

State of Wisconsin



1997 Senate Bill 420

Date of enactment: **June 16, 1998**
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1997 WISCONSIN ACT 300

AN ACT *to repeal* 443.01 (7e), 443.02 (3m), 443.037 (intro.), 443.037 (2) (intro.), 443.037 (3) and (4), 443.09 (4r), 443.10 (1) (e) and 443.14 (12); *to renumber and amend* 440.08 (2) (a) 37m., 443.01 (3c), 443.01 (6k), 443.037 (1) and 443.037 (2) (a) and (b); *to amend* 15.157 (11), 15.347 (2) (d), 15.405 (2) (intro.), 15.405 (2) (a), 15.405 (2) (b), 295.20 (1) (a) 1., 440.08 (2) (a) 14., chapter 443 (title), 443.01 (3), 443.08 (1), 443.08 (2), 443.08 (3) (a), 443.08 (4) (a), 443.08 (4) (b), 443.08 (5), 443.09 (title), 443.09 (1), 443.09 (2), 443.09 (5), 443.10 (1) (a), 443.10 (1) (b), 443.10 (1) (d), 443.10 (2) (a), 443.10 (2) (c), 443.10 (2) (d), 443.10 (2) (e), 443.11 (title), 443.11 (1) (intro.), 443.11 (1) (c), 443.11 (1) (d), 443.11 (2), 443.11 (3), 443.11 (4), 443.11 (6), 443.14 (1), 443.14 (2), 443.14 (3), 443.14 (4), 443.14 (6), 443.14 (14), 443.16, 443.17, 443.18 (1) (a), 443.18 (2) (a) and 703.11 (2) (b); and *to create* 15.405 (2m), 440.08 (2) (a) 63v., 440.08 (2) (a) 63w., 440.08 (2) (a) 63x. and chapter 470 of the statutes; **relating to:** the regulation of professional geologists, hydrologists and soil scientists, creating an examining board of professional geologists, hydrologists and soil scientists, providing an exemption from emergency rule procedures, granting rule-making authority and providing a penalty.

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

SECTION 1. 15.157 (11) of the statutes is amended to read:

15.157 (11) PETROLEUM STORAGE ENVIRONMENTAL CLEANUP COUNCIL. There is created in the department of commerce a petroleum storage environmental cleanup council consisting of 5 members appointed for 4-year terms and the secretary of natural resources and the secretary of commerce, or their designees. The governor shall appoint the members, other than ex officio members, to the council from lists of names submitted by the secretary of natural resources and by the secretary of commerce. In preparing the lists, each secretary shall consider representatives from petroleum product transporters, manufacturers, suppliers, retailers and wholesalers, hy-

drogeologists professional geologists, hydrologists and soil scientists and environmental scientists, consultants, contractors and engineers.

SECTION 2. 15.347 (2) (d) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

15.347 (2) (d) One engineer ~~or hydrogeologist, professional geologist, hydrologist or soil scientist~~ with knowledge, experience or education concerning remediation of environmental contamination.

SECTION 3. 15.405 (2) (intro.) of the statutes is amended to read:

15.405 (2) (title) EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, ~~PROFESSIONAL GEOLOGISTS, PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS.~~ (intro.) There is created an examining board of architects, landscape architects, ~~professional geologists, professional engineers, designers and land surveyors in the~~

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

department of regulation and licensing. Any professional member appointed to the examining board shall be registered to practice architecture, landscape architecture, ~~professional geology~~, professional engineering, the design of engineering systems or land surveying under ch. 443. The examining board shall consist of the following members appointed for 4-year terms: 3 architects, 3 landscape architects, ~~3 professional geologists~~, 3 professional engineers, 3 designers, 3 land surveyors and ~~12~~ 10 public members.

SECTION 4. 15.405 (2) (a) of the statutes is amended to read:

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

SECTION 5. 15.405 (2) (b) of the statutes is amended to read:

15.405 (2) (b) All matters pertaining to passing upon the qualifications of applicants for and the granting or revocation of registration, and all other matters of interest to either the architect, landscape architect, ~~geologist~~, engineer, designer or land surveyor section shall be acted upon solely by the interested section.

SECTION 6. 15.405 (2m) of the statutes is created to read:

15.405 (2m) EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS, HYDROLOGISTS AND SOIL SCIENTISTS. (a) There is created in the department of regulation and licensing an examining board of professional geologists, hydrologists and soil scientists consisting of the following members appointed for 4-year terms:

1. Three members who are professional geologists licensed under ch. 470.
2. Three members who are professional hydrologists licensed under ch. 470.
3. Three members who are professional soil scientists licensed under ch. 470.
4. Three public members.

(b) In operation, the examining board shall be divided into a professional geologist section, a professional hydrologist section and a professional soil scientist section. Each section shall consist of the 3 members of the named profession appointed to the examining board and one public member appointed to the section. The examining board shall elect its own officers, and shall meet at least twice annually.

(c) All matters pertaining to passing upon the qualifications of applicants for and the granting or revocation of licenses, and all other matters of interest to either the professional geologist, hydrologist or soil scientist section shall be acted upon solely by the interested section.

(d) All matters of joint interest shall be considered by joint meetings of all sections of the examining board or of those sections to which the matter is of interest.

SECTION 7. 295.20 (1) (a) 1. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

295.20 (1) (a) 1. The land has a marketable nonmetallic mineral deposit, as evidenced by the certification of a professional geologist registered licensed under s. ~~443.037 ch. 470~~ or a professional engineer registered under s. 443.04 and by any other information required under sub. (4).

SECTION 8. 440.08 (2) (a) 14. of the statutes is amended to read:

440.08 (2) (a) 14. Architectural or engineering firm, partnership or corporation: February 1 of each even-numbered year; \$41.

SECTION 9. 440.08 (2) (a) 37m. of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 440.08 (2) (a) 63u. and amended to read:

440.08 (2) (a) 63u. Geologist, professional Professional geologist: August 1 of each even-numbered year; \$42.

SECTION 10. 440.08 (2) (a) 63v. of the statutes is created to read:

440.08 (2) (a) 63v. Professional geology, hydrology or soil science firm, partnership or corporation: August 1 of each even-numbered year; \$42.

SECTION 11. 440.08 (2) (a) 63w. of the statutes is created to read:

440.08 (2) (a) 63w. Professional hydrologist: August 1 of each even-numbered year; \$42.

SECTION 12. 440.08 (2) (a) 63x. of the statutes is created to read:

440.08 (2) (a) 63x. Professional soil scientist: August 1 of each even-numbered year; \$42.

SECTION 13. Chapter 443 (title) of the statutes is amended to read:

**CHAPTER 443
EXAMINING BOARD OF
ARCHITECTS, LANDSCAPE
ARCHITECTS, PROFESSIONAL
GEOLOGISTS, PROFESSIONAL
ENGINEERS, DESIGNERS
AND LAND SURVEYORS**

SECTION 14. 443.01 (3) of the statutes is amended to read:

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

SECTION 15. 443.01 (3c) of the statutes is renumbered 470.01 (1g) and amended to read:

470.01 (1g) “Geology” means ~~the a~~ science that involves the study of the earth and the earth’s origin, composition, structure and physical history, including the study of the natural agents, forces and processes that

cause changes in the earth and the investigation of and collection of data concerning the crust and the interior of the earth and the surface and underground gases, solids and fluids that make up the earth.

SECTION 16. 443.01 (6k) of the statutes is renumbered 470.01 (2) and amended to read:

470.01 (2) "Practice of professional geology" means the performance of or the offer to perform any geologic service or work in which the public welfare or the safeguarding of life, health, environment or property is concerned or involved. "Practice of professional geology" includes the collection of geological data, consultation, investigation, evaluation, interpretation, planning, or inspection of or relating to a service or work that applies the science of geology.

SECTION 17. 443.01 (7e) of the statutes is repealed.

SECTION 18. 443.02 (3m) of the statutes is repealed.

SECTION 19. 443.037 (intro.) of the statutes is repealed.

SECTION 20. 443.037 (1) of the statutes is renumbered 470.04 (2) (b) and amended to read:

470.04 (2) (b) ~~Submits to the department evidence satisfactory to the examining board that the individual~~ Subject to sub. (7), that he or she has a bachelor's degree with course credits in geology of a variety and nature sufficient to constitute a geology major, from a college or university approved by the examining board.

SECTION 21. 443.037 (2) (intro.) of the statutes is repealed.

SECTION 22. 443.037 (2) (a) and (b) of the statutes are renumbered 470.04 (2) (c) 1. (intro.) and 2. and amended to read:

470.04 (2) (c) 1. (intro.) ~~Completed at Subject to sub. (5), at least 5 years of professional experience in geologic work of a character satisfactory to the examining board section which demonstrates that the applicant is qualified to assume responsible charge of geologic work. At least 2 years of the geologic work required under this paragraph subdivision must have been performed under the supervision of a~~ any of the following:

a. A person who is registered licensed as a professional geologist under this chapter, or, for work performed before January 1, 1999, who was registered as a professional geologist under ch. 443, 1995 stats.

b. A person who is licensed as a professional geologist in another state or territory or possession of the United States or in another country that has registration licensure requirements for professional geologists that are not lower than substantially equivalent to the requirements for registration licensure under this chapter, or under the supervision of any,

c. Any other person who the examining board whom the section determines is qualified to have responsible charge of geologic work. The 5-year experience requirement in this paragraph shall be reduced to 4 years if the individual has one or more advanced degrees, ap-

proved by the examining board, in geology, geophysics, geochemistry, hydrogeology, engineering geology, geotechnical engineering or a related geological science.

2. ~~Completed at Subject to sub. (6), at least 7 years of professional experience in geologic work of a character satisfactory to the examining board section which demonstrates that the applicant is qualified to assume responsible charge of geologic work, with a satisfactory evaluation of the last 2 years of the professional experience under a peer review system approved by the examining board. The 7-year experience requirement in this paragraph shall be reduced to 6 years if the individual has one or more advanced degrees, approved by the examining board, in geology, geophysics, geochemistry, hydrogeology, engineering geology, geotechnical engineering or a related geological science section.~~

SECTION 23. 443.037 (3) and (4) of the statutes are repealed.

SECTION 24. 443.08 (1) of the statutes is amended to read:

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

SECTION 25. 443.08 (2) of the statutes is amended to read:

443.08 (2) ~~The practice of or the offer to practice architecture, professional geology, professional engineering or designing by individual architects, professional geologists, professional engineers or designers registered or granted a permit under this chapter, through a firm, partnership or corporation as principals, officers, employes or agents, is permitted subject to this chapter, if all personnel who practice or offer to practice in its behalf as architects, professional geologists, professional engineers or designers are registered or granted a permit under this chapter and if the firm, partnership or corporation has been issued a certificate of authorization under sub. (3).~~

SECTION 26. 443.08 (3) (a) of the statutes is amended to read:

443.08 (3) (a) A firm, partnership or corporation desiring a certificate of authorization shall submit an application to the department on forms provided by the

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

SECTION 27. 443.08 (4) (a) of the statutes is amended to read:

443.08 (4) (a) No firm, partnership or corporation may be relieved of responsibility for the conduct or acts of its agents, employees or officers by reason of its compliance with this chapter, nor may any individual practicing architecture, landscape architecture, ~~professional geology~~, professional engineering or designing be relieved of responsibility for architectural, landscape architectural, ~~professional geological~~, professional engineering or designing services performed by reason of his or her employment or relationship with the firm, partnership or corporation.

SECTION 28. 443.08 (4) (b) of the statutes is amended to read:

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

SECTION 29. 443.08 (5) of the statutes is amended to read:

443.08 (5) No firm, partnership or corporation may engage in the practice of or offer to practice architecture, ~~professional geology~~, professional engineering or designing in this state, or use in connection with its name or otherwise assume, use or advertise any title or description tending to convey the impression that it is engaged in the

practice of architecture, ~~professional geology~~, professional engineering or designing, nor may it advertise or offer to furnish an architectural, ~~professional geological~~, professional engineering or designing service, unless the firm, partnership or corporation has complied with this chapter.

SECTION 30. 443.09 (title) of the statutes is amended to read:

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

SECTION 31. 443.09 (1) of the statutes is amended to read:

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

SECTION 32. 443.09 (2) of the statutes is amended to read:

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

SECTION 33. 443.09 (4r) of the statutes is repealed.

SECTION 34. 443.09 (5) of the statutes is amended to read:

443.09 (5) Written or written and oral examinations shall be held at such time and place as the examining board determines. The scope of the examinations and the methods of procedure shall be prescribed by the examining board with special reference to the applicant's ability to design and supervise architectural, landscape architectural, ~~geological~~ or engineering work, which shall promote the public welfare and ensure the safety of life, health and property. The architect and professional engineering examination or examinations shall include questions which require applicants to demonstrate knowledge of the design needs of people with physical disabilities and of the relevant statutes and codes. Such questions shall be developed by the examining board in consultation with the department of commerce. The examination for candidates under s. 443.04 (1) (c) shall be the principles and practice examination which requires the applicant to demonstrate the ability to apply engineering principles and judgment to problems in general engineering disciplines and to demonstrate knowledge of the design needs of people with physical disabilities and the relevant statutes, rules and regulations. A candidate failing an examination may, upon application and payment of the required reexamination fee, be examined again by the examining board. No restrictions may be placed on the number of times an unsuccessful candidate may be reexamined, except that after failure of 3 reexaminations, the

examining board may require a one-year waiting period before further reexamination.

SECTION 35. 443.10 (1) (a) of the statutes is amended to read:

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

SECTION 36. 443.10 (1) (b) of the statutes is amended to read:

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

SECTION 37. 443.10 (1) (d) of the statutes is amended to read:

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

SECTION 38. 443.10 (1) (e) of the statutes is repealed.

SECTION 39. 443.10 (2) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

443.10 (2) (a) Applications for registration or for a certificate of record shall be on forms provided by the department and shall contain statements made under oath showing the applicant's education and detail summary of the applicant's technical work and not less than 5 references, of whom 3 or more shall have personal knowledge

of the applicant's architectural, landscape architectural, ~~geological~~ or engineering experience in the case of an application for registration or of the applicant's technical education or engineering work in the case of an application for a certificate of record.

SECTION 40. 443.10 (2) (c) of the statutes is amended to read:

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

SECTION 41. 443.10 (2) (d) of the statutes is amended to read:

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

SECTION 42. 443.10 (2) (e) of the statutes is amended to read:

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

SECTION 43. 443.11 (title) of the statutes is amended to read:

443.11 (title) Disciplinary proceedings against architects, landscape architects, ~~geologists and engineers.~~

SECTION 44. 443.11 (1) (intro.) of the statutes is amended to read:

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

SECTION 45. 443.11 (1) (c) of the statutes is amended to read:

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

SECTION 46. 443.11 (1) (d) of the statutes is amended to read:

443.11 (1) (d) Any gross negligence, incompetency or misconduct in the practice of architecture as a registered architect, of landscape architecture as a registered landscape architect, ~~of professional geology as a regis-~~

tered professional geologist or of professional engineering as a registered professional engineer, or in the professional activity of a holder of a certificate of record as engineer-in-training.

SECTION 47. 443.11 (2) of the statutes is amended to read:

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

SECTION 48. 443.11 (3) of the statutes is amended to read:

443.11 (3) Any person may ~~prefer~~ make charges that any registrant, holder of a certificate of record as engineer-in-training or corporate holder of a certificate of authorization has committed an act for which a reprimand or limitation, suspension or revocation of registration is authorized under sub. (1). Such charges shall be in writing, ~~and~~ shall be sworn to by the person making them and shall be submitted to the examining board. The examining board may, on its own motion, make such charges. All charges, unless dismissed by the examining board as unfounded or trivial, shall be heard by the appropriate section of the examining board ~~interested~~, subject to the rules promulgated under s. 440.03 (1).

SECTION 49. 443.11 (4) of the statutes is amended to read:

443.11 (4) If after ~~holding~~ a hearing under sub. (3), 3 members of ~~the a~~ section of the examining board ~~holding the hearing~~ vote in favor of sustaining the charges specified in sub. (3), the examining board shall reprimand or limit, suspend or revoke the certificate of registration of the registered architect, registered landscape architect, ~~registered professional geologist~~ or registered professional engineer, the certificate of record of the holder of a certificate as engineer-in-training, or the ~~certificate of a corporate holder of a certificate of authorization of a firm, partnership or corporation.~~

SECTION 50. 443.11 (6) of the statutes is amended to read:

443.11 (6) The examining board, for reasons the ~~interested~~ appropriate section of the examining board considers sufficient, may reissue a certificate of registration or a certificate of record to any person, or a certificate of authorization to any firm, partnership or corporation,

whose certificate has been revoked, ~~providing if 3 members of the architect section, 3 members of the landscape architect section, 3 members of the geologist section or 3 members of the engineer section of the examining board~~ vote in favor of such reissuance. ~~A Subject to the rules of the examining board, the examining board may, upon payment of the required fee, issue a new certificate of registration, certificate of record or certificate of authorization, to replace any certificate that is revoked, lost, destroyed or mutilated may be issued, subject to the rules of the examining board and the payment of the required fee.~~

SECTION 51. 443.14 (1) of the statutes is amended to read:

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

SECTION 52. 443.14 (2) of the statutes is amended to read:

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

SECTION 53. 443.14 (3) of the statutes is amended to read:

443.14 (3) A public service company and its regular employes acting in its behalf where the professional engineering ~~or professional geological~~ services rendered are in connection with its facilities which are subject to regulation, supervision and control by a commission of this state or of the federal government.

SECTION 54. 443.14 (4) of the statutes is amended to read:

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

SECTION 55. 443.14 (6) of the statutes is amended to read:

443.14 (6) Notwithstanding any other provision of this chapter, contractors, subcontractors or construction material or equipment suppliers are not required to regis-

ter under this chapter to perform or undertake those activities which historically and customarily have been performed by them in their respective trades and specialties, including, but not limited to, the preparation and use of drawings, specifications or layouts within a construction firm or in construction operations, superintending of construction, installation and alteration of equipment, cost estimating, consultation with architects, ~~professional geologists~~, professional engineers or owners concerning materials, equipment, methods and techniques, and investigations or consultation with respect to construction sites, provided all such activities are performed solely with respect to the performance of their work on buildings or with respect to supplies or materials furnished by them for buildings or structures or their appurtenances which are, or which are to be, erected, enlarged or materially altered in accordance with plans and specifications prepared by architects, ~~professional geologists~~ or professional engineers, or by persons exempt under subs. (1) to (5) while practicing within the scope of their exemption.

SECTION 56. 443.14 (12) of the statutes is repealed.

SECTION 57. 443.14 (14) of the statutes is amended to read:

443.14 (14) A ~~professional geologist~~ person who, while engaged in the practice of professional geology ~~in accordance with this chapter~~, hydrology or soil science as defined in s. 470.01 (2), (3) or (4), practices professional engineering, if the acts that involve the practice of professional engineering are also part of the practice of professional geology, hydrology or soil science.

SECTION 58. 443.16 of the statutes is amended to read:

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

SECTION 59. 443.17 of the statutes is amended to read:

443.17 Seal or stamp; aiding unauthorized practice. No person who is registered under this chapter to practice architecture, landscape architecture, ~~professional geology~~ or professional engineering may impress his or her seal or stamp upon documents which have not been prepared by the person or under his or her direction and control, knowingly permit his or her seal or stamp to be used by any other person or in any other manner know-

ingly aid or abet the unauthorized practice of architecture, ~~professional geology~~ or professional engineering or the unauthorized use of the title "landscape architect" by persons not authorized under this chapter.

SECTION 60. 443.18 (1) (a) of the statutes is amended to read:

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

SECTION 61. 443.18 (2) (a) of the statutes is amended to read:

443.18 (2) (a) *Injunction.* If it appears upon complaint to the examining board by any person, or is known to the examining board that any person who is neither registered nor exempt under this chapter nor the holder of an unexpired permit under s. 443.10 (1) (d) is practicing or offering to practice, or is about to practice or to offer to practice, architecture, ~~professional geology~~ or professional engineering in this state, or is using the title "landscape architect" in this state, the examining board or the attorney general or the district attorney of the proper county may investigate and may, in addition to any other remedies, bring action in the name and on behalf of this state against any such person to enjoin the person from practicing or offering to practice architecture, ~~professional geology~~ or professional engineering or from using the title "landscape architect".

SECTION 62. Chapter 470 of the statutes is created to read:

CHAPTER 470

EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS, HYDROLOGISTS AND SOIL SCIENTISTS

470.01 Definitions. In this chapter:

(1) “Examining board” means the examining board of professional geologists, hydrologists and soil scientists.

(1r) “Hydrology” means 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.

(3) “Practice of professional hydrology” means the performance of or offer to perform any hydrologic service or work in which the public welfare or the safeguarding of life, health, environment or property is concerned or involved. “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.

(4) “Practice of professional soil science” means the performance of or offer to perform any service or work related to soil science in which the public welfare or the safeguarding of life, health, environment or property is concerned or involved. “Practice of professional soil science” includes the collection of soil data, consultation, investigation, evaluation, interpretation, planning or inspection relating to a service or work that applies soil science.

(5) “Professional geologist” means a person who engages in the practice of professional geology.

(5m) “Professional geologist section” means the professional geologist section of the examining board.

(6) “Professional hydrologist” means a person who engages in the practice of professional hydrology.

(6m) “Professional hydrologist section” means the professional hydrologist section of the examining board.

(7) “Professional soil scientist” means a person who engages in the practice of professional soil science

(8) “Professional soil scientist section” means the professional soil scientist section of the examining board.

(9) “Soil science” means a science that involves the study of soils between the surface of the earth and bedrock, including the study of natural or human processes or forces that occur in soils, and the investigation and collection of data concerning soils, including data regarding the interaction of soils with other gases, solids or fluids or living organisms.

470.02 License required. Except as provided in s. 470.025 or 470.045, no person may do any of the following:

(1) Engage or offer to engage in the practice of professional geology, designate himself or herself as a professional geologist, use or assume the title “professional geologist” or any other title, letters or designation which

represents or may tend to represent the person as a professional geologist unless the person is licensed by the professional geologist section under this chapter.

(2) Engage or offer to engage in the practice of professional hydrology, designate himself or herself as a professional hydrologist, use or assume the title “professional hydrologist” or any other title, letters or designation which represents or may tend to represent the person as a professional hydrologist unless the person is licensed by the professional hydrologist section under this chapter.

(3) Engage or offer to engage in the practice of professional soil science, designate himself or herself as a professional soil scientist, use or assume the title “professional soil scientist” or any other title, letters or designation which represents or may tend to represent the person as a professional soil scientist unless the person is licensed by the professional soil scientist section under this chapter.

470.025 Applicability. This chapter does not require a license for any of the following:

(1) A person lawfully practicing within the scope of a license, permit, registration or certification granted by this state or the federal government.

(2) An officer or employe of the federal government while engaged within this state in the practice of professional geology, hydrology or soil science for the federal government.

(3) A public service company or its regular employes acting in its behalf that engage in the practice of professional geology, hydrology or soil science exclusively in connection with the facilities of the company that are subject to regulation, supervision or control by a commission of this state or the federal government.

(4) A person who engages in the practice of professional geology, hydrology or soil science exclusively as a regular employe of a private company or corporation, by rendering to the company or corporation geological, hydrological or soil science services in connection with its operations, so long as the person is actually and exclusively so employed and no longer, if the company or corporation has at least one professional geologist, hydrologist or soil scientist who is licensed under this chapter in responsible charge of the company’s or corporation’s professional geological, hydrological or soil science work in this state.

(5) A contractor, subcontractor or construction material or equipment supplier who performs or undertakes activities that historically and customarily have been performed by a contractor, subcontractor or construction material or equipment supplier in his or her respective trade or specialty, including the preparation and use of drawings, specifications or layouts within a construction firm or in construction operations, superintending of construction, installation and alteration of equipment, cost estimating, consultation with professional geologists,

hydrologists or soil scientists or owners concerning materials, equipment, methods and techniques, and investigations or consultation with respect to construction sites, provided all such activities are performed solely with respect to the performance of the contractor's, subcontractor's or supplier's work on buildings or with respect to supplies or materials furnished by him or her for buildings or structures or their appurtenances which are, or which are to be, erected, enlarged or materially altered in accordance with plans and specifications prepared by professional geologists, hydrologists or soil scientists or by a person specified in subs. (1) to (4).

(6) A person employed by a county or this state who is engaged in the planning, design, installation or regulation of land and water conservation activities under ch. 92 or s. 281.65 and who is certified under s. 92.18.

(7) A land surveyor registered under ch. 443 who is engaged in the planning, design, installation or regulation of land and water conservation activities under ch. 92 or s. 281.65.

(8) A person engaged solely in teaching geology, hydrology or soil science or a related physical or natural science, or a person engaged solely in geological, hydrological or soil science research as an employe of an educational or research institution or a governmental agency.

(9) A well driller, as defined in s. 280.01 (7), who is engaged in well drilling, as defined in s. 280.01 (8).

(10) A professional engineer registered under ch. 443 who, while engaged in the practice of professional engineering, as defined in s. 443.01 (6), collects, investigates, interprets or evaluates data relating to soil, rock, groundwater, surface water, gases or other earth conditions, or uses that data for analysis, consultation, planning, design or construction.

(11) A professional geologist, hydrologist or soil scientist who is licensed to engage in the practice of professional geology, hydrology or soil science in another state or country and is providing a consultation or demonstration with a professional geologist, hydrologist or soil scientist who is licensed under this chapter.

470.03 Duties of the examining board. (1) The examining board shall do all of the following:

(a) Upon the advice of the professional geologist section, promulgate rules establishing requirements and standards for the practice of professional geology by a person who is licensed as a professional geologist under this chapter, including a code of ethics that governs the practice of professional geology.

(b) Upon the advice of the professional hydrologist section, promulgate rules establishing requirements and standards for the practice of professional hydrology by a person who is licensed as a professional hydrologist under this chapter, including a code of ethics that governs the practice of professional hydrology.

(c) Upon the advice of the professional soil scientist section, promulgate rules establishing requirements and

standards for the practice of professional soil science by a person who is licensed as a professional soil scientist under this chapter, including a code of ethics that governs the practice of professional soil science.

(2) Upon the advice of the appropriate section of the examining board, the examining board may promulgate rules that establish continuing education requirements that a person must satisfy to be eligible to renew a license that is issued under this chapter.

470.04 Licensure requirements. (1) The professional geologist, hydrologist or soil scientist section may not grant a license under this chapter unless an applicant does each of the following:

(a) Submits an application for the license to the department on a form provided by the department.

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

(c) Passes an examination under s. 470.05.

(d) Submits to the department letters of recommendation from 5 persons. At least 3 letters shall be from individuals who have personal knowledge of the individual's experience in, depending on the license for which an application is made, geologic, hydrologic or soil science work. At least one letter of recommendation shall be from an individual who, depending on the license for which an application is made, is licensed as a professional geologist, hydrologist or soil scientist under this chapter.

(2) The professional geologist section shall grant a professional geologist license to a person who satisfies the requirements under sub. (1) and who submits evidence satisfactory to the section of all of the following:

(a) Subject to ss. 111.321, 111.322 and 111.335, that he or she does not have an arrest or conviction record the circumstances of which substantially relate to the practice of professional geology.

(c) That he or she has completed one of the following:

(3) The professional hydrologist section shall grant a professional hydrologist license to a person who satisfies the requirements under sub. (1) and who submits evidence satisfactory to the section of all of the following:

(a) Subject to ss. 111.321, 111.322 and 111.335, that he or she does not have an arrest or conviction record the circumstances of which substantially relate to the practice of professional hydrology.

(b) Subject to sub. (7), that he or she has a bachelor's degree with course credits in hydrology or water resources of a variety and nature sufficient to constitute a hydrology or water resources major from a college or university approved by the examining board.

(c) That he or she has completed one of the following:

1. Subject to sub. (5), at least 5 years of professional experience in hydrologic work of a character satisfactory to the section which demonstrates that the applicant is qualified to assume responsible charge of hydrologic work. At least 2 years of the hydrologic work required

under this subdivision must have been performed under the supervision of any of the following:

a. A person who is licensed as a professional hydrologist under this chapter or, for work performed before January 1, 1999, who was registered as a professional geologist under ch. 443, 1995 stats.,

b. A person who is licensed as a professional hydrologist in another state or territory or possession of the United States or in another country that has licensure requirements for professional hydrologists that are substantially equivalent to the requirements for licensure under this chapter.

c. Any other person who the section determines is qualified to have responsible charge of hydrologic work.

2. Subject to sub. (6), at least 7 years of professional experience in hydrologic work of a character satisfactory to the section which demonstrates that the applicant is qualified to assume responsible charge of hydrologic work, with a satisfactory evaluation of the last 2 years of the professional experience under a peer review system approved by the section.

(4) The professional soil scientist section shall grant a professional soil scientist license to a person who satisfies the requirements under sub. (1) and who who submits evidence satisfactory to the section of all of the following:

(a) Subject to ss. 111.321, 111.322 and 111.335, that he or she does not have an arrest or conviction record the circumstances of which substantially relate to the practice of professional soil science.

(b) Subject to sub. (7), that he or she has a bachelor's degree with course credits in soil science of a variety and nature sufficient to constitute a soil science major from a college or university approved by the examining board.

(c) That he or she has completed one of the following:

1. Subject to sub. (5), at least 5 years of professional experience in soil science work of a character satisfactory to the section which demonstrates that the applicant is qualified to assume responsible charge of soil science work. At least 2 years of the soil science work required under this subdivision must have been performed under the supervision of any of the following:

a. A person who is licensed as a professional soil scientist under this chapter or, for work performed before January 1, 1999, who was registered as a professional geologist under ch. 443, 1995 stats.

b. A person who is licensed as a professional soil scientist in another state or territory or possession of the United States or in another country that has licensure requirements for professional soil scientists that are substantially equivalent to the requirements for licensure under this chapter.

c. Any other person who the section determines is qualified to have responsible charge of soil science work.

2. Subject to sub. (6), at least 7 years of professional experience in soil science work of a character satisfactory

to the section which demonstrates that the applicant is qualified to assume responsible charge of soil science work, with a satisfactory evaluation of the last 2 years of the professional experience under a peer review system approved by the section.

(5) The appropriate section of the examining board shall reduce the 5-year-experience requirement under sub. (2) (c) 1., (3) (c) 1. or (4) (c) 1. to 4 years if an applicant for a license has one or more advanced degrees, approved by the section, in geology, geophysics, geochemistry, hydrology, engineering geology, geotechnical engineering, soil science or a related science.

(6) The appropriate section of the examining board shall reduce the 7-year-experience requirement under sub. (2) (c) 2., (3) (c) 2. or (4) (c) 2. to 6 years if an applicant for a license has one or more advanced degrees, approved by the section, in hydrology, geology, geophysics, geochemistry, engineering geology, geotechnical engineering, soil science or a related science.

(7) The appropriate section of the examining board may waive a requirement specified in sub. (2) (b), (3) (b) or (4) (b) if an applicant for a license has professional experience in excess of 5 years that the applicant demonstrates to the satisfaction of the section is substantially equivalent to the requirement.

470.045 Firms, partnerships and corporations.

(1) The practice of professional geology, hydrology or soil science pertaining to the internal operations of a firm, partnership or corporation may be performed by employees if the professional geological, hydrological or soil science services are performed by or under the direct supervision of a professional geologist, hydrologist or soil scientist licensed under this chapter or exempt from licensure under s. 470.025. Licensed or exempt professional geological, hydrological or soil science employees may provide professional geological, hydrological or soil science data with respect to the manufacture, sale and utilization of the products of the firm, partnership or corporation to other licensed or exempt professional geologists, hydrologists or soil scientists.

(2) The practice or offer to practice professional geology, hydrology or soil science by individual professional geologists, hydrologists or soil scientists licensed under this chapter, through a firm, partnership or corporation as principals, officers, employees or agents, is permitted subject to this chapter, if all personnel who practice or offer to practice in its behalf as professional geologists, hydrologists or soil scientists are licensed under this chapter and if the firm, partnership or corporation has been issued a certificate of authorization under sub. (3).

(3) (a) A firm, partnership or corporation desiring a certificate of authorization shall submit an application to the department on forms provided by the department, listing the names and addresses of all officers and directors, and all individuals in its employment licensed to

practice professional geology, hydrology or soil science in this state who will be in responsible charge of professional geology, hydrology or soil science being practiced in this state through the firm, partnership or corporation and other relevant information required by the appropriate section of the examining board. A similar type of form shall also accompany the renewal fee. If there is a change in any of these persons, the change shall be reported on the same type of form, and filed with the department within 30 days after the effective date of the change. The appropriate section of the examining board shall grant a certificate of authorization to a firm, partnership or corporation complying with this subsection upon payment of the fee specified in s. 440.05 (1). This subsection does not apply to firms, partnerships or corporations exempt under s. 470.025 (3).

(b) The renewal date and renewal fee for certificates of authorization under this section are specified under s. 440.08 (2) (a).

(4) (a) No firm, partnership or corporation may be relieved of responsibility for the conduct or acts of its agents, employes or officers by reason of its compliance with this chapter, nor may any individual practicing professional geology, hydrology or soil science be relieved of responsibility for professional geological, hydrological or soil science services performed by reason of his or her employment or relationship with the firm, partnership or corporation.

(b) All final drawings, specifications, plans, reports or other papers or documents involving the practice of professional geology, hydrology or soil science that are prepared for the use of a firm, partnership or corporation for delivery by it to any person or that are prepared for public record within the state shall be dated and bear the signature and seal of the professional geologist, hydrologist or soil scientist who was in responsible charge of their preparation. This paragraph does not apply to persons exempt under s. 470.025 (3) or (4).

(5) No firm, partnership or corporation may engage or offer to engage in the practice of professional geology, hydrology or soil science in this state, or use in connection with its name or otherwise assume, use or advertise any title or description tending to convey the impression that it is engaged in the practice of professional geology, hydrology or soil science, nor may it advertise or offer to furnish a professional geological, hydrological or soil science service, unless the firm, partnership or corporation has complied with this chapter.

470.05 Examination. Beginning no later than January 1, 2000, the appropriate section of the examining board shall conduct or arrange for examinations for licensure as a professional geologist, hydrologist or soil scientist at least semiannually and at times and places determined by the section. Examinations under this section shall require an applicant to demonstrate minimum competency in the principles and practice of subjects substan-

tially related to the practice of professional geology, hydrology or soil science and may consist of one or more written or oral tests, or both.

470.06 Reciprocal licenses. Upon application and payment of the fee specified in s. 440.05 (2), the appropriate section of the examining board may issue a professional geologist, hydrologist or soil scientist license to a person who has been issued a similar license by another state or territory of the United States or in another country if he or she submits evidence satisfactory to the section of all of the following:

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

(2) That the requirements of the other state, territory or country that issued the license are substantially equivalent to the requirements under this chapter.

470.07 Renewal of licenses. The renewal dates for licenses granted under this chapter are specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee specified in s. 440.08 (2) (a) and evidence satisfactory to the appropriate section of the examining board that the applicant has completed any continuing education requirements specified in rules promulgated under s. 470.03 (2).

470.08 Disciplinary proceedings and actions. (1) Subject to the rules promulgated under s. 440.03 (1), the appropriate section of the examining board may make investigations and conduct hearings to determine whether a violation of this chapter or any rule promulgated under this chapter has occurred.

(2) Subject to the rules promulgated under s. 440.03 (1), the appropriate section of the examining board may reprimand a person issued a license under this chapter, or may deny, limit, suspend or revoke a license under this chapter, if the applicant or license holder has done any of the following:

(a) Made a material misstatement in an application for a license or for renewal of a license.

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

(c) Been adjudicated mentally incompetent by a court of competent jurisdiction. A certified copy of the record of an adjudication of incompetency is conclusive evidence of incompetence under this paragraph.

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

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

(f) Subject to ss. 111.321, 111.322 and 111.34, engaged in the practice of professional geology, hydrology

or soil science while the person's ability to engage in the practice was impaired by alcohol or other drugs.

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

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

(i) Failed to cooperate with the examining board in an investigation under this section.

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

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

(3) The examining board may reprimand a firm, partnership or corporation that holds a certificate of authorization issued under this chapter or may limit, suspend or revoke such a certificate if any of the agents, employees or officers of the firm, partnership or corporation has committed any act or has been guilty of any conduct which would authorize a reprimand or a limitation, suspension or revocation of a license under this chapter, unless the firm, partnership or corporation submits evidence satisfactory to the examining board that the agent, employee or officer is no longer practicing or offering to practice professional geology, hydrology or soil science in its behalf.

(4) Any person may make charges that any holder of a license or certificate of authorization issued under this chapter has committed an act for which a reprimand or limitation, suspension or revocation of registration is authorized under sub. (2). Such charges shall be in writing, shall be sworn to by the person making them and shall be submitted to the examining board. The examining board may, on its own motion, make such charges. All charges, unless dismissed by the examining board as unfounded or trivial, shall be heard by the appropriate section of the examining board, subject to the rules promulgated under s. 440.03 (1).

(5) If, after a hearing under sub. (4), 3 members of a section of the examining board vote in favor of sustaining charges specified in sub. (4), the examining board shall reprimand the holder of the license or certificate of authorization or limit, suspend or revoke the license or certificate.

(6) The examining board, for reasons the appropriate section of the examining board considers sufficient, may reissue a license or certificate of record to any person whose certificate has been revoked if 3 members of the section vote in favor of the reissuance. Subject to the rules of the examining board, the examining board may, upon payment of the required fee, issue a new license or certificate of authorization to replace any license or certificate that is revoked, lost, destroyed or mutilated.

470.09 Penalties. (1) A person who violates this chapter or any rule promulgated under this chapter may be required to forfeit not more than \$5,000 for the first offense and may be required to forfeit not more than \$10,000 for the 2nd or any later offense within a year. Each day of continued violation constitutes a separate offense.

(2) A person who wilfully violates this chapter or any rule promulgated under this chapter may be fined not more than \$10,000.

SECTION 63. 703.11 (2) (b) of the statutes is amended to read:

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

SECTION 64. Nonstatutory provisions.

(1) DEFINITIONS. In this section:

(a) "Professional geologist section" means the professional geologist section of the examining board of professional geologists, hydrologists and soil scientists.

(b) "Professional hydrologist section" means the professional hydrologist section of the examining board of professional geologists, hydrologists and soil scientists.

(c) "Professional soil scientist section" means the professional soil scientist section of the examining board of professional geologists, hydrologists and soil scientists.

(2) INITIAL APPOINTMENTS. Notwithstanding the length of terms specified in section 15.405 (2m) (a) (intro.) of the statutes, as created by this act, the initial members of the examining board of professional geologists, hydrologists and soil scientists shall be appointed by the first day of the 4th month beginning after the effective date of this subsection for the following terms:

(a) One professional geologist, one professional hydrologist and one professional soil scientist, for terms expiring on July 1, 2000.

(b) One professional geologist, one professional hydrologist, one professional soil scientist and one public member, for terms expiring on July 1, 2001.

(c) One professional geologist, one professional hydrologist, one professional soil scientist and one public member, for terms expiring on July 1, 2002.

(d) One public member, for a term expiring on July 1, 2003.

(3) TRANSITIONAL PROVISIONS.

(a) Notwithstanding section 470.04 of the statutes, as created by this act, the professional geologist, hydrologist or soil scientist section shall do all of the following:

1. Issue a professional geologist license to an individual who holds a valid certificate of registration as a professional geologist by the examining board of architects, landscape architects, professional geologists, professional engineers, designers and land surveyors under section 443.10 (2) (c), 1995 stats., that was granted before the effective date of this subdivision.

2. Issue a professional hydrologist license or a professional soil scientist license to an individual who, subject to sections 111.321, 111.322 and 111.335 of the statutes, does not have an arrest or conviction record, and who does all of the following:

a. Submits an application for the license to the department of regulation and licensing no later than the first day of the 6th month beginning after the effective date of this subdivision 2. a.

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

c. Submits evidence satisfactory to the professional hydrologist or soil scientist section that he or she has a bachelor's degree, and at least 30 semester hours or 45 quarter hours of course credits related to hydrology, water resources or soil science, from a college or university approved by the section.

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

e. Submits to the section letters of recommendation from 5 persons. At least 3 letters shall be from individuals who have personal knowledge of the experience in hydrologic or soil science work of the individual applying for licensure.

(b) Notwithstanding section 470.045 (2) and (3) of the statutes, as created by this act, the professional geologist section shall issue a professional geology firm, partnership or corporation certificate of authorization to a firm, partnership or corporation that was granted a certificate of authorization under section 443.08 (3) (a), 1995 stats., by the section before the effective date of this paragraph.

(c) A license issued under paragraph (a) shall have the same force and effect as a professional geologist, hydrologist or soil scientist license that is issued under section 470.04 of the statutes, as created by this act, and may be renewed under section 470.07 of the statutes, as created by this act. A professional geology firm, partnership or corporation certificate of authorization issued under paragraph (b) shall have the same force and effect as a certificate of authorization issued by the professional geologist section under section 470.045 (3) (a) of the statutes, as created by this act, and may be renewed under section 470.045 (3) (b) of the statutes, as created by this act.

(4) EMERGENCY RULES. Using the procedure under section 227.24 of the statutes, the examining board of professional geologists, hydrologists and soil scientists may promulgate rules required under section 470.03 (1) (a), (b) and (c) of the statutes, as created by this act, for the period before the effective date of permanent rules promulgated under section 470.03 (1) (a), (b) and (c) of the statutes, as created by this act, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a) and (2) (b) of the statutes, the examining board of professional geologists, hydrologists and soil scientists need not provide evidence of the necessity of preservation of the public peace, health, safety or welfare in promulgating rules under this subsection.

(5) TRANSFER OF AUTHORITY AND RECORDS BETWEEN EXAMINING BOARDS. During the period beginning on the effective date of this subsection and ending on the first day of the 6th month beginning after the effective date of this subsection, the examining board of architects, landscape architects, professional geologists, professional engineers, designers and land surveyors shall cooperate with the professional geologist, hydrologist and soil scientist sections in providing orderly and efficient transfers under this subsection. On the first day of the 6th month beginning after the effective date of this subsection, all of the following apply:

(a) The assets and liabilities of the examining board of architects, landscape architects, professional geologists, professional engineers, designers and land surveyors pertaining to the regulation of professional geologists, hydrologists or soil scientists shall become the assets and liabilities of the examining board of professional geologists, hydrologists and soil scientists.

(b) All tangible personal property, including records, of the examining board of architects, landscape architects, professional geologists, professional engineers, designers and land surveyors pertaining to the regulation of professional geologists, hydrologists or soil scientists is transferred to the examining board of professional geologists, hydrologists and soil scientists.

(c) All rules pertaining to the regulation of professional geologists, hydrologists or soil scientists that have been promulgated by the examining board of architects, landscape architects, professional geologists, professional engineers, designers and land surveyors and that are in effect shall become rules of the examining board of professional geologists, hydrologists and soil scientists and shall remain in effect until their specified expiration dates or until amended or repealed by the examining board of professional geologists, hydrologists and soil scientists. All orders pertaining to the regulation of professional geologists, hydrologists or soil scientists that have been issued by the examining board of architects, landscape architects, professional geologists, professional engineers, designers and land surveyors and that are in effect shall become orders of the examining board of professional geologists, hydrologists and soil scientists and shall remain in effect until their specified expiration dates or until modified or rescinded by the examin-

ing board of professional geologists, hydrologists and soil scientists.

(d) Any matter relating to the regulation of professional geologists, hydrologists or soil scientists that is pending with the examining board of architects, landscape architects, professional geologists, professional engineers, designers and land surveyors is transferred to the examining board of professional geologists, hydrologists and soil scientists, and all materials submitted to or actions taken by the examining board of architects, landscape architects, professional geologists, professional engineers, designers and land surveyors with respect to the pending matter are considered to have been submitted to or taken by the examining board of professional geologists, hydrologists and soil scientists.

SECTION 65. Effective dates. This act takes effect on January 1, 1999, except as follows:

(1) SECTION 64 of this act takes effect on the day after publication.
