

## SENATE BILL No. 272

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-40.

**Synopsis:** Registration of soil scientists. Creates the board of registration for soil scientists. Provides that the board consists of four registered professional soil scientists and one individual representing the public at large. Requires the board to enter into a contract with the state chemist under which the state chemist provides clerical support, record keeping services, and office space to the board. Creates a program for the registration of professional soil scientists. Establishes education, examination, and work qualifications for registration as a professional soil scientist and establishes separate qualifications for  
(Continued next page)

**Effective:** January 1, 1999.

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**Server, Lewis, Young**

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January 7, 1998, read first time and referred to Committee on Natural Resources.

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Digest Continued

registration as an associate soil scientist. Requires the board to publish yearly a roster showing the names and places of business of all registered soil scientists. Provides that certain activities may result in the revocation or suspension of the registration of a soil scientist. Provides for administrative and judicial review of a decision of the board regarding a soil scientist's registration. Provides staggered initial terms for board members and allows certain individuals to obtain registration without satisfying the education and examination requirements for registration.

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Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

## SENATE BILL No. 272

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A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 25-40 IS ADDED TO THE INDIANA CODE AS  
2 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE  
3 JANUARY 1, 1999]:

4 **ARTICLE 40. PROFESSIONAL SOIL SCIENTISTS**

5 **Chapter 1. Definitions**

6 **Sec. 1. The definitions in this chapter apply throughout this**  
7 **article.**

8 **Sec. 2. "Board" refers to the Indiana board of registration for**  
9 **soil scientists established by IC 25-40-2-1.**

10 **Sec. 3. "Registered professional soil scientist" means an**  
11 **individual who is registered as a professional soil scientist under**  
12 **IC 25-40-4.**

13 **Sec. 4. "Registered associate soil scientist" means an individual**  
14 **who is registered as a professional soil scientist under IC 25-40-4.**

15 **Sec. 5. "Registered soil scientist" means:**



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1 (1) a registered professional soil scientist; or

2 (2) a registered associate soil scientist.

3 Sec. 6. "Registration" means the act of registering a  
4 professional soil scientist or an associate soil scientist under  
5 IC 25-40-4.

6 Sec. 7. "Soil scientist" means an individual who, by the  
7 individual's knowledge of the principles of soil science acquired by  
8 professional education and practical experience, is qualified to  
9 practice soil science.

10 Sec. 8. "Soil science" means the observation, identification,  
11 description, classification, mapping, evaluation, experimental  
12 investigation, and theoretical explanation of soils.

13 Sec. 9. "Soil" means the unconsolidated mineral or organic  
14 matter on the surface of the earth that has been subjected to and  
15 influenced by genetic and environmental factors of parent  
16 material, climate (including water and temperature effects),  
17 microorganisms, and topography, all acting over time and  
18 producing a product that differs from the material from which it  
19 is derived in many physical, chemical, biological, and  
20 morphological properties and characteristics.

21 Sec. 10. "Public practice of soil science" means the performance  
22 of service to the public in connection with soil science.

23 Sec. 11. "State chemist" refers to the state chemist appointed  
24 under IC 15-3-3-2.

25 **Chapter 2. Board of Registration for Soil Scientists**

26 Sec. 1. The board of registration for soil scientists is established.  
27 The board shall administer this article.

28 Sec. 2. Each member of the board must be:

- 29 (1) a resident of Indiana; and  
30 (2) appointed by the governor.

31 Sec. 3. The board consists of five (5) members, including the  
32 following:

33 (1) Four (4) registered professional soil scientists who, at the  
34 time of appointment, include:

35 (A) one (1) member from federal, state, or local  
36 government;

37 (B) one (1) member involved in education in a teaching,  
38 research, or extension context; and

39 (C) two (2) members from industry or the private practice  
40 of soil science.

41 (2) One (1) member who represents the public at large.

42 Sec. 4. (a) Each board member serves a term of four (4) years.

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1 (b) A board member may serve until the member's successor is  
2 appointed and qualified under this chapter.

3 (c) A board member may not serve more than two (2)  
4 consecutive terms.

5 Sec. 5. (a) The governor may remove a board member for cause.

6 (b) A vacancy in the membership of the board is filled by  
7 appointment of the governor for the unexpired term.

8 Sec. 6. Three (3) members of the board constitute a quorum.

9 Sec. 7. Each year the board shall elect from its members a  
10 chairman and a secretary.

11 Sec. 8. (a) At least thirty (30) days before the appointment of a  
12 board member under this chapter, the organizations representing  
13 professional soil scientists in Indiana shall jointly provide the  
14 governor with a list of not more than three (3) nominations for the  
15 appointment.

16 (b) Members appointed to the board shall be selected from the  
17 list submitted to the governor under subsection (a).

18 Sec. 9. (a) A member of the board who is not a state employee is  
19 not entitled to the minimum salary per diem provided by  
20 IC 4-10-11-2.1(b). However, the member is entitled to  
21 reimbursement for traveling expenses as provided in IC 4-13-1-4  
22 and other expenses actually incurred in connection with the  
23 member's duties as provided in the state policies and procedures  
24 established by the Indiana department of administration and  
25 approved by the budget agency.

26 (b) A member of the board who is a state employee is entitled to  
27 reimbursement for traveling expenses as provided in IC 4-13-1-4  
28 and other expenses actually incurred in connection with the  
29 member's duties as provided in the state policies and procedures  
30 established by the Indiana department of administration and  
31 approved by the budget agency.

32 **Chapter 3. Duties and Powers of the Board**

33 **Sec. 1. (a) The board shall meet:**

34 (1) at least one (1) time each calendar year; and

35 (2) at other times, when:

36 (A) the chairman; or

37 (B) a quorum of the board;

38 considers a meeting necessary.

39 (b) The members of the board must be notified of the date, time,  
40 and location of a meeting of the board at least ten (10) days before  
41 the meeting.

42 **Sec. 2. Each year the board shall:**

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1 (1) determine the cost incurred in administering the program  
2 for the registration of soil scientists under this article; and

3 (2) if necessary, adjust the amount of the:

4 (A) registration fee charged under IC 25-40-4-10; and

5 (B) renewal fee charged under IC 25-40-6-3;

6 to ensure that the program is self-supporting.

7 Sec. 3. (a) The board shall determine the qualifications of  
8 applicants for registration.

9 (b) The board shall:

10 (1) require an applicant for registration to submit evidence of  
11 the applicant's qualifications; and

12 (2) judge an applicant on evidence of the applicant's  
13 professional competency and integrity under rules adopted by  
14 the board.

15 Sec. 4. (a) The board may adopt rules under IC 4-22-2 to  
16 establish a code of professional conduct for registered soil  
17 scientists.

18 (b) If the board adopts or amends a code of professional conduct  
19 under subsection (a), the board shall mail a copy of the code and  
20 any amendments to the code to all individuals listed on the roster  
21 published under section 7 of this chapter.

22 (c) A mailing under this section constitutes service for purposes  
23 of this article.

24 Sec. 5. (a) The attorney general shall act as legal adviser to the  
25 board and provide any legal assistance necessary to carry out this  
26 article.

27 (b) The board may employ private counsel at the expense of the  
28 board.

29 Sec. 6. (a) The board shall enter into a contract with the state  
30 chemist under which:

31 (1) the state chemist provides:

32 (A) clerical support;

33 (B) record keeping services; and

34 (C) office space;

35 to the board; and

36 (2) the board pays compensation to the state chemist at a rate  
37 and at intervals set by the contract.

38 (b) The contract entered into under this section may include  
39 provisions under which the state chemist, in exchange for  
40 compensation, fills needs of the board other than those described  
41 in subdivision (1).

42 Sec. 7. (a) Each year the board shall publish a roster including

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1 the names, addresses, and places of business of all registered soil  
2 scientists.

3 (b) Copies of the roster published under subsection (a) must be:

4 (1) made available to each registered soil scientist; and

5 (2) furnished to members of the public upon request.

6 Sec. 8. The board may adopt rules under IC 4-22-2 that are  
7 consistent with this article and reasonably required for the conduct  
8 of the board's responsibilities and duties.

9 Sec. 9. (a) The soil scientist registration fund is established to  
10 carry out the purposes of this article. The fund is administered by  
11 the board.

12 (b) The sources of money for the fund are the:

13 (1) registration fees paid under IC 25-40-4-10; and

14 (2) renewal fees paid under IC 25-40-6-3.

15 (c) The expenses of administering the fund shall be paid from  
16 money in the fund.

17 (d) The treasurer of state shall invest the money in the fund not  
18 currently needed to meet the obligations of the fund in the same  
19 manner as other public money may be invested. Interest that  
20 accrues from these investments shall be deposited in the fund.

21 (e) Money in the fund at the end of a state fiscal year does not  
22 revert to the state general fund.

23 Chapter 4. Requirements for Registration as a Professional Soil  
24 Scientist or an Associate Soil Scientist

25 Sec. 1. To qualify for registration as a professional soil scientist  
26 under this chapter, an applicant must:

27 (1) satisfy the education requirement of section 2 of this  
28 chapter;

29 (2) pass the examinations described in section 3 of this  
30 chapter; and

31 (3) satisfy the work requirement of section 4 of this chapter.

32 Sec. 2. (a) The education requirement referred to in section 1 of  
33 this chapter consists of a bachelor's degree or advanced degree in  
34 soil science or a closely allied field in which the curriculum includes  
35 the following:

36 (1) At least fifteen (15) semester hours of course work in the  
37 soil sciences, including at least three (3) semester hours in  
38 courses that emphasize the field study of soils, such as soil  
39 genesis, morphology, classification, interpretation, and  
40 mapping.

41 (2) At least forty-five (45) semester hours of course work in  
42 supporting sciences, including biology, chemistry, crop

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- 1 science, engineering, geology, mathematics, physics, and  
2 statistics.
- 3 (b) The board shall determine which courses fulfill the  
4 requirements described in subsection (a)(1).
- 5 (c) The board shall specify the minimum number of credits in  
6 each type of supporting science that is needed to satisfy the  
7 requirement described in subsection (a)(2).
- 8 (d) If course credits used by an applicant to qualify for  
9 registration are in units other than semester hours, the board shall  
10 use the most generally accepted factor to convert the units to  
11 semester hour equivalents.
- 12 **Sec. 3.** The board shall require an applicant for registration as  
13 a professional soil scientist to pass:
- 14 (1) a written examination designed to demonstrate whether  
15 the applicant has the necessary knowledge and skill to  
16 exercise the responsibilities of the public practice of soil  
17 science; and
- 18 (2) an examination that evaluates field skills in soil  
19 morphology and landscape analysis.
- 20 **Sec. 4. (a)** The work requirement referred to in section 1 of this  
21 chapter consists of three (3) years of professional experience in soil  
22 science.
- 23 (b) Experience obtained while working on an advanced degree  
24 does not qualify toward the satisfaction of the work requirement  
25 of subsection (a). However, the board may allow up to:
- 26 (1) one (1) year of work credit for a master's degree; and  
27 (2) two (2) years of work credit for a doctorate.
- 28 (c) The board shall:
- 29 (1) evaluate all work experience claimed by an applicant to  
30 satisfy the work requirement under this section; and  
31 (2) determine the amount of work credit to grant to each  
32 applicant.
- 33 **Sec. 5.** A registered associate soil scientist who satisfies the work  
34 requirement of section 4 of this chapter is eligible to become a  
35 registered professional soil scientist.
- 36 **Sec. 6. (a)** To qualify for registration as an associate soil scientist  
37 under this chapter, an individual:
- 38 (1) must satisfy the education requirement of section 2 of this  
39 chapter and pass the examinations described in section 3 of  
40 this chapter; but  
41 (2) is not required to satisfy the work requirement of section  
42 4 of this chapter.

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1 (b) The board may establish a maximum period during which  
2 an individual may be registered as an associate soil scientist.

3 Sec. 7. The board may require an individual applying for  
4 registration under this chapter to provide documentation of  
5 competency and integrity.

6 Sec. 8. Upon application by the individual, the board may allow  
7 the registration under this chapter of an individual who is  
8 registered as a soil scientist in a state that, as determined by the  
9 board, has standards for registration at least equal to those of this  
10 chapter.

11 Sec. 9. An individual who:

- 12 (1) seeks registration under this chapter; and  
13 (2) is aggrieved by a determination of the board under this  
14 chapter;

15 may request administrative review under IC 25-40-9.

16 Sec. 10. (a) An individual applying for registration under this  
17 chapter must pay a nonrefundable registration fee in an amount  
18 established by rules adopted by the board under IC 4-22-2.

19 (b) All registration fees collected by the board under this section  
20 shall be deposited in the fund established by IC 25-40-3-9.

21 (c) The board shall execute a bond, with corporate surety, in an  
22 amount to be determined by the board.

23 Chapter 5. Certificates; Seal or Stamp

24 Sec. 1. (a) Upon receipt of the registration fee required by  
25 IC 25-40-4-10, the board shall issue a registration certificate to an  
26 applicant who, in the opinion of the board, satisfies all the  
27 requirements for registration under IC 25-40-4.

28 (b) Each certificate must show the full name of the board.

29 Sec. 2. The issuance of a registration certificate to a professional  
30 soil scientist by the board is prima facie evidence that the  
31 individual named on the certificate is entitled to all the rights and  
32 privileges of a registered professional soil scientist while the  
33 certificate remains in force.

34 Sec. 3. A replacement certificate may be issued to replace a  
35 certificate that has been lost, destroyed, or mutilated, subject to the  
36 rules of the board.

37 Sec. 4. Each registered professional soil scientist may obtain and  
38 use a seal or stamp of registration. The design of the seal or stamp  
39 must:

- 40 (1) be authorized by the board; and  
41 (2) contain:  
42 (A) the soil scientist's name and registration number; and

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1 (B) the legend "Registered Professional Soil Scientist".

2 Sec. 5. After a soil scientist's registration is suspended or  
3 revoked, the soil scientist may not:

4 (1) affix the soil scientist's signature, stamp, or seal; or

5 (2) certify any report or other document;

6 unless the registration has been renewed or reissued.

7 Chapter 6. Renewal of Certificates; Continuing Education

8 Sec. 1. A registration certificate issued under IC 25-40-5 expires  
9 three (3) years after it is issued, at a time and date designated by  
10 the board.

11 Sec. 2. The board shall adopt rules under IC 4-22-2 establishing  
12 continuing education requirements that must be met for the  
13 renewal of registration certificates. The requirements established  
14 by the board must involve the description and evaluation of soils in  
15 the field.

16 Sec. 3. (a) An individual applying for the renewal of a certificate  
17 of registration under this chapter must pay a nonrefundable  
18 renewal fee in an amount established by rules adopted by the  
19 board under IC 4-22-2.

20 (b) All renewal fees collected by the board under this section  
21 must be deposited in the fund established by IC 25-40-3-9.

22 Sec. 4. The board shall notify each individual registered under  
23 this article of:

24 (1) the date of expiration of the individual's certificate; and

25 (2) the amount of the renewal fee established by the board.

26 Sec. 5. If an individual fails to pay the renewal fee within ninety  
27 (90) days after the expiration date established by the board under  
28 this chapter, the board shall:

29 (1) suspend the individual's registration under this article;  
30 and

31 (2) delete the individual's name from the roster published  
32 under IC 25-40-3-7;

33 until the renewal fee is paid.

34 Sec. 6. (a) If an individual fails to pay the renewal fee for two (2)  
35 years, the board shall revoke the individual's certificate of  
36 registration.

37 (b) If an individual whose certificate has been revoked under  
38 subsection (a) desires to be reregistered, the individual:

39 (1) must submit an application to the board; and

40 (2) shall be considered as a new applicant.

41 Chapter 7. Activities Prohibited to Individuals Who Are Not  
42 Registered Professional Soil Scientists



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1           **Sec. 1. The following individuals are exempt from section 2 of**  
 2 **this chapter:**

3           **(1) An officer or employee of the:**

4               **(A) federal government;**

5               **(B) state government; or**

6               **(C) local government;**

7           **while engaged in providing soil science services for the**  
 8 **officer's or employee's employer.**

9           **(2) An individual engaged solely in soil science research or the**  
 10 **instruction of soil science.**

11           **(3) An individual not engaged in the public practice of soil**  
 12 **science.**

13           **(4) A professional engineer registered under IC 25-31 who**  
 14 **applies soil science to the practice of engineering.**

15           **(5) A professional geologist certified under IC 25-17.6 who**  
 16 **applies soil science to the practice of geology.**

17           **(6) A person who is a certified professional in erosion and**  
 18 **sediment control, while engaged in the development or**  
 19 **implementation of soil erosion and sediment control activities.**

20 **Sec. 2. Except for:**

21           **(1) an individual exempted under section 1 of this chapter;**  
 22 **and**

23           **(2) an individual who is not a registered professional soil**  
 24 **scientist but is authorized by statute or administrative rule to**  
 25 **prepare a report or document;**

26 **it is unlawful for an individual other than a registered professional**  
 27 **soil scientist or a subordinate under the direction of a registered**  
 28 **professional soil scientist to prepare a soil science report or**  
 29 **document that is required to be prepared by a registered**  
 30 **professional soil scientist under a statute, an administrative rule,**  
 31 **or a client's request.**

32           **Sec. 3. An individual who is not a registered professional soil**  
 33 **scientist may not:**

34               **(1) use; or**

35               **(2) assume or advertise in any way;**

36 **a title or description tending to convey the impression that the**  
 37 **individual is a registered professional soil scientist.**

38 **Chapter 8. Proceedings Against a Registered Soil Scientist**

39 **Sec. 1. The board may investigate:**

40           **(1) a suspected violation by a registered soil scientist of:**

41               **(A) the code of professional conduct adopted under**  
 42 **IC 25-40-3-4; or**

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(B) other rules of the board concerning professional competency and integrity; or  
(2) other grounds for action against a registered soil scientist under this chapter.

Sec. 2. (a) The board may file a proposed complaint to condition, suspend, or revoke the registration of a soil scientist.

(b) The soil scientist to whom a proposed complaint is addressed may:

- (1) agree to the terms of the proposed complaint; or
- (2) within twenty (20) days after receiving the proposed complaint, request an informal review of the proposed complaint before the board.

(c) The failure of a registered soil scientist to request an informal review under subsection (b)(2) constitutes an agreement to the terms of the proposed complaint.

Sec. 3. (a) An individual or organization may bring a complaint of fraud, deceit, gross negligence, or misconduct against a registered soil scientist.

(b) A complaint brought under subsection (a) must be:

- (1) in writing;
- (2) sworn to by:
  - (A) the individual; or
  - (B) an officer of the organization; making the complaint; and
- (3) filed with the board within two (2) years after the incident alleged in the complaint.

Sec. 4. (a) The board shall consider:

- (1) a request for an informal review of a proposed complaint brought under section 2 of this chapter; or
- (2) a complaint brought under section 3 of this chapter;

during a meeting of the board.

(b) The board may adopt rules under IC 4-22-2 to compel a registered soil scientist to respond to matters to which a proposed complaint under section 2 of this chapter or a complaint brought under section 5 of this chapter relates.

(c) The board may adopt rules under IC 4-22-2 establishing procedures for the conduct of a meeting under this section, including the subpoena of witnesses and documents.

(d) A meeting held under this section shall be conducted in an informal manner. However, the board shall keep a written record of the proceeding.

(e) As soon as possible following a meeting under this section,

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- 1 the board shall make a determination and:
- 2 (1) terminate its proceedings on the proposed complaint under
- 3 section 2 of this chapter or the complaint brought under
- 4 section 5 of this chapter; or
- 5 (2) issue a determination under IC 4-21.5-3-6 to condition,
- 6 suspend, or revoke the registration of the professional soil
- 7 scientist.
- 8 **Sec. 5. A registered soil scientist who receives a determination**
- 9 **under section 4 of this chapter shall:**
- 10 (1) comply with the terms of the determination; or
- 11 (2) request administrative review under IC 25-40-9.
- 12 **Sec. 6. (a) The board may:**
- 13 (1) suspend the registration of;
- 14 (2) refuse to renew the registration of;
- 15 (3) revoke the registration of;
- 16 (4) reprimand; or
- 17 (5) place on probation;
- 18 a registered soil scientist for any grounds set forth in subsection
- 19 (b).
- 20 (b) The board may take action under subsection (a) against a
- 21 registered soil scientist who is found to have:
- 22 (1) committed fraud or deceit in obtaining registration under
- 23 this article;
- 24 (2) committed gross negligence, incompetence, or misconduct
- 25 in the public practice of soil science;
- 26 (3) been convicted by a court of law of:
- 27 (A) a felony; or
- 28 (B) a crime involving moral turpitude;
- 29 (4) committed a violation of the code of professional conduct
- 30 adopted by the board under IC 25-40-3-4; or
- 31 (5) committed an unlawful act set forth in section 7 of this
- 32 chapter.
- 33 **Sec. 7. An individual who knowingly or intentionally does any**
- 34 **of the following commits a Class B misdemeanor:**
- 35 (1) Falsely professes to be a registered soil scientist in
- 36 violation of IC 25-40-7.
- 37 (2) Presents or attempts to use as one's own the registration
- 38 or a seal of another.
- 39 (3) Gives false or forged evidence to:
- 40 (A) the board; or
- 41 (B) a member of the board;
- 42 in order to obtain registration.



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1 (4) Falsely impersonates another soil scientist.

2 (5) Uses or attempts to use a certificate of registration that is  
3 suspended, revoked, or expired.

4 **Chapter 9. Administrative Review and Judicial Review**

5 **Sec. 1.** If requested, an administrative review of a determination  
6 made by the board under IC 25-40-3, IC 25-40-4, or IC 25-40-8  
7 shall be conducted before an administrative law judge appointed  
8 by the natural resources commission under IC 14-10-2-2.

9 **Sec. 2.** The parties to the proceeding include:

10 (1) the individual taking administrative review of the  
11 determination by the board; and

12 (2) the board.

13 **Sec. 3.** An administrative law judge appointed under section 1  
14 of this chapter is the ultimate authority for the board for the  
15 purposes of IC 4-21.5-3-27, and the order of the administrative law  
16 judge disposing of a proceeding is a final order.

17 **Sec. 4.** A party who is dissatisfied with a final order rendered by  
18 an administrative law judge in a proceeding under this chapter  
19 may obtain judicial review of the final order under IC 4-21.5-5.

20 **SECTION 2.** [EFFECTIVE JANUARY 1, 1999] (a)  
21 Notwithstanding IC 25-40-2-4, as added by this act, the terms of  
22 members appointed initially to the Indiana board of registration  
23 for soil scientists established by IC 25-40-2-1 are as follows:

24 (1) One (1) member is appointed for a term of one (1) year.

25 (2) One (1) member is appointed for a term of two (2) years.

26 (3) One (1) member is appointed for a term of three (3) years.

27 (4) Two (2) members are appointed for a term of four (4)  
28 years.

29 (b) The board shall waive education and examination  
30 requirements for registration under IC 25-40-4, as added by this  
31 act, for an individual who, on January 1, 1999, is:

32 (1) certified as a soil classifier or soil scientist by:

33 (A) the American Registry of Certified Professionals in  
34 Agronomy, Crops, and Soils (ARCPACS); or

35 (B) the Indiana Association of Professional Soil Classifiers  
36 (IAPSC); and

37 (2) in good standing as a professional soil scientist.

38 (c) The board may waive the education requirement for  
39 registration under IC 25-40-4, as added by this act, of an individual  
40 who is practicing as a soil scientist but is not certified by  
41 ARCPACS and IAPSC if the individual:

42 (1) passes a written examination and an examination that

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1           **evaluates skills in soil morphology and landscape analysis;**  
2           **and**  
3           **(2) proves the individual's professional competence by**  
4           **providing documentation and examples of professional work**  
5           **to the board.**  
6           **(d) This SECTION expires January 1, 2000.**

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