

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7781

BILL NUMBER: SB 485

DATE PREPARED: Feb 15, 1999

BILL AMENDED: Feb 15, 1999

SUBJECT: Registration of soil scientists.

FISCAL ANALYST: Bernadette Bartlett

PHONE NUMBER: 232-9586

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill creates the Board of Registration for Soil Scientists. The Board consists of four registered professional soil scientists and one individual representing the public at large. The Board must 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. This bill 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. The Board must publish yearly a roster showing the names and places of business of all registered soil scientists. Certain activities may result in the revocation or suspension of the registration of a soil scientist.

This bill provides for administrative and judicial review of a decision of the Board regarding a soil scientist's registration by an administrative law judge appointed by the Natural Resources Commission. This bill also provides staggered initial terms for board members and allows certain individuals to obtain registration without satisfying the education and examination requirements for registration. An individual who knowingly or intentionally falsely professes or presents himself or herself to be a soil scientist or an individual who gives false or forged evidence to the board commits a Class B misdemeanor.

Effective Date: January 1, 2000.

Explanation of State Expenditures: The Board consists of five members. A member of the Board is entitled to reimbursement for traveling expenses and other expenses incurred in connection with the member's duties. The Board must meet at least once a year. Each year the Board determines the cost incurred in administering the program for the registration of soil scientists. If necessary, the Board adjusts the registration fee and the renewal fee to ensure that the program is self-supporting.

The board may hire private counsel at the expense of the Board. The Board must also contract with the Office

of the State Chemist for clerical support, record-keeping services, and office space. The Board is to compensate the State Chemist at a rate and at intervals set by the contract. The State Chemist will not require additional staff to provide services to the Board. Services provided to the Board by the State Chemist are estimated at under \$10,000 a year.

According to the American Registry of Certified Professionals in Agronomy, Crops, and Soils, there are 65 soil scientists or soil classifiers in Indiana that are registered with the national board. The registration certificate issued expires after three years. If annual costs to the Board were \$10,000 (which would not include costs for a private counsel), the fee for 65 scientists would have to equal \$460 for each registration to pay for the expenses of the Board. (The \$460 would generate \$29,900 over a three-year period for approximately \$10,000 a year.) If more individuals register, the cost per registration would decrease.

Each year the board must publish a roster of the names, addresses, and places of business of all registered soil scientists. Copies of the roster are to be made available to each registered soil scientist and furnished to the public upon request. All of the above result in administrative expenses for the Board. The Board is to adopt rules to establish the program and to set registration and renewal fees. There would be no revenue in the fund to pay for the initial board meetings. The members would not be able to receive reimbursement until there was money coming into the fund..

The Attorney General is to act as legal advisor to the board. This provision may increase costs to the Attorney General. The specific increase would depend on the extent of the legal advise needed.

If requested, an administrative review of a determination made by the board must be conducted before an administrative law judge appointed by the Natural Resources Commission. This provision would increase administrative expenses for the Commission. The specific expense would depend on the nature and number of reviews requested.

Explanation of State Revenues: This bill establishes the Soil Scientist Registration Fund. The sources of money for the fund are registration fees and renewal fees. An individual applying for registration or renewal of registration must pay a nonrefundable registration fee in an amount established by rules adopted by the board. Each year the Board determines the cost incurred in administering the program for the registration of soil scientists. If necessary, the Board adjusts the registration fee and the renewal fee to ensure that the program is self-supporting.

The Treasurer of State is to invest money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund at the end of the state fiscal year does not revert to the State General Fund.

If additional court cases occur and fines are collected, revenue to both the Common School Fund and the State General Fund could increase. The maximum fine for a Class B misdemeanor is \$1,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, county or municipal court (courts of record), 70% of the \$120 court fee when a guilty verdict is entered would be deposited in the State General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the State General Fund.

Explanation of Local Expenditures: A Class B misdemeanor is punishable by up to 180 days in jail. The

average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, the county general fund would receive 27% of the \$120 court fee assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. A \$3 fee would be assessed and deposited in the county law enforcement continuing education fund. A \$2 fee is also assessed and deposited in the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: State Chemist and the Natural Resources Commission.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Cleo Tendall, American Registry of Certified Professionals in Agronomy, Crops, and Soils (608)273-8080; Dr. Alan Hanks, State Chemist, Purdue University (765) 494-1492.