

SUCCESSFULLY RESISTING THE REPEAL OF ILLINOIS' PROFESSIONAL LICENSING ACT – THE CHICAGO WAY

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Effective July 10, 2015, Public Act 099-0026 extended the Illinois Professional Geologist Act sunset date to January 1, 2026. Since that time, the geologist community had received no information that suggested changing the sunset date or that there was any kind of threat to the program.

In February, the Illinois Groundwater Association (IGA) and Illinois Association of Groundwater Professionals (IAGP) held a joint meeting. During that meeting, Chris Stohr, newly-elected Chair of the Chicago Chapter of AEG, discussed the 'need to join forces for a common issues regarding groundwater protection during these tumultuous times' with the Secretary of the IGA and Executive Director of the IAGP. This productive discussion of issues between environmental/engineering geologists, hydrogeologists and water well drillers established a relationship between professionals who study and make their living exploiting groundwater for sustainable use. This relationship was reinforced in March during an IAGP one-day continuing education training for water well drillers and pumps service providers. Little did they know that less than a month later this relationship would become vital to protecting geologist licensure.

On February 9, 2017, Senator Pamela J. Althoff of the Illinois Senate introduced Senate Bill (SB) 1821 on behalf of the Governor's office "to eliminate unnecessary professional licensing" as determined by the Department of Finance and Professional Regulation (IDFPR). The bill was written to repeal licensure for a number of professions by changing the sunset provision of each profession from the specified date (January 1, 2026 for licensed professional geologists) to "effective immediately. In addition to geologists, the act was written to eliminate licensure for genetic councilors, landscape architects, athletic agents, electrologists, deception detectors, and realtors. A companion bill, House Bill (HB) 1969, was introduced in the House.

On March 9, SB 1821 was amended to remove some of the repealed licensing programs from the list. Geologists were not removed at that time. In late March, Jeff Groncki, AIPG Section Chair, passed the word that a bill was working its way through both the houses of the Illinois legislature to eliminate professional licensing of geologists in that state.

On April 4, a flurry of emails were distributed statewide by AEG, AIPG, and IGA regarding the proposed repeal of the Professional Geologists Licensing Act, and initial contacts were made to State Legislators by interested individuals to voice their opposition to the bills.

On April 9, **Ken Neal** received an e-mail from **Bob Tepel**, who had just returned from a meeting of the National Association of State Boards of Geologists (ASBOG) saying he had just learned that a bill introduced at the request of the governor was to eliminate several licensure boards, including geologists. He said that AIPG was working on the matter. Upon receipt of the e-mail, **Ken** contacted **Chris Stohr**, Chair of the Chicago Chapter, to ask about the status of the bill and

if the Licensure Committee could provide assistance. **Chris** stated that none of the professional geologist and groundwater organizations had been watching legislation and no one expected any repeal of licensure to arise, since the governor had recently signed the bill extending the sunset deadline. No Illinois geologists, whether on the licensing board, in governmental positions or in industry, had been notified that this action was either contemplated or underway.

On April 11, hearings were held for the bills. Some of the licensed professions had previously argued against inclusion in the bills and had been removed because of testimony in committee hearings during February. The bills had been read in the houses in March, without opposition. By April the bills had been read in the houses for the second time and were expected to be adopted without opposition. A former legislator and policy consultant stated that the bills were as good as passed based upon his experience. This is the case with the majority of legislation. He stated that “It will be brought up for a vote and adopted within a few minutes.”

This was alarming and required prompt action. **Chris Stohr** took the lead role on behalf of AEG in organizing the opposition to the bill. He contacted the Chicago Chapter Executive Committee and past officers who recognized the weight and urgency of the matter. Geologists from AEG and other organizations went to Springfield to meet with individual legislators when the legislative session reopened. An **AEG member** found an article written by a former Chuck Schumer staffer about how to effectively work with legislators, namely “call them” and both the article and advice was circulated within the geologist community. In addition, the Illinois Aggregate Producers and the Illinois Coal Association were contacted. They, in turn contacted the Oil and Gas Producers Association.

Chris also called the leadership of the IGA and AIPG to alert them that the House and Senate bills had not removed geologist licensure from the repeal list. All were surprised that geologists were still on the list and pledged to notify members to contact the bill sponsors and their local senators and representatives.

Early on the morning of April 18, **Chris** met with his state representative. She came prepared for the meeting, checked his knowledge of the bill including reasons for opposition, and explained that the bill was all but a ‘done deal.’ She recognized that the bill was bad for Illinois, and provided advice on what would be needed to stop the progress of the bill:

- She encouraged the drafting of a one- page description of the bills with succinct bullet points describing why the bill would endanger public health, welfare and safety. She emphasized the protection of employment is not a valid reason nor should the arguments have any indication of that as a reason.
- She stated that she would alert the influential black caucus to oppose the bill. This was very important, as the caucus is a major influence in the legislature.
- She asked for assistance in preparing for a floor fight. This is rare in the state legislature especially for an obscure bill regarding what is considered a mundane matter.

She agreed to distribute the one-page bullet list personally to other legislators. She also counseled that **Chris** should contact the bill sponsor and the IDFPR to determine who and what was behind the bill.

Chris called the senate bill sponsor to ask why the bill was introduced and whether the Professional Geologists clauses could be removed. The sponsor stated that she introduced the bill

at the request of the governor and in cooperation with the Department of Financial and Professional Regulation and gave him contact information for the legislative liaison contact. **Chris** invited Senator Althoff to learn more about geology and geologists by joining the Chicago Chapter for a scheduled field trip, which was postponed because of rain.

On April 26, 2017, a second reading was held for the amended bill and the bill was again unanimously approved by the Committee without any opportunity for public testimony. The bill still contained repeal of the Professional Geologists Licensing Act.

Having heard reasons given for initiating the repeal of professional geologist licensure, conversing or corresponding with AEG members **Bob Tepel, Ken Neal, Jim Williams** (Missouri), and **many Illinois Licensed Professional Geologist and AEG colleagues, Chris** wrote rebuttals to the reasons given for the repeal, and the one-page bullet list. A list of the IDFPR reasons for repeal was followed by counter arguments to retain the Professional Geologist Licensure Act. The exercise proved to be among the more useful documents drafted. A summary of the reasons for repeal and **Chris'** responses are available in the Legislative Resources Historical Documents link on the AEG website.

Again consulting with AEG members, an announcement was sent to the Chicago and Saint Louis AEG Chapter members encouraging them to directly contact the bill sponsors and their local senators and representatives. The announcement included links to the bills, names and telephone numbers of the senator and house bill sponsors, IDFPR, and their own representatives and senators, a list of the repeal reasons and rebuttal, a reminder to focus on the impact to public health and safety, and past and current problems that justify licensing.

The email prompted members to call the bill sponsors, their representatives, senators and report their experiences to AEG officers who updated the geologist community with information about the interactions, including new questions. An updated Q&A form was sent to members and the cooperating organizations. Telephone calls to and from members, affiliated organizations, and so forth was exhausting. Some members found their elected officials unsympathetic, but most found them interested to hear from their constituents. The Senate bill was progressing and the senator would actually listen to and return calls so that is where the effort was directed. The geologists were reminded to be courteous, succinct, and professional. Barrington Area Council of Governments (BACOG) joined the coalition and contacted legislators. **Brian Snelten** renewed commitment from the IAGP.

In May the bills were to have a third reading, the last step before voting or a floor fight. Following AEG's May 10th Midyear Board Meeting, AEG President **Dale Andrews** sent a letter from AEG to the Illinois Senate, voicing AEG's opposition to the Bill. Prior to the Third Reading, Senator Althoff and the IDFPR amended the bill to substitute AIPG certification for registration which is the highest level of professional regulation. This would have been adopted but for a second round of interactions with the legislators. Undoubtedly some fatigue was setting in.

At this crucial point the AIPG officers, including national officers, issued a statement that explained that the proposal that AIPG insure compliance with certification was not a substitute for national examinations, work experience which includes increasing responsibility and geologic knowledge, letters of reference from practicing professionals, and state boards which provided independent oversight of the application process. The prompt, succinct, persuasive

arguments from the certifying organization arguing for retaining licensure prompted the senator to schedule a telephone conference among the parties.

The telephone conference included leaders of industry, scientific, and professional groups, the IDFPR liaison, and the state senator. The coal association lobbyist explained that licensure was wanted by the industry for practical reasons. The AIPG reasserted that certification was not a substitute for licensure. Other industry organizations explained the practical purpose for licensure for hiring and to assure that competent work would be done. An environmental and engineering geologist explained how Licensed Professional Geologists provide drinking water security through their practices, and provided past examples where contamination unnecessarily occurred.

One notable exchange was a challenge to the IDFPR assertion that “This will open up the profession to allow a larger number to practice.” When asked “Who or how many have been denied work because they did not have a license?” the IDFPR was silent. The question was politely repeated. Again, silence. This seemed to reveal the hollowness of their reasoning.

Shortly thereafter Senator Althoff excused herself from the conference call. That afternoon all reference to the repeal of the PGLA and changes regarding who could do geologic work, about 30 pages, was removed from the bill. She notified **an AEG member** by e-mail on May 6 as follows: “Good news we have made the determination to leave the Geologist Licensing Act as is”.

Amended SB1821 “Regulatory Acts-Repeal” was passed unanimously by both the Illinois House and Senate and sent to the governor on July 28, 2017. The approved bill has no language pertaining to repeal of the Professional Geologist Licensing Act.

CLOSING THOUGHTS

AEG, as well as other organizations and the geologist profession in general, were caught off-guard by this surprise legislation. As noted by **Chris Stohr** during a telephone conversation with **Ken Neal**, they never expected that something like that would happen in Illinois since the state had just extended the sunset date to 2026. To the contrary, similar legislative efforts are happening in a number of states. AEG has been aware of efforts in South Carolina, Georgia, Missouri, and Arizona, but these are only a few of states that have been attacked in the last few years. The National Society of Professional Engineers noted 23 states that in some manner had experienced recent attacks on licensure (<https://www.nspe.org/resources/issues-and-advocacy/action-issues/threats-professional-licensure>). AEG’s Licensure Committee has strongly encouraged chapters in each state to appoint a State Legislative Liaison to monitor legislative activities and report back issues to Association officers, so that adverse legislation is caught early in the process (like before the first committee hearing). Geologists were criticized by legislators during this process because they became involved after the bill was essentially vetted. Only momentous efforts by AEG, AIPG, BACOG, IAGP, IGA, and many individual geologists thwarted this effort. Most bills that have been advanced successfully through numerous committee hearings and readings cannot be stopped so late in the process.

It is also important to recognize that this and other similar legislative efforts are attacks on regulation, not geologists. Conservative, anti-regulation organizations like the Freedom Partners Chamber of Commerce and the Institute for Justice are actively pursuing legislation to remove

licensure under the guise of “let the market decide, free competition, unnecessary, past problems will not redevelop, etc.” that redirects attention away from the public health, welfare, and safety issues for which licensure laws were drafted. We all need to be prepared to defend the need for licensed professionals.

Relationships in dealing with legislative issues are critically important. The efforts made by various industrial groups made a significant difference in keeping the geologist licensure program. Courteous, well-reasoned interactions of geologists with their elected legislators with prepared statements on issues was vital in this instance and should be made routinely on other issues especially environmental matters. AEG in each state should make a concerted effort to maintain ongoing interactions with the industries we serve, and who serve us. Likewise, if the legislative efforts are directed at licensure in general, AEG and other geologist organizations need to build alliances with other regulated professions to resist these attacks.