

SENATE BILL No. 272

DIGEST OF SB 272 (Updated January 30, 1998 11:55 am - DI 77)

Citations Affected: IC 25-1; IC 25-40; noncode.

Synopsis: Regulation of soil scientists. Provides that after January 1, 1999 an individual may not practice soil science unless issued a certificate by the board of registration for 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 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 for investigation and
(Continued next page)

Effective: See text of bill.

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January 8, 1998, read first time and referred to Committee on Natural Resources.
January 27, 1998, amended, reported favorably — Do Pass.
January 30, 1998, read second time, amended, ordered engrossed.

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Digest Continued

disciplinary procedures of registered 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. Exempts individuals in certain professions from the registration requirements.

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Reprinted
February 2, 1998

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.

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SENATE BILL No. 272

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 25-1-2-6, AS AMENDED BY P.L.253-1997(ss),
2 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]: Sec. 6. (a) As used in this section, "license" includes
4 all occupational and professional licenses, registrations, permits, and
5 certificates issued under the Indiana Code, and "licensee" includes all
6 occupational and professional licensees, registrants, permittees, and
7 certificate holders regulated under the Indiana Code.
8 (b) This section applies to the following entities that regulate
9 occupations or professions under the Indiana Code:
10 (1) Indiana board of accountancy.
11 (2) Indiana grain buyers and warehouse licensing agency.
12 (3) Indiana auctioneer commission.
13 (4) Board of registration for architects.
14 (5) State board of barber examiners.

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- 1 (6) State board of cosmetology examiners.
 2 (7) Medical licensing board of Indiana.
 3 (8) Secretary of state.
 4 (9) State board of dental examiners.
 5 (10) State board of funeral and cemetery service.
 6 (11) Worker's compensation board of Indiana.
 7 (12) Indiana state board of health facility administrators.
 8 (13) Committee of hearing aid dealer examiners.
 9 (14) Indiana state board of nursing.
 10 (15) Indiana optometry board.
 11 (16) Indiana board of pharmacy.
 12 (17) Indiana plumbing commission.
 13 (18) Board of podiatric medicine.
 14 (19) Private detectives licensing board.
 15 (20) State board of registration for professional engineers.
 16 (21) Board of environmental health specialists.
 17 (22) State psychology board.
 18 (23) Indiana real estate commission.
 19 (24) Speech-language pathology and audiology board.
 20 (25) Department of natural resources.
 21 (26) State boxing commission.
 22 (27) Board of chiropractic examiners.
 23 (28) Mining board.
 24 (29) Indiana board of veterinary medical examiners.
 25 (30) State department of health.
 26 (31) Indiana physical therapy committee.
 27 (32) Respiratory care committee.
 28 (33) Occupational therapy committee.
 29 (34) Social worker, marriage and family therapist, and mental
 30 health counselor board.
 31 (35) Real estate appraiser licensure and certification board.
 32 (36) State board of registration for land surveyors.
 33 (37) Physician assistant committee.
 34 (38) Indiana dietitians certification board.
 35 (39) Indiana hypnotist committee.
 36 **(40) Indiana board of registration for soil scientists.**
 37 ~~(40)~~ **(41)** Any other occupational or professional agency created
 38 after June 30, 1981.
 39 (c) Notwithstanding any other law, the entities included in
 40 subsection (b) shall send a notice of the upcoming expiration of a
 41 license to each licensee at least sixty (60) days prior to the expiration
 42 of the license. The notice must inform the licensee of the need to renew

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1 and the requirement of payment of the renewal fee. If this notice of
 2 expiration is not sent by the entity, the licensee is not subject to a
 3 sanction for failure to renew if, once notice is received from the entity,
 4 the license is renewed within forty-five (45) days of the receipt of the
 5 notice.

6 SECTION 2. IC 25-1-7-1, AS AMENDED BY P.L.147-1997,
 7 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 1998]: Sec. 1. As used in this chapter:

9 "Board" means the appropriate agency listed in the definition of
 10 regulated occupation in this section.

11 "Director" refers to the director of the division of consumer
 12 protection.

13 "Division" refers to the division of consumer protection, office of
 14 the attorney general.

15 "Licensee" means a person who is:

- 16 (1) licensed, certified, or registered by a board listed in this
- 17 section; and
- 18 (2) the subject of a complaint filed with the division.

19 "Person" means an individual, a partnership, a limited liability
 20 company, or a corporation.

21 "Regulated occupation" means an occupation in which a person is
 22 licensed, certified, or registered by one (1) of the following:

- 23 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 24 (2) Board of registration for architects (IC 25-4-1-2).
- 25 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 26 (4) State board of barber examiners (IC 25-7-5-1).
- 27 (5) State boxing commission (IC 25-9-1).
- 28 (6) Board of chiropractic examiners (IC 25-10-1).
- 29 (7) State board of cosmetology examiners (IC 25-8-3-1).
- 30 (8) State board of dental examiners (IC 25-14-1).
- 31 (9) State board of funeral and cemetery service (IC 25-15-9).
- 32 (10) State board of registration for professional engineers
 33 (IC 25-31-1-3).
- 34 (11) Indiana state board of health facility administrators
 35 (IC 25-19-1).
- 36 (12) Medical licensing board of Indiana (IC 25-22.5-2).
- 37 (13) Indiana state board of nursing (IC 25-23-1).
- 38 (14) Indiana optometry board (IC 25-24).
- 39 (15) Indiana board of pharmacy (IC 25-26).
- 40 (16) Indiana plumbing commission (IC 25-28.5-1-3).
- 41 (17) Board of podiatric medicine (IC 25-29-2-1).
- 42 (18) Board of environmental health specialists (IC 25-32-1).



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- 1 (19) State psychology board (IC 25-33).
 2 (20) Speech-language pathology and audiology board
 3 (IC 25-35.6-2).
 4 (21) Indiana real estate commission (IC 25-34.1-2).
 5 (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
 6 (23) Department of natural resources for purposes of licensing
 7 water well drillers under IC 25-39-3.
 8 (24) Respiratory care committee (IC 25-34.5).
 9 (25) Private detectives licensing board (IC 25-30-1-5.1).
 10 (26) Occupational therapy committee (IC 25-23.5).
 11 (27) Social worker, marriage and family therapist, and mental
 12 health counselor board (IC 25-23.6).
 13 (28) Real estate appraiser licensure and certification board
 14 (IC 25-34.1-8).
 15 (29) State board of registration for land surveyors
 16 (IC 25-21.5-2-1).
 17 (30) Physician assistant committee (IC 25-27.5).
 18 (31) Indiana athletic trainers certification board (IC 25-5.1-2-1).
 19 (32) Indiana dietitians certification board (IC 25-14.5-2-1).
 20 (33) Indiana hypnotist committee (IC 25-20.5-1-7).
 21 **(34) Indiana board of registration for soil scientists (IC**
 22 **25-40-2-1).**
 23 ~~(34)~~ **(35)** Any other occupational or professional agency created
 24 after June 30, 1981.
 25 SECTION 3. IC 25-1-8-1, AS AMENDED BY P.L.147-1997,
 26 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 1998]: Sec. 1. As used in this chapter, "board" means any of
 28 the following:
 29 (1) Indiana board of accountancy (IC 25-2.1-2-1).
 30 (2) Board of registration for architects (IC 25-4-1-2).
 31 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
 32 (4) State board of barber examiners (IC 25-7-5-1).
 33 (5) State boxing commission (IC 25-9-1).
 34 (6) Board of chiropractic examiners (IC 25-10-1).
 35 (7) State board of cosmetology examiners (IC 25-8-3-1).
 36 (8) State board of dental examiners (IC 25-14-1).
 37 (9) State board of funeral and cemetery service (IC 25-15).
 38 (10) State board of registration for professional engineers
 39 (IC 25-31-1-3).
 40 (11) Indiana state board of health facility administrators
 41 (IC 25-19-1).
 42 (12) Medical licensing board of Indiana (IC 25-22.5-2).



- 1 (13) Mining board (IC 22-10-1.5-2).
 2 (14) Indiana state board of nursing (IC 25-23-1).
 3 (15) Indiana optometry board (IC 25-24).
 4 (16) Indiana board of pharmacy (IC 25-26).
 5 (17) Indiana plumbing commission (IC 25-28.5-1-3).
 6 (18) Board of environmental health specialists (IC 25-32-1).
 7 (19) State psychology board (IC 25-33).
 8 (20) Speech-language pathology and audiology board
 9 (IC 25-35.6-2).
 10 (21) Indiana real estate commission (IC 25-34.1-2-1).
 11 ~~(22) Until July 1, 1996, Indiana state board of television and radio~~
 12 ~~service examiners (IC 25-36-1).~~
 13 ~~(23)~~ **(22)** Indiana board of veterinary medical examiners
 14 (IC 15-5-1.1-3).
 15 ~~(24)~~ **(23)** Department of insurance (IC 27-1).
 16 ~~(25)~~ **(24)** State police department (IC 10-1-1-1), for purposes of
 17 certifying polygraph examiners under IC 25-30-2.
 18 ~~(26)~~ **(25)** Department of natural resources for purposes of
 19 licensing water well drillers under IC 25-39-3.
 20 ~~(27)~~ **(26)** Private detectives licensing board (IC 25-30-1-5.1).
 21 ~~(28)~~ **(27)** Occupational therapy committee (IC 25-23.5-2-1).
 22 ~~(29)~~ **(28)** Social worker, marriage and family therapist, and
 23 mental health counselor board (IC 25-23.6-2-1).
 24 ~~(30)~~ **(29)** Real estate appraiser licensure and certification board
 25 (IC 25-34.1-8).
 26 ~~(31)~~ **(30)** State board of registration for land surveyors
 27 (IC 25-21.5-2-1).
 28 ~~(32)~~ **(31)** Physician assistant committee (IC 25-27.5).
 29 ~~(33)~~ **(32)** Indiana athletic trainers certification board
 30 (IC 25-5.1-2-1).
 31 ~~(34)~~ **(33)** Board of podiatric medicine (IC 25-29-2-1).
 32 ~~(35)~~ **(34)** Indiana dietitians certification board (IC 25-14.5-2-1).
 33 **(35) Indiana board of registration for soil scientists**
 34 **(IC 25-40-2-1).**
 35 (36) Any other occupational or professional agency created after
 36 June 30, 1981.
 37 SECTION 4. IC 25-1-11-1, AS AMENDED BY P.L.234-1995,
 38 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 1998]: Sec. 1. As used in this chapter, "board" means any of
 40 the following:
 41 (1) Indiana board of accountancy (IC 25-2.1-2-1).
 42 (2) Board of registration for architects (IC 25-4-1-2).



- 1 (3) Indiana auctioneer commission (IC 25-6.1-2).
 2 (4) State board of barber examiners (IC 25-7-5-1).
 3 (5) State boxing commission (IC 25-9-1).
 4 (6) State board of cosmetology examiners (IC 25-8-3-1).
 5 (7) State board of registration of land surveyors (IC 25-21.5-2-1).
 6 (8) State board of funeral and cemetery service (IC 25-15-9).
 7 (9) State board of registration for professional engineers
 8 (IC 25-31-1-3).
 9 (10) Indiana plumbing commission (IC 25-28.5-1-3).
 10 (11) Indiana real estate commission (IC 25-34.1-2-1).
 11 ~~(12) Until July 1, 1996, Indiana State board of television and~~
 12 ~~radio service examiners (IC 25-36-1-4).~~
 13 ~~(13)~~ (12) Real estate appraiser licensure certification board
 14 (IC 25-34.1-8).
 15 ~~(14)~~ (13) Private detectives licensing board (IC 25-30-1-5.1).
 16 (14) Indiana board of registration for soil scientists
 17 (IC 25-40-2-1).

18 SECTION 5. IC 25-40 IS ADDED TO THE INDIANA CODE AS
 19 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 20 1998]:

21 **ARTICLE 40. PROFESSIONAL SOIL SCIENTISTS**

22 **Chapter 1. Applicability and Definitions**

23 **Sec. 1. This article does not apply to the following individuals:**

24 (1) An officer or employee of the:

- 25 (A) federal government;
 26 (B) state government; or
 27 (C) local government;

28 while engaged in providing soil science services for the
 29 officer's or employee's employer.

30 (2) An individual engaged solely in soil science research or the
 31 instruction of soil science.

32 (3) An individual not engaged in the public practice of soil
 33 science.

34 (4) A professional engineer registered under IC 25-31.

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

37 (6) A person who is a certified professional erosion and
 38 sediment control specialist (CPESC) or soil conservationist
 39 who uses soil science in making land use decisions for the
 40 conservation of soil and water resources.

41 (7) A professional wetlands specialist who applies soil science
 42 for the purpose of making wetland delineations or



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- 1 determinations.
- 2 **Sec. 2.** The definitions in this chapter apply throughout this
3 article.
- 4 **Sec. 3.** "Board" refers to the Indiana board of registration for
5 soil scientists established by IC 25-40-2-1.
- 6 **Sec. 4.** "Registered professional soil scientist" means an
7 individual who is registered as a professional soil scientist under
8 IC 25-40-4.
- 9 **Sec. 5.** "Registered associate soil scientist" means an individual
10 who is registered as an associate soil scientist under IC 25-40-4.
- 11 **Sec. 6.** "Registered soil scientist" means:
12 (1) a registered professional soil scientist; or
13 (2) a registered associate soil scientist.
- 14 **Sec. 7.** "Registration" means the act of registering a
15 professional soil scientist or an associate soil scientist under
16 IC 25-40-4.
- 17 **Sec. 8.** "Soil scientist" means an individual who, by the
18 individual's knowledge of the principles of soil science acquired by
19 professional education and practical experience, is qualified to
20 practice soil science.
- 21 **Sec. 9.** "Soil science" means the observation, identification,
22 description, classification, mapping, evaluation, experimental
23 investigation, and theoretical explanation of soils.
- 24 **Sec. 10.** "Soil" means the unconsolidated mineral or organic
25 matter on the surface of the earth that has been subjected to and
26 influenced by genetic and environmental factors of parent
27 material, climate (including water and temperature effects),
28 microorganisms, and topography, all acting over time and
29 producing a product that differs from the material from which it
30 is derived in many physical, chemical, biological, and
31 morphological properties and characteristics.
- 32 **Sec. 11.** "Public practice of soil science" means the performance
33 of service to the public in connection with soil science.
- 34 **Sec. 12.** "State chemist" refers to the state chemist appointed
35 under IC 15-3-3-2.
- 36 **Chapter 2. Board of Registration for Soil Scientists**
- 37 **Sec. 1.** The board of registration for soil scientists is established.
38 The board shall administer this article.
- 39 **Sec. 2.** Each member of the board must be:
40 (1) a resident of Indiana; and
41 (2) appointed by the governor.
- 42 **Sec. 3.** The board consists of five (5) members, including the



1 following:

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

4 (A) one (1) member from federal, state, or local
5 government;

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

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

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

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

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

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

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

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

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

20 (b) The board may not take official action without at least three
21 (3) votes being in accord.

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

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

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

31 Sec. 9. (a) A member of the board who is not a state employee is
32 not entitled to the minimum salary per diem provided by
33 IC 4-10-11-2.1(b). However, the member is entitled to
34 reimbursement for traveling expenses as provided in IC 4-13-1-4
35 and other expenses actually incurred in connection with the
36 member's duties as provided in the state policies and procedures
37 established by the Indiana department of administration and
38 approved by the budget agency.

39 (b) A member of the board who is a state employee is entitled to
40 reimbursement for traveling expenses as provided in IC 4-13-1-4
41 and other expenses actually incurred in connection with the
42 member's duties as provided in the state policies and procedures



1 established by the Indiana department of administration and
2 approved by the budget agency.

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

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

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

6 (2) at other times, when:

7 (A) the chairman; or

8 (B) a quorum of the board;

9 considers a meeting necessary.

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

13 **Sec. 2. Each year the board shall establish fees under IC 25-1-8.**

14 **Sec. 3. (a) The board shall determine the qualifications of**
15 **applicants for registration.**

16 (b) The board shall:

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

19 (2) judge an applicant on evidence of the applicant's
20 professional competency and integrity under rules adopted by
21 the board.

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

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

29 (c) A mailing under this section constitutes service for purposes
30 of this article.

31 **Sec. 5. (a) The attorney general shall act as legal adviser to the**
32 **board and provide any legal assistance necessary to carry out this**
33 **article.**

34 (b) The board may employ private counsel at the expense of the
35 board.

36 **Sec. 6. (a) The board shall enter into a contract with the state**
37 **chemist under which:**

38 (1) the state chemist provides:

39 (A) clerical support;

40 (B) record keeping services; and

41 (C) office space;

42 to the board; and



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

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

7 Sec. 7. (a) Each year the board shall publish a roster including
8 the names, addresses, and places of business of all registered soil
9 scientists.

10 (b) Copies of the roster published under subsection (a) must be:
11 (1) made available to each registered soil scientist; and
12 (2) furnished to members of the public upon request.

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

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

19 (b) The sources of money for the fund are the:
20 (1) registration fees paid under IC 25-40-4-10; and
21 (2) renewal fees paid under IC 25-40-6-3.

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

24 (d) The board shall submit the money in the fund to the state
25 chemist on an annual basis. All funds submitted to the state
26 chemist under this section shall be paid to the treasurer of Purdue
27 University to be used in meeting all necessary expenses in carrying
28 out this article.

29 (e) Money in the fund at the end of a state fiscal year reverts to
30 the state general fund.

31 Chapter 4. Requirements for Registration as a Professional Soil
32 Scientist or an Associate Soil Scientist

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

- 35 (1) satisfy the education requirement of section 2 of this
36 chapter;
- 37 (2) pass the examinations described in section 3 of this
38 chapter; and
- 39 (3) satisfy the work requirement of section 4 of this chapter.

40 Sec. 2. (a) The education requirement referred to in section 1 of
41 this chapter consists of a bachelor's degree or advanced degree in
42 soil science or a closely allied field in which the curriculum includes

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- 1 the following:
- 2 (1) At least fifteen (15) semester hours of course work in the
- 3 soil sciences, including at least three (3) semester hours in
- 4 courses that emphasize the field study of soils, such as soil
- 5 genesis, morphology, classification, interpretation, and
- 6 mapping.
- 7 (2) At least forty-five (45) semester hours of course work in
- 8 supporting sciences, including biology, chemistry, crop
- 9 science, engineering, geology, mathematics, physics, and
- 10 statistics.
- 11 (b) The board shall determine which courses fulfill the
- 12 requirements described in subsection (a)(1).
- 13 (c) The board shall specify the minimum number of credits in
- 14 each type of supporting science that is needed to satisfy the
- 15 requirement described in subsection (a)(2).
- 16 (d) If course credits used by an applicant to qualify for
- 17 registration are in units other than semester hours, the board shall
- 18 use the most generally accepted factor to convert the units to
- 19 semester hour equivalents.
- 20 **Sec. 3.** The board shall require an applicant for registration as
- 21 a professional soil scientist to pass:
- 22 (1) a written examination designed to demonstrate whether
- 23 the applicant has the necessary knowledge and skill to
- 24 exercise the responsibilities of the public practice of soil
- 25 science; and
- 26 (2) an examination that evaluates field skills in soil
- 27 morphology and landscape analysis.
- 28 **Sec. 4.** (a) The work requirement referred to in section 1 of this
- 29 chapter consists of three (3) years of professional experience in soil
- 30 science.
- 31 (b) Experience obtained while working on an advanced degree
- 32 does not qualify toward the satisfaction of the work requirement
- 33 of subsection (a). However, the board may allow up to:
- 34 (1) one (1) year of work credit for a master's degree; and
- 35 (2) two (2) years of work credit for a doctorate.
- 36 (c) The board shall:
- 37 (1) evaluate all work experience claimed by an applicant to
- 38 satisfy the work requirement under this section; and
- 39 (2) determine the amount of work credit to grant to each
- 40 applicant.
- 41 **Sec. 5.** A registered associate soil scientist who satisfies the work
- 42 requirement of section 4 of this chapter is eligible to become a

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1 registered professional soil scientist.

2 **Sec. 6. (a) To qualify for registration as an associate soil scientist**
3 **under this chapter, an individual:**

4 (1) must satisfy the education requirement of section 2 of this
5 chapter and pass the examinations described in section 3 of
6 this chapter; but

7 (2) is not required to satisfy the work requirement of section
8 4 of this chapter.

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

11 **Sec. 7. The board may require an individual applying for**
12 **registration under this chapter to provide documentation of**
13 **competency and integrity.**

14 **Sec. 8. Upon application by the individual, the board may allow**
15 **the registration under this chapter of an individual who is**
16 **registered as a soil scientist in a state that, as determined by the**
17 **board, has standards for registration at least equal to those of this**
18 **chapter.**

19 **Sec. 9. An individual who:**

20 (1) seeks registration under this chapter; and

21 (2) is aggrieved by a determination of the board under this
22 chapter;

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

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

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

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

31 **Chapter 5. Certificates; Seal or Stamp**

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

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

37 **Sec. 2. The issuance of a registration certificate to a professional**
38 **soil scientist by the board is prima facie evidence that the**
39 **individual named on the certificate is entitled to all the rights and**
40 **privileges of a registered professional soil scientist while the**
41 **certificate remains in force.**

42 **Sec. 3. A replacement certificate may be issued to replace a**

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1 certificate that has been lost, destroyed, or mutilated, subject to the
2 rules of the board.

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

- 6 (1) be authorized by the board; and
- 7 (2) contain:
 - 8 (A) the soil scientist's name and registration number; and
 - 9 (B) the legend "Registered Professional Soil Scientist".

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

- 12 (1) affix the soil scientist's signature, stamp, or seal on; or
 - 13 (2) certify;
- 14 any soil science report or other soil science document unless the
15 registration has been renewed or reissued.

16 Chapter 6. Renewal of Certificates; Continuing Education

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

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

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

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

31 Sec. 4. (a) The board shall notify each individual registered
32 under this article of:

- 33 (1) the date of expiration of the individual's certificate; and
 - 34 (2) the amount of the renewal fee established by the board.
- 35 (b) The renewal notice must comply with IC 25-1-2-6.

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

- 39 (1) suspend the individual's registration under this article;
- 40 and
- 41 (2) delete the individual's name from the roster published
42 under IC 25-40-3-7;

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until the renewal fee is paid.

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

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

- (1) must submit an application to the board; and**
- (2) shall be considered as a new applicant.**

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

Sec. 1. Except for:

- (1) an individual described in IC 25-40-1-1; and**
- (2) an individual who is not a registered professional soil scientist but is authorized by statute or administrative rule to prepare a report or document;**

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

Sec. 2. An individual who is not a registered professional soil scientist may not:

- (1) use; or**
- (2) assume or advertise in any way;**

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

Chapter 8. Proceedings Against a Registered Soil Scientist

Sec. 1. The office of the attorney general shall receive, investigate, and prosecute complaints against a registered soil scientist according to the procedures under IC 25-1-7.

Sec. 2. A registered soil scientist is subject to disciplinary sanctions by the board under IC 25-1-11 if the registered soil scientist:

- (1) violates the code of professional conduct adopted under IC 25-40-3-4; or**
- (2) violates the professional standards under IC 25-1-11-5.**

Sec. 3. An individual who knowingly or intentionally does any of the following commits a Class B infraction:

- (1) Falsely professes to be a registered soil scientist in violation of IC 25-40-7.**
- (2) Presents or attempts to use as one's own the registration**

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1 or a seal of another.

2 (3) Gives false or forged evidence to:

3 (A) the board; or

4 (B) a member of the board;

5 in order to obtain registration.

6 (4) Falsely impersonates another soil scientist.

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

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

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

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

15 (1) the individual taking administrative review of the
16 determination by the board; and

17 (2) the board.

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

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

25 **SECTION 6.** [EFFECTIVE JULY 1, 1998] (a) Notwithstanding
26 IC 25-40-2-4, as added by this act, the terms of members appointed
27 initially to the Indiana board of registration for soil scientists
28 established by IC 25-40-2-1 are as follows:

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

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

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

32 (4) Two (2) members are appointed for a term of four (4)
33 years.

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

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

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

40 (B) the Indiana Association of Professional Soil Classifiers
41 (IAPSC); and

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



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- 1 (c) The board shall waive the education and examination
- 2 requirements for registration under IC 25-40-4, as added by this
- 3 act, of an individual who is practicing as a soil scientist similarly to
- 4 those who qualify under subsection (b), but who is not certified by
- 5 ARCPACS and IAPSC if the individual:
- 6 (1) has at least five (5) years of experience in evaluating soil
- 7 morphology and soil landscapes and has submitted reports
- 8 dealing with environmental aspects of soil science acceptable
- 9 to:
- 10 (A) a county board of health;
- 11 (B) the state department of health;
- 12 (C) the department of environmental management; or
- 13 (D) a similar agency; and
- 14 (2) provides to the satisfaction of the board:
- 15 (A) examples of the individual's professional work; and
- 16 (B) names of people who can evaluate the individual's
- 17 professional competence and adherence to ethical
- 18 standards.
- 19 (d) Notwithstanding IC 25-40, as added by this act, an individual
- 20 is not required to register with the Indiana board of registration
- 21 for soil scientists to practice soil science (as defined by
- 22 IC 25-40-1-9, as added by this act).
- 23 (e) This SECTION expires January 1, 2000.

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SENATE MOTION

Mr. President: I move that Senator Lewis be removed as second author and that Senator Young be removed as coauthor of Senate Bill 272 and that Senator Gery be added as coauthor therewith.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Natural Resources, to which was referred Senate Bill 272, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 5, before "Definitions" insert "**Applicability and**".

Page 1, between lines 5 and 6, begin a new paragraph and insert:

"Sec. 1. This article does not apply to the following individuals:

(1) An officer or employee of the:

(A) federal government;

(B) state government; or

(C) local government;

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

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

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

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

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

(6) A person who is a certified professional erosion and sediment control specialist (CPESC) or soil conservationist who uses soil science in making land use decisions for the conservation of soil and water resources.

(7) A professional wetlands specialist who applies soil science for the purpose of making wetland delineations or determinations."

Page 1, line 6, delete "1" and insert "2".

Page 1, line 8, delete "2" and insert "3".

Page 1, line 10, delete "3" and insert "4".

Page 1, line 13, delete "4" and insert "5".

Page 1, line 14, delete "a professional" and insert "**an associate**".

Page 1, line 15, delete "5" and insert "6".

Page 2, line 3, delete "6" and insert "7".

Page 2, line 6, delete "7" and insert "8".

Page 2, line 10, delete "8" and insert "9".

Page 2, line 13, delete "9" and insert "10".

Page 2, line 21, delete "10" and insert "11".

Page 2, line 23, delete "11" and insert "12".

Page 5, delete lines 17 through 20, begin a new paragraph and

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insert:

"(d) The board shall submit the money in the fund to the state chemist on an annual basis. All funds submitted to the state chemist under this section shall be paid to the treasurer of Purdue University to be used in meeting all necessary expenses in carrying out this article."

Page 9, delete lines 1 through 19.

Page 9, line 20, delete "Sec. 2." and insert "**Sec. 1.**".

Page 9, line 21, delete "exempted under section 1 of this chapter;" and insert "**described in IC 25-40-1-1;**".

Page 9, line 32, delete "Sec. 3." and insert "**Sec. 2.**".

Page 12, line 38, delete "may" and insert "**shall**".

Page 12, line 38, delete "requirement" and insert "**and examination requirements**".

Page 12, line 40, delete "but" and insert "**similarly to those who qualify under subsection (b), but who**".

Page 12, delete line 42, begin a new line block indented and insert:

"(1) has at least five (5) years of experience in evaluating soil morphology and soil landscapes and has submitted reports dealing with environmental aspects of soil science acceptable to:

- (A) a county board of health;**
- (B) the state department of health;**
- (C) the department of environmental management; or**
- (D) a similar agency; and**

(2) provides to the satisfaction of the board:

- (A) examples of the individual's professional work; and**
- (B) names of people who can evaluate the individual's professional competence and adherence to ethical standards."**

Page 13, delete lines 1 through 5.

and when so amended that said bill do pass.

(Reference is to Senate Bill 272 as introduced.)

SERVER, Chairperson

Committee Vote: Yeas 7, Nays 1.

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SENATE MOTION

Mr. President: I move that Senate Bill 272 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE JULY 1, 1998]".

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 25-1-2-6, AS AMENDED BY P.L.253-1997(ss), SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

- (1) Indiana board of accountancy.
- (2) Indiana grain buyers and warehouse licensing agency.
- (3) Indiana auctioneer commission.
- (4) Board of registration for architects.
- (5) State board of barber examiners.
- (6) State board of cosmetology examiners.
- (7) Medical licensing board of Indiana.
- (8) Secretary of state.
- (9) State board of dental examiners.
- (10) State board of funeral and cemetery service.
- (11) Worker's compensation board of Indiana.
- (12) Indiana state board of health facility administrators.
- (13) Committee of hearing aid dealer examiners.
- (14) Indiana state board of nursing.
- (15) Indiana optometry board.
- (16) Indiana board of pharmacy.
- (17) Indiana plumbing commission.
- (18) Board of podiatric medicine.
- (19) Private detectives licensing board.
- (20) State board of registration for professional engineers.
- (21) Board of environmental health specialists.
- (22) State psychology board.
- (23) Indiana real estate commission.
- (24) Speech-language pathology and audiology board.
- (25) Department of natural resources.
- (26) State boxing commission.

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- (27) Board of chiropractic examiners.
- (28) Mining board.
- (29) Indiana board of veterinary medical examiners.
- (30) State department of health.
- (31) Indiana physical therapy committee.
- (32) Respiratory care committee.
- (33) Occupational therapy committee.
- (34) Social worker, marriage and family therapist, and mental health counselor board.
- (35) Real estate appraiser licensure and certification board.
- (36) State board of registration for land surveyors.
- (37) Physician assistant committee.
- (38) Indiana dietitians certification board.
- (39) Indiana hypnotist committee.
- (40) Indiana board of registration for soil scientists.**
- ~~(40)~~ **(41)** Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

SECTION 2. IC 25-1-7-1, AS AMENDED BY P.L.147-1997, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

- (1) licensed, certified, or registered by a board listed in this section; and
- (2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is

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licensed, certified, or registered by one (1) of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dental examiners (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15-9).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Indiana state board of nursing (IC 25-23-1).
- (14) Indiana optometry board (IC 25-24).
- (15) Indiana board of pharmacy (IC 25-26).
- (16) Indiana plumbing commission (IC 25-28.5-1-3).
- (17) Board of podiatric medicine (IC 25-29-2-1).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2).
- (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (24) Respiratory care committee (IC 25-34.5).
- (25) Private detectives licensing board (IC 25-30-1-5.1).
- (26) Occupational therapy committee (IC 25-23.5).
- (27) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (29) State board of registration for land surveyors (IC 25-21.5-2-1).
- (30) Physician assistant committee (IC 25-27.5).
- (31) Indiana athletic trainers certification board (IC 25-5.1-2-1).
- (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- (33) Indiana hypnotist committee (IC 25-20.5-1-7).
- (34) Indiana board of registration for soil scientists (IC**

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25-40-2-1).

~~(34)~~ **(35)** Any other occupational or professional agency created after June 30, 1981.

SECTION 3. IC 25-1-8-1, AS AMENDED BY P.L.147-1997, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dental examiners (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Mining board (IC 22-10-1.5-2).
- (14) Indiana state board of nursing (IC 25-23-1).
- (15) Indiana optometry board (IC 25-24).
- (16) Indiana board of pharmacy (IC 25-26).
- (17) Indiana plumbing commission (IC 25-28.5-1-3).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2-1).
- ~~(22) Until July 1, 1996, Indiana state board of television and radio service examiners (IC 25-36-1).~~
- ~~(23)~~ **(22)** Indiana board of veterinary medical examiners (IC 15-5-1.1-3).
- ~~(24)~~ **(23)** Department of insurance (IC 27-1).
- ~~(25)~~ **(24)** State police department (IC 10-1-1-1), for purposes of certifying polygraph examiners under IC 25-30-2.
- ~~(26)~~ **(25)** Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- ~~(27)~~ **(26)** Private detectives licensing board (IC 25-30-1-5.1).
- ~~(28)~~ **(27)** Occupational therapy committee (IC 25-23.5-2-1).



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- ~~(29)~~ **(28)** Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6-2-1).
- ~~(30)~~ **(29)** Real estate appraiser licensure and certification board (IC 25-34.1-8).
- ~~(31)~~ **(30)** State board of registration for land surveyors (IC 25-21.5-2-1).
- ~~(32)~~ **(31)** Physician assistant committee (IC 25-27.5).
- ~~(33)~~ **(32)** Indiana athletic trainers certification board (IC 25-5.1-2-1).
- ~~(34)~~ **(33)** Board of podiatric medicine (IC 25-29-2-1).
- ~~(35)~~ **(34)** Indiana dietitians certification board (IC 25-14.5-2-1).
- (35) Indiana board of registration for soil scientists (IC 25-40-2-1).**
- (36) Any other occupational or professional agency created after June 30, 1981.

SECTION 4. IC 25-1-11-1, AS AMENDED BY P.L.234-1995, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of registration of land surveyors (IC 25-21.5-2-1).
- (8) State board of funeral and cemetery service (IC 25-15-9).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana plumbing commission (IC 25-28.5-1-3).
- (11) Indiana real estate commission (IC 25-34.1-2-1).
- ~~(12) Until July 1, 1996, Indiana State board of television and radio service examiners (IC 25-36-1-4).~~
- ~~(13)~~ **(12)** Real estate appraiser licensure certification board (IC 25-34.1-8).
- ~~(14)~~ **(13)** Private detectives licensing board (IC 25-30-1-5.1).
- (14) Indiana board of registration for soil scientists (IC 25-40-2-1)."**

Page 2, line 3, delete "who" and insert ".".

Page 2, delete line 4.

Page 3, line 31, after "6." insert "(a)".

Page 3, between lines 31 and 32, begin a new paragraph and insert:



"(b) The board may not take official action without at least three (3) votes being in accord."

Page 4, line 23, delete "Each year the" insert "**The**".

Page 4, line 23, delete ":" and insert "**establish fees under IC 25-1-8.**"

Page 4, delete lines 24 through 29.

Page 6, line 3, delete "does not".

Page 6, line 4, delete "revert" and insert "**reverts**".

Page 8, line 28, after "seal" insert "**on**".

Page 8, line 29, delete "any report or other document".

Page 8, line 30, before "unless" insert "**any soil science report or other soil science document**".

Page 9, line 4, after "4." insert "**(a)**".

Page 9, between lines 7 and 8, begin a new paragraph and insert:

"(b) The renewal notice must comply with IC 25-1-2-6."

Delete page 10.

Page 11, delete lines 1 through 36 begin a new paragraph and insert:

"Sec. 1. The office of the attorney general shall receive, investigate, and prosecute complaints against a registered soil scientist according to the procedures under IC 25-1-7.

Sec. 2. A registered soil scientist is subject to disciplinary sanctions by the board under IC 25-1-11 if the registered soil scientist:

(1) violates the code of professional conduct adopted under IC 25-40-3-4; or

(2) violates the professional standards under IC 25-1-11-5."

Page 11, line 37, delete "7" and insert "**3**".

Page 11, line 38, delete "misdemeanor" and insert "**infraction**".

Page 13, between lines 17 and 18, begin a new paragraph and insert:

"(d) Notwithstanding IC 25-40, as added by this act, an individual is not required to register with the Indiana board of registration for soil scientists to practice soil science (as defined by IC 25-40-1-9, as added by this act)."

Page 13, line 18, delete "(d)" and insert "**(e)**".

Renumber all SECTIONS consecutively.

(Reference is to Senate Bill 272 as printed January 28, 1998.)

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