



1997 SENATE BILL 420

January 28, 1998 - Introduced by Senators SHIBILSKI, PANZER, WINEKE, PLACHE, CHVALA, SCHULTZ, RUDE, MOORE, WEEDEN, ROSENZWEIG, FITZGERALD, BRESKE, COWLES, C. POTTER, RISSER, ZIEN, HUELSMAN, A. LASEE, CLAUSING and DRZEWIECKI, cosponsored by Representatives JOHNSRUD, MURAT, GARD, HASENOHRL, BAUMGART, BOCK, MUSSER, HANSON, GROTHMAN, RYBA, GOETSCH, SPRINGER, GRONEMUS, ZIEGELBAUER, KAUFERT, OTTE, KREIBICH, FREESE and HEBL. Referred to Committee on Agriculture and Environmental Resources.

1 **AN ACT to repeal** 443.02 (3m), 443.037, 443.09 (4r), 443.10 (1) (e) and 443.14 (12);
2 **to renumber and amend** 440.08 (2) (a) 37m., 443.01 (3c), 443.01 (6k) and
3 443.01 (7e); **to amend** 15.405 (2) (intro.), 15.405 (2) (a), 15.405 (2) (b), chapter
4 443 (title), 443.01 (3), 443.08 (1), 443.08 (2), 443.08 (3) (a), 443.08 (4) (a), 443.08
5 (4) (b), 443.08 (5), 443.09 (title), 443.09 (1), 443.09 (2), 443.09 (5), 443.10 (1) (a),
6 443.10 (1) (b), 443.10 (1) (d), 443.10 (2) (a), 443.10 (2) (c), 443.10 (2) (d), 443.10
7 (2) (e), 443.11 (title), 443.11 (1) (intro.), 443.11 (1) (c), 443.11 (1) (d), 443.11 (2),
8 443.11 (4), 443.11 (6), 443.14 (1), 443.14 (2), 443.14 (3), 443.14 (4), 443.14 (6),
9 443.14 (14), 443.16, 443.17, 443.18 (1) (a), 443.18 (2) (a) and 703.11 (2) (b); and
10 **to create** 440.08 (2) (a) 67q., 440.08 (2) (a) 67s. and chapter 470 of the statutes;
11 **relating to:** the registration of professional geologists, hydrologists and soil

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1 scientists, providing an exemption from emergency rule procedures, granting
2 rule-making authority and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, a person may not practice professional geology or represent that he or she is a professional geologist unless he or she has been issued a certificate of registration as a professional geologist by the examining board of architects, landscape architects, professional geologists, professional engineers, designers and land surveyors (board) in the department of regulation and licensing (DORL). The board may issue such a certificate to a person who satisfies certain requirements, including all of the following: 1) not having an arrest or conviction record the circumstances of which substantially relate to the practice of professional geology; 2) completing specified educational and experience requirements; 3) submitting letters of recommendation; and 4) passing an examination. The board may also issue certificates of registration to certain persons who are registered as professional geologists in other states or countries.

This bill transfers the authority to issue certificates of registration as a professional geologist from the board to DORL. The bill prohibits a person who has not been issued a certificate of registration from representing that he or she is a registered geologist. However, the bill does not prohibit such a person from practicing professional geology. The bill also allows DORL to issue certificates of registration as a professional hydrologist or soil scientist. As with a professional geologist certificate, the bill prohibits a person who has not been issued a certificate from representing that he or she is a registered hydrologist or soil scientist. However, the bill does not prohibit such a person from engaging in the practice of professional hydrology or soil science.

Under the bill, DORL is required to promulgate rules that establish the educational and experience requirements that a person must satisfy in order to be issued a certificate of registration as a professional geologist, hydrologist or soil scientist. The bill allows DORL to promulgate rules establishing continuing education requirements that a person must satisfy to renew his or her certificate of registration. DORL must appoint advisory councils to advise on the rules. Also under the bill, a person is not eligible for a certificate unless he or she passes an examination and does not have an arrest or conviction record the circumstances of which substantially relate to the practice of professional geology, hydrology or soil science. Finally, the bill allows DORL to issue certificates of registration to certain persons who are registered as professional geologists, hydrologists or soil scientists in other states or countries.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 15.405 (2) (intro.) of the statutes is amended to read:

2 15.405 (2) (title) EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
3 ~~PROFESSIONAL GEOLOGISTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS.~~

4 (intro.) There is created an examining board of architects, landscape architects,
5 ~~professional geologists,~~ professional engineers, designers and land surveyors in the
6 department of regulation and licensing. Any professional member appointed to the
7 examining board shall be registered to practice architecture, landscape architecture,
8 ~~professional geology,~~ professional engineering, the design of engineering systems or
9 land surveying under ch. 443. The examining board shall consist of the following
10 members appointed for 4-year terms: 3 architects, 3 landscape architects, ~~3~~
11 ~~professional geologists,~~ 3 professional engineers, 3 designers, 3 land surveyors and
12 ~~12~~ 10 public members.

13 **SECTION 2.** 15.405 (2) (a) of the statutes is amended to read:

14 15.405 (2) (a) In operation, the examining board shall be divided into an
15 architect section, a landscape architect section, ~~a geologist section,~~ an engineer
16 section, a designer section and a land surveyor section. Each section shall consist of
17 the 3 members of the named profession appointed to the examining board and 2
18 public members appointed to the section. The examining board shall elect its own
19 officers, and shall meet at least twice annually.

20 **SECTION 3.** 15.405 (2) (b) of the statutes is amended to read:

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1 443.01 (3) “Examining board” means the examining board of architects,
2 landscape architects, professional geologists, professional engineers, designers and
3 land surveyors.

4 **SECTION 9.** 443.01 (3c) of the statutes is renumbered 470.01 (1) and amended
5 to read:

6 470.01 (1) ~~“Geology”~~ “Geoscience” means the science that involves the study of
7 the earth and the earth’s origin, composition, structure and physical history,
8 including the study of the natural agents, forces and processes that cause changes
9 in the earth and the investigation of and collection of data concerning the crust and
10 the interior of the earth and the surface and underground gases, solids and fluids
11 that make up the earth. “Geoscience” includes branches that primarily involve
12 geology, hydrology or soil science.

13 **SECTION 10.** 443.01 (6k) of the statutes is renumbered 470.01 (2) and amended
14 to read:

15 470.01 (2) “Practice of professional geology” means the performance of or the
16 offer to perform any geologic service or work in which the public welfare or the
17 safeguarding of life, health, environment or property is concerned or involved.
18 “Practice of professional geology” includes the collection of geological data,
19 consultation, investigation, evaluation, interpretation, planning, or inspection of or
20 relating to a service or work that applies the science of that branch of geoscience that
21 primarily involves geology.

22 **SECTION 11.** 443.01 (7e) of the statutes is renumbered 470.01 (5) and amended
23 to read:

24 470.01 (5) “Professional geologist” means an individual who, by reason of his
25 or her knowledge of that branch of geoscience that primarily involves geology, soils,

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1 ~~mathematics and the physical and life sciences, acquired by the education and~~
2 ~~practical experience required under this chapter~~ satisfying the requirements
3 specified in rules promulgated by the department under s. 470.03 (1) (b), is qualified
4 ~~to engage in the practice of~~ use a title related to professional geology that is specified
5 in s. 470.02 (1).

6 **SECTION 12.** 443.02 (3m) of the statutes is repealed.

7 **SECTION 13.** 443.037 of the statutes is repealed.

8 **SECTION 14.** 443.08 (1) of the statutes is amended to read:

9 443.08 (1) The practice of architecture, ~~professional geology~~ and professional
10 engineering pertaining to the internal operations of a firm, partnership or
11 corporation may be performed by employes if the architectural, ~~professional~~
12 ~~geological~~ or professional engineering services are performed by or under the direct
13 supervision of architects, ~~professional geologists~~ or professional engineers registered
14 under this chapter, or persons exempt from registration under s. 443.14. Registered
15 or exempt architectural, ~~professional geological~~ or professional engineering
16 employes may provide architectural, ~~professional geological~~ or professional
17 engineering data with respect to the manufacture, sale and utilization of the
18 products of the firm, partnership or corporation to other registered or exempt
19 architects, ~~professional geologists~~ or professional engineers.

20 **SECTION 15.** 443.08 (2) of the statutes is amended to read:

21 443.08 (2) The practice of or the offer to practice architecture, ~~professional~~
22 ~~geology~~, professional engineering or designing by individual architects, ~~professional~~
23 ~~geologists~~, professional engineers or designers registered or granted a permit under
24 this chapter, through a firm, partnership or corporation as principals, officers,
25 employes or agents, is permitted subject to this chapter, if all personnel who practice

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1 or offer to practice in its behalf as architects, ~~professional geologists~~, professional
2 engineers or designers are registered or granted a permit under this chapter and if
3 the corporation has been issued a certificate of authorization under sub. (3).

4 **SECTION 16.** 443.08 (3) (a) of the statutes is amended to read:

5 443.08 (3) (a) A corporation desiring a certificate of authorization shall submit
6 an application to the department on forms provided by the department, listing the
7 names and addresses of all officers and directors, and all individuals in its
8 employment registered or granted a permit to practice architecture, ~~professional~~
9 ~~geology~~, professional engineering or designing in this state who will be in responsible
10 charge of architecture, ~~professional geology~~, professional engineering or designing
11 being practiced in this state through the corporation and other relevant information
12 required by the examining board. A similar type of form shall also accompany the
13 renewal fee. If there is a change in any of these persons, the change shall be reported
14 on the same type of form, and filed with the department within 30 days after the
15 effective date of the change. The examining board shall grant a certificate of
16 authorization to a corporation complying with this subsection upon payment of the
17 fee specified in s. 440.05 (1). This subsection does not apply to corporations exempt
18 under s. 443.14 (3) or (5).

19 **SECTION 17.** 443.08 (4) (a) of the statutes is amended to read:

20 443.08 (4) (a) No firm, partnership or corporation may be relieved of
21 responsibility for the conduct or acts of its agents, employes or officers by reason of
22 its compliance with this chapter, nor may any individual practicing architecture,
23 landscape architecture, ~~professional geology~~, professional engineering or designing
24 be relieved of responsibility for architectural, landscape architectural, ~~professional~~

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1 ~~geological~~, professional engineering or designing services performed by reason of his
2 or her employment or relationship with the firm, partnership or corporation.

3 **SECTION 18.** 443.08 (4) (b) of the statutes is amended to read:

4 443.08 (4) (b) All final drawings, specifications, plans, reports or other
5 architectural, ~~geological~~, engineering or designing papers or documents involving
6 the practice of architecture, ~~professional geology~~, professional engineering or
7 designing, or landscape architectural papers or documents prepared by a landscape
8 architect registered under this chapter, prepared for the use of the corporation, for
9 delivery by it to any person or for public record within the state shall be dated and
10 bear the signature and seal of the architect, landscape architect, ~~professional~~
11 ~~geologist~~, professional engineer or designer who was in responsible charge of their
12 preparation. This paragraph does not apply to persons exempt under s. 443.14 (3),
13 (4) or (5).

14 **SECTION 19.** 443.08 (5) of the statutes is amended to read:

15 443.08 (5) No firm, partnership or corporation may engage in the practice of
16 or offer to practice architecture, ~~professional geology~~, professional engineering or
17 designing in this state, or use in connection with its name or otherwise assume, use
18 or advertise any title or description tending to convey the impression that it is
19 engaged in the practice of architecture, ~~professional geology~~, professional
20 engineering or designing, nor may it advertise or offer to furnish an architectural,
21 ~~professional geological~~, professional engineering or designing service, unless the
22 firm, partnership or corporation has complied with this chapter.

23 **SECTION 20.** 443.09 (title) of the statutes is amended to read:

24 **443.09 (title) Examinations and experience requirements for architect,**
25 **landscape architect, ~~geologist~~ and engineer applicants.**

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1 **SECTION 21.** 443.09 (1) of the statutes is amended to read:

2 443.09 (1) In considering the qualifications of an applicant as an architect,
3 landscape architect, ~~professional geologist~~ or professional engineer, responsible
4 charge of architectural, landscape architectural, ~~geological~~ or engineering teaching
5 may be construed as experience.

6 **SECTION 22.** 443.09 (2) of the statutes is amended to read:

7 443.09 (2) Subject to ss. 111.321, 111.322 and 111.335, no person who has an
8 arrest or conviction record is eligible for registration as an architect, a landscape
9 architect, ~~a professional geologist~~ or a professional engineer, or certification as an
10 engineer-in-training

11 **SECTION 23.** 443.09 (4r) of the statutes is repealed.

12 **SECTION 24.** 443.09 (5) of the statutes is amended to read:

13 443.09 (5) Written or written and oral examinations shall be held at such time
14 and place as the examining board determines. The scope of the examinations and
15 the methods of procedure shall be prescribed by the examining board with special
16 reference to the applicant's ability to design and supervise architectural, landscape
17 architectural, ~~geological~~ or engineering work, which shall promote the public welfare
18 and ensure the safety of life, health and property. The architect and professional
19 engineering examination or examinations shall include questions which require
20 applicants to demonstrate knowledge of the design needs of people with physical
21 disabilities and of the relevant statutes and codes. Such questions shall be developed
22 by the examining board in consultation with the department of commerce. The
23 examination for candidates under s. 443.04 (1) (c) shall be the principles and practice
24 examination which requires the applicant to demonstrate the ability to apply
25 engineering principles and judgment to problems in general engineering disciplines

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1 and to demonstrate knowledge of the design needs of people with physical disabilities
2 and the relevant statutes, rules and regulations. A candidate failing an examination
3 may, upon application and payment of the required reexamination fee, be examined
4 again by the examining board. No restrictions may be placed on the number of times
5 an unsuccessful candidate may be reexamined, except that after failure of 3
6 reexaminations, the examining board may require a one-year waiting period before
7 further reexamination.

8 **SECTION 25.** 443.10 (1) (a) of the statutes is amended to read:

9 443.10 (1) (a) The examining board may, upon application and the payment of
10 the required fee, grant a certificate of registration as an architect, as a landscape
11 architect, ~~as a professional geologist~~ or as a professional engineer to any person who
12 holds an unexpired certificate of similar registration issued to the person by the
13 proper authority in any state or territory or possession of the United States or in any
14 country in which the requirements for the registration of architects, landscape
15 architects, ~~professional geologists~~ or professional engineers are of a standard not
16 lower than specified in this chapter.

17 **SECTION 26.** 443.10 (1) (b) of the statutes is amended to read:

18 443.10 (1) (b) The examining board may, upon application and payment of the
19 required fee, grant a certificate of registration as an architect, as a landscape
20 architect, ~~as a professional geologist~~ or as a professional engineer to any person who
21 holds an unrevoked card or certificate of national reciprocal registration, issued by
22 any state, territory or possession of the United States or by any country, which is in
23 conformity with the regulations of the national council of state board of architectural,
24 or engineering examiners, or council of landscape architectural registration boards,
25 ~~or of a council with similar national jurisdiction over professional geologists,~~ and who

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1 complies with the regulations of the examining board, except as to qualifications and
2 registration fee.

3 **SECTION 27.** 443.10 (1) (d) of the statutes is amended to read:

4 443.10 (1) (d) The examining board may, upon application and payment of the
5 required fee, grant a permit to practice or to offer to practice architecture,
6 ~~professional geology~~ or professional engineering or to use the title "landscape
7 architect" to a person who is not a resident of and has no established place of business
8 in this state, or who has recently become a resident of this state, if the person holds
9 an unexpired certificate of similar registration issued to the person by the proper
10 authority in any state or territory or possession of the United States or in any country
11 in which the requirements for the registration of architects, landscape architects,
12 ~~professional geologists~~ or professional engineers are of a standard not lower than
13 specified in this chapter.

14 **SECTION 28.** 443.10 (1) (e) of the statutes is repealed.

15 **SECTION 29.** 443.10 (2) (a) of the statutes, as affected by 1997 Wisconsin Act 27,
16 is amended to read:

17 443.10 (2) (a) Applications for registration or for a certificate of record shall be
18 on forms provided by the department and shall contain statements made under oath
19 showing the applicant's education and detail summary of the applicant's technical
20 work and not less than 5 references, of whom 3 or more shall have personal
21 knowledge of the applicant's architectural, landscape architectural, ~~geological~~ or
22 engineering experience in the case of an application for registration or of the
23 applicant's technical education or engineering work in the case of an application for
24 a certificate of record.

25 **SECTION 30.** 443.10 (2) (c) of the statutes is amended to read:

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1 443.10 (2) (c) The examining board shall grant a certificate of registration upon
2 payment of the registration fee to any applicant who, in the opinion of the examining
3 board, has satisfactorily met all the applicable requirements of this chapter. The
4 certificate shall authorize the practice of architecture, ~~professional geology~~ or
5 professional engineering or the use of the title "landscape architect", as appropriate.

6 **SECTION 31.** 443.10 (2) (d) of the statutes is amended to read:

7 443.10 (2) (d) The granting of a certificate of registration by the examining
8 board shall be evidence that the person named in the certificate is entitled to all the
9 rights and privileges of a registered architect, a registered landscape architect, ~~a~~
10 ~~registered professional geologist~~ or a registered professional engineer under the
11 classification stated on the certificate, while the certificate remains unrevoked or
12 unexpired.

13 **SECTION 32.** 443.10 (2) (e) of the statutes is amended to read:

14 443.10 (2) (e) The renewal date and renewal fee for certificates of registration
15 for architects, landscape architects, ~~professional geologists~~ and professional
16 engineers are specified under s. 440.08 (2) (a).

17 **SECTION 33.** 443.11 (title) of the statutes is amended to read:

18 **443.11 (title) Disciplinary proceedings against architects, landscape**
19 **architects, geologists and engineers.**

20 **SECTION 34.** 443.11 (1) (intro.) of the statutes is amended to read:

21 443.11 (1) (intro.) The examining board may reprimand an architect,
22 registered landscape architect, ~~professional geologist~~ or professional engineer or
23 limit, suspend or revoke the certificate of registration of any registrant, and the
24 certificate of record of any engineer-in-training, who is found guilty of:

25 **SECTION 35.** 443.11 (1) (c) of the statutes is amended to read:

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1 443.11 (1) (c) Knowingly aiding or abetting the unauthorized practice of
2 architecture, ~~professional geology~~ or professional engineering by persons not
3 registered under this chapter.

4 **SECTION 36.** 443.11 (1) (d) of the statutes is amended to read:

5 443.11 (1) (d) Any gross negligence, incompetency or misconduct in the practice
6 of architecture as a registered architect, of landscape architecture as a registered
7 landscape architect, ~~of professional geology as a registered professional geologist~~ or
8 of professional engineering as a registered professional engineer, or in the
9 professional activity of a holder of a certificate of record as engineer-in-training.

10 **SECTION 37.** 443.11 (2) of the statutes is amended to read:

11 443.11 (2) The examining board may reprimand or may limit, suspend or
12 revoke the certificate of authorization of a corporation if any of its agents, employes
13 or officers has committed any act or has been guilty of any conduct which would
14 authorize a reprimand or a limitation, suspension or revocation of the certificate of
15 registration of a registrant or the certificate of record of an engineer-in-training
16 under this chapter, unless the corporation submits evidence satisfactory to the
17 examining board that the agent, employe or officer is not now practicing or offering
18 to practice architecture, ~~professional geology~~ or professional engineering in its
19 behalf.

20 **SECTION 38.** 443.11 (4) of the statutes is amended to read:

21 443.11 (4) If after holding a hearing 3 members of the section of the examining
22 board holding the hearing vote in favor of sustaining the charges, the examining
23 board shall reprimand or limit, suspend or revoke the certificate of registration of the
24 registered architect, registered landscape architect, ~~registered professional~~
25 ~~geologist~~ or registered professional engineer, the certificate of record of the holder of

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1 a certificate as engineer-in-training, or the certificate of a corporate holder of a
2 certificate of authorization.

3 **SECTION 39.** 443.11 (6) of the statutes is amended to read:

4 443.11 (6) The examining board, for reasons the interested section considers
5 sufficient, may reissue a certificate of registration or a certificate of record to any
6 person, or a certificate of authorization to any corporation, whose certificate has been
7 revoked, providing 3 members of the architect section, 3 members of the landscape
8 architect section, ~~3 members of the geologist section~~ or 3 members of the engineer
9 section of the examining board vote in favor of such reissuance. A new certificate of
10 registration, certificate of record or certificate of authorization, to replace any
11 certificate revoked, lost, destroyed or mutilated may be issued, subject to the rules
12 of the examining board and the payment of the required fee.

13 **SECTION 40.** 443.14 (1) of the statutes is amended to read:

14 443.14 (1) An employe of a person holding a certificate of registration in this
15 state who is engaged in the practice of architecture, ~~professional geology~~ or
16 professional engineering and an employe of a person temporarily exempted from
17 registration, if the practice does not include responsible charge of architecture,
18 ~~professional geology~~ or professional engineering practice.

19 **SECTION 41.** 443.14 (2) of the statutes is amended to read:

20 443.14 (2) Officers and employes of the federal government while engaged
21 within this state in the practice of architecture, landscape architecture, ~~professional~~
22 ~~geology~~ or professional engineering for the federal government.

23 **SECTION 42.** 443.14 (3) of the statutes is amended to read:

24 443.14 (3) A public service company and its regular employes acting in its
25 behalf where the professional engineering ~~or professional geological~~ services

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1 rendered are in connection with its facilities which are subject to regulation,
2 supervision and control by a commission of this state or of the federal government.

3 **SECTION 43.** 443.14 (4) of the statutes is amended to read:

4 443.14 (4) Any person who practices architecture, ~~professional geology~~ or
5 professional engineering, exclusively as a regular employe of a private company or
6 corporation, by rendering to the company or corporation architectural, ~~professional~~
7 ~~geological~~ or professional engineering services in connection with its operations, so
8 long as the person is thus actually and exclusively employed and no longer, if the
9 company or corporation has at least one architect, ~~professional geologist~~ or
10 professional engineer who is registered under this chapter in responsible charge of
11 the company's or corporation's architectural, ~~professional geological~~ or professional
12 engineering work in this state.

13 **SECTION 44.** 443.14 (6) of the statutes is amended to read:

14 443.14 (6) Notwithstanding any other provision of this chapter, contractors,
15 subcontractors or construction material or equipment suppliers are not required to
16 register under this chapter to perform or undertake those activities which
17 historically and customarily have been performed by them in their respective trades
18 and specialties, including, but not limited to, the preparation and use of drawings,
19 specifications or layouts within a construction firm or in construction operations,
20 superintending of construction, installation and alteration of equipment, cost
21 estimating, consultation with architects, ~~professional geologists~~, professional
22 engineers or owners concerning materials, equipment, methods and techniques, and
23 investigations or consultation with respect to construction sites, provided all such
24 activities are performed solely with respect to the performance of their work on
25 buildings or with respect to supplies or materials furnished by them for buildings or

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1 structures or their appurtenances which are, or which are to be, erected, enlarged
2 or materially altered in accordance with plans and specifications prepared by
3 architects, ~~professional geologists~~ or professional engineers, or by persons exempt
4 under subs. (1) to (5) while practicing within the scope of their exemption.

5 **SECTION 45.** 443.14 (12) of the statutes is repealed.

6 **SECTION 46.** 443.14 (14) of the statutes is amended to read:

7 443.14 (14) A ~~professional geologist~~ person who, while engaged in the practice
8 of professional geology ~~in accordance with this chapter, as defined in s. 470.01 (2),~~
9 practices professional engineering, if the acts that involve the practice of
10 professional engineering are also part of the practice of professional geology.

11 **SECTION 47.** 443.16 of the statutes is amended to read:

12 **443.16 Change of name.** No person may practice architecture, ~~professional~~
13 ~~geology~~ or professional engineering in this state, and no person who is registered as
14 a landscape architect under this chapter may practice landscape architecture in this
15 state, under any other given name or any other surname than that under which the
16 person was originally licensed or registered to practice in this or any other state, in
17 any instance in which the examining board, after a hearing, finds that practicing
18 under the changed name operates to unfairly compete with another practitioner or
19 to mislead the public as to identity or to otherwise result in detriment to the
20 profession or the public. This section does not apply to a change of name resulting
21 from marriage or divorce.

22 **SECTION 48.** 443.17 of the statutes is amended to read:

23 **443.17 Seal or stamp; aiding unauthorized practice.** No person who is
24 registered under this chapter to practice architecture, landscape architecture,
25 ~~professional geology~~ or professional engineering may impress his or her seal or

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1 stamp upon documents which have not been prepared by the person or under his or
2 her direction and control, knowingly permit his or her seal or stamp to be used by any
3 other person or in any other manner knowingly aid or abet the unauthorized practice
4 of architecture, ~~professional geology~~ or professional engineering or the unauthorized
5 use of the title "landscape architect" by persons not authorized under this chapter.

6 **SECTION 49.** 443.18 (1) (a) of the statutes is amended to read:

7 443.18 (1) (a) Any person who practices or offers to practice architecture,
8 ~~professional geology~~ or professional engineering in this state, or who uses the term
9 "architect", ~~"professional geologist"~~ or "professional engineer" as part of the person's
10 business name or title, except as provided in s. 443.08 (6), or in any way represents
11 himself or herself as an architect, ~~a professional geologist~~ or a professional engineer
12 unless the person is registered or exempted in accordance with this chapter, or unless
13 the person is the holder of an unexpired permit issued under s. 443.10 (1) (d), or any
14 individual who uses the title "landscape architect" in this state unless the person is
15 registered or exempted in accordance with this chapter, or any person presenting or
16 attempting to use as his or her own the certificate of registration of another, or any
17 person who gives any false or forged evidence of any kind to the examining board or
18 to any member of the examining board in obtaining a certificate of registration, or
19 any person who falsely impersonates any other registrant of like or different name,
20 or any person who attempts to use an expired or revoked certificate of registration,
21 or violates any of the provisions of this section, may be fined not less than \$100 nor
22 more than \$500 or imprisoned for not more than 3 months or both.

23 **SECTION 50.** 443.18 (2) (a) of the statutes is amended to read:

24 443.18 (2) (a) *Injunction.* If it appears upon complaint to the examining board
25 by any person, or is known to the examining board that any person who is neither

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1 registered nor exempt under this chapter nor the holder of an unexpired permit
2 under s. 443.10 (1) (d) is practicing or offering to practice, or is about to practice or
3 to offer to practice, architecture, ~~professional geology~~ or professional engineering in
4 this state, or is using the title “landscape architect” in this state, the examining board
5 or the attorney general or the district attorney of the proper county may investigate
6 and may, in addition to any other remedies, bring action in the name and on behalf
7 of this state against any such person to enjoin the person from practicing or offering
8 to practice architecture, ~~professional geology~~ or professional engineering or from
9 using the title “landscape architect”.

10 **SECTION 51.** Chapter 470 of the statutes is created to read:

CHAPTER 470**REGISTRY OF****GEOSCIENCE PROFESSIONALS**

14 **470.01 Definitions.** In this chapter:

15 **(3)** “Practice of professional hydrology” means the performance of or offer to
16 perform any hydrologic service or work in which the public welfare or the
17 safeguarding of life, health, environment or property is concerned or involved.
18 “Practice of professional hydrology” includes the collection of hydrological data,
19 consultation, investigation, evaluation, interpretation, planning or inspection
20 relating to a service or work that applies that branch of geoscience that primarily
21 involves hydrology.

22 **(4)** “Practice of professional soil science” means the performance of or offer to
23 perform any service or work related to soil science in which the public welfare or the
24 safeguarding of life, health, environment or property is concerned or involved.
25 “Practice of professional soil science” includes the collection of soil data, consultation,

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1 investigation, evaluation, interpretation, planning or inspection relating to a service
2 or work that applies that branch of geoscience that primarily involves soil science.

3 (6) "Professional hydrologist" means a person who, by reason of his or her
4 knowledge of that branch of geoscience that primarily involves hydrology, acquired
5 by satisfying the requirements specified in rules promulgated by the department
6 under s. 470.03 (1) (b), is qualified to use a title related to professional hydrology that
7 is specified in s. 470.02 (1).

8 (7) "Professional soil scientist" means a person who, by reason of his or her
9 knowledge of that branch of geoscience that primarily involves soil science, acquired
10 by satisfying the requirements specified in rules promulgated by the department
11 under s. 470.03 (1) (b), is qualified to use a title related to professional soil science
12 that is specified in s. 470.02 (1).

13 **470.02 Use of title. (1)** No person may use the title "Wisconsin registered
14 professional geologist", "Wisconsin registered geologist", "Wisconsin registered
15 professional hydrologist", "Wisconsin registered hydrologist", "Wisconsin registered
16 professional soil scientist" or "Wisconsin registered soil scientist", use any title or
17 description that implies that he or she has been issued a certificate of registration
18 as a professional geologist, hydrologist or soil scientist under this chapter or
19 represent himself or herself as having been issued a certificate of registration as a
20 professional geologist, hydrologist or soil scientist under this chapter unless he or
21 she has been issued a certificate of registration as a professional geologist,
22 hydrologist or soil scientist under this chapter.

23 (2) This chapter does not prohibit a person who has not been issued a certificate
24 of registration as a professional geologist, hydrologist or soil scientist under this

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1 chapter from engaging in the practice of professional geology, hydrology or soil
2 science.

3 **470.03 Duties of department.** (1) With the advice of the appropriate
4 advisory council appointed under sub. (3), the department shall promulgate rules
5 establishing all of the following:

6 (a) Requirements and standards for the practice of professional geology,
7 hydrology or soil science by a person who is issued a certificate of registration as a
8 professional geologist, hydrologist or soil scientist under this chapter, including a
9 code of ethics that governs the practice of professional geology, hydrology or soil
10 science.

11 (b) Education or training requirements that a person must satisfy in order to
12 be issued a certificate of registration as a professional geologist, hydrologist or soil
13 scientist under this chapter.

14 (2) With the advice of the appropriate advisory council appointed under sub.
15 (3), the department may promulgate rules that establish continuing education
16 requirements that a person must satisfy to be eligible to renew a certificate of
17 registration that is issued under this chapter.

18 (3) The department shall appoint professional geology, hydrology and soil
19 science advisory councils under s. 15.04 (1) (c) to provide advice to the department
20 with respect to promulgating the rules under subs. (1) and (2).

21 **470.04 Registration requirements.** The department shall issue a certificate
22 of registration as a professional geologist, hydrologist or soil scientist to a person who
23 does all of the following:

24 (1) Submits an application for the certificate to the department on a form
25 provided by the department.

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1 (2) Pays the fee specified in s. 440.05 (1).

2 (3) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory
3 to the department that he or she does not have an arrest or conviction record the
4 circumstances of which substantially relate to the practice of professional geology,
5 hydrology or soil science.

6 (4) Submits evidence satisfactory to the department that he or she satisfies the
7 requirements established in rules promulgated under s. 470.03 (1) (b).

8 (5) Passes an examination under s. 470.05.

9 **470.05 Examination.** The department shall conduct or arrange for
10 examinations for registration as a professional geologist, hydrologist or soil scientist
11 at least semiannually and at times and places determined by the department.
12 Examinations under this section shall require an applicant to demonstrate
13 minimum competency in subjects substantially related to the practice of professional
14 geology, hydrology or soil science and may consist of one or more written or oral tests,
15 or both.

16 **470.06 Reciprocal registration.** Upon application and payment of the fee
17 specified in s. 440.05 (2), the department may issue a certificate of registration as a
18 professional geologist, hydrologist or soil scientist to a person who has been issued
19 a similar certificate as a geologist, hydrologist or soil scientist by another state or
20 territory of the United States or in another country if he or she submits evidence
21 satisfactory to the department of all of the following:

22 (1) That, subject to ss. 111.321, 111.322 and 111.335, he or she does not have
23 an arrest or conviction record the circumstances of which substantially relate to the
24 practice of professional geology, hydrology or soil science.

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1 **(2)** That the requirements of the other state, territory or country that issued
2 the certificate are substantially equivalent to the requirements established in rules
3 promulgated under s. 470.03 (1) (b).

4 **470.07 Renewal of registration.** The renewal dates for certificates of
5 registration granted under this chapter are specified under s. 440.08 (2) (a). Renewal
6 applications shall be submitted to the department on a form provided by the
7 department and shall include the renewal fee specified in s. 440.08 (2) (a) and
8 evidence satisfactory to the department that the applicant has completed any
9 continuing education requirements specified in rules promulgated under s. 470.03
10 (3).

11 **470.08 Disciplinary proceedings and actions.** **(1)** Subject to the rules
12 promulgated under s. 440.03 (1), the department may make investigations and
13 conduct hearings to determine whether a violation of this chapter or any rule
14 promulgated under this chapter has occurred.

15 **(2)** Subject to the rules promulgated under s. 440.03 (1), the department may
16 reprimand a person issued a certificate of registration under this chapter, or may
17 limit, suspend or revoke the certificate of a person registered under this chapter, if
18 the person has done any of the following:

19 (a) Made a material misstatement in an application for a certificate of
20 registration or for renewal of a certificate of registration.

21 (b) Subject to ss. 111.321, 111.322 and 111.335, been arrested or convicted of an
22 offense the circumstances of which substantially relate to the practice of professional
23 geology, hydrology or soil science.

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1 (c) Been adjudicated mentally incompetent by a court of competent jurisdiction.

2 A certified copy of the record of an adjudication of incompetency is conclusive
3 evidence of incompetence under this paragraph.

4 (d) Advertised in a manner that is false, deceptive or misleading.

5 (e) Advertised, practiced or attempted to practice under another's name.

6 (f) Subject to ss. 111.321, 111.322 and 111.34, engaged in the practice of
7 professional geology, hydrology or soil science while the person's ability to engage in
8 the practice was impaired by alcohol or other drugs.

9 (g) Violated any requirement or standard relating to the practice of professional
10 geology, hydrology or soil science established by the department by rule.

11 (h) Engaged in conduct while engaging in the practice of professional geology,
12 hydrology or soil science which evidences a lack of knowledge or ability to apply
13 professional principles or skills.

14 (i) Failed to cooperate with the department in an investigation under this
15 section.

16 (j) Aided another person in violating this chapter or any rule promulgated
17 under this chapter.

18 (k) Violated this chapter or any rule promulgated under this chapter.

19 **470.09 Penalties. (1)** Except as provided in sub. (2), a person who violates
20 this chapter or any rule promulgated under this chapter may be fined not more than
21 \$1,000 or imprisoned for not more than 6 months or both.

22 **(2)** A person who does any of the following may be fined not less than \$100 nor
23 more than \$500 or imprisoned for not more than 3 months:

24 (a) Uses a title specified in s. 470.02 (1) in this state and has not been issued
25 a certificate of registration under this chapter.

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1 (b) Presents or attempts to use as his or her own the certificate of registration
2 of another.

3 (c) Falsely impersonates any other person who has been issued a certificate of
4 registration under this chapter

5 (d) Uses or attempts to use an expired or revoked certificate of registration.

6 **SECTION 52.** 703.11 (2) (b) of the statutes is amended to read:

7 703.11 (2) (b) A survey of the property described in the declaration complying
8 with minimum standards for property surveys adopted by the examining board of
9 architects, landscape architects, ~~professional geologists~~, professional engineers,
10 designers and land surveyors and showing the location of any unit or building located
11 or to be located on the property.

12 **SECTION 53. Nonstatutory provisions.**

13 (1) DEFINITIONS. In this section:

14 (a) “Board” means the examining board of architects, landscape architects,
15 professional geologists, professional engineers, designers and land surveyors.

16 (b) “Department” means the department of regulation and licensing.

17 (2) TRANSITIONAL PROVISIONS.

18 (a) Notwithstanding section 470.04 of the statutes, as created by this act, the
19 department shall do all of the following:

20 1. Issue a certificate of registration as a professional geologist to an individual
21 who was granted a valid certificate of registration as a professional geologist by the
22 board under section 443.10 (2) (c), 1995 stats., before the effective date of this
23 subdivision.

24 2. Issue a certificate of registration as a professional hydrologist or a
25 professional soil scientist to an individual who, subject to sections 111.321, 111.322

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1 and 111.335 of the statutes, does not have an arrest or conviction record, and who
2 does all of the following:

3 a. Submits an application for the certificate to the department no later than the
4 first day of the 6th month beginning after the effective date of this subdivision 2. a.

5 b. Pays the fee specified in section 440.05 (1) of the statutes.

6 c. Submits evidence satisfactory to the department that he or she has a
7 bachelor's degree, and at least 30 semester hours or 45 quarter hours of course
8 credits in hydrology or soil science of a variety and nature sufficient to constitute a
9 hydrology or soil science major, from a college or university approved by the
10 department.

11 d. Submits evidence satisfactory to the department that, after completing the
12 educational requirements specified in subdivision 2. c., the individual has completed
13 at least 5 years of professional experience in hydrologic or soil science work of a
14 character satisfactory to the department that demonstrates that the applicant is
15 qualified to assume responsible charge of hydrologic or soil science work. At least
16 2 years of the hydrologic or soil science work required under this subdivision 2. c.
17 must have been performed under the supervision of a person whom the department
18 determines is qualified to have responsible charge of hydrologic or soil science work.
19 The 5 year's experience requirement in this subdivision 2. c. shall be reduced to 4
20 years if the individual has one or more advanced degrees, approved by the
21 department, in hydrology or soil science or a geological science that is related to
22 hydrology or soil science.

23 e. Submits to the department letters of recommendation from 5 persons. At
24 least 3 letters shall be from individuals who have personal knowledge of the

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1 experience in hydrologic or soil science work of the individual applying for
2 registration.

3 (b) A certificate issued under paragraph (a) shall have the same force and effect
4 as a certificate of registration as a professional geologist, hydrologist or soil scientist
5 that is issued under section 470.04 of the statutes, as created by this act, and may
6 be renewed under section 470.07 of the statutes, as created by this act.

7 (3) EMERGENCY RULES. Using the procedure under section 227.24 of the
8 statutes, the department may promulgate rules required under section 470.03 (1) (a)
9 and (b) of the statutes, as created by this act, for the period before the effective date
10 of permanent rules promulgated under section 470.03 (1) (a) and (b) of the statutes,
11 as created by this act, but not to exceed the period authorized under section 227.24
12 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a) and (2) (b) of the
13 statutes, the department need not provide evidence of the necessity of preservation
14 of the public peace, health, safety or welfare in promulgating rules under this
15 subsection.

SECTION 54. Effective date.

16 (1) This act takes effect on the first day of the 12th month beginning after
17 publication.
18

19 (END)