

SB 156



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary

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May 9, 2001

Honorable James Baumgart, Chair
Senate Environmental Resources Committee
State Capitol, 306 South

Subject: Senate Bill 156

Dear Senator ^{Jim}Baumgart:

Chapter 470 of Wisconsin Law requires that anyone who practices geology, hydrology or soil science must have a license in Wisconsin, except for federal employees. The definitions of the practice of hydrology and soil science are broad and potentially have the unintended effect of "fencing out" professionals working in water regulatory, wetland, and wildlife management programs. These professionals have received specific training and education in the areas in which they work. They have many years of experience in carrying out State and local governments' regulatory, property management and enforcement programs and are recognized as experts in their fields.

The goal of Senate Bill 156 is to alleviate this unintended "fencing out" effect. The DNR supports this goal.

Sincerely,


Darrell Bazzell,
Secretary



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May 10, 2001

Via Hand Delivery

Senator James Baumgart, Chair
Senate Committee on Environmental Resources
State Capitol Building
Room 306 South
Madison, WI 53707

Re: Senate Bill 156

Dear Senator Baumgart and Committee Members:

I represent the state association of the nine Regional Planning Commissions in Wisconsin. We appreciate the inclusion of Regional Planning Commissions in the provisions of this Bill and we urge your Committee to recommend adoption.

We believe there is ample accountability, quality control and consumer protection inherent in the fact that the Planning Commissions are government agencies and in the fact that all of the work on the Planning Commissions and their staff members is advisory to other entities, providing checks and balances.

Regional Planning Commissions need to cover a wide spectrum of work activities and staff members typically have interdisciplinary training and knowledge from a variety of professions. In fact, the multi-disciplinary profession of city and regional planning is threatened with being "boxed out" by the licensing categories of other professions, causing the profession to consider seeking its own licensing law.

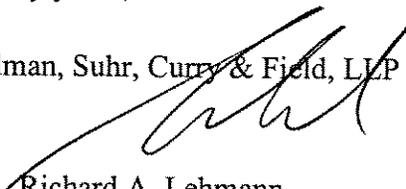
This bill will remove some of that pressure, as well as protect the public.

Page 2
May 10, 2001

Thank you for your consideration of these thoughts.

Sincerely yours,

Boardman, Suhr, Curry & Field, LLP
By


Richard A. Lehmann

RAL/sh



**MARC
DUFF**
STATE REPRESENTATIVE

Member:
Joint Committee on Finance

Testimony Before the Senate Environmental Resources Committee

Senate Bill 156

State Representative Marc Duff

May 10, 2001

Good morning Chairman Baumgart, and members of the committee, thank you for the opportunity to speak on behalf of Senate Bill 156, a important measure to correct shortcomings of the administrative rules implementing Ch. 470 WI Stats.

The crux of the problem is this: Two sessions ago, the Legislature created Chapter 470, which defined the basic standards by which professional geologists, hydrologists, and soil scientists are regulated. The law instructed the Examining Board to promulgate rules establishing requirements and standards for the practice of professional geologists, hydrologists and soil scientists. The Board did indeed create rules, but they have adopted a rigid interpretation of the statutory license requirement for one who "engages in or offers to engage in the practice" of geology, soil science or hydrology. The literal effect of this interpretation is that persons practicing the professions listed in the previous paragraph cannot express any opinion about rocks, soils or water without either obtaining a license or affiliating themselves with someone who has a license that is so restrictive that they infringe on the ability of other people in allied professions to conduct their occupations.

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WEB SITE: <http://www.legis.state.wi.us/assembly/asm98/news/index.html>



When the Legislature enacted chapter 470, its' objective was the same as with any other professional regulation: to protect the public by assuring the highest degree of competence among those who engage in the practice of hydrology, soil science or geology. The Legislature did not intend adverse consequences to any other professions in which knowledge of geology, soils or hydrology is not a predominant part of that profession. The board's restrictive application of the rules harms not only these professions, but also the consumers of these professional services by limiting choice and competition.

I did ask the Examining Board to reexamine and rewrite their rules to provide relief for those professionals currently excluded from obtaining licensure. I was turned down, with the Board indicating they "had not taken any actions against practitioners of the professions" in question, and that they "had been apprised of no public complaints or concerns regarding unlicensed practice." Somehow I'm not surprised. These people aren't calling the Board, they are calling their elected representatives, who were supposed to have passed a law which helped them do their work, not hinder it. The board is not concerned that if a wetland biologist says a soil is wet in order to specify the types of plants that would grow well, he or she may be sued for practicing hydrology without a license. They aren't concerned that a forester can't determine if a soil is sandy in order to advise a landowner of what kind of trees to plant. This is unacceptable, and if the Board cannot or will not act to remedy this situation, then the legislature certainly has an obligation to do so.

We have had numerous people from both inside and outside our district, expressing concerns about the possible effects on their livelihood. I cannot locate a single instance where the legislature actually intended to stop qualified and motivated individuals from conducting their legal, highly skilled trade. If this situation is righted now, it will be viewed as a misunderstanding that was corrected. If the current situation continues, it will be seen as turning a blind eye to a problem that we helped to create.

Thank you again for your attention on this matter, and I would be happy to take questions at this time



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Tommy G. Thompson
Governor

Marlene A. Cummings
Secretary

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January 23, 2001

HONORABLE MARC DUFF
STATE REPRESENTATIVE
ROOM 310 NORTH STATE CAPITOL
P.O. BOX 8952
MADISON WI 53708.

RE: November 30, 2000 Correspondence

Dear Representative Duff:

The Examining Board of Professional Geologist, Hydrologists and Soil Scientists (GHSS) at its December 12, 2000 meeting, discussed your correspondence of November 30, 2000.

The GHSS board noted that during the grandfathering period for 1997 Wisconsin Act 300, it liberally construed the nonstatutory provisions to be as inclusive as possible, yet still meet the goal of establishing minimum requirements for licensure consistent with the Act.

The board also indicated it is aware that the current statute and rules set forth specific requirements for licensure that certain persons would not be able to satisfy in order to obtain a GHSS license. However, in this regard, the GHSS board is situated no differently than any other board implementing a practice act. The GHSS board has not taken any action against practitioners of the professions indicated in your correspondence, and has been apprised of no public complaints or concerns regarding unlicensed practice.

The board will refer this matter to its rules committee for consideration of the appropriate means to address your comments and concerns. If you have any further concerns or questions please feel free to contact Alfred Hall Jr., Director of the Bureau of Business and Design Professions at 608-266-3423.

Respectfully,

Patrick Mc Guire, Secretary
Examining Board of Professional Geologists, Hydrologists and Soil Scientists
920-892-6764

PM:wb

cc: Examining Board of Professional Geologists, Hydrologists and Soil Scientists
William Conway, Deputy Secretary
William Black, Legal Counsel
File: \BDDP\GHSS\DUFFCVRLTR.DOC

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

**THE WISCONSIN SECTION
OF THE
AMERICAN INSTITUTE OF PROFESSIONAL GEOLOGISTS**

May 10, 2001

RE: Position on SB156 – Exemptions To Geology, Hydrology, Soil Science Licensure

In general, the Wisconsin Section of the American Institute of Professional Geologists (AIPG) supports SB156 with the following exceptions:

- 1) A sunset clause should be added to Section 1 so that officers of a state agency as defined in s. 16.61 (2) or a local government unit as defined in s. 16.965(1)(a) be exempt from practice only until the appropriate sections of the examining boards promulgate rules to exempt these persons from practice;
- 2) Section 2 include a clause allowing any person to be exempted from practice with approval of the appropriate section of the examining board;
- 3) Section 3 require the examining boards to promulgate rules and that those rules specify the criteria by which to exempt persons from practice, and
- 4) The examining boards promulgate the rules in Section 3 no later than six months following the effective date to the legislation.

AIPG was a member of a team of interest groups that developed mutually agreed draft legislation (LRB 3011/3) with Representative Peter Bock in 1999 to address these issues, which have been standing since the passage of 1997 Wisconsin Act 300. The interest groups included the Department of Natural Resources, Soil Science Society of American, Southeast Wisconsin Regional Planning Commission, Department of Transportation, and representatives from the UW's Madison and Stevens Point. The legislation was mistakenly delayed with the departure of David Austin from Representative Bock's office.

The agreed upon draft included the above points. The benefit of these edits is to move the discussion of professional practice definitions and exemptions to the Examining Boards through the Department of Regulation and Licensing. A theme that each group supported. Currently, the Boards do not have the authority to exempt persons from practice. This process is preferred to the current process of having to involve legislation as these issues may develop. **The group agreed that these issues are better resolved within the practicing professionals, not through continued legislation.**

Since 1999, AIPG-Wisconsin has provided the Department of Regulation and Licensing suggested statutory changes to correct Chapter 470, along the agreed lines of LRB 3011/3, in a letter dated December 8, 2000. These changes are very similar in goal to SB156. The Department never responded to our suggestions.

With the edits outlined above, AIPG-Wisconsin will fully support passage of SB156. For further information, contact Mark Osten at 608-662-5487

**SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION STAFF
PUBLIC HEARING STATEMENT ON SENATE BILL 156**

May 10, 2001

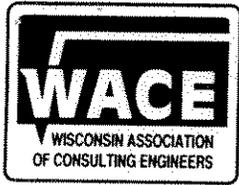
My name is Donald M. Reed. I am the Chief Biologist for the Southeastern Wisconsin Regional Planning Commission. I am here today on behalf the Southeastern Wisconsin Regional Planning Commission and its staff to present a statement in support of Senate Bill 156.

The Southeastern Wisconsin Regional Planning Commission is appreciative of the efforts of the State legislators to solve the operational problems which have become apparent with the relatively recent licensing of soil scientists and hydrologists. As you know, the current law prohibits, with certain exemptions, a person from practicing hydrology or soil science, unless he or she is licensed by the examining board of professional hydrologists and soil scientists.

Senate Bill 156 creates additional exceptions from the licensing requirement for persons who are engaged in the practice of archaeology, aquatic biology, bacteriology, fish management, forestry, horticulture, limnology, mycology, plant pathology, stream ecology, wetland science, or wildlife management. Further, it creates exceptions from the licensing requirement for persons who are employed by a local or state unit or agency of government from the licensure requirements. The Commission has found the current requirement for licensure to be a concern not only to the Commission, but also to many of the county and other local units of government operating in southeastern Wisconsin. The bill as proposed would resolve these concerns. In addition, the bill provides an opportunity for other presently unidentified professions, which have the incidental practice of geology, hydrology, or soil science as a part of their normal practice, to be exempted from licensure by the appropriate examining board. This will avoid the necessity of bringing forward similar corrective legislation.

The Commission, therefore, supports SB156 and thanks you for the opportunity to comment on this matter, and for your interest and efforts in this important matter.

* * *



WISCONSIN ASSOCIATION OF CONSULTING ENGINEERS
131 W Wilson St, Suite 502 Madison, WI 53703 608-257-WACE FAX: 608-257-0009
(9223)

May 10, 2001

The Honorable James R Baumgart
Chair, Senate Environmental Resources Committee
P O Box 7882
Madison, WI 53707-7882

RE: Senate Bill 156

Dear Senator Baumgart:

The Wisconsin Association of Consulting Engineers (WACE) is the business voice of the Wisconsin consulting engineering industry. We represent 64 firms that employ more than 3500 engineers, geologists, hydrologists, soil scientists, architects, and other highly educated and experienced design professionals in this state.

We oppose SB 156, relating to exempting certain individuals from obtaining a license to practice professional geology, hydrology and soil science. The state, by statute, limits design professionals practice to those individuals who are appropriately licensed. This law and the other licensing laws are not meant to unfairly limit qualified professionals from their practice, but to prevent those without appropriate or adequate educational and experience credentials from taking advantage of the public. Through this procedure, the public's safety and welfare can be best assured. To exempt certain individuals from the process undermines this guarantee.

WACE urges you to consider our concerns when taking up this bill. Thank you.

Sincerely,


Carol Godiksen
Executive Director

cc: WACE Board of Directors
WACE Legislative Committee
WACE DNR Committee



WISCONSIN FIELD OFFICE
633 West Main Street
Madison, Wisconsin 53703

TEL 608 251-8140
FAX 608 251-8535

**Testimony regarding Senate Bill 156
Senate Environment Committee
May 10, 2001**

The Nature Conservancy supports Senate Bill 156, relating to exceptions from the requirement to obtain a license to practice professional geology, professional hydrology, or professional soil science.

While it is not the primary nature of our business, Nature Conservancy staff frequently provide advice and guidance to private landowners regarding management and restoration of private lands. We do not charge for this service; it is typically provided during discussions with landowners regarding neighboring land that we manage, or in the context of helping them explore conservation options for their land. By providing reference materials, by demonstrating examples of restoration and management work conducted on Conservancy land, and by providing specific management recommendations, we enable private landowners to protect and conserve Wisconsin's natural resources.

Changes provided by SB 156 allow our staff to continue this work with private landowners as we work to encourage conservation of Wisconsin's rare and declining resources. We encourage your support for this legislation.

Please feel free to contact Jordy Jordahl, Director of Government Relations at (608) 251-8140 if you have any questions about our support for this legislation.

The Nature Conservancy's mission is to protect our native plants, animals and natural communities by protecting the places they need to survive. Since our founding in Wisconsin, the Conservancy has protected over 55,000 acres and we currently own and manage approximately 18,000 acres of land at more than 50 preserves throughout the state. We have staffed offices at several of our larger projects in Baraboo, Ashland, Sturgeon Bay, Mukwonago and our main office in Madison. We have approximately 26,000 members in Wisconsin and more than 1,000,000 nationally.

MAY 22 2001

COPY

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

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MEMORANDUM

TO: Senator Dale W. Schultz, 17th Senate District

FROM: Donald M. Reed, SEWRPC Chief Biologist

DATE: May 21, 2001

SUBJECT: Your question at the Senate Environmental Resources Committee Meeting of May 10, 2001, concerning SB 156 and AB 358

During the May 10, 2001, Environmental Resources Committee hearing, you asked me how a licensure rule for hydrologists, geologists, and soil scientists should be structured. My brief response was that because the definitions of these and related natural resources practices are so broad and overlapping, any licensure programs should be task specific.

Your question merits a more detailed response. There are two major approaches to a licensure program. One is to license the entire profession as is the case under Chapter 470, and the other is to license specific tasks within a broad professional field. The licensure of an entire profession should be restricted to those professions whose practices are relatively narrowly defined, such as optometry or podiatry. Under these practices, the licensed tasks performed are very clear and specifically defined. [For example, see Podiatry 448.60(4) and Optometry 449.01(1).]

For more broadly defined professions, such as the earth sciences (which include hydrology, geology, and soil science), it is difficult to license the entire profession without infringing on the practices of allied professions (such as wetland scientists, aquatic biologists, and limnologists), as we have seen happen with Chapter 470. If a legislature elects to license an entire profession under a broadly defined practice, such as occurs in the earth sciences, then the license should be designed so that the qualified allied professions are also eligible for licensure or are exempt from the licensure requirement. In the alternative, a license should be required only for specific tasks.

There are two ways to approach the licensing of specific tasks. One alternative is to identify and define the specific tasks for which licensure is to be required, for example, the siting, design, and monitoring of sanitary landfills or groundwater injection systems. Tasks such as the restoration of wetlands or determination of ordinary high water marks, which are performed by a non-licensed allied professional, would not be defined in the law as a task requiring a license. This is the alternative the legislature should have used in Chapter 470.

The second alternative is to construct a license requirement for a broadly defined profession, which defines the practice (as was done in Chapter 470.01 "Definitions"), and establish in the law the licensure

requirements, for example, for a professional geologist, hydrologist, or soil scientist. Then, separate legislation would be required for each specific task that the legislature is of the opinion that a licensed professional should be held accountable for the work, requiring that it be "...designed, sited, constructed, tested, and/or monitored by or under the direction of a licensed professional geologist, hydrologist, or soil scientist." Again, tasks such as the restoration of wetlands would not be defined in the law as a task requiring a license.

I hope that this expanded answer to your question will be helpful to you. Thank you for your careful consideration of this important matter.

* * *

cc: Senator J. Baumgart, Chair, Committee on Environmental Resource
Senator R Grobschmidt
Senator P. Rosenzweig
Representative M. Duff
Representative P. Bock
Representative D. Vrakas
Representative S. Gunderson
Representative G. Grothman
Representative A. Ott
Representative T. Hoven
Representative J. Ryba
Representative J. Petrowski
Representative J. Townsend
Secretary Oscar Herrera, Wisconsin Department of Regulation and Licensing

DMR/mlh

#42608 v1 - Sen. Schultz memo 2

WISCONSIN DEPARTMENT OF
REGULATION & LICENSING

Scott McCallum
Governor
Oscar Herrera
Secretary



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November 27, 2001

OPPOSITION TO SB 156 AND AB 358 (AMENDED)

Dear Chairman Baumgart and committee members:

I am writing this letter as the Chair of the Examining Board of Professional Geologists, Hydrologists, and Soil Scientists. The Board opposes SB 156 (the companion bill to AB 358) and requests your thoughtful consideration of our concerns. This legislation would allow an individual claiming the undefined profession of archeology, aquatic biology, bacteriology, fish management, forestry, horticulture, limnology, mycology, plant pathology, stream ecology, wetland science or wildlife management to provide unlimited Geology, Hydrology and Soil Science services as long as the individual feels these professions overlap into their field. The legislation would also exempt government employees from licensure despite the critical role such employees have in the management of the natural resources of this state. There are three main reasons this legislation as proposed is not in the best interests of the citizens of Wisconsin.

1. The exemption of government employee's provides for no required minimal level of competency for those practicing within these professions. Government employees have a critical role in Wisconsin's natural resource management and in the review of reports produced by licensed professionals. The lack of credentialed employees in the often-adversarial regulatory arenas would place these governmental bodies at a distinct disadvantage in the regulatory role and in their credibility. Government employees should not be granted an exemption out of convenience. As a point of reference, engineers employed by the state are not exempted from being licensed as Professional Engineers.
2. The proposed legislation changes the fundamental philosophy of the state's credentialing authority from licensing the *practice* of the professions of geology, hydrology, and soil science necessary to protect the health, safety, and welfare of Wisconsin citizens to licensing the use of the *titles* of these professions. Issuance of a license is based on objective education, experience and testing requirements. The proposed legislation creates a loophole for an individual to circumvent the licensing standards by simply choosing an undefined, professional title or simply not referring to oneself as a professional geologist, hydrologist, or soil scientist even though they are engaged in such practices before the public.
3. The proposed legislation nullifies the enforcement of the geology, hydrology, and soil science code of conduct, which restricts licensees to practicing only within their realm of expertise. The proposed legislation would allow anyone to pick a self-proclaimed title from the exclusive list of 12 professions and provide unlimited and unregulated practices beyond their area of expertise. The allowance to practice geology, hydrology, and soil science by unlicensed individuals invites those in the natural resource management field to call themselves a practitioner of one of these fields as a means to avoid licensure and the oversight, enforcement, and scrutiny that credentialed professions welcome. It also invites the proliferation of poor practice, at best, and unscrupulous practice, at worst.

Examining Board of PGHSS

Examples of Unqualified Practice

The evidence of potential to inflict harm upon the public exists while the evidence that complementary professions will not be allowed to practice within their areas of expertise does not. Following are a few examples of potential harm if this legislation were to become law.

1. Metallic mineral development is a controversial natural resource management issue in Wisconsin. Under the proposed legislation government employees engaged in critical regulatory oversight may not be licensed professionals. Testimony in adversarial engagements related to potential permitting of mineral extraction sites would be compromised in the give-and-take of adversarial exchange before administrative law judges. In other words, the State of Wisconsin cannot be effectively represented in the regulatory arena by individuals whose professional credentials are less than those of the private sector.
2. Under the proposed legislation a member of the limnology profession claiming groundwater contamination affects lake quality could claim groundwater remediation services are "incidental" to their practice of limnology. This would clearly be inappropriate, as managing the impact of contaminated groundwater on lake water quality would require significant expertise in geology, hydrology and soil science.
3. Under the proposed legislation, any "self-proclaimed forester" with two months experience could provide unlimited soil mapping and interpretation services on thousands of acres of private or industrial land as long as the main purpose of his/her "profession" (not the specific project) is forestry.
4. Under the proposed rules, the completion of a wetland mitigation project, could be done by anyone as long as the project was considered a wetland project and not an engineering, hydrologic, soil science, or geologic project. As an example, a large lake near Madison was designed as wetland mitigation project. It included the construction of the lake and development of wetlands that have now become a valuable and managed natural resource for citizens of the state. It required engineers, geologists, and hydrologists as well as biologists and wetland specialists to adequately understand and design the project. Without the use of these licensed professionals, the project could easily result in significant flooding to area homes and streams, and mismanagement of storm water runoff and adverse impacts to groundwater. In addition, the licensed professionals completing the work were required to use additional related professionals (wetland scientists) because they were bound by the code of ethics.

In summary, the Examining Board of Professional Geologists, Hydrologists, and Soil Scientists is opposed to Senate Bill 156 and Assembly Substitute Amendment 1 to AB 358 in their present form. Chapter 470 establishes the environmental and public safety importance of geology, hydrology and soils science, defines the practices, and lists objective standards for licensure. The Board recognizes that such "incidental practice" is unavoidable and agrees it should be allowed.

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Examining Board of PGHSS

The Board is eager to work with practitioners in these other professions to develop a mutually acceptable definition of "incidental practice" that protects the public from improper practice in professional geology, hydrology, and soil science and recognizes the importance of other qualified practitioners. The Board has voiced its support for the exemption of "incidental practice" contained in SB 156 and the previous version of AB 358 but does not agree with the limited, exclusionary list of professions or AB 358's attempt to define "incidental". The Board's willingness to work with the critical legislative committees and affected professions to delineate "incidental practice" needs your support as offered by numerous legislators during the May legislative hearing. Board members have testified urging modification to the legislation as it is currently written and offer to meet with you, your staff and colleagues to find satisfactory solutions. The Board has already taken a number of steps to do this, including inviting practitioners with concerns to our board meetings to discuss this, and forming a committee with the Department of Natural Resources, Department of Commerce, and Department of Agriculture, Trade and Consumer Protection.

Please vote against Senate Bill 156. Thank you.

Sincerely,

Joan E. Underwood, PG

Chair, Examining Board of Professional Geologists, Hydrologists, and Soil Scientists

cc: Secretary Oscar Herrera

Examining Board of Professional Geologists, Hydrologists and Soil Scientists



WISCONSIN STATE SENATOR
RICHARD GROBSCHMIDT

7TH SENATE DISTRICT

November 29, 2001

Dear Chairman Baumgart and committee members:

This is in response to the letter that you received on November 27th from the Examining Board of Professional Geologists, Hydrologists and Soil Scientists in opposition to Senate Bill 156.

The underlying problem that we are addressing with SB 156 and AB 358 as amended is that when 1997 Wis. Act 300 the Professional Geologists, Hydrologists and Soil Scientists licensure bill was passed, the practices for these fields were defined so broadly that they overlapped into other professions including wetland science, limnology, forestry, etc. Professionals in these related fields have their own credentials, degrees and expertise. They are not interested in practicing geology, hydrology or soil science, they are only interested in continuing to work in their chosen professions without fear of practicing without a license.

For example, in the practice of wetland ecology, a professional evaluates the vegetation, soils, hydrology and topography, then integrates this diverse data into their evaluation of a site. To examine soil and determine that it is an organic soil and/or matches a certain color on a color chart does not take a degree or certification in soil science, it is a peripheral practice. Soils are looked at in concert with the vegetation, the history of the site, the topography, and the evidence of water. The main focus of work is neither soils nor hydrology, it is evaluating a wetland by as many factors as possible.

The original bill should have more narrowly defined the professions of geology, hydrology and soil science to avoid this unintended overlap of peripheral professions. We worked early on to attempt to resolve this issue through the rules, however the conclusion of the Department of Regulation and Licensing was that it would take legislation to resolve this issue. SB 156 is crafted to put this problem to rest.

1. The exemption of government employee's is meant to lessen the burden on the state of Wisconsin and other governmental units to hire licensed professionals. These jobs have qualifications, college degrees and training that must be met. For example, the state hires water management specialists who perform a broad scope of regulatory activities dealing with waters of the state including wetlands. To require the state to hire licensed hydrologists to do this work would be overkill. The work involving hydrology, for example, the setting of the ordinary high water mark does not require a degree in hydrology, and to insist on licensure would be requiring a very specialized degree for a small portion of the work. This would be unnecessary and would add substantially to the DNR budget. Federal workers are

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already exempt from licensing requirements, and this extends the same practice to state and local units of government.

2. This legislation is not meant to create a loophole for unlicensed geologists, hydrologists or soil scientists to practice those professions. It is only intended to release the burden that this licensure law has created on peripheral practices. Unless the state wishes to license all professions that are impacted by this law, it is unreasonable for these professions to work with doubt and heavy fines weighing on them for incidental practices of geology, soil science or hydrology.
3. Again, this bill is not intended to provide a loophole for geologists, hydrologists or soil scientists or a nullification of enforcement. It is only meant to exclude those persons engaged in their professions that in some way overlap with the broadly defined practices of geology, hydrology and soil science. These professionals are not poor practitioners because they do not meet the licensing requirements; it only means their education and training is in another field. To imply that these professionals are engaged in unscrupulous practices seems unfair and unfounded.

In the examples of unqualified practice, I wish to respond to each case:

1. Governmental employees are hired with educational and work experience requirements. They rest on their accomplishments and expertise, to imply that because they are exempt from licensure they may be incompetent or ineffective is not true. This exemption was allowed to federal employees. We should extend the same option to state and local governments.
2. A limnologist would routinely call upon a licensed groundwater expert if there was a question of groundwater contamination. All professionals licensed or otherwise routinely call in the advice and assistance of colleagues in related fields where necessary.
3. Foresters have degrees, they are not "self-proclaimed". The soils of almost the entire state were already mapped by soil scientists in the Natural Resources Conservation Service. A forester may refer to soils that were mapped by the NRCS and may determine the drainage class of the soil. A forester may look at soil texture, which does not require a license or even a degree in soil science to perform. They are concerned with the basic texture of the soil, if it is an organic soil, sandy soil or other type of mineral soil that would relate to the ability of tree species to grow in certain soils. Again, these are incidental practices and these decisions are usually reviewed.
4. The example of the wetland mitigation project is similar to the example of the limnologist. Wetland professionals are not licensed, and indeed the state examining board seems uninterested in creating a licensing program for them. Wetland professionals come from very diverse backgrounds as it is an interdisciplinary science. Those professionals who need additional expertise on projects, will certainly call upon engineers, geologists, hydrologists etc. Others may have the background, experience and training to take on projects with minimal assistance. It is not in any professional's interest to flood out homes or adversely impact natural resources.

The Board has shown minimal interest in resolving this issue from the start. The Board seems most interested in protecting geology, hydrology or soil science and has shown little interest in the unintended consequences on other professions created by this licensure program. Practitioners who have repeatedly voiced concerns over this problem for example Don Reed of SEWRPC, Alice Thompson of Thompson and Associates Wetland Services have not been invited to meet with the board nor been invited to any committee with DATCP. After two years, we can only conclude that the board has not been interested in hearing from these individuals or addressing this problem

This bill is not intended to weaken the licensure program created for the professions of geology, hydrology or soil science. Its purpose is to correct an unintended wrong impacting other professions.

Please support SB 156 and the substitute amendment

Sincerely,



RICHARD GROBSCHMIDT

State Senator

7TH Senate District

CC: Secretary Oscar Herrera,
Examining Board of Professional Geologists, Hydrologists and Soil Scientists

January 15, 2002

TO: Members of the Senate Environmental Resources
Committee

Senator Robert Wirch Senator Robert Cowles
Senator Dave Hansen Senator Dale Schultz

FROM: Senator Jim Baumgart, Chair

RE: Senate Bill 156

Relating to: exceptions from the requirement to obtain a license to practice professional geology, professional hydrology, or professional soil science and granting rule-making authority. By Senator Grobschmidt and Rosenzweig; cosponsored by Representatives Duff, Bock, Vrakas, Gunderson, Grothman, Ott, Hoven, Ryba, Petrowski and Townsend.

Senate Bill 156 had a hearing in our committee on May 10th. It was scheduled for an exec session on Nov. 29th with a Senate Substitute Amendment (from Sen. Grobschmidt) to be taken up; however, that exec was not held.

On October 29, 2001, a copy of the Substitute Amendment (LRBs0191/3) to Senate Bill 156 was sent to you. A memo from Sen. Grobschmidt's Office states that, "This amendment addresses some of the inadequacies of the present bill.

Basically, it does 3 things:

1. defines "incidental" practice
2. 2. Makes the occupation listing open-ended
3. 3. Deletes section 3, giving the examining board nothing to do with the terms on which this bill would be implemented."

Attached is the paper ballot and another copy of the Sub. Amendment.

Memorandum

To: Pat Henderson

From: John Wagnitz

Date: 10/18/01

Re: Senate Substitute Amendment LRBs0191/3 to SB 156

Pat,

This amendment addresses some of the inadequacies of the present bill.

Basically, it does 3 things:

1. defines "incidental" practice,
2. makes the occupation listing open-ended
3. deletes section 3, giving the examining board nothing to do with the terms on which this bill would be implemented.

JAN 30 2002

3817 MINERAL POINT ROAD
MADISON, WI 53705-5100
TEL 608/262.1705
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WWW.UWEX.EDU/WGNHS/JAMES M. ROBERTSON
DIRECTOR AND STATE GEOLOGIST

January 28, 2002

The Honorable James Baumgart
Senate Committee on Environmental Resources
Room 306S State Capitol
Madison, WI 53707

Senator Baumgart:

I have been re-appointed by Governor McCallum to the Examining Board of Professional Geologists, Hydrologists, and Soil Scientists. I am seeking your consent and support for my re-appointment.

I am a geologist with the Geological and Natural History Survey, which is a part of the University of Wisconsin-Extension. I currently hold the rank and title of Professor with the Survey, and though I am not engaged in classroom teaching, I do work to better understand the geology of Wisconsin and to share that understanding with colleagues and citizens across the State.

On a personal note, I recall well our conversations in the past regarding the reclamation and regulation of nonmetallic mining. I hope you find the progress being made on this complex issue, in the form of new NR 135 rules, to be satisfying. I remember saying to you once that such regulation was probably not possible, but, through the legislation you developed and its eventual adoption, you have proven that observation of mine to be wrong!

I am currently serving on the Board and find this service to be interesting and productive. I look forward to continuing this relationship on behalf of my profession and the people of Wisconsin.

Respectfully,



Thomas J. Evans

cc: Senator Fred Risser
Representative Spencer Black
Nora K. Weber
Dr. James M. Robertson



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WFT COUNCILS:
• Graduate Assistants
• Higher Ed
• K-12
• PSRP
• State Employees
• WTCS

TO: Wisconsin State Senate

FROM: Wisconsin Federation of Teachers

DATE: 5 February 2002

RE: SB156—exemptions from a license to practice geology, hydrology, and professional soil science.

The Wisconsin Federation of Teachers and its Science Professionals Council oppose Senate Bill 156, which would allow employees of the state and other government entities to practice geology, hydrology, and professional soil science without a license.

The Wisconsin Federation of Teachers and its Science Professionals Council would no longer oppose SB156 if the bill were amended to remove the exemption for licensure for state employees.

The Wisconsin Federation of Teachers and its Science Professionals Council strongly support Senator Shibilski's amendment to remove state employees from the exemption in this bill.

WFT believes that well-qualified, licensed individuals should be hired to maintain high-quality public service to adequately protect our natural resources.

Since all government employees are not experts, the state should require licenses for doing specialized work.

Many of members of the Wisconsin Federation of Teachers Science Professionals Council are licensed. We believe it is important for people inside state government who are practicing in these areas to be licensed. It provides a way of demonstrating expertise and assures that government is hiring people who are qualified.

We urge adoption of the Shibilski Amendment to remove state employees from this exemption.

The Wisconsin Federation of Teachers represents over 15,000 employees in K-12, higher education, and state agencies.