



**HYBRID (IN-PERSON/VIRTUAL)
PROFESSIONAL HYDROLOGIST SECTION
EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS,
HYDROLOGISTS, AND SOIL SCIENTISTS
N208, 4822 Madison Yards Way, Madison
Contact: Will Johnson (608) 266-2112
February 5, 2025**

The following agenda describes the issues that the Section plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Section. Be advised that board members may attend meetings designated as “Hybrid” in-person or virtually

AGENDA

1:00 P.M.

(OR IMMEDIATELY FOLLOWING THE EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS, HYDROLOGISTS, AND SOIL SCIENTISTS JOINT BOARD MEETING)

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of August 7, 2024 (4-5)**
- C. Introductions, Announcements and Recognition
- D. Reminders: Conflicts of Interest, Scheduling Concerns
- E. Administrative Matters (6-28)**
 - 1) Department, Staff and Section Updates
 - 2) **2025 Meeting Dates (6)**
 - 3) **Annual Policy Review (7-10)**
 - 4) **Election of Officers, Appointment of Liaisons and Alternates, and Delegation of Authorities (11-28)**
 - 5) Board Members – Term Expiration Dates:
 - a. Hirekatur, Ann D. – 7/1/2028
 - b. Hunt, Randall J. – 7/1/2012
 - c. Small, John – 7/1/2026
- F. Administrative Rule Matters – Discussion and Consideration (29-46)**
 - 1) Discussion of Clearinghouse Report and Final Rule Draft for GHSS 1 and 3 relating to Professional Development for Professional Hydrologists (29-45)
 - 2) Pending or Possible Rulemaking Projects (46)

G. Legislative and Policy Matters – Discussion and Consideration

H. Deliberation on Items Added After Preparation of Agenda:

- 1) Introductions, Announcements and Recognition
- 2) Administrative Matters
- 3) Election of Officers
- 4) Appointment of Liaisons and Alternates
- 5) Delegation of Authorities
- 6) Education and Examination Matters
- 7) Credentialing Matters
- 8) Practice Matters
- 9) Legislative and Policy Matters
- 10) Public health Emergencies
- 11) Administrative Rule Matters
- 12) Liaison Reports
- 13) Board Liaison Training and Appointment of Mentors
- 14) Informational Items
- 15) Division of Legal Services and Compliance (DLSC) Matters
- 16) Presentations of Petitions for Summary Suspension
- 17) Petitions for Designation of Hearing Examiner
- 18) Presentation of Stipulations, Final Decisions and Orders
- 19) Presentation of Proposed Final Decisions and Orders
- 20) Presentation of Interim Orders
- 21) Petitions for Re-Hearing
- 22) Petitions for Assessments
- 23) Petitions to Vacate Orders
- 24) Requests for Disciplinary Proceeding Presentations
- 25) Motions
- 26) Petitions
- 27) Appearances from Requests Received or Renewed
- 28) Speaking Engagements, Travel, or Public Relation Requests, and Reports

I. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

J. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Order
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings

- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

K. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

L. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

M. Open Session Items Noticed Above Not Completed in the Initial Open Session

ADJOURNMENT

NEXT MEETING: MAY 13, 2025

 MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board’s agenda, please visit the Department website at <https://dsps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of any agenda item may be changed by the board for the convenience of the parties. The person credentialed by the board has the right to demand that the meeting at which final action may be taken against the credential be held in open session. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer or reach the Meeting Staff by calling 608-267-7213.

**VIRTUAL/TELECONFERENCE
PROFESSIONAL HYDROLOGIST SECTION
EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS, HYDROLOGISTS, AND
SOIL SCIENTISTS
MEETING MINUTES
AUGUST 7, 2024**

PRESENT: Ann Hirekatur, Randall Hunt, John Small

STAFF: Brad Wojciechowski, Executive Director; Whitney DeVoe, Legal Counsel; Jacob Pelegrin, Administrative Rule Coordinator; Dialah Azam, Board Administration Specialist; and other Department staff.

CALL TO ORDER

Ann Hirekatur, Chairperson, called the meeting to order at 9:00 a.m. A quorum was confirmed with three (3) members present.

ADOPTION OF AGENDA

MOTION: Randall Hunt moved, seconded by John Small, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF MAY 1, 2024

MOTION: John Small moved, seconded by Randall Hunt, to approve the Minutes of May 1, 2024 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Appointment of Liaisons and Delegation of Authorities

Delegation to Monitoring Liaison

MOTION: Randall Hunt moved, seconded by Ann Hirekatur, to delegate authority to the Monitoring Liaison(s) to make any determination on Orders under monitoring and to refer to the Full Section any matter the Monitoring Liaison deems appropriate. Motion carried unanimously.

Delegation to Department Monitor

MOTION: Randall Hunt moved, seconded by Ann Hirekatur, to delegate authority to the Department Monitor as outlined below.

1. to grant reinstatement of licensure if education and/or costs are the sole condition of the order and the credential holder has submitted the required proof of completion for approved courses and paid the costs.
2. to suspend the license if the credential holder has not completed Section ordered education and/or paid costs and forfeitures within the time specified by the Section order. The Department Monitor

may remove the suspension and issue an order when proof of completion and/or payment has been received.

3. to suspend the license (or remove stay of suspension) if a credential holder fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if credential holder ceases participation in the Approved Program without Section approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.
4. to grant or deny approval when a credential holder proposes treatment providers, mentors, and supervisors unless the Order specifically requires full- Section or Section designee approval.
5. to grant a maximum of one 90-day extension, if warranted and requested in writing by a credential holder, to complete Section ordered continuing, disciplinary, or remedial education.
6. to grant a maximum of one 90-day extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by a credential holder to grant a maximum of one 90-day extension, if warranted and requested in writing by a credential holder, to complete a Section ordered evaluation or exam.

Motion carried unanimously.

ADJOURNMENT

MOTION: John Small moved, seconded by Randall Hunt, to adjourn the meeting.
Motion carried unanimously.


The meeting adjourned at 9:14 a.m.

**EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS,
HYDROLOGISTS, AND SOIL SCIENTISTS
2025 Meeting Dates**

Board/Section/Council	Meeting Date	Start time	Location	Agenda Item Deadline
GHSS	Wednesday, February 5, 2025	11:00 AM	Hybrid	1/24/25
GHSS	Wednesday, June 11, 2025	11:00 AM	Virtual	5/30/25
GHSS	Wednesday, August 6, 2025	11:00 AM	Virtual	7/25/25
GHSS: Geologist Section	Wednesday, January 29, 2025	9:00 AM	Virtual	1/17/25
GHSS: Geologist Section	Wednesday, May 14, 2025	1:00 PM	Virtual	5/2/25
GHSS: Geologist Section	Tuesday, August 5, 2025	9:00 AM	Virtual	7/24/25
GHSS: Hydrologist Section	Wednesday, February 5, 2025	1:00 PM	Hybrid	1/24/25
GHSS: Hydrologist Section	Tuesday, May 13, 2025	9:30 AM	Virtual	5/1/25
GHSS: Hydrologist Section	Wednesday, August 6, 2025	1:00 PM	Virtual	7/25/25
GHSS: Soil Scientist Section	Tuesday, January 28, 2025	9:00 AM	Virtual	1/16/25
GHSS: Soil Scientist Section	Wednesday, June 11, 2025	9:00 AM	Virtual	5/30/25
GHSS: Soil Scientist Section	Wednesday, August 6, 2025	9:00 AM	Virtual	7/25/25

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Brenda Taylor, Board Services Supervisor		2) Date when request submitted: 12/1/2024	
3) Name of Board, Committee, Council, Sections: All Boards			
4) Meeting Date: First Meeting of 2025	5) Attachments: <input checked="" type="checkbox"/> Yes	6) How should the item be titled on the agenda page? Administrative Matters: Annual Policy Review	
7) Place Item in: <input checked="" type="checkbox"/> Open Session	8) Is an appearance before the Board being scheduled? <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: Board SharePoint Site: https://dsps.boards.wisconsin.gov/			
<p>Please be advised of the following Policy Items:</p> <ol style="list-style-type: none"> 1. In-Person and Virtual Meetings: Depending on the frequency of scheduled meetings, discussion topics, and member availability, DSPTS may host one or more in-person meetings. Virtual connection options are available for all board meetings. 2. Attendance/Quorum: Thank you for your service and commitment to meeting attendance. If you cannot attend a meeting or have scheduling conflicts impacting your attendance, please let us know as soon as possible. A quorum is required for Boards, Sections, and Councils to meet pursuant to Open Meetings Law. Connect to / arrive at meetings 10 minutes before posted start time to allow for audio/connection testing, and timely Call to Order and Roll Call. Virtual meetings include viewable onscreen materials and A/V (speaker/microphone/video) connections. 3. Walking Quorum: Board/Section/Council members must not collectively discuss the body's business outside a properly noticed meeting. If several members of a body do so, they could be violating the open meetings law. 4. Mandatory Training: All Board Members must complete Public Records and Ethics Training, annually. Register to set up an account in the Cornerstone LearnCenter online portal or Log in to an existing account. 5. Agenda Deadlines: Please communicate agenda topics to your Executive Director before the agenda submission deadline at 12:00 p.m., eight business days before a meeting. (Attachment: Timeline of a Meeting) 6. Travel Voucher and Per Diem Submissions: Please submit all Per Diem and Reimbursement claims to DSPTS within 30 days of the close of each month in which expenses are incurred. (Attachment: Per Diem Form) Travel Vouchers are distributed on travel approval. 7. Lodging Accommodations/Hotel Cancellation Policy: Lodging accommodations are available to eligible members for in-person meetings. Standard eligibility: the member must leave home before 6:00 a.m. to attend an in-person meeting by the scheduled start time. <ol style="list-style-type: none"> a. If a member cannot attend a meeting, they must cancel their reservation with the hotel within the applicable cancellation timeframe. b. If a meeting is changed to occur remotely, is canceled, or rescheduled, DSPTS staff will cancel or modify reservations as appropriate. 8. Inclement Weather Policy: In inclement weather, the DSPTS may change a meeting from an in-person venue to a virtual/teleconference only. 			
11) Authorization			
		12/02/2024	
<p>Directions for including supporting documents:</p> <ol style="list-style-type: none"> 1. This form should be saved with any other documents submitted to the Agenda Items folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director 			

Timeline of a Meeting

8 business days prior to the meeting: All agenda materials are due to the Department by 12:00 pm, 8 business days prior to the meeting date.

7 business days prior to the meeting: The draft agenda page is due to the Executive Director. The Executive Director transmits to the Chair for review and approval.

5 business days prior to the meeting: The approved agenda is returned to the Board Administration Specialist for agenda packet production and compilation.

4 business days prior to the meeting: Agenda packets are posted on the DSPS Board SharePoint site and on the Department website.

Agenda Item Examples:

- Approval of the Agenda and previous meeting Minutes
- Open Session Items
 - Public Hearings (relating to Administrative Rules)
 - Administrative Matters
 - Legislation and Policy Matters
 - Administrative Rules Matters
 - Credentialing Matters
 - Education and Exam Issues
 - Public Agenda Requests
 - Current Issues Affecting the Profession
 - Public Comments
- Closed Session items
 - Deliberations on Proposed Disciplinary Actions
 - Stipulations
 - Administrative Warnings
 - Case Closings
 - Monitoring Matters
 - Professional Assistance Procedure (PAP) Issues
 - Proposed Final Decisions and Orders
 - Orders Fixing Costs/Matters Relating to Costs
 - Credentialing Matters
 - Education and Exam Issues

Thursday of the Week Prior to the Meeting: Agendas are published for public notice on the Public Notices and Meeting Minutes website: publicmeetings.wi.gov.

1 business day after the Meeting: "Action" lists are distributed by staff detailing board actions on closed session business.

5 business days after the Meeting: "To Do" lists are distributed to staff to ensure that board decisions are acted on and/or implemented within the appropriate divisions in the Department. Minutes approved by the board are published on the the Public Notices and Meeting Minutes website: publicmeetings.wi.gov.

Department of Safety and Professional Services

PER DIEM REPORT

INSTRUCTIONS: Record board-related activities by date, indicate relevant purpose code, the duration of time spent in B-code activities, location, and activity description. Only one \$25.00 per diem payment will be issued on any given calendar day. Submit one form per month and within 60 days of the last activity being reported. Send completed forms to your Board's Administrative Specialist.

Purpose Codes:

A CODE Official meetings including Board Meetings, Hearings and Examinations and Test Development Sessions (automatic day of per diem) Examples: board, committee, board training or screening panels; Senate Confirmation hearings, legislative and disciplinary hearings, or informal settlement conferences; test administration, test review or analysis events, national testing events, tour of test facilities, etc.

B CODE Other (One (1) per diem will be issued for every five (5) hours spent in category B, per calendar month): i.e., review of disciplinary cases, consultation on cases, review of meeting materials, board liaison work, e.g., contacts regarding Monitoring, Professional Assistance Procedure, Credentialing, Education and Examinations

Name of Examining Board or Council	Board or Council Member's Name
Month	Year
Employee ID Number	

Date	Purpose Code A or B	Duration of B activity Hours: Minutes	Where Performed (Home, DSPS, or City, State)	Activity Describe Activity Performed (see purpose codes)
TOTALS				

CLAIMANT'S CERTIFICATION The Board/Council member named above, certifies, in accordance with § 16.53, Wis. Stats., that this account for per diem, is just and correct; and that this claim is for service necessarily incurred in the performance of duties required by the State, as authorized by law.

(Rev.04/24)

Board Member Approval & Date: _____

TOTAL DAYS CLAIMED: _____ @ \$25.00 = _____ Supervisor Approval & Date: _____

**PROFESSIONAL HYDROLOGIST SECTION
2024 OFFICERS AND LIAISONS**

2024 OFFICERS	
Chairperson	Ann Hirekatur
Vice Chairperson	Randall Hunt
Secretary	John Small

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Ann Hirekatur <i>Alternate: Randall Hunt</i>
Education and Examinations Liaison(s)	Randall Hunt <i>Alternate: Ann Hirekatur</i>
Monitoring Liaison(s)	John Small <i>Alternate: Ann Hirekatur</i>
Professional Assistance Procedure (PAP) Liaison(s)	John Small <i>Alternate: Randall Hunt</i>
Legislative Liaison(s)	Randall Hunt <i>Alternate: Ann Hirekatur</i>
Travel Authorization Liaison(s)	Ann Hirekatur <i>Alternate: John Small</i>
Website Liaison(s)	Randall Hunt <i>Alternate: Ann Hirekatur</i>
Screening Panel	Ann Hirekatur <i>Alternate: Randall Hunt</i>

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Paralegal Richanda Turner, on behalf of Attorney Whitney DeVoe		2) Date when request submitted: 01/16/2025 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Professional Hydrologist Section			
4) Meeting Date: 02/05/25	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Reaffirming 2024 delegations and new 2025 delegations	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: The Board members need to review and consider reaffirming 2024 delegations and new delegations for 2025.			
11) Authorization			
<i>Richanda Turner</i>		01/16/25	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			



State of Wisconsin
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES
CORRESPONDENCE / MEMORANDUM

DATE: January 1, 2025

TO: Board, Council, and Committee Members

FROM: Legal Counsel

SUBJECT: Liaison Definitions and Delegations Explanations

Overall Purpose of Liaison Appointments

Each Board/Section (Board) has inherent authority that is established in our Wisconsin Statutes. This authority may change from Board to Board. Further information on your Board's authority can be found in Wis. Stat. ch. 15. Generally, each Board has authority to grant credentials, discipline credential holders, and set standards for education and examinations. In order to efficiently accomplish these tasks, Boards may appoint Liaisons. Liaisons assist with the operations of the Boards' purpose by weighing in on legislative matters, traveling to national conferences, or communicating with stakeholders.

The Department asks that each year the Boards make Liaison appointments to assist the Board and Department to accomplish these tasks in an efficient manner. Your practical knowledge and experience, as an appointed member of a professional board, are essential in making determinations regularly. The Liaison positions listed below assist the Department to complete operations between Board meetings. In most cases, Liaisons can make decisions for the full Board in their designated area. However, these areas are determined through the delegation process. Please note, a Liaison may also decide to send the delegated matter to the full Board for consideration as appropriate. Delegations assist the Board in defining the roles and authorities of each Liaison and other Board functions.

Liaison Definitions

Credentialing Liaison: The Credentialing Liaison is empowered by the Board to review and make determinations regarding certain credential applications. The Credentialing Liaison may be called on by Department staff to answer questions that pertain to qualifications for licensure, which may include whether a particular degree is suitable for the application requirements, whether an applicant's specific work experience satisfies the requirements in statute or rule for licensure, or

whether an applicant's criminal or disciplinary history is substantially related to the practice of the profession in such a way that granting the applicant a credential would create a risk of harm to the public. Questions will likely be sent by Department staff to the Credentialing Liaison via email and may include application materials. The Credentialing Liaison serves a very important role in the credentialing process.

Monitoring Liaison: The Monitoring Liaison is empowered by the Board to make decisions on any credential that is limited either through a disciplinary order or initial licensure. The Department Monitors will send requests from credential holders to the Monitoring Liaison. These requests vary wildly. A common request could be to remove a limitation that has been placed on a credential or to petition for full licensure. The Monitoring Liaison can review these requests and make decisions on behalf of the Board. The Board has the authority to grant decision making latitude to their liaison to any degree. If the Monitoring Liaison has a question on a request, it is advisable for the Liaison to consult further with Department staff or bring the matter to the full Board for consideration.

Professional Assistance Procedure (PAP) Liaison: PAP is a voluntary program open to credential holders with substance abuse issues who wish to seek help by being held accountable through treatment and monitoring by the Department and Board. As part of PAP, the credential holder enters into an agreement with the Department to undergo testing, counseling, or other rehabilitation. The PAP Liaison's role includes responding to credential holders' requests for modifications and terminations of provisions of the agreement. Similar to the Monitoring Liaison, the Department Monitors will send requests from credential holders to the PAP Liaison for further review.

Education and Examination Liaison: Some Boards are required by statute or rule to approve qualifying education and examinations. The Education and Examination Liaison provides guidance to Department staff to exercise authority of the Board to approve or decline examinations and educational programs. This determination requires a level of professional expertise and should be performed by a professional member of the Board. For some Boards, the Education and Examination Liaison will also be tasked with approving continuing education programs and courses.

Legislative Liaison: The Legislative Liaison is permitted to act and speak on the Board's behalf regarding pending and enacted legislation or actions being considered by the legislature outside of Board meetings. The Legislative Liaison is not the Board's designated lobbyist and should exercise their delegated authority carefully.

Travel Authorization Liaison: The Travel Authorization Liaison is authorized to approve a Board member to travel to events and speak or act on the Board's behalf between Board meetings. The Travel Authorization Liaison is called upon to make decisions when sufficient notice was not received, and the full Board could not determine a representative to travel. The Travel Authorization Liaison is tasked with making determinations if the Board appointed representative is not able to attend or if the Board becomes authorized to send additional members as scholarship and funding streams can be unpredictable.

Communication Liaison: The Communication Liaison responds to questions that arise on behalf of the Board. The Communication Liaison works with the Department to cultivate an appropriate response which will be sent by the Executive Director or Board Counsel. The Communication Liaison **can** be responsible for all types of communication on behalf of the Board. However, the Board can appoint a separate **Website Liaison** to work with DSPS staff to make changes and ensure the Board webpage contains updated and accurate information. Additionally, for the Boards that are required by statute to produce a newsletter or digest, the Board can appoint a separate **Newsletter/Digest Liaison** to assemble and approve content for those communications.

Screening Panel Members: Screening Panel Members review incoming complaints against credential holders and determine which complaints should be opened for investigation and which complaints should be closed without further action. The complexity and amount of work in this role depends substantially on your Board. As a member of the Screening Panel, you are asked to apply your professional expertise to determine if a complaint alleges unprofessional conduct.

Delegations Explanations

CREDENTIALING DELEGATIONS

The overall purpose of credentialing delegations is to allow the credentialing process to proceed as efficiently and effectively as possible.

Delegation of Authority to Credentialing Liaison (Generic)

MOTION EXAMPLE: to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications.

PURPOSE: To allow a representative of the Board to assist Department staff with credentialing applications and eliminate the need for the entire Board to convene to consider credential application content or questions. Additionally, it is most efficient to have the designated liaison who has assisted with the credentialing process be able to effectuate decisions which require a signature.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION EXAMPLE: to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review.

PURPOSE: To permit Department staff to efficiently issue credentials and eliminate the need for Board/Section/Liaison review when all credentialing legal requirements are met in an application. This delegation greatly decreases workload on Board members and cuts down processing time on applications.

Delegation of Authority for Predetermination Reviews

MOTION EXAMPLE: to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f).

PURPOSE: In general, the Wisconsin Fair Employment Act (codified in Wis. Stat. Ch. 111) prohibits licensing agencies from discriminating against applicants because of their arrest and/or conviction record. However, there are exceptions which permit denial of a license in certain circumstances. Individuals who do not possess a license have a legal right to apply for a determination of whether they are disqualified from obtaining a license due to their conviction record. This process is called “Predetermination.” Predetermination reviews must be completed within 30 days. This delegation allows Department Attorneys to conduct predetermination reviews and efficiently make these legal determinations without need for Board/Section/Liaison review.

Delegation of Authority for Conviction Reviews

MOTION EXAMPLE: to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the relevant professional practice.

PURPOSE: As used here, “substantially related” is a legal standard that is used in the Wisconsin Fair Employment Act. The concept of what is “substantially related” is informed by case law. This delegation permits Department Attorneys to independently conduct conviction reviews and efficiently approve applications if convictions are not substantially related to the practice of the profession. Applications that contain conviction records that may be substantially related to the practice of a profession will still be submitted to the Credentialing Liaison for input.

Delegation to DSPS When Applicant’s Disciplinary History Has Been Previously Reviewed

MOTION EXAMPLE: to delegate authority to Department staff to approve applications where Applicant’s prior discipline has been approved for a previous credential and there is no new discipline.

PURPOSE: Some Boards offer progressive levels of credentials. This delegation eliminates the need for a re-review of discipline that has already been considered and approved by the Board/Section/Liaison for a lower-level credential.

Delegation to DSPS When Applicant’s Conviction History Has Been Previously Reviewed

MOTION EXAMPLE: to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous credential and there is no new conviction record.

PURPOSE: Some Boards offer progressive levels of credentials. This delegation eliminates the need for a re-review of conviction history that has already been reviewed and approved for a lower-level credential.

Delegation of Authority for Reciprocity Reviews

MOTION EXAMPLE: to delegate authority to the Department Attorneys to review and approve reciprocity applications in which the out of state license requirements meet Wisconsin license requirements. (specific legal standards are referenced in the motion depending on credential/profession type).

PURPOSE: Applications via reciprocity or endorsement require comparison of Wisconsin licensing requirements to the licensing requirements of another jurisdiction. These reviews consider the legal standard for reciprocity, which varies by profession, as well as the specified legal requirements to obtain licensure in the profession. This delegation permits Department Attorneys to independently conduct reciprocity reviews and efficiently approve applications if legal standards and requirements are met for licensure. Applications for which reciprocity may not be available will still be submitted to the Credentialing Liaison for input.

Delegation of Authority for Military Reciprocity Reviews

MOTION EXAMPLE: to delegate authority to the Department Attorneys to review and approve military reciprocity applications in which the individual meets the requirements of Wis. Stat. § 440.09.

PURPOSE: The law permits service members, former service members, and their spouses to be licensed if they hold licensure in other jurisdictions that qualify them to perform acts authorized by the credential they are seeking in Wisconsin. This is a shortened path to licensure that does not require meeting the specific requirements/standards for licensure/reciprocity in a profession. By law, the Department/Board must expedite the issuance of a reciprocal license via military reciprocity. This delegation permits Department Attorneys to independently conduct military reciprocity reviews and efficiently approve applications if legal standards and requirements are met for licensure. Applications for which reciprocity may not be available will still be submitted to the Credentialing Liaison for input.

Delegation of Authority for Application Denial Reviews

MOTION EXAMPLE: to delegate authority to the Department's Attorney Supervisors to serve as the Board designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential.

PURPOSE: When an application is denied, the applicant has a legal right to appeal the denial determination. Applicants must meet a specified legal standard in order to have an appeal granted. Additionally, Wisconsin law sets specific time frames for appeal decisions. This delegation permits Department Attorney Supervisors to independently review and efficiently act on requests for hearing as a result of a denial of a credential.

Delegation to Department Attorneys to Approve Duplicate Legal Issue

MOTION EXAMPLE: to delegate authority to Department Attorneys to approve a legal matter in connection with a renewal application when that same/similar matter was already addressed by the Board and there are no new legal issues for that credential holder.

PURPOSE: The intent of this delegation is to be able to approve prior discipline by the Board for the renewal applicant. This delegation eliminates the need for a re-review of discipline that has already been considered and approved by the Board/Section/Liaison.

Delegation to Department Attorneys to Approve Prior Discipline

MOTION EXAMPLE: to delegate authority to Department Attorneys to approve an applicant's prior professional discipline which resulted in a forfeiture/fine/other monetary penalty, remedial education, and/or reprimand, that is 10 years old or older, and the previously disciplined credential is currently in good standing.

PURPOSE: In order to continue improving processing application legal reviews in a timely matter, this delegation gives Department Attorneys authority to approve prior professional discipline which meets all of the following criteria: (1) it is at least ten years old; (2) it resulted in a monetary penalty, remedial education, and/or reprimand; and (3) the previously disciplined credential is currently in good standing.

MONITORING DELEGATIONS

The overall purpose of monitoring delegations is to be able to enforce the Boards orders and limited licenses as efficiently and effectively as possible. Monitoring delegations have two categories: delegations to the Monitoring Liaison and delegations to the Department Monitor.

Delegation of Authority to Department Monitor

MOTION EXAMPLE: to delegate authority to the Department Monitor:

- a. to grant full reinstatement of licensure if education is the only limitation and credential holder has submitted the required proof of course completion.
- b. to suspend the credential if the credential holder has not completed Board ordered education, paid costs, paid forfeitures, within the time specified by the Board Order.
- c. to lift a suspension when compliance with education and costs provisions have been met.

PURPOSE: These delegations allow for the Department Monitor to automatically act on requests when certain criteria are met or not met without needing to burden the Monitoring Liaison. The Board can set their own criteria for what actions they would like to be handled by the Department, the Monitoring Liaison, and the full Board.

Delegation of Authority to Monitoring Liaison

MOTION EXAMPLE: to delegate authority to the Monitoring Liaison to approve or deny all requests received by the credential holder.

PURPOSE: These delegations allow the Board to set criteria for what decisions can be made by the Board member(s) serving as the Monitoring Liaison and what matters should be decided by the full Board.

Education and Examination Delegations

MOTION EXAMPLE: to delegate authority to the Education and Examination Liaison(s) to address all issues related to qualifying education, continuing education and examinations. Motion carried unanimously. (Differs by Board)

PURPOSE: Some Boards are responsible for approving qualifying educational programs or continuing education courses. A delegation is executed in order for an Education and Examination Liaison to make these determinations on behalf of the Board and with assistance of the Department. Additionally, some Boards review examinations and individual scores to qualify for a credential.

MISCELLANEOUS DELEGATIONS

Document Signature

MOTION EXAMPLE: to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION EXAMPLE: in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director, Board Counsel, or DPD Division Administrator the authority to sign on behalf of a Board member as necessary. Motion carried unanimously.

PURPOSE: To take the action approved at Board meetings, the Department may need to draft correspondence and/or Orders after the meetings have adjourned. These actions then need to be signed by a Board Member. This interaction usually takes place over email and a Board member can authorize the use of his/her signature that is kept on file.

Urgent Matters

MOTION EXAMPLE: in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving Board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

PURPOSE: Allows for quick responses to urgent matters that may need Board approval or for which the Department requires guidance from the Board.

Delegation to Chief Legal Counsel-Due to Loss of Quorum

MOTION EXAMPLE: to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

PURPOSE: Sometimes Boards can struggle to meet quorum necessary to conduct business. This happens for a multitude of reasons, but this delegation allows for the Boards to have disciplinary cases decided by Chief Legal Counsel if the Board fails to meet quorum for two consecutive meetings.

Delegation to Chief Legal Counsel-Stipulated Resolutions

MOTION EXAMPLE: to delegate to the Department's Chief Legal Counsel (CLC) the authority to act on behalf of the Board concerning stipulated resolutions providing for a surrender, suspension, or revocation of a credential, where the underlying merits involve serious and dangerous behavior, and where the signed stipulation is received between Board meetings. The Board further requests that CLC only act on such matters when the best interests of the Board, Department, and the Public are best served by acting upon the stipulated resolution at the time the signed stipulation is received versus waiting for the next Board meeting. Motion carried unanimously.

PURPOSE: For matters of public safety, it may be necessary to take immediate action on a stipulated agreement rather than allowing a credential holder to continue practicing unencumbered until the next scheduled meeting. This delegation allows CLC to act on behalf of the Board when there is a stipulated agreement. A stipulated agreement is an agreement to which all relevant parties have consented to the terms.

Voluntary Surrenders

MOTION: to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter.

MOTION: to delegate authority to the Department to accept the voluntary surrender of a credential when there is no pending complaint or disciplinary matter with the Department pursuant to Wis. Stat. § 440.19.

PURPOSE: Credential holders can ask the Boards to accept surrender of their credentials at any time. These delegations are in place for the different situations that arise from those requests. If a credential holder is seeking to surrender their credential because they wish to leave the profession, that can be processed with this delegation by the Department if they have no pending disciplinary complaints. If the credential holder wishes to surrender while they have a pending disciplinary complaint, that request is reviewed by the individual Board member assigned to the case.

DLSC Pre-screening

MOTION EXAMPLE: to delegate pre-screening decision making authority to the DSPS screening attorney for opening cases where the credential holder has failed to respond to allegations contained in the complaint when requested by intake (case will be opened on failure to respond and the merits of the complaint).

PURPOSE: Pre-screening delegations exist so the Board can define specific parameters where the Department can review disciplinary complaints and open those cases if they meet certain criteria. Boards also have the authority to set certain criteria that would allow the Department to review and close a case if the criteria is met.

Delegation to Handle Administrative Rule Matters

MOTION EXAMPLE: to delegate authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving Board member in that succession), to act on behalf of the Board regarding administrative rule matters between meetings. Motion carried unanimously.

PURPOSE: In order to advance the administrative rules process, action may need to occur between meetings. This allows for quick responses to urgent matters that may need Board approval or for which the Department requires guidance from the Board.

**PROFESSIONAL HYDROLOGIST SECTION
EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS,
HYDROLOGISTS, AND SOIL SCIENTISTS
2024 DELEGATIONS
JANUARY 31, 2024 & AUGUST 7, 2024**

All Combined Delegations For 2024

Review and Approval of 2023 Delegations

MOTION: John Small moved, seconded by Randall Hunt, to reaffirm all delegation motions from 2023 as reflected in the agenda materials. Motion carried unanimously.

Document Signature Delegations

MOTION: Randall Hunt moved, seconded by John Small, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving section member in that succession) to sign documents on behalf of the Section in order to carry out its duties. Motion carried unanimously.

MOTION: Ann Hirekatur moved, seconded by Randall Hunt, in order to carry out duties of the Section, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving section member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Section hereby delegate to the Executive Director, Board Counsel or DPD Division Administrator, the authority to sign on behalf of a section member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Ann Hirekatur moved, seconded by Randall Hunt, that in order to facilitate the completion of urgent matters between meetings, the Section delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving section member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Delegation to Chief Legal Counsel Due to Loss of Quorum

MOTION: Ann Hirekatur moved, seconded by Randall Hunt, to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

Delegation to Chief Legal Counsel for Stipulated Resolutions

MOTION: Randall Hunt moved, seconded by Ann Hirekatur, to delegate to DSPS Chief Legal Counsel the authority to act on behalf of the Board concerning stipulated resolutions providing for a surrender, suspension, or revocation of a credential, where the underlying merits involve serious and dangerous behavior, and where the signed stipulation is received between Board meetings. The Board further requests that CLC only act on such matters when the best interests of the Board, Department and the Public are best served by acting upon the stipulated resolution at the time the signed stipulation is received versus waiting for the next Board meeting. Motion carried unanimously.

Monitoring Delegations

Delegation to Monitoring Liaison

MOTION: Randall Hunt moved, seconded by Ann Hirekatur, to delegate authority to the Monitoring Liaison(s) to make any determination on Orders under monitoring and to refer to the Full Section any matter the Monitoring Liaison deems appropriate. Motion carried unanimously.

Delegation to Department Monitor

MOTION: Randall Hunt moved, seconded by Ann Hirekatur, to delegate authority to the Department Monitor as outlined below.

1. to grant reinstatement of licensure if education and/or costs are the sole condition of the order and the credential holder has submitted the required proof of completion for approved courses and paid the costs.
2. to suspend the license if the credential holder has not completed Section ordered education and/or paid costs and forfeitures within the time specified by the Section order. The Department Monitor may remove the suspension and issue an order when proof of completion and/or payment has been received.
3. to suspend the license (or remove stay of suspension) if a credential holder fails to enroll and participate in an Approved Program for

drug and alcohol testing within 30 days of the order, or if credential holder ceases participation in the Approved Program without Section approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.

4. to grant or deny approval when a credential holder proposes treatment providers, mentors, and supervisors unless the Order specifically requires full- Section or Section designee approval.
5. to grant a maximum of one 90-day extension, if warranted and requested in writing by a credential holder, to complete Section ordered continuing, disciplinary, or remedial education.
6. to grant a maximum of one 90-day extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by a credential holder to grant a maximum of one 90-day extension, if warranted and requested in writing by a credential holder, to complete a Section ordered evaluation or exam. Motion carried unanimously.

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

MOTION: Randall Hunt moved, seconded by John Small, to delegate to Legal Counsel the authority to sign Monitoring orders that result from Section meetings on behalf of the Section Chairperson. Motion carried unanimously.

Credentialing Authority Delegations

Delegation to Department Attorneys to Approve Duplicate Legal Issue

MOTION: John Small moved, seconded by Randall Hunt, to delegate authority to Department Attorneys to approve a legal matter in connection with a renewal application when that same/similar matter was already addressed by the Section and there are no new legal issues. Motion carried unanimously.

Delegation of Authority to Credentialing Liaison

MOTION: Randall Hunt moved, seconded by Ann Hirekatur, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Section and to act on behalf of the Section in regard to credentialing applications or questions presented to them, including the signing of documents related to applications. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Ann Hirekatur moved, seconded by Randall Hunt, to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Section or Section liaison review. Motion carried unanimously.

Delegation of Authority for Predetermination Reviews

MOTION: Randall Hunt moved, seconded by John Small, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

Delegation of Authority for Conviction Reviews

MOTION: Randall Hunt moved, seconded by Ann Hirekatur, to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of hydrology. Motion carried unanimously.

Delegation of Authority for Reciprocity Reviews

MOTION: Randall Hunt moved, seconded by Ann Hirekatur, to delegate authority to the Department Attorneys to review and approve reciprocity applications in which the out of state license requirements are substantially equivalent to the Section's requirements. Motion carried unanimously.

Delegation of Authority for Military Reciprocity Reviews

MOTION: Ann Hirekatur moved, seconded by John Small, to delegate authority to the Department Attorneys to review and approve military reciprocity applications in which the individual meets the requirements of Wis. Stat. § 440.09. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Randall Hunt moved, seconded by Ann Hirekatur, to delegate authority to the Department's Attorney Supervisors to serve as the Section's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

Voluntary Surrenders

MOTION: Randall Hunt moved, seconded by Ann Hirekatur, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

MOTION: Ann Hirekatur moved, seconded by John Small, to delegate authority to the Department to accept the voluntary surrender of a credential when there is no pending complaint or disciplinary matter with the Department pursuant to Wis. Stat. § 440.19. Motion carried unanimously.

Education and Examination Liaison(s) Delegation

MOTION: Ann Hirekatur moved, seconded by John Small, to delegate authority to the Education and Examination Liaison(s) to address all issues related to education and examinations. Motion carried unanimously.

Authorization for DSPS to Provide Section Member Contact Information to National Regulatory Related Bodies

MOTION: Ann Hirekatur moved, seconded by John Small, to authorize the Department staff to provide national regulatory related bodies with all section member contact information that the Department retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Randall Hunt moved, seconded by John Small, to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Section's or Section designee's request. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: Ann Hirekatur moved, seconded by John Small, to delegate authority to the Legislative Liaisons to speak on behalf of the Section regarding legislative matters. Motion carried unanimously.

Travel Authorization Liaison Delegation

MOTION: Randall Hunt moved, seconded by John Small, to delegate authority to the Travel Authorization Liaison to approve any section member travel to and/or participation in events germane to the section, and to designate representatives from the Section to speak and/or act on the Section's behalf at such events. Motion carried unanimously.

Website Liaison(s) Delegation

MOTION: Ann Hirekatur moved, seconded by John Small, to authorize to the Website Liaison(s) to act on behalf of the Section in working with Department staff to identify and execute website updates. Motion carried unanimously.

Delegation to Department Attorneys to Approve Prior Discipline

MOTION: [Section member name] moved, seconded by [Section member name], to delegate authority to Department Attorneys to approve an applicant's prior professional discipline which resulted in a forfeiture/fine/other monetary penalty, remedial education, and/or reprimand, that is 10 years old or older, and the previously disciplined credential is currently in good standing. Motion carried [].

Delegation to Department Monitor

MOTION: Randall Hunt moved, seconded by Ann Hirekatur, to delegate authority to the Department Monitor as outlined below.

1. to grant reinstatement of licensure if education and/or costs are the sole condition of the order and the credential holder has submitted the required proof of completion for approved courses and paid the costs.
2. to suspend the license if the credential holder has not completed Section ordered education and/or paid costs and forfeitures within the time specified by the Section order. The Department Monitor may remove the suspension and issue an order when proof of completion and/or payment has been received.
3. to suspend the license (or remove stay of suspension) if a credential holder fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if credential holder ceases participation in the Approved Program without Section approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.
4. to grant or deny approval when a credential holder proposes treatment providers, mentors, and supervisors unless the Order specifically requires full- Section or Section designee approval.
5. to grant a maximum of one 90-day extension, if warranted and requested in writing by a credential holder, to complete Section ordered continuing, disciplinary, or remedial education.
6. to grant a maximum of one 90-day extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by a credential holder
7. to grant a maximum of one 90-day extension, if warranted and requested in writing by a credential holder, to complete a Section ordered evaluation or exam. Motion carried unanimously. Motion carried unanimously.

Review and Approval of 2024 Delegations including new modifications

MOTION: [Section member name] moved, seconded by [Section member name], to reaffirm all delegation motions made in 2024, as reflected in the February 5, 2025 agenda materials, which were not otherwise modified or amended during the February 5, 2025 meeting. Motion carried [].

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Jake Pelegrin Administrative Rules Coordinator		2) Date when request submitted: 1/23/25 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Hydrologists Section			
4) Meeting Date: 2/5/25	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Discussion of Clearinghouse Report and Final Rule Draft for GHSS 1 and 3 relating to Professional Development for Professional Hydrologists 2. Pending or possible rulemaking projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Attachments: -Clearinghouse Report and Final Rule Draft for GHSS 1 and 3 -Rule Projects Chart			
11) <i>Jake Pelegrin</i>		Authorization 1/23/25	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **24-079**

AN ORDER to amend ch. GHSS 3 (title) and GHSS 3.01; and to create GHSS 1.05 (4) and 3.07 to 3.14, relating to professional development for professional hydrologists.

Submitted by **EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS,
HYDROLOGISTS AND SOIL SCIENTISTS**

10-21-2024 RECEIVED BY LEGISLATIVE COUNCIL.

11-13-2024 REPORT SENT TO AGENCY.

SG:PW

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]
Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 24-079

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

2. Form, Style and Placement in Administrative Code

a. The rule summary’s plain language analysis for the proposed rule should be revised to briefly describe the new continuing education and renewal requirements. A plain language analysis should contain sufficient detail to enable a reader to understand the content of the proposed rule and how it differs from current law. [s. 1.01 (2) (b), Manual.]

b. Consider whether the first sentence in s. GHSS 1.05 (4) is necessary or appropriately placed because it is a general requirement to comply with continuing education requirements in a section about the failure to renew a license.

c. The proposed text in s. GHSS 3.07 (1) (intro.) and (a) should be consolidated as par. (a) is the solitary paragraph under sub. (1).

d. In s. GHSS 3.07 (1) (intro.), consider removing “beginning with the August 2028 biennial license renewal period”, and instead using an initial applicability section. Also, specify that at least four hours must be completed in a biennium, or alternatively, move the information in sub. (3) to this subsection. Additionally, it is not clear which biennium the applicants must begin completing continuing education. Is it the August 2026-28 biennium, with renewal applications requiring continuing education on August 1 of 2028?

e. In s. GHSS 3.07 (1) (a), it isn’t clear what is meant by “first renewal period”. Consider rephrasing to specify when a licensee must begin complying with continuing education requirements. For example, “A new licensee is first required to comply with continuing education requirements in the licensee’s first full biennium.”.

f. In s. GHSS 3.08 (1), this essentially duplicates what is in s. GHSS 3.07 (3). Could one provision or the other be revised to avoid redundancy?

g. In s. GHSS 3.13 (3), “Subs.” should be spelled out as “Subsections” to begin the provision.

3. Conflict With or Duplication of Existing Rules

a. Consider amending current s. GHSS 1.05 (1) to make clear that it is the renewal fee in addition to an approved renewal application that must be submitted before the license shall be renewed.

b. Consider whether continuing education requirements should be included in the contents of a license application under current s. GHSS 3.06 (7) to clearly establish this requirement for applicants who are licensed in another state or jurisdiction.

4. Adequacy of References to Related Statutes, Rules and Forms

a. In SECTION 1, creating s. GHSS 1.05 (4), consider whether the “Except for” clause is necessary. It is not clear what is excepted by s. 470.07, Stats., with respect to continuing education requirements.

b. Consider adding a cross-reference to s. 440.08 (2) (a) 63w., Stats., which establishes the renewal date for professional hydrologists. Currently, there is no cross-reference or mention of when the application renewal deadline is. Clarity on when a license is renewed may be useful for purposes of when continuing education is required and must be reported. Specifically, in SECTION 4, proposed s. GHSS 3.07 (3) mentions a time of renewal without a rule or cross-reference to when a renewal must occur.

c. Consider changing the cross-reference in SECTION 4, proposed s. GHSS 3.13, from s. 440.08 (2) (a), Stats., to s. 440.08 (2) (a) 63w. Stats., to better reference the renewal deadline.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Ensure consistency regarding capitalization. In the “Explanation of agency authority” section, the first quote changes the first word to lowercase, but remaining quotes do not make the same change and leave the first quoted word in uppercase.

b. The following are examples of occurrences where the serial or oxford comma was not used in accordance with s. 1.06 (1) (b), Manual:

(1) SECTION 3, s. GHSS 3.01, add a comma after “experience”.

(2) SECTION 4, s. GHSS 3.07 (2) (a), add a comma after “video”.

(3) SECTION 4, s. GHSS 3.07 (2) (e), add a comma after “environmental science issues”.

(4) SECTION 4, s. GHSS 3.07 (2) (g), remove “or” before “trade magazines” and add a comma after “trade magazines”.

c. In SECTION 4, s. GHSS 3.07 (1) (intro.), add a comma before “which”. Also, is the requirement for four total hours of continuing education meant to be 24 hours, as proposed in companion CHR 24-078, s. GHSS 2.08 (1) (intro.)?

d. In ss. GHSS 3.07 (2) (intro.) and 3.09 and throughout the rule, consider whether “programs and activities” should be “course or activity” because “course” and “activity” are defined terms in proposed companion CHR 24-078, s. GHSS 1.02 (6). Also, consider rephrasing to be in the active voice. For example, “Continuing education credit may be obtained from the following courses or activities that are offered by acceptable sponsors or providers:”.

e. In s. GHSS 3.07 (2) (a) to (h), consider revising the phrasing to be grammatically consistent. [s. 1.05 (1) (e), Manual.] The agency could consider s. [A-E 13.03 \(2\)](#) as an example.

f. In s. GHSS 3.07 (2) (a), consider specifying how a licensee will know how many contact hours a course is worth. Also, because “contact hour” is defined as 50 minutes of instruction or participation in an approved educational activity, it is not clear how different course providers would cause a course to be worth more or less contact hours.

g. In s. GHSS 3.07 (2) (b), consider whether the value of one quarter hour of course work is accurate. Perhaps it should be 3.5 and not 13.5?

h. In s. GHSS 3.07 (2) (f), consider using only “instructing” or “presenting” where both are used to be consistent.

i. In s. GHSS 3.07 (2) (g), consider specifying how much credit authoring is worth. Also, should the agency consider limits on maximum contact hours that may be claimed under this provision, as proposed in companion CHR 24-078, s. GHSS 2.08 (2) (g)?

j. In s. GHSS 3.07 (2) (h), consider how this activity relates to the definition of contact hour. The meaning of contact hour is being changed from 50 minutes to one hour in this paragraph. Alternatively, consider amending the definition of “contact hour” to acknowledge that it is not always 50 minutes. Also, should continuing education credit for this activity be limited “, up to 8 contact hours per day”, as proposed in companion CHR 24-078, s. GHSS 2.08 (2) (h)?

k. In s. GHSS 3.07 (3), consider specifying who approves the continuing education. Also, consider changing “section” to “chapter” or to “s. 470.07, Stats.,” depending on what is intended to be referenced.

l. In s. GHSS 3.09 (1) (c), consider revising to be clearer.

m. In s. GHSS 3.09 (2) (intro.), and throughout the rule, consider using the defined term “Section of the board” instead of only “section” to avoid confusion with the administrative rule unit “section”. Alternatively, use “professional hydrologist section” as is done in other parts of the current rule or add a definition for the word “section”, to mean the professional hydrologist section. Also:

- (1) Add a comma before “including”.
- (2) Revise the list in sub. (2) (a) to (d) to be a list of sponsors and providers.
- (3) In sub. (3), who does the section make recommendations to?
- (4) In sub. (4), begin with “Contact hour credit” to distinguish from “course credit”.

n. In s. GHSS 3.10 (3), consider replacing “appears to be” with “is”.

o. In s. GHSS 3.11, the use of the phrase “certificate or statement of attendance” is not the same phrase as used in s. GHSS 3.10 to describe what seems like the same thing. Consider revising throughout the rule to use consistent phrasing.

p. Also, in s. GHSS 3.11 (intro.), consider revising the first sentence for clarity, particularly the placement of “is signed”. Also, consider revising the second sentence to make it clear whether one contact hour is the required minimum per each activity or per biennium, and consider whether the one contact hour minimum for recordkeeping should also be applied in other areas, such as the standards of approval section.

q. In s. GHSS 3.11 (3), consider revising so that it does not seem like all the items listed are required to be maintained in the course of recordkeeping. For example, add “if available”.

r. In s. GHSS 3.11 (4), consider adding “contact” before “hours”.

s. Consider reorganizing proposed s. GHSS 3.12 for concision and clarity. First, it is unclear whether there is one process for all continuing education waivers or if there are separate processes for waiver depending on the reason for the waiver (prolonged illness or disability, extreme hardship, or active duty military service). Also, sub. (1) refers to postponement or waiver, but the differences between the two or lack thereof is not clarified. Consider organizing the section based on the reason for waiver if the requirements are different or organizing based on whether the licensee is applying for waiver or postponement.

t. In s. GHSS 3.12 (1), consider whether “chapter” is too broad, because ch. GHSS 3 also includes other requirements, or whether “continuing education” should be inserted before “requirements”.

u. In s. GHSS 3.12 (2), consider whether the discussion of extreme hardship duplicates the content of sub. (1). Also, consider whether requiring the hydrologist section to waive enforcement conflicts with the discretion provided to the hydrologist section in sub. (1) to postpone, partially waive, or totally waive continuing education requirements. Additionally, an “a” should appear before “license” on the first line of the provision. Lastly, as noted earlier, consider changing “hydrologist section” to “section”, “section of the board”, or “professional hydrologist section”, using a defined term in a consistent manner.

v. In s. GHSS 3.12 (3), consider whether this is repeating information from subs. (1) and (2). Revise for clarity and to avoid duplication.

w. In s. GHSS 3.12 (4), consider whether listing out “incapacitating disability, medical illness, active military duty or other extenuating circumstances” is necessary because “extreme hardship” is a defined term that captures those circumstances. Also, consider whether the purpose of this subsection is to reserve the ability of the hydrology section to require certain continuing education before a licensee is permitted to begin practicing again. If that is the case, revise for clarity. It currently only allows for continuing education requirement “upon the return to the active practice”. Also, consider revising “his or her” to “the licensee’s”. [s. 1.05 (2), Manual.]

x. In s. GHSS 3.13 (1), consider whether the reference to s. 440.08 (2) (a), Stats., should be s. 440.08 (3), Stats. Also, consider revising the description of the continuing education hours to be consistent with how they are described in s. GHSS 3.07. This applies throughout the rule. Also, consider what is meant by “during the 2 years immediately preceding the date of application for renewal”. Is it two years before the licensee’s application? Or is it two years before the renewal date in s. 440.08 (2) (a), Stats.? Generally, it is not clear whether a licensee can earn contact hours after a biennium is over that apply retroactively. Subsection (2) suggests that might be possible. If so, revise the rule to make that clear throughout.

y. In s. GHSS 3.13 (3), consider revising the reference to s. 440.08 (3) (b), Stats., because there is not a process at that citation; rather it permits rulemaking regarding late renewals.

z. In s. GHSS 3.14, consider adding “(7)” after “s. GHSS 3.06”.

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

IN THE MATTER OF RULEMAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : EXAMINING BOARD OF
EXAMINING BOARD OF PROFESSIONAL : PROFESSIONAL GEOLOGISTS,
GEOLOGISTS, HYDROLOGISTS AND : HYDROLOGISTS AND SOIL
SOIL SCIENTISTS : SCIENTISTS
: (CLEARINGHOUSE RULE 24-079)

PROPOSED ORDER

An order of the Examining Board of Professional Geologists, Hydrologists, and Soil Scientists to **amend** Chapter GHSS 3 (title), ~~and GHSS-3.01, 3.02 Note, 3.06 (7), and 3.06 (10) Note;~~ and to **create** ~~GHSS 1.046, GHSS-1.05 (24) (d), and GHSS-3.07~~ to 3.14 relating to Professional Development for Professional Hydrologists.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 470.03 (2) and 470.07, Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), 470.03 (1) (b), and 470.03 (2), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides that each examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 227.11 (2) (a), Stats., provides that “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

Section 470.03 (1) (b), Stats., states that the examining board shall “[u]pon 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.”

Section 470.03 (2), Stats., states that “[u]pon 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.”

Related statute or rule:

Rule in progress GHSS 1 and 2, relating to Professional Development for Professional Geologists (scope statement SS 043-23).

Plain language analysis:

The proposed rule ~~adds-creates~~ requirements for continuing education for professional hydrologists. General requirements are added in ch. GHSS 1, and specifics of new continuing education and renewal requirements are added in ch. GHSS 3. In each biennium, professional hydrologists will be required to complete 4 approved continuing education contact hours. The content of the courses must be substantially related to the practice of professional hydrology. A wide variety of types of courses and activities are allowed. The professional hydrologist section may grant exceptions to the continuing education requirements in the event of extreme hardship for a licensee.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois:

Illinois does not require licensure or registration of professional hydrologists.

Iowa:

Iowa does not require licensure or registration of professional hydrologists.

Michigan:

Michigan does not require licensure or registration of professional hydrologists.

Minnesota:

Minnesota does not require licensure or registration of professional hydrologists.

Summary of factual data and analytical methodologies:

The proposed rule was developed by the GHSS Examining Board reviewing Wisconsin Administrative Code chapters GHSS 1 and 3 and making amendments and additions based on current professional hydrology practice.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The proposed rules were posted for a period of 30 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are attached.

Effect on small business:

These proposed rules will not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. -The Department’s Regulatory Review Coordinator may be contacted at Jennifer.Garrett@wisconsin.gov or (608) 266-2112.

Agency contact person:

Jake Pelegrin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-267-0989; email at DSPSAdminRules@wisconsin.gov.

~~Place where comments are to be submitted and deadline for submission:~~

~~Comments may be submitted to Jake Pelegrin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing to be included in the record of rule-making proceedings.~~

TEXT OF RULE

SECTION 1. GHSS 1.046 is created to read:

GHSS 1.046 Continuing education for professional hydrologists. Professional hydrologists shall comply with the continuing education requirements specified in ch. GHSS 3.

SECTION ~~21~~. GHSS 1.05 (24) (d) is created to read:

GHSS 1.05 (24), (d) Except for as specified in s. 470.07, Stats., professional hydrologists shall comply with the continuing education requirements specified in ch. GHSS 3. For late renewal of a license or reinstatement of a professional hydrologist license, further requirements for continuing education are listed in s. GHSS 3.13.

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SECTION ~~32~~. Chapter GHSS 3 (title) is amended to read:

Chapter GHSS 3

PROFESSIONAL HYDROLOGIST LICENSE LICENSURE AND CONTINUING EDUCATION

SECTION ~~43~~. GHSS 3.01 is amended to read:

GHSS 3.01 Authority and purpose. The rules in this chapter are adopted under authority in ss. 15.08 (5) (b), 227.11 (2), 470.03 (1) (a), ~~470.03 (2), and 470.04, and 470.07~~, Stats. The purpose of the rules in this chapter is to interpret basic education, experience, and examination requirements for licensure as a professional hydrologist as specified in ss. 470.04 and 470.05, Stats., and to govern biennial continuing education of professional hydrologists.

SECTION 5. GHSS 3.02 Note is amended to read:

Note: Applications Instructions for applications are available upon request to the Professional Hydrologist Section of the board at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935; phone (608) 266-2112 or available for download from the department webpage: <http://dps.wi.gov/Licenses-Permits/Credentialing/Business-Professions>, on the department's website at dps.wi.gov.

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SECTION 6. GHSS 3.06 (7) is amended to read:

GHSS 3.06 (7) For applicants previously licensed in another state, territory or possession of the United States or in another country, verification of the applicant's licensure in the licensing jurisdiction of original licensure or, if the applicant has permitted his or her licensure in the jurisdiction of original licensure to lapse, verification of licensure in the licensing jurisdiction where the applicant is currently licensed and where the applicant was last engaged in the practice of professional hydrology. Beginning on August 1, 2028, an applicant licensed or previously licensed in another state or jurisdiction shall also include documentation of continuing education completed during the most recent 2 years of the applicant's licensure.

I'm not sure when this provision should start to apply, but I put in that date as a good guess. Section 470.06 (2) requires that for reciprocal licensure, "the requirements of

the other state, territory or country that issued the license are substantially equivalent to the requirements under this chapter.”

SECTION 7. GHSS 3.06 (10) Note is amended to read:

Note: Application forms, including the “Supervised Hydrologic Experience” form and the “Peer Evaluation” form are available upon request to the Professional Hydrologist Section of the board at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935; phone (608) 266-2112 or available for download from the department webpage; on the department’s website at <http://dsps.wi.gov>.

SECTION 84. GHSS 3.07 to 3.14 ~~are is~~ created to read:

GHSS 3.07 Continuing education requirements. (1) INITIAL APPLICABILITY. Continuing education requirements will begin in the renewal period that starts on August 1, 2026 and ends on August 1, 2028, as specified in s. 440.08 (2) (a) 63w., Stats. Renewal applications due on August 1, 2028 will require continuing education.

Not sure if the highlighted sentence is needed, but I put it in just to be sure of clarity.

(2) GENERAL REQUIREMENTS. Except as outlined in par. (a) or if granted a waiver under s. GHSS 3.12, beginning with the August 2028 biennial license renewal period, every licensee shall complete at least 4 hours of approved contact hours each biennium. The contact hours shall be pertinent to the practice of professional hydrology, which may include scientific, technical, ethical, or relevant managerial content. Continuing education requirements shall be completed within the preceding biennium and shall be approved by the professional hydrologist section at the time of renewal under s. 440.08 (2) (a) 63w., Stats.

(3a) NEW LICENSEES. Between the date of initial licensure and the first following renewal period date specified in s. 440.08 (2) (a) 63w., Stats., a new licensee shall not be required to comply with the continuing education requirements ~~for the first renewal period.~~ A new licensee is first required to comply with continuing education requirements in the licensee’s first full biennium.

(4) TYPES OF COURSES AND ACTIVITIES. ~~Approved continuing education programs and activities offered by acceptable sponsors or providers where continuing education credit may be obtained include any of the following: Continuing education credit may be obtained from any of the following courses or activities that are offered by acceptable sponsors or providers under s. GHSS 3.09 (2):~~

(a) Successful completion of hydrology, natural science, or environmental science-related courses, presented by correspondence, internet, television, ~~or video, or audio,~~ and ending with examination or other verification processes. These may ~~earn be worth~~ a varying number of contact hours depending on the course duration and course content provider.

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(b) Successful completion of a college or university course in the area of hydrology, natural sciences, environmental sciences, or ethics. One semester credit hour of course work is equivalent to 15 contact hours and one quarter credit hour of course work is equivalent to 13.5 contact hours.

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Clearinghouse Report questioned if this is an accurate calculation and suggested 3.5. I'm guessing it is as the board intended.

(c) Successful completion of professional hydrology, natural science, or environmental science courses ~~work~~ or ~~activities programs~~ offering contact hours on those topics.

(d) Active participation and successful completion of professional hydrology, natural science, or environmental science programs, seminars, tutorials, workshops, short courses, or in-house courses.

(e) Attending ~~program~~ presentations at related technical or professional meetings at which at least 50 minutes is spent discussing professional hydrology, natural science, or environmental science issues, or attending a lecture on those topics, or both. Each approved meeting will be awarded one contact hour.

(f) Teaching ~~or instructing~~ courses, ~~activities~~, or programs on a professional hydrology, natural science, or environmental science topic. Teaching credit is counted for teaching a course or seminar for the first time only and does not apply to faculty in the performance of their regularly assigned duties. Two contact hours will be awarded for every 50 minutes of teaching ~~or presentation~~.

(g) Authoring professional hydrology, natural science, or environmental science ~~-~~related papers, articles, or maps that appear in circulated journals, ~~or~~ trade magazines, or ~~in~~ published textbooks. Credit is earned in the biennium of publication.

Consider specifying how many contact hours authoring is worth.

Clearinghouse suggested putting a maximum on the number of hours you can get for authoring, but for this rule, authoring 1 paper will easily get you more than 4 contact hours. I don't think setting a maximum for authoring is needed.

(h) Field trips organized and run by professional or technical societies or in conjunction with meetings, conventions, or conferences. These shall be awarded one contact hour for ~~each hour~~ every 50 minutes of duration.

Same comment as above – doing 1 field trip could easily get you 4 hours or more, so I don't think it's necessary to set a maximum.

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~~(3) Continuing education requirements shall be completed within the preceding biennium and approved at the time of renewal under this section.~~

GHSS 3.08 Compliance. ~~(1) Continuing education shall be completed within the preceding biennium.~~

~~(2)~~ A licensee who fails to meet the continuing education requirements by the renewal date, as specified in s. 470.07, Stats., may not engage in the practice of professional hydrology until the license is renewed based upon proof of compliance with the continuing education requirements.

GHSS 3.09 Standards for approval. (1) To be approved for credit, a continuing education ~~course or activity program~~ shall meet all of the following criteria:

(a) The ~~course or activity program~~ includes instruction in an organized method of learning contributing directly to the professional competency of the licensee and pertains to subject matters which integrally relate to the practice of the profession.

(b) The ~~course or activity program~~ is conducted by individuals who have specialized education, training, or experience and are considered qualified concerning the subject matter of ~~the the course or activity program~~.

(c) The ~~course or activity program~~ provides proof of attendance or certificate of completion, which may include course completion examination, by the licensees and fulfills pre-established goals and objectives.

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Discuss with section – the Clearinghouse Report suggested revising 3.09 (1) (c) to be more clear

(2) The ~~professional hydrologist~~ section may approve sponsors or providers for continuing education ~~courses programs~~ and activities, including the following:

(a) ~~Courses sponsored by a t~~ Technical or professional societies or similar organizations devoted to hydrologic, natural, or environmental sciences and education.

(b) Accredited colleges, universities, or other educational institutions and schools of higher education.

(c) ~~Courses sponsored by a g~~ Governmental units.

(d) ~~Courses from a~~ Any other provider approved by the ~~professional hydrologist~~ section or its designee.

(3) The ~~professional hydrologist~~ section or its designee may approve make recommendations as to approval of courses, credits, contact hour value for courses, and other methods of earning credit.

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Discuss with the board – Clearinghouse comment asked who the section would make recommendations to.

(4) Contact hour credit for college or technical school courses approved by ~~a~~ the professional hydrologist section shall be based upon course credit established by the college or technical school.

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GHSS 3.10 Certification of completion, proof of attendance. (1) Each licensee shall certify on the renewal application their full compliance with the continuing education requirements set forth in this chapter.

(2) The professional hydrologist section may require additional evidence demonstrating compliance with the continuing education requirements, including a certificate of completion, proof of attendance, or documentation of completion or credit for the courses or activities completed.

(3) If there appears to be a lack of compliance with the continuing education requirements, the professional hydrologist section shall notify a licensee in writing and request submission of evidence of compliance within 30 days of the notice.

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Discuss with the board – the Clearinghouse Report suggested replacing “appears to be” with “is”. I’m not sure if the board would be in favor of that.

(4) The professional hydrologist section may require a licensee to appear for an interview to address any deficiency or lack of compliance with the continuing education requirements.

(5) A licensee may be subject to discipline by the board for failure to comply with subs. (2) to (4).

GHSS 3.11 Recordkeeping. It shall be the responsibility of the licensee to maintain records of continuing education hours for at least 2 biennia from the date on which the course or activity is completed~~certificate or statement of attendance is signed. A minimum of at least one contact hour is required for recordkeeping purposes, with increments of one quarter contact hour allowed thereafter.~~ The recordkeeping shall include all of the following:

(1) The name and address of the sponsor or provider.

(2) The title of the course program~~or activity~~ and a brief statement of the subject matter.

(3) Printed program schedules, registration confirmations or receipts, certificates of completion, proof of attendance~~or completion~~, examination scores, or other proof of participation.

(4) The number of contact hours attended by course program or activity and the date and place of the program course or activity.

The Clearinghouse Report suggested adding in "if available" to some or all of these items in the list. I'm not sure if the board would be in favor of that.

GHSS 3.12 Waiver of continuing education. (1) A licensee may apply to the professional hydrologist section for a postponement or waiver of the continuing education requirements of this chapter on grounds of prolonged illness or disability, or on other grounds constituting extreme hardship. The professional hydrologist section shall consider each application individually on its merits, and the section may grant a postponement, partial waiver, or total waiver as deemed appropriate in the circumstances.

(2) A renewal applicant seeking renewal of a license without having fully complied with the continuing education requirements shall file a renewal application, along with the required fee, and a statement setting forth the facts concerning non-compliance, any supporting documentation, and a request for a waiver of the requirements. The request for a waiver These materials shall be submitted made prior to the renewal date. Extreme hardship shall be determined on an individual basis by the hydrologist section. If the professional hydrologist section finds from the affidavit statement or any other evidence submitted that extreme hardship has been shown, the hydrologist section shall may grant a postponement, partial waiver, or total waiver enforcement of the continuing education requirements for the applicable renewal period.

~~(3) A renewal applicant who requests a waiver of the continuing education requirements for extreme hardship shall file a renewal application along with the required registration fee and submit an affidavit which describes the circumstances of the hardship and provide any supporting documentation. The request for a waiver shall be submitted prior to the renewal date.~~

~~(4) A licensee who receives a waiver for continuing education on the basis of extreme hardship due to an incapacitating disability, medical illness, active military duty or other extenuating circumstance may be required to complete continuing education upon or before his or her the licensee's return to the active practice of professional hydrology as determined necessary by the professional hydrologist section to ensure the ability of the licensee to practice professional hydrology in a safe and competent manner.~~

GHSS 3.13 Late renewal. (1) Continuing education hours shall apply only to the biennium in which the hours are acquired. A licensee who applies for renewal after the renewal date specified in s. 440.08 (2) (a) 63w., Stats., shall submit proof to the professional hydrologist section that the licensee has completed at least 4 continuing education contact hours during the 2 years immediately preceding the date of application for renewal and meet the requirements for late renewal specified in s. 440.08 ~~(32)~~ ~~(a)~~, Stats. The 4 continuing education contact hours shall meet the requirements for continuing education under this chapter, except that the contact hours need not be

completed within a biennium as defined in s. GHSS 1.02 (2), but shall be completed during the 2 years immediately preceding the date of application for renewal.

I think the highlighted sentence needs to be removed, because I think the board's desire was to require applicants for late renewal to do their continuing ed within the 2 years immediately preceding their late application, not necessarily within the biennium ending on the date they were supposed to renew.

(2) Continuing education hours submitted to satisfy this requirement for late renewal shall not be used to satisfy continuing education requirements for a subsequent renewal.

(3) Subsections- (1) and (2) pertain to a licensee applying for renewal of their license less than 5 years after its expiration, as stated in s. GHSS 1.05 (1). A licensee who applies for renewal more than 5 years after the expiration date must still comply with subs. (1) and (2), and meet the requirements go through the process for reinstatement as described in s. 440.08 (3) ~~(b)~~, Stats., and ss. GHSS 1.05 (2) (a) and (b).

GHSS 3.14 Reciprocity. An applicant for licensure as a professional hydrologist from who is licensed in another state or jurisdiction who applies for license to practice as a professional hydrologist shall, in addition to the information required under s. GHSS 3.06, submit proof of completion of continuing education obtained in another jurisdiction within the 2 years prior to application as part of the requirements in s. GHSS 3.06 (7). This section will begin to apply on August 1, 2028.

SECTION ~~95~~. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro), Stats.

(END OF TEXT OF RULE)

Examining Board of Professional Geologists, Hydrologists and Soil Scientists

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause/ Summary	Current Stage	Next Step
24-078	043-23	12/26/25	GHSS 1 and 2	Professional Development - Geologists. Review and update rules for continuing education and professional development for geologists.	Hold public hearing, discuss Clearinghouse comments, prepare Final Rule Draft.	Board approval of Final Rule Draft for submittal to Governor and Legislature.
24-079	063-23	2/28/2026	GHSS 1 and 3	Professional Development - Hydrologists. Review and update rules for continuing education and professional development for hydrologists.	Hold public hearing, discuss Clearinghouse comments, prepare Final Rule Draft.	Board approval of Final Rule Draft for submittal to Governor and Legislature.
			GHSS 1 to 4	Licensure and Examinations. The objective is to bring the GHSS code into compliance with 2013 Act 114, which prohibits credentialing boards from requiring a person to complete postsecondary education before the person can take an examination for a credential.	Present new scope statement to the board.	Board approval of the scope statement for next steps.