepted principles in the practice of geology and shall demonstrate an applicant's progressive development of competence to practice as a professional geologist. The experience shall be acquired in the areas of the practice of geology listed in sub. (2) (a) to (m) or in other areas of the practice of geology which in the opinion of the professional geologist section provide the applicant with a knowledge of principles and data related to the practice of geology at least equivalent to that which would be acquired by experience in the areas of practice listed. Experience in every listed area is not required.

(2) Areas of experience in the practice of professional geology include:

(a) Mineralogy, including identification of minerals and mineral assemblages, the determination of physical and chemical properties of rocks, and determination of probable genesis and sequence of mineral assemblages.

(b) Petrography or petrology, including identification and classification of major rock types, determination of physical and chemical properties of rocks, and determination of probable genesis and sequence of rock formation.

(c) Geochemistry, including evaluation of geochemical data, and construction of geologic models based on geochemical analyses.

(d) Stratigraphy or historical analysis, including identification of rock sequences, establishment of the relative position of rock units, determination of the ages of rock units, interpretation of depositional environments and geologic histories, performance of facies analyses, and establishment of stratigraphic classifications.

(e) Structural geology, including identification of structural features and their interrelationships, determination of the orientation of structural features, performance of qualitative

and quantitative structural analyses, correlation of separated structural features, and interpretation of structural features and tectonic histories.

(f) Paleontology, including determination of estimated relative geologic ages of rocks, identification of fossils and fossil assemblages, correlation of rock biostratigraphy, and paleoecological interpretation.

(g) Geomorphology, including identification of landforms, performance of geomorphic field investigations, determination of geomorphic processes and the development and age relationships of landforms and soils, and interpretation of geomorphic field data.

(h) Geophysics, including performance of geophysical investigations in the field, performance of geological interpretations of geophysical data, and identification of potentially hazardous geological conditions by use of geophysical techniques.

(i) Hydrogeology, including design and interpretation of hydrologic and hydrogeologic testing programs, utilization of physical and chemical data to evaluate hydrogeologic conditions, development and interpretation of groundwater geologic maps and sections, application of geophysical methods to analyze hydrogeologic conditions, determination of the physical and chemical properties of aquifers and vadose zones, determination of groundwater resources and quality, design of wells and drilling programs, development of groundwater resource management plans, and development of remedial action programs.

(j) Engineering geology, including geologic interpretation for engineering design, identification and interpretation of potential seismic and geologic hazards, development and interpretation of engineering geology maps and sections, evaluation of materials resources, establishment of site selection and evaluation criteria, design and implementation of field and laboratory programs, and provision of sample soils for geologic analysis and materials properties testing.

(k) Mining geology, including formulation of exploration programs, implementation of field investigations on prospects, performance of geologic interpretations for mineral reserves, performance of economic analyses and appraisals, provision of geologic interpretations for mineral resource, mine development, and mine reclamation or abandonment.

(L) Petroleum geology, including formulation of exploration plans, implementation of field investigations on prospects, performance of geologic interpretations of physical properties and hydrocarbon reserves, performance of petroleum economic analyses and appraisals, and provision of geologic interpretations for development and abandonment of hydrocarbon reservoirs.

(m) Glacial geology, including understanding glacial processes, deposits, landforms and environments; identification and classification of glacial sediment; performance of facies analyses; identification of glacial sequences and establishment of stratigraphic classifications; determination of glacial histories; and development and interpretation of glacial geologic maps and sections.

(3) Not more than one year of satisfactory experience credit may be granted for any calendar year.

GHSS 2.04 Education. (1) In satisfaction of the education requirement under s. 470.04(2) (b), Stats., the professional geologist section shall accept a bachelor degree in geology, or a degree reflecting that the applicant has completed at least 30 semester hours or 45 quarter hours of course credits in geology of a variety and nature sufficient to constitute a major in geology, granted by a college or university accredited by a regional accrediting agency approved by the state board of education in the state in which the college or university is located, or accredited by a Canadian accrediting agency satisfactory to the board.

(2) If the degree is from an educational institution not meeting the requirements of sub. (1), the applicant must provide an official evaluation by a transcript evaluation service acceptable to the professional geologist section which shows that the degree is equivalent to a bachelor degree in geology or a bachelor degree with a major in geology meeting the requirements under sub. (1).

(3) In order to be considered a major in geology, an applicant must have completed at least 30 semester hours or 45 quarter hours of course credits which include credits in at least 4 of the following areas:

- (a) Geochemistry or geophysics.
- (b) Geologic field methods.
- (c) Glacial geology or geomorphology.
- (d) Hydrogeology or hydrology.
- (e) Mineralogy.
- (f) Petrology or petrography.
- (g) Stratigraphy or sedimentology.
- (h) Structural geology.

(4) In addition to the coursework required under sub (3), other coursework that may be used to satisfy the 30 semester hour or 45 quarter hour requirement includes, but is not limited to, the following:

- (a) Engineering geology.
- (b) Historical geology.
- (c) Mining geology.

- (d) Paleontology.
- (e) Petroleum geology.
- (f) Physical geology.

GHSS 2.05 Examinations. (1) **REQUIRED EXAMINATIONS.** All applicants for initial registration as a professional geologist shall pass examinations for the professional practice of geology approved by the professional geologist section. Required examinations shall include a fundamentals examination and a principles and practice of geology examination.

(2) **FUNDAMENTALS EXAMINATION.** The fundamentals examination requires an understanding of the physical and mathematical sciences involved in the fundamentals of geology. To be eligible to take the fundamentals examination, an applicant shall have done one of the following:

(a) Be of not less than second semester senior standing in a bachelor program in geology meeting the requirements of s. GHSS 2.04.

(b) Completed at least 24 semester hours or 36 quarter hours of course credits in geology and be of not less than second semester senior standing in a bachelor program meeting the requirements of s. GHSS 2.04.

(c) Completed at least 5 years of experience which is determined by the professional geologist section to be equivalent to the requirements of s. GHSS 2.04.

(3) **PRINCIPLES AND PRACTICE EXAMINATION.** The principles and practice examination requires the ability to apply geologic principles and judgment to problems in the practice of professional geology.

(a) To be eligible to take the principles and practice examination, an applicant under s. 470.04 (2) (c) 1., Stats., shall have done the following:

1. Met the requirements under s. 470.04 (2) (a), Stats.
2. Met the requirement under s. 470.04 (2) (b), Stats., or have at least 5 years of professional experience in addition to the qualifying experience under subd. 3., which is determined by the professional geologist section to be equivalent to the requirement under s. 470.04 (2) (b), Stats.
3. Completed at least 4 years of professional experience in geologic work of a character satisfactory to the professional geologist section, or completed at least 3 years of professional experience in geologic work of a character satisfactory to the section if the applicant has one or more advanced degrees relevant to the practice of professional geology, demonstrating that the applicant is qualified to assume responsible charge of geologic work. At least one year of the

qualifying professional experience under this subdivision must have been performed under the supervision of one or more of the following:

a. A person who is at the time of application registered as a professional geologist under this chapter or who, during the period of supervised experience, was registered as a professional geologist under ch. 443, 1995 Stats.

b. A person who, during the period of supervised experience, was registered as a professional geologist in another state, territory or possession of the United States or in another country that has registration requirements for professional geologists that are not lower than the requirements for registration under this chapter.

c. A person who, during the period of supervised experience, is deemed by the professional geologist section to have been qualified to have responsible charge of geologic work.

(b) To be eligible to take the principles and practice examination, an applicant under s. 470 (3) (c) 2., Stats., shall have done the following:

1. Met the requirements under s. 470.04 (2) (a), Stats.

2. Met the requirement under s. 470.04 (2) (b), Stats., or have at least 5 years of professional experience in addition to the qualifying experience under subd. 3., which is determined by the professional geologist section to be equivalent to the requirement under s. 470.04 (2) (b), Stats.

3. Completed at least 6 years of professional experience in geologic work of a character satisfactory to the professional geologist section, or completed at least 5 years of professional experience in geologic work of a character satisfactory to the section if the applicant has one or more advanced degrees relevant to the practice of professional geology, demonstrating that the applicant is qualified to assume responsible charge of geologic work. At least one year of the qualifying professional experience under this subdivision must have been performed under a peer review system approved by the professional geologist section.

(3) APPLICATION FOR EXAMINATION. An applicant for initial registration shall file an application for examination with the board not less than 2 months before the scheduled date of the examination.

(4) AMERICANS WITH DISABILITIES ACT. Otherwise qualified applicants with disabilities shall be provided with reasonable accommodations.

(5) EXAMINATION AND REFUND FEES. The fee for the examinations for professional geologists and the requirements for refund of fees are specified in s. 440.05, Stats., and ch. RL 4, respectively.

(6) PLACE AND TIME OF EXAMINATIONS. The examinations required by this section shall be held at sites and on dates designated by the professional geologist section.

(7) PASSING SCORES. (a) The passing scores set by the professional geologist section represent the minimum competency required to protect public health and safety.

(b) The fundamentals of geology and the principles and practice of geology examinations of the association of state boards of geology, and the examination on the elements of practice essential to the public health, safety or welfare are scored separately. An applicant shall achieve a passing score on each of the required examinations to qualify for licensure.

(c) The professional geologist section accepts the recommendations of the association of state boards of geology for the passing score on the fundamentals of geology and the principles and practice of geology examinations.

(d) The professional geologist section shall make the determination of the passing score on the examination on the elements of practice essential to the public health, safety or welfare after consultation with subject matter experts who have reviewed a representative sample of the examination questions and available candidate performance statistics.

(8) CHEATING. The professional geologist section may deny release of scores or issuance of a credential if the board determines that the applicant violated rules of conduct of the examination or otherwise acted dishonestly.

GHSS 2.06 Application contents. An application for registration as a professional geologist shall include:

(1) Either of the following:

(a) Official transcripts of graduate and undergraduate training, properly attested to by the degree granting institution and submitted by the institution directly to the board establishing that the applicant has been granted a bachelor degree in geology or a bachelor degree with a geology major meeting the requirements under s. 470.04 (2) (b), Stats., granted by a college or university accredited by a regional accrediting agency approved by the state board of education in the state in which the college or university is located, or accredited by a Canadian accrediting agency satisfactory to the board, or

(b) A chronological history of the applicant's employment or other qualifying experience in satisfaction of s. 470.04 (7), Stats.

(2) A chronological history of the applicant's employment or other qualifying experience in satisfaction of s. 470.04 (2) (c) 1., Stats.

(3) For applicants applying under s. 470.04 (2) (c) 1. (c) 1., Stats., a completed "supervised geologic experience" form completed by an individual who has firsthand knowledge of the applicant's supervised experience relating to professional geology and who is one of the following:

(a) A professional geologist who, during the time of the supervised practice, was registered in this state.

(b) A professional geologist who, during the time of the supervised practice, was registered in another licensing jurisdiction that has registration requirements not lower than the requirements for registration in this state.

(c) A person whom the professional geologist section determines is qualified to have responsible charge of geologic work.

(4) For applicants applying under s. 470.04 (2) (c) 2., Stats., submission of at least 3 "peer evaluation" forms satisfactory to the professional geologist section completed by registered professional geologists who have had professional contact with the applicant's practice and who certify that the applicant is qualified to assume responsible charge of geologic work.

(5) References from at least 5 individuals, at least 3 of whom shall be professionally competent to evaluate the applicant's practice and at least one of whom shall be registered as a professional geologist in this state or in a state where an applicant by reciprocity is currently licensed.

(6) The fee required under s. 440.05 (1), Stats.

(7) For applicants previously licensed in another state, territory or possession of the United States or in another country, verification of the applicant's licensure in the licensing jurisdiction of original licensure or, if the applicant has permitted his or her registration in the jurisdiction of original licensure to lapse, verification of licensure in the licensing jurisdiction where the applicant is currently licensed and where the applicant was last engaged in the practice of professional geology.

(8) For applicants who have a pending criminal charge or have been convicted of a crime, all related information necessary for the professional geologist section to determine whether the circumstances of the pending criminal charge or criminal conviction are substantially related to the circumstances of the practice of geology.

(9) Any additional data, exhibits or references showing the extent and quality of the applicant's experience that may be required by the professional geologist section.

(10) Evidence of successful completion of the fundamentals of geology examination and the principles and practice of geology examination.

Note: Application forms, including the "supervised geologic experience" form and the "peer evaluation" form are available upon request to the Professional Geologist Section of the board at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

CHAPTER GHSS 3

PROFESSIONAL HYDROLOGIST LICENSE

GHSS 3.01 Authority and purpose. The rules in this chapter are adopted under authority in ss. 15.08 (5) (b), 227.11 (2), 470.03 (1) (a) and 470.04, Stats. The purpose of the rules in this chapter is to interpret basic education, experience and examination requirements for registration as a professional hydrologist as specified in ss. 470.04 and 470.05, Stats.

GHSS 3.02 Applications. An applicant who files an application but does not comply with a request for information related to the application within one year from the date of the request shall file a new application.

Note: Applications are available upon request to the Professional Hydrologist Section of the board at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

GHSS 3.03 Experience as a professional hydrologist. (1) To qualify as satisfactory professional hydrologic work for the purposes of s. 470.02 (3) (c) Stats., an applicant's experience shall include the application of accepted principles in the practice of hydrology and shall demonstrate an applicant's progressive development of competence to practice as a professional hydrologist. The experience shall be acquired in the areas of the practice of hydrology listed in sub. (2) (a) to (c) or in other areas of the practice of hydrology which in the opinion of the professional hydrologist section provide the applicant with a knowledge of principles and data related to the practice of hydrology at least equivalent to that which would be acquired by experience in the areas of practice listed. Experience in every listed area is not required.

(2) Areas of experience in the practice of professional hydrology include but are not limited to:

(a) Collection and inventory of hydrological data, including monitoring and characterizing surface and subsurface water quality and flow; monitoring precipitation quality, quantity and distribution; assessing surface and subsurface water quality, conditions and impacts; inventorying and assessing sources of water contamination; assessing conditions affecting surface and subsurface water quantity, quality and timing of flow; conducting field tests to determine the hydraulic characteristics of saturated and unsaturated media; inventorying channel and flood plain conditions affecting flow and habitat; inventorying physical, chemical or biological characteristics of lakes and wetlands; designing, installing and maintaining monitoring networks and equipment, such as stream gauges and monitoring wells, used to evaluate surface and subsurface water flow and quality; selecting sampling protocols for measuring surface and subsurface water; measuring surface water flow utilizing current meters and flow control structures; and conducting boring programs and tests to characterize conditions that affect subsurface water flow, contaminant flux, and the source and extent of subsurface contamination.

(b) Interpretation, analysis and modeling of hydrological processes, including estimating the frequency of hydrologic events; estimating water budgets of surface water and aquifer systems; estimating pollutant loads; modeling and assessing surface and subsurface water contaminant

fate and transport; modeling and assessing watershed hydrology; modeling and assessing urban watersheds and stream flow; modeling and assessing surface water quality, modeling and assessing soil erosion and sediment transport; delineating regulatory floodplains; interpreting water chemistry data; evaluating subsurface water flow and quality characteristics; evaluating subsurface water discharge and recharge areas and rates; modeling subsurface water flow, quality and transport; analyzing the hydraulic characteristics of saturated and unsaturated media; and evaluating subsurface contamination and remedial alternatives.

(c) Planning design and management of hydrological systems, including designing water control structures, designing watershed management plans, designing runoff and erosion control measures, designing slope stabilization measures, designing detention and retention ponds, designing urban storm water management plans, designing for stream bank and lakeshore protection, designing channels and stream restoration work, designing subsurface remediation systems, and designing water supply wells and wellhead protection plans.

(3) Not more than one year of satisfactory experience credit may be granted for any calendar year.

GHSS 3.04 Education. (1) In satisfaction of the education requirement under s. 470.04 (3) (b), Stats., the professional hydrologist section shall accept a bachelor degree in hydrology or water resources, or a degree reflecting that the applicant has completed at least 30 semester hours or 45 quarter hours of course credits in hydrology or water resources of a variety and nature sufficient to constitute a major in hydrology or water resources, granted by a college or university accredited by a regional accrediting agency approved by the state board of education in the state in which the college or university is located, or accredited by a Canadian accrediting agency satisfactory to the board.

(2) If the degree is from an educational institution not meeting the requirements of sub. (1), the applicant shall provide an official evaluation by a transcript evaluation service acceptable to the professional hydrologist section which shows that the degree is equivalent to a bachelor degree in hydrology or water resources or a bachelor degree with a major in hydrology or water resources meeting the requirements under sub. (1).

(3) In order to be considered a major in hydrology, the applicant must have completed at least 12 semester hours or 18 quarter hours of course credits in hydrology or water resources in at least 3 of the following areas:

- (a) Contaminant surface and subsurface water hydrology.
- (b) Field methods in surface and subsurface water hydrology.
- (c) Fluid mechanics/dynamics.
- (d) Fluvial geomorphology.
- (e) Open channel flow and hydraulics.

- (f) Stochastic hydrology.
- (g) Subsurface water hydrology.
- (h) Subsurface water and well hydraulics.
- (i) Surface or subsurface water modeling.
- (j) Surface water hydrology.
- (k) Unsaturated zone hydrology.
- (L) Water resource management.

(4) In addition to the coursework required under sub. (3), other hydrology or water resource related coursework that may be used to satisfy the 30 semester hour or 45 quarter hour requirement include, but are not limited to courses in the following areas:

- (a) Aquatic biology.
- (b) Engineering.
- (c) Environmental health and toxicology.
- (d) Forestry.
- (e) Geography.
- (f) Geology.
- (g) Limnology.
- (h) Meteorology.
- (i) Natural resources.
- (j) Soil science.
- (i) Water chemistry.

GHSS 3.05 Examinations. (1) **REQUIRED EXAMINATIONS.** After December 31, 1998, all applicants for initial registration as a professional hydrologist shall pass examinations for the professional practice of hydrology approved by the professional hydrologist section. Required examinations shall include a fundamentals examination and a principles and practice examination.

(2) **FUNDAMENTALS EXAMINATION.** The fundamentals examination requires an understanding of the physical and mathematical sciences involved in the fundamentals of hydrology. To be eligible to take the fundamentals examination, an applicant shall have done one of the following:

(a) Be of not less than second semester senior standing in a bachelor program in hydrology or water resources meeting the requirements of s. GHSS 3.04.

(b) Completed at least 24 semester hours or 36 quarter hours of course credits in hydrology or water resources and be of not less than second semester senior standing in a bachelor program meeting the requirements of s. GHSS 3.04.

(c) Completed at least 5 years of experience which is determined by the professional hydrologist section to be equivalent to the requirements of s. GHSS 3.04.

(3) **PRINCIPLES AND PRACTICE EXAMINATION.** The principles and practice examination requires the ability to apply hydrologic principles and judgment to problems in the practice of professional hydrology.

(a) To be eligible to take the principles and practice examination, an applicant under s. 470.04 (3) (c) 1., Stats., shall have done the following:

1. Met the requirements under s. 470.04 (3) (a), Stats.

2. Met the requirement under s. 470.04 (3) (b), Stats., or have at least 5 years of professional experience in addition to the qualifying experience under subd. 3., which is determined by the professional hydrologist section to be equivalent to the requirement under s. 470.04 (3) (b), Stats.

3. Completed at least 4 years of professional experience in hydrologic work of a character satisfactory to the professional hydrologist section, or completed at least 3 years of professional experience in hydrologic work of a character satisfactory to the section if the applicant has one or more advanced degrees relevant to the practice of professional hydrology, demonstrating that the applicant is qualified to assume responsible charge of hydrologic work. At least 1 year of the qualifying professional experience under this subdivision must have been performed under the supervision of one or more of the following:

a. A person who is at the time of application registered as a professional hydrologist under this chapter or who, during the period of supervised experience, was registered as a professional geologist under ch. 443, 1995 Stats.

b. A person who, during the period of supervised experience, was registered as a professional hydrologist in another state, territory or possession of the United States or in another country that has registration requirements for professional hydrologists that are not lower than the requirements for registration under this chapter.

c. A person who, during the period of supervised experience, is deemed by the professional hydrologist section to have been qualified to have responsible charge of hydrologic work.

(b) To be eligible to take the principles and practice examination, an applicant under s. 470.04 (3) (c) 2., Stats., shall have done the following:

1. Met the requirements under s. 470.04 (3) (a), Stats.
2. Met the requirement under s. 470.04 (3) (b), Stats., or have at least 5 years of professional experience in addition to the qualifying experience under subd. 3., which is determined by the professional hydrologist section to be equivalent to the requirement under s. 470.04 (3) (b), Stats.
3. Completed at least 6 years of professional experience in hydrologic work of a character satisfactory to the professional hydrologist section, or completed at least 5 years of professional experience in hydrologic work of a character satisfactory to the section if the applicant has one or more advanced degrees relevant to the practice of professional hydrology, demonstrating that the applicant is qualified to assume responsible charge of hydrologic work. At least 1 year of the qualifying professional experience under this subdivision must have been performed under a peer review system approved by the professional hydrologist section.

(3) APPLICATION FOR EXAMINATION. An applicant for initial registration shall file an application for examination with the professional hydrologist section of the board not less than 2 months before the scheduled date of the examination.

(4) AMERICANS WITH DISABILITIES ACT. Otherwise qualified applicants with disabilities shall be provided with reasonable accommodations.

(5) EXAMINATION AND REFUND FEES. The fee for the examinations for professional hydrologists and the requirements for refund of fees are specified in s. 440.05, Stats., and ch. RL 4, respectively.

(6) PLACE AND TIME OF EXAMINATIONS. The examinations required by this section shall be held at sites and on dates designated by the professional hydrologist section.

(7) PASSING SCORES. (a) The passing scores set by the professional hydrologist section represent the minimum competency required to protect public health and safety.

(b) The fundamentals of hydrology and the principles and practice of hydrology examinations, and the examination on the elements of practice essential to the public health, safety or welfare are scored separately. An applicant shall achieve a passing score on each of the required examinations to qualify for licensure.

(c) The professional hydrologist section shall make the determination of the passing score on each required examination after consultation with subject matter experts who have

reviewed a representative sample of the examination questions and available candidate performance statistics.

(8) CHEATING. The professional hydrologist section may deny release of scores or issuance of a credential if the board determines that the applicant violated rules of conduct of the examination or otherwise acted dishonestly.

GHSS 3.06 Application contents. An application for registration as a professional hydrologist shall include:

(1) Either of the following:

(a) Official transcripts of graduate and undergraduate training, properly attested to by the degree granting institution and submitted by the institution directly to the professional hydrologist section establishing that the applicant has been granted a bachelor degree in hydrology or water resources or a degree with a hydrology or water resources major meeting the requirements under s. 470.04 (3) (b), Stats., granted by a college or university accredited by a regional accrediting agency approved by the state board of education in the state in which the college or university is located, or accredited by a Canadian accrediting agency satisfactory to the board, or

(b) A chronological history of the applicant's employment or other qualifying experience in satisfaction of s. 470.04 (7), Stats.

(2) A chronological history of the applicant's employment or other qualifying experience in satisfaction of s. 470.04 (3) (c) 1. or 470.04 (3) (c) 2., Stats.

(3) For applicants applying under s. 470.04 (3) (c) 1., Stats., a completed "supervised hydrologic experience" form completed by an individual who has firsthand knowledge of the applicant's supervised experience relating to professional hydrology and who is one of the following:

(a) A professional hydrologist who, during the time of the supervised practice, was registered in this state.

(b) A professional hydrologist who, during the time of the supervised practice, was registered in another licensing jurisdiction that has registration requirements not lower than the requirements for registration in this state.

(c) A person who the professional hydrologist section determines is qualified to have responsible charge of hydrologic work.

(4) For applicants applying under s. 470.04 (3) (c) 2., Stats., submission of at least 3 "peer evaluation" forms satisfactory to the professional hydrologist section completed by registered professional hydrologists who have had professional contact with the applicant's practice and who certify that the applicant is qualified to assume responsible charge of hydrologic work.

(5) References from at least 5 individuals, at least 3 of whom shall be professionally competent to evaluate the applicant's practice.

(6) The fee required under s. 440.05 (1), Stats.

(7) For applicants previously licensed in another state, territory or possession of the United States or in another country, verification of the applicant's licensure in the licensing jurisdiction of original licensure or, if the applicant has permitted his or her registration in the jurisdiction of original licensure to lapse, verification of licensure in the licensing jurisdiction where the applicant is currently licensed and where the applicant was last engaged in the practice of professional hydrology.

(8) For applicants who have a pending criminal charge or have been convicted of a crime, all related information necessary for the professional hydrologist section to determine whether the circumstances of the pending criminal charge or criminal conviction are substantially related to the circumstances of the practice of hydrology.

(9) Any additional data, exhibits or references showing the extent and quality of the applicant's experience that may be required by the professional hydrologist section.

(10) After December 31, 1998, evidence of successful completion of fundamentals of hydrology and the principles and practice of hydrology examinations.

Note: Application forms, including the "supervised hydrologic experience" form and the "peer evaluation" form are available upon request to the Professional Hydrologist Section of the board at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

Chapter GHSS 4

PROFESSIONAL SOIL SCIENTIST LICENSE

GHSS 4.01 Authority and purpose. The rules in this chapter are adopted under authority in ss. 15.08 (5) (b), 227.11 (2), 470.03 (1) (a) and 470.04, Stats. The purpose of the rules in this chapter is to interpret basic education, experience and examination requirements for registration as a professional soil scientist as specified in ss. 470.04 and 470.05, Stats.

GHSS 4.02 Applications. An applicant who files an application but does not comply with a request for information related to the application within one year from the date of the request shall file a new application.

Note: Applications are available upon request to the Professional Soil Scientist Section of the board at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

GHSS 4.03 Experience as a professional soil scientist. (1) To qualify as satisfactory professional soil science work for the purposes of s. 470.02 (3) (c) Stats., an applicant's experience shall include the application of accepted principles in the practice of soil science and shall demonstrate an applicant's progressive development of competence to practice as a professional soil scientist. The

experience shall be acquired in the areas of the practice of soil science listed in sub. (2) (a) to (h) or in other areas of the practice of soil science which in the opinion of the professional soil scientist section provide the applicant with a knowledge of principles and data related to the practice of soil science at least equivalent to that which would be acquired by experience in the areas of practice listed. Experience in every listed area is not required.

(2) Areas of experience in the practice of professional soil science include:

(a) Soil physics: the study of the physical properties of porous media, including soils; and the determination of the state, distribution, transport and balances of matter and energy in porous media, especially as related to water, gas and heat.

(b) Soil chemistry: the determination of the chemical constituents, chemical properties, and chemical reactions in porous media, including soils.

(c) Soil classification, morphology and mapping: the description, classification, interpretation and mapping of soil materials in the landscape.

(d) Soil mineralogy: the study of soil science that deals with porous media inorganic materials, including the soils of the earth's crust to the depth of weathering or of sedimentation.

(e) Soil biochemistry: the study of soil science concerned with enzymes, and the reactions, activities and products of soil microorganisms.

(f) Soil biology: the assessment of soil-inhabiting microorganisms and macroorganisms, including their identification, functions, activities and cycles.

(g) Soil fertility: the analysis, interpretation and management of the soil to enhance soil quality and provide nutrients in adequate amounts and in proper balance for the growth of specified plants.

(h) Land use management: the management and practices associated with land waste application, nutrient management, non-point source contaminant control, soil and water conservation, and other land use issues associated with soil management.

(3) Not more than one year of satisfactory experience credit may be granted for any calendar year.

GHSS 4.04 Education. (1) In satisfaction of the education requirement under s. 470.04 (4) (b), Stats., the professional soil scientist section shall accept a bachelor's degree in soil science, or a bachelor's degree reflecting that the applicant has completed at least 30 semester hours or 45 quarter hours of course credits in soil science of a variety and nature sufficient to constitute a major in soil science, granted by a college or university accredited by a regional accrediting agency approved by the state board of education in the state in which the college or university is located, or accredited by a Canadian accrediting agency satisfactory to the board.

(2) If the degree is from an educational institution not meeting the requirements of sub. (1), the applicant must provide an official evaluation by a transcript evaluation service acceptable to the professional soil scientist section which shows that the degree is equivalent to a bachelor's degree in soil science or a bachelor's degree with a major in soil science meeting the requirements under sub. (1).

(3) In order to be considered a major in soil science, an applicant must have completed at least 30 semester hours or 45 quarter hours of course credits which include not less than 15 semester credits or 23 quarter credits in at least 3 of the following areas:

- (a) Soil biology.
- (b) Soil chemistry.
- (c) Soil classification, morphology and mapping.
- (d) Soil conservation and management.
- (e) Soil fertility.
- (f) Soil physics.

(4) In addition to the coursework required under sub. (3), other coursework that may be used to satisfy the 30 semester hour or 45 quarter hour requirement include, but are not limited to, the following:

- (a) Agronomy.
- (b) Bacteriology.
- (c) Botany.
- (d) Engineering.
- (e) Forestry.
- (f) Geography.
- (g) Geology.
- (h) Horticulture.
- (i) Hydrology.
- (j) Meteorology.

(k) Plant pathology.

GHSS 4.05 Examinations. (1) **REQUIRED EXAMINATIONS.** After December 31, 1998, all applicants for initial registration as a professional soil scientist shall pass examinations for the professional practice of soil science approved by the professional soil scientist section. Required examinations shall include a fundamentals examination and a principles and practice examination.

(2) **FUNDAMENTALS EXAMINATION.** The fundamentals examination requires an understanding of the physical and mathematical sciences involved in the fundamentals of soil science. To be eligible to take the fundamentals examination, an applicant shall have done one of the following:

(a) Be of not less than second semester senior standing in a bachelor of science program in soil science meeting the requirements of s. GHSS 4.04.

(b) Have completed at least 24 semester hours or 36 quarter hours of course credits for the degree in soil science meeting the requirements of s. GHSS 4.04.

(c) Have at least 5 years of experience which is determined by the professional soil scientist section to be equivalent to the requirements of s. GHSS 4.04.

(3) **PRINCIPLES AND PRACTICE EXAMINATION.** The principles and practice examination requires the ability to apply soil science principles and judgment to problems in the practice of professional soil science.

(a) To be eligible to take the principles and practice examination, an applicant under s. 470.04 (4) (c) 1., Stats., shall have done the following:

1. Met the requirements under s. 470.04 (4) (a), Stats.

2. Met the requirement under s. 470.04 (4) (b), Stats., or have at least 5 years of professional experience in addition to the qualifying experience under subd. 3., which is determined by the professional soil scientist section to be equivalent to the requirement under s. 470.04 (4) (b), Stats.

3. Completed at least 4 years of professional experience in soil science work of a character satisfactory to the professional soil scientist section, or completed at least 3 years of professional experience in soil science work of a character satisfactory to the section if the applicant has one or more advanced degrees relevant to the practice of professional soil science, demonstrating that the applicant is qualified to assume responsible charge of soil science work. At least one year of the qualifying professional experience under this subdivision must have been performed under the supervision of one or more of the following:

a. A person who is at the time of application registered as a professional soil scientist under this chapter or who, during the period of supervised experience, was registered as a professional geologist under ch. 443, 1995 Stats.

b. A person who, during the period of supervised experience, was registered as a professional soil scientist in another state, territory or possession of the United States or in another country that has registration requirements for professional soil scientists that are not lower than the requirements for registration under this chapter.

c. A person who, during the period of supervised experience, is deemed by the professional soil scientist section to have been qualified to have responsible charge of soil science work.

(b) To be eligible to take the principles and practice examination, an applicant under s. 470 (4) (c) 2., Stats., shall have done the following:

1. Met the requirements under s. 470.04 (4) (a), Stats.

2. Met the requirement under s. 470.04 (4) (b), Stats., or have at least 5 years of professional experience in addition to the qualifying experience under subd. 3., which is determined by the professional soil scientist section to be equivalent to the requirement under s. 470.04 (4) (b), Stats.

3. Completed at least 6 years of professional experience in soil science work of a character satisfactory to the professional soil scientist section, or completed at least 5 years of professional experience in soil science work of a character satisfactory to the section if the applicant has one or more advanced degrees relevant to the practice of professional soil science, demonstrating that the applicant is qualified to assume responsible charge of soil science work. At least one year of the qualifying professional experience under this subdivision must have been performed under a peer review system approved by the professional soil scientist section.

(3) APPLICATION FOR EXAMINATION. An applicant for initial registration shall file an application for examination with the professional soil scientist section not less than 2 months before the scheduled date of the examination.

(4) AMERICANS WITH DISABILITIES ACT. Otherwise qualified applicants with disabilities shall be provided with reasonable accommodations.

(5) EXAMINATION AND REFUND FEES. The fee for the examinations for professional soil scientists and the requirements for refund of fees are specified in s. 440.05, Stats., and ch. RL 4, respectively.

(6) PLACE AND TIME OF EXAMINATIONS. The examinations required by this section shall be held at sites and on dates designated by the professional soil scientist section.

(7) PASSING SCORES. (a) The passing scores set by the professional soil scientist section represent the minimum competency required to protect public health and safety.

(b) The fundamentals of soil science and the principles and practice of soil science examinations, and the examination on the elements of practice essential to the public health, safety or welfare are scored separately. An applicant shall achieve a passing score on each of the required examinations to qualify for licensure.

(c) The professional soil scientist section accepts the recommendations of the examination provider for the passing scores on the fundamentals of soil science and the principles and practice of soil science examinations.

(d) The professional soil scientist section shall make the determination of the passing score on the examination on the elements of practice essential to the public health, safety or welfare after consultation with subject matter experts who have reviewed a representative sample of the examination questions and available candidate performance statistics.

(8) CHEATING. The professional soil scientist section may deny release of scores or issuance of a credential if the board determines that the applicant violated rules of conduct of the examination or otherwise acted dishonestly.

GHSS 4.06 Application contents. An application for registration as a professional soil scientist shall include:

(1) Either of the following:

(a) Official transcripts of graduate and undergraduate training, properly attested to by the degree granting institution and submitted by the institution directly to the professional soil scientist section establishing that the applicant has been granted a bachelor's degree in soil science or a bachelor's degree with a soil science major meeting the requirements under s. 470.04 (4) (b), Stats., granted by a college or university accredited by a regional accrediting agency approved by the state board of education in the state in which the college or university is located, or accredited by a Canadian accrediting agency satisfactory to the board, or

(b) A chronological history of the applicant's employment or other qualifying experience in satisfaction of s. 470.04 (7), Stats.

(2) A chronological history of the applicant's employment or other qualifying experience in satisfaction of s. 470.04 (4) (c) 1. or 470.04 (4) (c) 2., Stats.

(3) For applicants applying under s. 470.04 (4) (c) 1., Stats., a completed "supervised soil science experience" form completed by an individual who has firsthand knowledge of the applicant's supervised experience relating to professional soil science and who is one of the following:

(a) A professional soil scientist who, during the time of the supervised practice, was registered in this state.

(b) A professional soil scientist who, during the time of the supervised practice, was registered in another licensing jurisdiction that has registration requirements not lower than the requirements for registration in this state.

(c) A person who the board determines is qualified to have responsible charge of soil science work.

(4) For applicants applying under s. 470.04 (4) (c) 2., Stats., submission of at least 3 "peer evaluation" forms satisfactory to the board completed by registered professional soil scientists who have had professional contact with the applicant's practice and who certify that the applicant is qualified to assume responsible charge of soil science work.

(5) References from at least 5 individuals, at least 3 of whom shall be professionally competent to evaluate the applicant's practice.

(6) The fee required under s. 440.05 (1), Stats.

(7) For applicants previously licensed in another state, territory or possession of the United States or in another country, verification of the applicant's licensure in the licensing jurisdiction of original licensure or, if the applicant has permitted his or her registration in the jurisdiction of original licensure to lapse, verification of licensure in the licensing jurisdiction where the applicant is currently licensed and where the applicant was last engaged in the practice of professional soil science.

(8) For applicants who have a pending criminal charge or have been convicted of a crime, all related information necessary for the professional soil scientist section to determine whether the circumstances of the pending criminal charge or criminal conviction are substantially related to the circumstances of the practice of soil science.

(9) Any additional data, exhibits or references showing the extent and quality of the applicant's experience that may be required by the professional soil scientist section.

(10) After December 31, 1998, evidence of successful completion of fundamentals of soil science and principles and practice of soil science examinations.

Note: Application forms are available upon request to the Professional Soil Scientist Section of the board at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

Chapter GHSS 5

UNPROFESSIONAL CONDUCT

GHSS 5.01 Authority. The rules of conduct in this chapter are adopted under authority of ss. 15.08 (5) (b), 227.11 (2), 470.03 (1) and 470.08, Stats.

GHSS 5.02 Intent. The intent of the board in adopting this chapter is to establish rules of professional conduct for the professions of geology, hydrology and soil science. A violation of any standard specified in this chapter may result in disciplinary action under s. 470.08, Stats.

GHSS 5.03 Definitions. The term “unprofessional conduct” is defined to mean and include but not be limited to the following, or aiding and abetting the same:

- (1) Making a material misstatement in an application for a license or for renewal of a license.
- (2) In sitting for any licensure examination, soliciting or knowingly disclosing examination content.
- (3) Failing to cooperate with the board or a section of the board in an investigation under this section.
- (4) Engaging in gross negligence in the practice of professional geology, professional hydrology or professional soil science through the performance of professional services which do not comply with an acceptable standard of practice that has a significant relationship to the protection of health, safety or public welfare and is performed in a manner indicating that the professional knew or should have known, but acted with indifference to or disregard of, the accepted standard of practice.
- (5) Providing incompetent services in the practice professional geology, professional hydrology or professional soil science which demonstrate any of the following:
 - (a) Lack of ability or fitness to discharge the duty owed by a professional geologist, professional hydrologist or professional soil scientist to a client or employer or to the public.
 - (b) Lack of knowledge of the fundamental principles of the profession or an inability to apply fundamental principles of the profession.
 - (c) Failure to maintain competency in the current practices and methods applicable to the profession.
- (6) Subject to ss. 111.321, 111.322 and 111.34, Stats., engaging 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 other drugs.
- (7) Having been adjudicated mentally incompetent by a court of competent jurisdiction.
- (8) Subject to ss. 111.321, 111.322 and 111.335, Stats., having violated federal or state laws, local ordinances or administrative rules relating to the practice of professional geology, hydrology or soil science.
- (9) Preparing deficient plans, drawings, maps, specifications or reports.

(10) Engaging in conduct which evidences a lack of trustworthiness to transact the business required by the profession.

(11) Misrepresenting professional qualifications such as education, specialized training or experience.

(12) Failing to provide appropriate supervision to those to whom a licensee has delegated services constituting the practice of professional geology, professional hydrology or professional soil science, including the following:

(a) Indirect or casual review or inspection of prepared plans, drawings, specifications, maps, plats, charts, reports or other documents.

(b) Delegation of any decision requiring professional judgment.

(c) Mere assumption by a professional geologist, professional hydrologist or professional soil scientist of responsibility for work without having control of the work.

(d) Assumption of charge, control or direct supervision of work in which the professional geologist, hydrologist or soil scientist does not have technical proficiency.

(13) When offering to perform professional services as a professional geologist, professional hydrologist or professional soil scientist, failing to accurately and truthfully represent to a prospective client or employer the capabilities and qualifications which the licensee has to perform the services to be rendered or the costs and completion times of a proposed project.

(14) Offering to perform or performing services, which the licensee is not qualified to perform by education or experience without retaining the services of another who is qualified.

(15) Using false, fraudulent or deceptive advertising or publicity; or practicing or attempting to practice under another's name.

(16) Falsely representing that the licensee is engaged in a partnership or association with another unless there exists in fact a partnership or association, or practicing under a firm name that misrepresents the identity of those practicing in the firm or misrepresents the type of services which the individuals, firm or partnership is authorized and qualified to perform.

(17) Collecting a fee for recommending the services of another unless written notice is first given to all parties concerned.

(18) Any conflict of interest, unless the licensee informs the client or employer of all the circumstances which may interfere with or impair the licensee's obligation to provide professional services, and unless the licensee has the full approval and consent of the client or employer.

(19) Failing to notify an employer or client and to withdraw from employment at any time if it becomes apparent that it is not possible to faithfully discharge the responsibilities and duties

owed to the client or employer; or agreeing to perform professional services for a client or employer if the registrant has a significant financial or other interest which would impair or interfere with the registrant's responsibility to faithfully discharge professional services on behalf of the client or employer.

(20) Accepting payment from any party other than a client or employer for a particular project or having any direct or indirect financial interest in a service or phase of a service to be provided as part of a project unless the employer or client approves.

(21) Soliciting or accepting anything of value from material or equipment suppliers in return for specifying or endorsing a product.

(22) Violating the confidences of a client or employer, except as otherwise required by law.

(23) Providing services for a client or employer while a full-time employe of another employer without notifying all parties concerned.

(24) Aiding or abetting the unlicensed practice of professional geology, hydrology or soil science.

(25) Signing, sealing or stamping any plans, drawings, documents, specifications or reports for professional geology, hydrology or soil science practice which are not prepared by the licensee or under his or her personal direction and control.

FINDING OF EMERGENCY

The Examining Board of Geologists, Hydrologists and Soil Scientists finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, safety or welfare. A statement of the facts constituting the emergency is:

Section 64 of 1997 Wisconsin Act 300 states that the board is not required to make a finding of emergency. However, the board offers the following information relating to the promulgation of these rules as emergency rules. The new regulation of professional geologists, hydrologists and soil scientists was created in 1997 Wisconsin Act 300. The Act was published on June 30, 1998; however the Act created an effective date for the new regulation as being the first day of the 6th month beginning after the effective date of this subsection.

Pursuant to s. 227.24 (1) (c), Stats., the emergency rules adopted in this order shall take effect upon publication in the official state newspaper.

Dated 30 MARCH 1999 Agency Jean Underwood, PG/a.j.H.
Chairperson
Examining Board of Geologists, Hydrologists,
and Soil Scientists

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NOV 29 1999

State Senator

Margaret A. Farrow

33rd District



November 29, 1999

Thomas Slawski
Director, International Environmental
Management Services Limited
N67W23739 Linda Drive
Sussex, WI 53089

Mr. Slawski:

Thank you for contacting my office regarding your companies opposition of Emergency Rules GHSS 1to 5 relating to the registration and regulation of professional hydrologist in the State of Wisconsin. I appreciate knowing your thoughts on this issue.

Unfortunately, I am not a member of the Joint Committee on Administrative Rules. I assume you have contacted the Committee members, but I will forward the letter you sent to me, on to the co-chairs of the Joint Committee on Administrative Rules. I will keep your letter, noting your companies' opposition to these rules on file. I agree with you that this does cause true harm to firms such as yours.

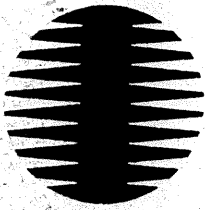
Thank you again for contacting my office. I am always happy to respond to your concerns, and be of service to you.

Sincerely,

MARGARET A. FARROW
State Senator
33rd Senate District

MAF: jgg

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INTERNATIONAL
Environmental Management Services Limited

"Integrating Development and Environment through Education and Planning"

COPY

17 November 1999

The Honorable Members of the Joint Committee
for the Review of Administrative Rules
Room 411 South
State Capitol Building
Madison, Wisconsin 53708

Dear Sirs:

OPPOSITION TO EXTENSION OF RULES GHSS 1 TO 5

The Emergency Rules GHSS 1 to 5 relating to the registration and regulation of professional hydrologists in the State of Wisconsin should not be extended.

I am writing to you in my capacity as the North American Director of International Environmental Management Services Limited, a Chapter 181 Wisconsin Corporation. Our company offers a range of general consultative services in the field of water resources management, primarily in terms of limnological investigations, watershed planning, lake and stream restoration, environmental education, and environmental management. Our Directors have recently provided such services to clients ranging from developers to industrialists, both in Wisconsin and internationally.

My company is threatened by the provisions of the draft Administrative Rules GHSS 1 through 5 currently being reconsidered. Extension of these rules without correcting the flawed legislation underlying these rules; namely, Chapter 470 of the Wisconsin Statutes.

Our company is a small, nonstock, not-for-profit corporation run by the Board of Directors who provide all of the services offered by the company. All of our Directors have a minimum of a Masters Degree in water resources and environmental management, with three of the four directors being PhDs in the field. We have a combined experience of over 100 years. However, none of us have been granted a license to practice the profession of hydrology in this State-two Directors have pending appeals, however. Because we are so small, and because of the nature of the market we serve (which is either individuals, Chapter 33 lake protection and rehabilitation districts, or developing country professionals-none of whom have a surfeit of funds), we are practically unable to afford to hire a licenced hydrologist to sign off on all of our "hydrological" work. Thus, as noted, this legislation threatens our source of livelihood. In effect, this legislation would effectively shut our company down and force us to relocate to another state where we would be allowed to practice our profession.

In our view, the principle problem with the Administrative Rules and the underlying legislation, Chapter 470 of the Wisconsin Statutes, lies in the definition of the "practice of professional hydrology", which "includes the collection of hydrological data, consultation, investigation, evaluation, interpretation, planning or inspection relating to a service or work that applies hydrology", 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": the inclusion of the reference to "chemistry or quality of water" as part of its definition inadvertently includes many allied professions in the field of watershed management--including stream ecologists, limnologists, biologists, hydrologists, engineers, and planners, just to name a few. Obviously, no one could qualify as a professional in all these disciplines. However, developing a certification program with this flawed legislation, and its all-inclusive definition, falsely implies that licensed individuals are competent in all of the disciplines mentioned above.

In my specific case, I obtained a PhD in the Biological Sciences at the University of Wisconsin-Milwaukee in May of 1997. My dissertation, which took six years of dedicated work to complete, was entitled "An analysis of the biotic and abiotic factors influencing fish species assemblages". The purpose of my research was to understand the patterns and relationships between fish assemblages and environmental structure in a cold water stream, and included biological, hydrological, chemical, and physical habitat data collection, consultation, investigation, evaluation, and interpretation--all of which have been recognized by the award of the degree and subsequent publication of this work in peer-reviewed journals as a significant contribution to my profession. Notwithstanding, my application for registration as a professional hydrologist was recently denied. Thus, I suddenly find that, despite my qualifications, I am considered unqualified to practice my profession in water resources in Wisconsin. Not only does this limit my service as the North American Director of International Environmental Management Services Limited, but also it impugnes the integrity and value of the University of Wisconsin Educational System, and places water resources professionals and small businesses in the State at risk.

For these reasons, I submit that the underlying problem in the definition of Hydrology, as stated in Chapter 470 of the Wisconsin Statutes, needs to be corrected before Administrative Rules are adopted or extended, even in an emergency capacity. Thus, I further submit that the emergency extension of Administrative Rules GHSS 1 through 5 be tabled until the statutory corrections can be made.

Sincerely



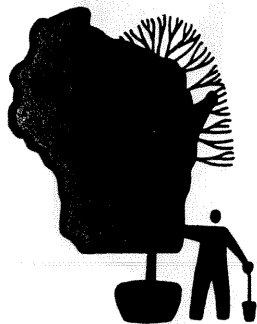
Thomas M. Slawski, PhD
Director: North America

IEMS Ltd.
N67 W23739 Linda Drive
Sussex, WI 53089

cc: Sen. Margaret A. Farrow
Rep. Marc C. Duff

NOV 23 1999

9910 WEST LAYTON AVENUE
GREENFIELD, WISCONSIN 53228
PHONE (414) 529-4705
FAX (414) 529-4722



wisconsin landscape federation, inc.

Examining Board of Professional Geologists, Hydrologists and Soil Scientists
WI Department of Regulation and Licensing
1400 East Washington Ave.
Madison, WI 53703

November 22, 1999

Attn: Attorney William Black

Dear Members of the Board,

On behalf of the nearly 700 members of the Wisconsin Landscape Federation (WLF) which includes nearly 300 members of the Wisconsin Landscape Contractors Association (WLCA), I am writing to request that a policy clarification be made in relation to Chapter 470 of the Wisconsin statutes that govern the licensing of soil scientists.


It is possible that the definition of the "practice of soil science" as delineated in Chapter 470.01 (4) might be literally interpreted to include routine soil examination by landscape contractors or horticultural growers thus requiring their licensure as a "soil scientist." Discussion with several legislators who supported enactment of this law, have clearly suggested that legislative intent was not to include persons routinely engaged in various forms of landscape work be it contracting or growing.

As we view it, "landscaping" would typically include soil examination to determine suitability for planting various materials, ie. shrubs, flowers, trees, sod, etc. as well as hardscape features including patios, decks, walkways, etc. Routinely, a landscape contractor might determine that a clay condition would warrant several inches of top soil in order to accommodate various planted materials. Soil conditions also play a major roll in determining what equipment and manpower is required for a project; and what plant materials would best be suited for that specific location. Naturally there are other various elements that typically involve working with soil but technically would not fall under the true definition of "soil science."

We are therefore asking the Board to clearly exempt from the licensing requirement all practices related to landscaping. If this can effectively be achieved by policy or administrative rule, such action would be most welcome and appreciated. If it requires statutory change, then please advise accordingly.

Respectfully yours,

WISCONSIN LANDSCAPE FEDERATION


JOE PHILLIPS
Executive Director

cc: Members of the Legislature's Joint Committee for the Review of Administrative Rules
Mr. Greg Long, President, WLF
Mr. John Luznicky, President, WLCA
Ms. Barbara Scheibe, Exec. Sec., WLCA

MEMBER ASSOCIATIONS

Commercial Flower Growers of Wisconsin • Gardens Beautiful Garden Centers • Grounds Management Association of Wisconsin
Wisconsin Landscape Contractors Association • Wisconsin Nursery Association • Wisconsin Sod Producers Association

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935

TTY# (608) 267-2416, hearing or speech
TRS# 1-800-947-3529, impaired only

FACSIMILE DOCUMENT

TRANSMITTAL COVER SHEET

DATE: 11-24-99

TO: JCRAR

RECIPIENT'S FAX NUMBER: 608-267-5171

RECIPIENT'S PHONE NUMBER: _____

SENT BY: William A. Black

SENDER'S FAX NUMBER: (608) 267-0644

SENDER'S PHONE NUMBER: 608-266-1790

TIME SENT: _____



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Tommy G. Thompson
Governor

November 24, 1999

Marlene A. Cummings
Secretary

1400 E. WASHINGTON AVENUE
P. O. BOX 8935
MADISON, WISCONSIN 53708-8935
E-Mail: dorl@mail.state.wi.us
(608) 268-2112
FAX#: (608) 267-0644

Joe Phillips
Executive Director
Wisconsin Landscape Federation
9910 West Layton Ave.
Greenfield, WI 53228

RE: Inquiry correspondence dated November 22, 1999 – Professional Soil Scientist Practice

Dear Mr. Phillips:

I have received and reviewed your correspondence dated November 22, 1999 and forwarded it to Alfred Hall. I appreciate you taking the time to present your concerns to the board in writing. I wish to address a common misconception regarding the Chapter 470 provisions relating to the practice of professional soil science.

Your request that the board, "clearly exempt from the licensing requirement all practices related to landscaping", is not within the purview of board action. The board does not have the statutory power to write a practice act for landscape contracting (to define what landscape contracting "practices" are), and to then exempt those practices. The legislature has created s. 470.025, Stats. which lists exempted areas of practice. Amending s. 470.025, Stats., by legislative action would be the appropriate means to effect the changes, if any, to the scope of coverage of Chapter 470. The board is tasked by s. 470.03, Stats., only with promulgating rules establishing requirements and standards for the practice of the regulated professions.

I also draw your attention to s. 470.025 (5), Stats., which exempts contractors' activities that historically and customarily have been performed by a contractor. This would seem to me to have been the catchall exemption intended to cover persons such as belong to your organization. Amending this or any other section of Chapter 470 would properly be the subject of legislative action.

Please contact Alfred Hall, Bureau Director, BDP, 608-266-3423 if you wish to address any other specific concerns to the board.

Sincerely,

William A. Black
Attorney
Office of Legal Services

cc. Joint Committee for Review of Administrative Rules
Representative Glenn Grothman

Regulatory Boards

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

Committed to Equal Opportunity in Employment and Licensing

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935

TTY# (608) 267-2416, hearing or speech
TRS# 1-800-947-3529, impaired only

FACSIMILE DOCUMENT

SEP 17 1999

TRANSMITTAL COVER SHEET

DATE: 9/17/99
TO: Senator Judy Robson

RECIPIENT'S FAX NUMBER: 7-5171

RECIPIENT'S PHONE NUMBER: _____

SENT BY: William A. Black

SENDER'S FAX NUMBER: (608) 267-~~2416~~ 0644

SENDER'S PHONE NUMBER: 6-1790

TIME SENT: _____



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
E-Mail: dorl@mail.state.wi.us
(608) 266-2112
FAX#: (608) 267-0644

September 7, 1999

Senator Judy Robson, Co-Chairperson
Joint Committee for Review of Administrative Rules
15 South, State Capitol
Madison, WI 53702

Representative Glenn Grothman, Co-Chairperson
Joint Committee for Review of Administrative Rules
15 North, State Capitol
Madison, WI 53702

RE: Request for Extension of Emergency Rules Regulating the Professions of
Professional Geology, Hydrology and Soil Scientists

Dear Senator Robson and Representative Grothman:

I am writing on behalf of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists. The board requests that the committee approve an extension of its emergency rules relating to the regulation and licensing of professional geologists, professional hydrologists and professional soil scientists for 60 days. The emergency rules were adopted by the board on March 30, 1999 and effective on May 15, 1999. A public hearing on both the emergency rules and the permanent rules was held on June 23, 1999. The expiration date of the emergency rules is October 12, 1999.

The board's permanent rule is still under review and may not be completed prior to the expiration date of the emergency rules.

Senator Robert Wirch's Committee on Economic Development, Housing and Government Operations has requested that the Examining Board consider some specific modifications, such as replacing the restrictive use of the term "bachelor" degree requirement under s. GHSS 4.01(1) with "post-baccalaureate" degree and to remove the incorrect use of "registered" when referring to how each profession is credentialled, as well as the need to correct other inaccurate administrative rule and statutory citations.

The Examining Board of Professional Geologists, Hydrologists and Soil Scientists proposes to make the following modifications, as identified by page and correction.

Regulatory Boards

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

Committed to Equal Opportunity in Employment and Licensing

Senator Robson and Representative Grothman

Page 2

September 7, 1999

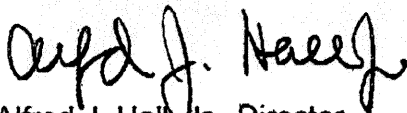
Page	Correction Chapters GHSS 2-4
4	2.03(3)(a), 2.03(3)(b), 2.03(4), 2.03(5) "registered" to "licensed"
8	2.06(2)(a) "2.04 to "2.05"
8	2.06(2)(b) "5" to "4"
8	2.06(3)(a)2 "470.04(2)(c)(2)" to 470.04(2)(b)
9	2.06(3)(a)3a, 2.06(3)(a)3b "registered" to "licensed"
10	3.03 "470.02(3)(c)" to "470.04(3)(c)"
14	3.05(3)(a)3a and 3.05(3)(a)3b "registered" to "licensed" - two times
16	3.06(3)(a), 3.06(3)(b) and 3.06(4) "registered" to "licensed"
17	4.03 "470.02(3)(c)" to "470.04(4)(c)"
18	4.04 replace the second "bachelors" with "post-baccalaureate."
20	4.05(3)(a)3a and 4.05(3)(a)3b "registered" to "licensed" - two times
22	4.06(3)(a), 4.06(3)(b) and 4.06(4) "registered" to "licensed"

The board's request is to assure that there is a rule in place to allow each section criteria for approving its application candidates. The Professional Hydrologists and Professional Soil Scientists sections have over 300 applications to approve under the nonstatutory educational and experience requirements for approving candidates under the grandfathering period, which ended December 31, 1998. The public health, safety and welfare would be adversely affected by the lack of licensed professional geologists, professional hydrologists and professional soil scientists, because the Board can not process applications without the administrative rules outline.

Your committee's granting the extension would greatly assist the board's timely processing of candidate applications.

If you have any questions, please feel free to call me at 266-3423.

With respect,



Alfred J. Hall, Jr., Director

Bureau of Business and Design Professions on Behalf of the
Examining Board of Professional Geologists, Hydrologists and Soil Scientists

Cc: Senator Robert W. Wirch, Chair Committee on Economic Development, Housing
and Government Operations

Marlene A. Cummings, Secretary

Examining Board of Professional Geologists, Hydrologists and Soil Scientists

File: I:\BDP\RULES\GHSS\EXT.DOC



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
E-Mail: dorl@mail.state.wi.us
(608) 266-2112
FAX#: (608) 267-0644

September 7, 1999

TO: Senate Chief Clerk
Attention: Donald Schneider
1 East Main Street, Suite 402
Madison, Wisconsin 53702

FROM: Alfred J. Hall Jr., *A.J. Hall* Director
Department of Regulation and Licensing
Bureau of Business and Design Professions
1400 East Washington Avenue, Room 281
Madison, Wisconsin 53702

The attached letter is requesting that the legislative standing committee consider a request by the Examining Board of Professional Geologists, Hydrologists and Soil Scientists to extend its emergency rules for another 60 days. It is submitted for delivery to the President of the Senate pursuant to section 227.24 (2) (am), Stats..

The Examining Board of Professional Geologists, Hydrologists and Soil Scientists, is unable to finish processing their applications under the nonstatutory authority of section 64 of the 1997 Wisconsin Act 300. The public health, safety and welfare would be adversely affected by the lack of licensed professional geologists, professional hydrologists and professional soil scientists, because the Board can not process applications without the administrative rules.

Please stamp or sign a copy of this letter to acknowledge receipt. If you have any questions concerning the final draft form or desire additional information, please contact me at 266-3423

Thank you

RECEIVED
SEP 07 1999
BY: *Don Kelly*

98-088

Regulatory Boards

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

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Tommy G. Thompson
Governor

Marlene A. Cummings
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E-Mail: dorl@mail.state.wi.us
(608) 266-2112
FAX#: (608) 267-0644

**TESTIMONY ON
EMERGENCY RULE GHSS 1 TO 5**

**BEFORE THE
JOINT COMMITTEE FOR REVIEW OF
ADMINISTRATIVE RULES**

**411 SOUTH, STATE CAPITOL
THURSDAY, NOVEMBER 18, 1999, 12:00 P M.**

Good afternoon, Chairpersons Robson and Grothman, and members of the committee. My name is Alfred Hall. I am the Bureau Director for the Bureau of Business and Design Professions in the Department of Regulation and Licensing. Thank you for the opportunity to present testimony in support of a second 60-day extension of the Emergency Rule GHSS 1 to 5. I am appearing on behalf of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists and the Department of Regulation and Licensing.

The original proposed emergency rule-making order of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists (Examining Board) created Chapters GHSS 1 – 5, Wisconsin Administrative Rules as authorized by 1997 Wisconsin Act 300. The purpose of the rules was to specify the requirements and procedures applicable to each of the three sections of the Examining Board.

Chapter GHSS 1 describes the stamp or seal required to be utilized by licensees of the board, and identifies the requirements for affixing the stamp or seal to plans, drawings, specifications and reports prepared by licensees of the board. Chapter GHSS 1 also sets forth the requirements for licensees to report their change of address and the conditions for failure to renew a license. In addition section GHSS 1.06 Wetland mapping by non-licensees was created allowing non-licensees performing wetland mapping to do so without being licensed as a professional geologist, professional hydrologist or professional soil scientist.

Chapters GHSS 2, 3, and 4 specify the licensure requirements for professional geologists, professional hydrologists and professional soil scientists, respectively, including areas of experience, educational requirements, required examinations, examination procedures, and requirements for application content. Chapter 5 defines unprofessional conduct.

The Examining Board of Professional Geologists, Hydrologists and Soil Scientists believes that defining the minimum competency standards are necessary for professional geologists, professional hydrologists and professional soil scientists to protect the health, safety and welfare of the Wisconsin citizenry.

We are requesting the extension of the emergency in order to assure that there is overlap between the final promulgation of the permanent and the emergency rules. Senator Robert Wirsch's Committee on Economic Development, Housing and Government Operations had requested that the Examining Board consider some specific modifications, such as replacing the restrictive use of the term "bachelor" degree requirement under s. GHSS 4.01(1) with "post-baccalaureate" degree and to remove the incorrect use of "registered" when referring to how

Regulatory Boards

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

November 17, 1999

Senator Judith B. Robson, Co-Chair
Representative Glenn Grothman, Co-Chair
Joint Committee for Review of Administrative Rules
Wisconsin State Capitol Building
Madison, WI 53707

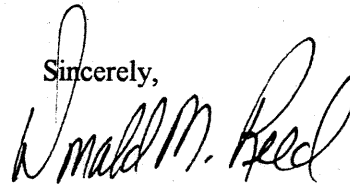
RE: Emergency Rule GHSS 1 to 5

Dear Senator Robson and Representative Grothman:

I respectively urge you not to extend the emergency rule for GHSS 1 to 5 for 60 days, as requested by the Wisconsin Department of Regulation and Licensing. Until the legislature appropriately amends the State Statutes to eliminate parallel professions, such as wetland science, limnology, aquatic biology, horticulture, forestry, and archeology, from the geology, hydrology, and soil science licensure requirements of Chapter 470, it makes little sense to generate administrative rules to implement Chapter 470 as currently written.

Thank you for the opportunity to respond.

Sincerely,



Donald M. Reed
SEWRPC Chief Biologist
12521 W. Prospect Dr,
New Berlin, WI 53151

DMR/mlh

cc: Representative Marc C. Duff
Senator Margaret A. Farrow

NALMS
**NORTH
AMERICAN
LAKE
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SOCIETY**

P.O. Box 5443 • Madison, WI • 53705-5443
608-233-2836 • fax: 608-233-3186
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17 November 1999

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Victoria, BC Canada

To Whom It May Concern:

OPPOSITION TO EXTENSION OF EMERGENCY RULE GHSS 1 TO 5

I am writing to you in my capacity as Editor of the North American Lake Management Society (NALMS) publication, *LakeLine*. Our publication serves a broadly-based community of water resources professionals and informed lay people with an interest in our nation's water resources. As Editor, I have many opportunity to interact with both the citizens and professionals that comprise our Society, and, of late, I have been greatly impressed by our lake monitoring volunteers. I mention this dedicated group of individuals specifically because their continued participation in the volunteer lake monitoring programs that provide our water resources professionals with an abundant and wide-ranging data base—well beyond anything that our agencies alone could accumulate or sustain—is threatened by the provisions of the Draft Administrative Rules GHSS 1 through 5 currently being reconsidered. Extension of these rules, without repairing the flawed underlying legislation, would potentially eliminate this valuable human resource from the realm of water quality monitoring—at least in Wisconsin. The elimination of these citizen volunteers is likely to be an unforeseen consequence of the way in which the practice of professional hydrology, and, indeed the profession of hydrology, has been defined in the legislation.

As defined in §470.01(1r), Stats., hydrology is “a science that involves the 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.” Our citizens participate in this study of the waters of the earth, gathering water quality data that may be as straight forward as Secchi disc transparency or as complex as data for chlorophyll-*a* and phosphorus concentration analyses, both of which are clearly considered as being within the realm of hydrology, as defined (see my emphasis, above).

As further stated in §470.01(3), Stats., the practice of professional hydrology “includes the collection of hydrological data, consultation, investigation, evaluation, interpretation, planning or inspection relating to a service or work that applies hydrology.” Again, citizen-performed data collection clearly falls within the scope of a reserved occupation in the State of Wisconsin, and, equally clearly, citizens performing the data collection function on behalf of their lake organizations (see my emphasis, above) risk contravening the provisions of both the Statute and Administrative Rules should they continue to serve their fellows in a volunteer capacity—at least, unless they are registered as, or work under the supervision of, a licensed hydrologist. Section GHSS 3.03(2), and the penalties set forth under §470.09(1), Stats., and Section GHSS 5, give substance to the Statutory language.

I would trust that any further consideration of Administrative Rules that would continue such consequences, which detrimentally affect both NALMS members and the water resources protection and management efforts of the State, would be suspended until these underlying problems are resolved. From my perspective, inclusion of water chemistry and water quality within the realm of hydrology lies at the root of these and similar consequences, as such issues are

generally and widely considered to be activities associated with related water resources professions, including the professions of limnology, aquatic chemistry, and aquatic biology.

The North American Lake Management Society, headquartered in Wisconsin, stands ready to work with the State of Wisconsin in their on-going efforts to protect the health, safety, welfare, and convenience of the citizens of this State, and, most especially, to work with the State in its efforts to protect and preserve the water resources of Wisconsin. We would be pleased to offer the assistance of our membership in this State, and the collaboration of our State Chapter, the Wisconsin Association of Lakes, Inc. (WAL), in resolving the abovementioned issues, and others not stated above. Please feel free to contact the undersigned, at your convenience, at the NALMS *LakeLine* Editorial Office at 321 Barney Street, Waukesha, Wisconsin 53186-2402 by telephone or fax at (262) 574-1225 or by email at LakeLine@NALMS.org, if we can be of assistance to you in remedying this unfortunate situation.

Respectfully submitted,



Jeffrey A. Thornton PhD MBA CLM
Editor: *LakeLine*

cc: Mr Tom Conry, President
Mr Larry Butler, President-Elect
Ms Barbara Timmel, Administrator
Ms Donna Sefton, Executive Director WAL
Sen. Mary Lazich
Rep. Mark Gundrum

November 17, 1999

Senator Judith B. Robson, Co-Chair
Representative Glenn Grothman, Co-Chair
Joint Committee for Review of Administrative Rules
Wisconsin State Capitol Building
Madison, WI 53707

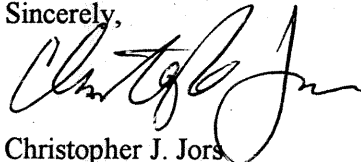
RE: Emergency Rule GHSS 1 to 5

Dear Senator Robson and Representative Grothman:

I respectfully urge you not to extend the emergency rule for GHSS 1 to 5 for 60 days, as requested by the Wisconsin Department of Regulation and Licensing. Until the legislature appropriately amends the State Statutes to eliminate parallel professions, such as wetland science, limnology, aquatic biology, and horticulture from the geology, hydrology, and soil science licensure requirements of Chapter 470, it makes little sense to generate administrative rules to implement Chapter 470 as currently written.

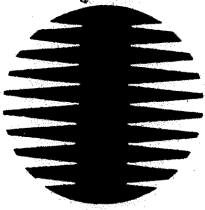
Thank you for the opportunity to respond.

Sincerely,



Christopher J. Jors
SEWRPC Biologist
250 W. Birch St.,
Grafton, WI 53024

cjj
cc: Representative Timothy T. Hoven
Senator Mary E. Panzer



INTERNATIONAL
Environmental Management Services Limited

"Integrating Development and Environment through Education and Planning"

17 November 1999

The Honorable Members of the Joint Committee
for the Review of Administrative Rules
Room 411 South
State Capitol Building
Madison, Wisconsin 53708

Dear Sirs:

OPPOSITION TO EXTENSION OF RULES GHSS 1 TO 5

The Emergency Rules GHSS 1 to 5 relating to the registration and regulation of professional hydrologists in the State of Wisconsin should not be extended.

I am writing to you in my capacity as the North American Director of International Environmental Management Services Limited, a Chapter 181 Wisconsin Corporation. Our company offers a range of general consultative services in the field of water resources management, primarily in terms of limnological investigations, watershed planning, lake and stream restoration, environmental education, and environmental management. Our Directors have recently provided such services to clients ranging from developers to industrialists, both in Wisconsin and internationally.

My company is threatened by the provisions of the draft Administrative Rules GHSS 1 through 5 currently being reconsidered. Extension of these rules without correcting the flawed legislation underlying these rules; namely, Chapter 470 of the Wisconsin Statutes.

Our company is a small, nonstock, not-for-profit corporation run by the Board of Directors who provide all of the services offered by the company. All of our Directors have a minimum of a Masters Degree in water resources and environmental management, with three of the four directors being PhDs in the field. We have a combined experience of over 100 years. However, none of us have been granted a license to practice the profession of hydrology in this State—two Directors have pending appeals, however. Because we are so small, and because of the nature of the market we serve (which is either individuals, Chapter 33 lake protection and rehabilitation districts, or developing country professionals—none of whom have a surfeit of funds), we are practically unable to afford to hire a licenced hydrologist to sign off on all of our "hydrological" work. Thus, as noted, this legislation threatens our source of livelihood. In effect, this legislation would effectively shut our company down and force us to relocate to another state where we would be allowed to practice our profession.

In our view, the principle problem with the Administrative Rules and the underlying legislation, Chapter 470 of the Wisconsin Statutes, lies in the definition of the "practice of professional hydrology", which "includes the collection of hydrological data, consultation, investigation, evaluation, interpretation, planning or inspection relating to a service or work that

applies hydrology", 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": the inclusion of the reference to "chemistry or quality of water" as part of its definition inadvertently includes many allied professions in the field of watershed management--including stream ecologists, limnologists, biologists, hydrologists, engineers, and planners, just to name a few. Obviously, no one could qualify as a professional in all these disciplines. However, developing a certification program with this flawed legislation, and its all-inclusive definition, falsely implies that licensed individuals are competent in all of the disciplines mentioned above.

In my specific case, I obtained a PhD in the Biological Sciences at the University of Wisconsin-Milwaukee in May of 1997. My dissertation, which took six years of dedicated work to complete, was entitled "An analysis of the biotic and abiotic factors influencing fish species assemblages". The purpose of my research was to understand the patterns and relationships between fish assemblages and environmental structure in a cold water stream, and included biological, hydrological, chemical, and physical habitat data collection, consultation, investigation, evaluation, and interpretation--all of which have been recognized by the award of the degree and subsequent publication of this work in peer-reviewed journals as a significant contribution to my profession. Notwithstanding, my application for registration as a professional hydrologist was recently denied. Thus, I suddenly find that, despite my qualifications, I am considered unqualified to practice my profession in water resources in Wisconsin. Not only does this limit my service as the North American Director of International Environmental Management Services Limited, but also it impugnes the integrity and value of the University of Wisconsin Educational System, and places water resources professionals and small businesses in the State at risk.

For these reasons, I submit that the underlying problem in the definition of Hydrology, as stated in Chapter 470 of the Wisconsin Statutes, needs to be corrected before Administrative Rules are adopted or extended, even in an emergency capacity. Thus, I further submit that the emergency extension of Administrative Rules GHSS 1 through 5 be tabled until the statutory corrections can be made.

Sincerely



Thomas M. Slawski, PhD
Director: North America

IEMS Ltd.
N67 W23739 Linda Drive
Sussex, WI 53089

cc: Sen. Margaret A. Farrow
Rep. Frank H. Urban



David Ward

Wisconsin State Assembly

Member: Joint Committee on Finance

November 18, 1999

Joint Committee on Administrative Rules

Senator Judy Robson
15 South, State Capitol
Madison, WI 53807

Dear Sen. Robson,

I would like to take this opportunity to submit comments for the hearing this afternoon. Due to other commitments, I am unsure if I will be available to provide testimony at the hearing.

The Dept. of Commerce will be requesting an extension of an emergency rule related to certified capital companies. The CAPCO legislation (1997 Wisconsin Act 215) is a result of much hard work and dedication by Senator Gwendolynne Moore and myself. In the past, WMC has identified the lack of venture capital as a true barrier to attracting new businesses to Wisconsin. The CAPCO program provides that necessary capital for start up costs of a new business. Recently, 3 companies have become certified capital companies which will stimulate the investment of \$50 million in much needed venture capital funds into small Wisconsin companies. I am very pleased to report that this beneficial program is off to a successful start and will continue to enhance the economic vitality of Wisconsin as we move into the next millenium.

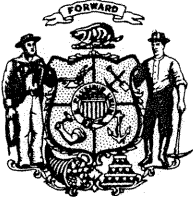
The emergency rule related to Comm 111, certified capital companies, was enacted as a means to start the program by its effective date, July 1, 1999. Since then, final rules have been drafted and submitted to the Assembly Financial Institutions Committee and the Senate Economic Development, Housing, and Government Operations Committee for legislative review. Both committees reported the permanent rule out of committee and the department adopted it on November 10, 1999.

The permanent rule will not be effective until February 1, 2000 due to publishing and distribution timelines. Since the current emergency rule will expire on December 19, 1999, an extension is necessary until the permanent rule can take effect. I urge you to grant the department this extension related to certified capital companies at this time.

If you have any questions, please feel free to contact me at (608) 266-3790.

Sincerely,

Representative David Ward
37th Assembly District



LUTHER S. OLSEN

STATE REPRESENTATIVE · 41ST ASSEMBLY DISTRICT

November 15, 1999

Representative Glenn Grothman
Co-Chair, Joint Committee for Review of Administrative Rules
15 North
State Capitol

Senator Judith Robson
Co-Chair, Joint Committee for Review of Administrative Rules
15 South
State Capitol

Dear Representative Grothman and Senator Robson:

I am writing to respectively request the Joint Committee for Review of Administrative Rules (JCRAR) grant an extension of the emergency rule relating to CPR recertification for drivers of specialized medical vehicles.

The emergency rule requires drivers of specialized medical vehicles to take a refresher course in first aid every three years and a maintain CPR certification. This emergency rule addresses problems contained in the original rule which required first aid training every 2 years and CPR refresher every year. As I stated in my testimony to you in May, there is no CPR refresher course available, so this rule has the effect of requiring drivers to take the full CPR course every year.

Thank you for your attention to this matter. Please feel free to contact me with any questions or concerns you may have.

Sincerely,



Luther S. Olsen
Chairman, Assembly Committee on Education

LSO/mp

SENATOR JUDITH B. ROBSON
 CO-CHAIR
 PO BOX 7882
 MADISON, WI 53707-7882
 (608) 266-2253



REPRESENTATIVE GLENN GROTHMAN
 CO-CHAIR
 PO BOX 8952
 MADISON, WI 53708-8952
 (608) 264-8486

**JOINT COMMITTEE FOR
 REVIEW OF ADMINISTRATIVE RULES**

Emergency Rule Extension Motion Form

Last Modified March, 1999

Date 11/18/99 Location Room 411 South
 Moved by Shibilski, Seconded by Robson

THAT, pursuant to § 227.24(2)(a), *Wisconsin State Statutes*, the Joint Committee for the Review of Administrative Rules extend the effective period of Emergency Rule GHSS 1 to 5 by 60 days, at the request of the Department of Regulation and Licensing.

COMMITTEE MEMBER	Aye	No	Absent
1. Senator ROBSON	X		
2. Senator GROBSCHMIDT	X	■	
3. Senator SHIBLISKI	X		
4. Senator WELCH			X
5. Senator DARLING		X	
6. Representative GROTHMAN		X	
7. Representative GUNDERSON		X	
8. Representative SERATTI			X
9. Representative KREUSER			X
10. Representative BLACK	X		
Totals	4	3	3

*polled by phone
 paper ballot

Motion Carried

Motion Failed

SENATOR JUDITH B. ROBSON
 CO-CHAIR
 PO Box 7882
 MADISON, WI 53707-7882
 (608) 266-2253



REPRESENTATIVE GLENN GROTHMAN
 CO-CHAIR
 PO Box 8952
 MADISON, WI 53708-8952
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**JOINT COMMITTEE FOR
 REVIEW OF ADMINISTRATIVE RULES**

Emergency Rule Extension Motion Form

Last Modified March, 1999

Date: September 22, 1999 Location: Room 201 Southeast, State Capitol

Moved by Sen. Welch, Seconded by Rep. Grothman

THAT, pursuant to § 227.24(2)(a), *Wisconsin State Statutes*, the Joint Committee for the Review of Administrative Rules extend the effective period of Emergency Rule GHSS 1 to 5 by 60 days, at the request of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists.

COMMITTEE MEMBER	Aye	No	Absent
1. Senator ROBSON			X
2. Senator GROBSCHMIDT	X		
3. Senator SHIBLISKI			X
4. Senator WELCH	X		
5. Senator DARLING	X		
6. Representative GROTHMAN	X		
7. Representative GUNDERSON	✓		
8. Representative SERATTI	X		
9. Representative KREUSER	X		
10. Representative BLACK	X		
Totals			

**by polling*

Motion Carried

Motion Failed

SENATOR JUDITH B. ROBSON
CO-CHAIR

PO BOX 7882
MADISON, WI 53707-7882
(608) 266-2253



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIR

PO BOX 8952
MADISON, WI 53708-8952
(608) 264-8486

JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

September 24, 1999

Mr. Alfred Hall, Jr.
Director, Bureau of Business and Design Professions
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Dear Mr. Hall:

We are writing to inform you that the Joint Committee for the Review of Administrative Rules (JCRAR) held a public hearing on September 22, 1999. At that meeting, JCRAR received public testimony regarding **Emergency Rule GHSS 1 to 5**, relating to licensure and regulation of professional geologists, hydrologists and soil scientists.

The Joint Committee for the Review of Administrative Rules met in Executive Session on September 22, 1999 and adopted the following motion:

Pursuant to §227.24(2)(a), *Stats.*, the Joint Committee for Review of Administrative Rules extend the effective date of **Emergency Rule GHSS 1 to 5** by 60 days, at the request of the Department of Regulation and Licensing.

Ayes: (8) Senators Grobschmidt, Welch, and Darling*; Representatives Grothman, Seratti, Gunderson, Kreuser, and Black

Noes: (0)

Absent: (2) Senators Robson and Shibilski. *Roll held open, voted by phone.

Motion Carried: Extension Granted.

8 Ayes, 0 Noes, 2 Absent.

SENATOR JUDITH B. ROBSON
CO-CHAIR
PO BOX 7882
MADISON, WI 53707-7882
(608) 266-2253



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIR
PO BOX 8952
MADISON, WI 53708-8952
(608) 264-8486

JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

November 19, 1999

Mr. Alfred Hall, Jr.
Director, Bureau of Business and Design Professions
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Dear Mr. Hall:

We are writing to inform you that the Joint Committee for the Review of Administrative Rules (JCRAR) held a public hearing and executive session on November 18, 1999. At that meeting, the JCRAR took the following action:

The committee voted to extend the effective period of Emergency Rule GHSS 1 to 5 by 60 days.

Pursuant to §227.24(2)(c), *Stats.*, we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through copies of this letter.

Sincerely,

Judith B. Robson
State Senator
15th Senate District

Glenn Grothman
State Representative
59th Assembly District

JBR:da

cc: Secretary of State La Follette
Revisor of Statutes Gary Poulson

SENATE HEARING SLIP

(Please Print Plainly)

ADMINISTRATIVE RULES

DATE: November 18, 1999

BILL NO. Emergency Rule

OR

SUBJECT G HSS 1705

Alfred Hill, Ike, Bream Dineen
(NAME)
400 E. Washington
(Street Address or Route Number)
Madison 53703
(City and Zip Code)

Dept. of Regulation & Licensing
(Representing) Examining Board of Professional Geologists, Hydrologists, Soil Scientists, (Written Testimony Submitted)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

I.C.R.A.R HEARING SLIP

(Please Print Plainly)

DATE: 11/18/99

CHR-NO _____

OR

SUBJECT Emergency Rule G HSS 1-5

Thomas M. Sawski
(NAME)
467 W23739 Luoda Dr
(Street Address or Route Number)
SUSSEX WI 53089
(City and Zip Code)

INTERNATIONAL ENVIRONMENTAL MANAGEMENT SERVICES LIMITED
(Representing)

Speaking in Favor of Rule:

(i.e. against objection or the rule suspension)

Speaking Against the Rule:

(i.e. in favor of objection or suspension)

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

I.C.R.A.R HEARING SLIP

(Please Print Plainly)

DATE: 11/18/99

CHR-NO _____

OR

SUBJECT Emergency Rule G HSS 1-5

Jeffrey A. Thornton
(NAME)
321 Barney Street
(Street Address or Route Number)
Waukesha, WI 53186-2402
(City and Zip Code)

North American Lake Management Society
(Representing) Chaboy (Lake Line)

Speaking in Favor of Rule:

(i.e. against objection or the rule suspension)

Speaking Against the Rule:

(i.e. in favor of objection or suspension)

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly) Rules
OF ADMINISTRATIVE RULES

DATE: Sept. 22, 1999

BILL NO. Emergency Rule

OR

SUBJECT CHSS / no S

Alfred Hall, Jr., Bureau Director
(NAME)

1400 E. Washington Ave
(Street Address or Route Number)

Madison WI 53703
(City and Zip Code) Dept. of Regulation
Licensing (ADB)

Examining Board of Geologists,
(Representing)

Hydrologists & Soil Scientists.
Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

Please return this slip to a messenger **PROMPTLY.**

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882