

SENATE BILL No. 303

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-41.

Synopsis: Registration of soil scientists. Creates the Indiana 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. Provides that the affirmative vote of a majority of the board's membership is required for the board to take action on any matter. 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 programs for the registration of professional soil scientists and associate soil scientists. Establishes education, examination, and work qualifications for registration as a professional soil scientist or 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. Exempts individuals in certain professions from the registration requirements.

Effective: January 1, 2001.

Server, Lewis, Craycraft

January 10, 2000, read first time and referred to Committee on Public Policy.

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Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

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SENATE BILL No. 303



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 25-41 IS ADDED TO THE INDIANA CODE AS
- 2 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE
- 3 JANUARY 1, 2001]:
- 4 **ARTICLE 41. PROFESSIONAL SOIL SCIENTISTS**
- 5 **Chapter 1. Applicability and Definitions**
- 6 **Sec. 1. This article does not apply to the following individuals:**
- 7 (1) **An officer or employee of:**
- 8 (A) **the federal government;**
- 9 (B) **state government; or**
- 10 (C) **local government;**
- 11 **while providing soil science services for the officer's or**
- 12 **employee's employer.**
- 13 (2) **An individual engaged solely in soil science research or the**
- 14 **instruction of soil science.**
- 15 (3) **An individual not engaged in the public practice of soil**
- 16 **science.**
- 17 (4) **A professional engineer registered under IC 25-31 who**



1 applies soil science to the practice of engineering.

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

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

8 (7) A professional wetlands specialist who applies soil science
9 to make wetland delineations or determinations.

10 Sec. 2. The definitions in this chapter apply throughout this
11 article.

12 Sec. 3. "Board" refers to the Indiana board of registration for
13 soil scientists established by IC 25-41-2-1.

14 Sec. 4. "Public practice of soil science" means the performance
15 of service to the public in connection with soil science.

16 Sec. 5. "Registered associate soil scientist" means an individual
17 who is registered as an associate soil scientist under IC 25-41-4.

18 Sec. 6. "Registered professional soil scientist" means an
19 individual who is registered as a professional soil scientist under
20 IC 25-41-4.

21 Sec. 7. "Registered soil scientist" means:

22 (1) a registered professional soil scientist; or

23 (2) a registered associate soil scientist.

24 Sec. 8. "Registration" means the act of registering a
25 professional soil scientist or an associate soil scientist under
26 IC 25-41-4.

27 Sec. 9. "Soil" means the unconsolidated mineral or organic
28 matter on the surface of the earth that has been subjected to and
29 influenced by genetic and environmental factors of parent
30 material, climate (including water and temperature effects),
31 microorganisms, and topography, all acting over time and
32 producing a product that differs from the material from which it
33 is derived in many physical, chemical, biological, and
34 morphological properties and characteristics.

35 Sec. 10. "Soil science" means the observation, identification,
36 description, classification, mapping, evaluation, experimental
37 investigation, and theoretical explanation of soils.

38 Sec. 11. "Soil scientist" means an individual who, by the
39 individual's knowledge of the principles of soil science acquired by
40 professional education and practical experience, is qualified to
41 practice soil science.

42 Sec. 12. "State chemist" refers to the state chemist appointed

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- 1 under IC 15-3-3-2.
- 2 **Chapter 2. Board of Registration for Soil Scientists**
- 3 **Sec. 1. The Indiana board of registration for soil scientists is**
4 **established. The board shall administer this article.**
- 5 **Sec. 2. Each member of the board must be:**
6 **(1) a resident of Indiana; and**
7 **(2) appointed by the governor.**
- 8 **Sec. 3. The board consists of the following five (5) members:**
9 **(1) Four (4) registered professional soil scientists who, at the**
10 **time of appointment, include:**
11 **(A) one (1) member from federal, state, or local**
12 **government;**
13 **(B) one (1) member involved in education in a teaching,**
14 **research, or extension context; and**
15 **(C) two (2) members from industry or the private practice**
16 **of soil science.**
17 **(2) One (1) member who represents the public at large.**
- 18 **Sec. 4. (a) Each board member serves a term of four (4) years.**
19 **(b) A board member may serve until the member's successor is**
20 **appointed and qualified under this chapter.**
21 **(c) A board member may not serve more than two (2)**
22 **consecutive terms.**
- 23 **Sec. 5. (a) The governor may remove a board member for cause.**
24 **(b) A vacancy in the membership of the board is filled by**
25 **appointment by the governor for the unexpired term.**
- 26 **Sec. 6. Three (3) members of the board constitute a quorum.**
- 27 **Sec. 7. The affirmative vote of a majority of the total**
28 **membership of the board is required for the board to take action**
29 **on any matter.**
- 30 **Sec. 8. Each year the board shall elect from its members a**
31 **chairman and a secretary.**
- 32 **Sec. 9. (a) A member of the board who is not a state employee is**
33 **not entitled to the minimum salary per diem provided by**
34 **IC 4-10-11-2.1(b). However, the member is entitled to**
35 **reimbursement for travel expenses as provided under IC 4-13-1-4**
36 **and other expenses actually incurred in connection with the**
37 **member's duties as provided in the state policies and procedures**
38 **established by the Indiana department of administration and**
39 **approved by the budget agency.**
40 **(b) A member of the board who is a state employee is entitled to**
41 **reimbursement for travel expenses as provided under IC 4-13-1-4**
42 **and other expenses actually incurred in connection with the**



1 member's duties as provided in the state policies and procedures
 2 established by the Indiana department of administration and
 3 approved by the budget agency.

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

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

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

7 (2) at other times when:

8 (A) the chairman; or

9 (B) a quorum of the board;

10 considers a meeting necessary.

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

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

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

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

18 (A) registration fee charged under IC 25-41-4-10; and

19 (B) renewal fee charged under IC 25-41-6-3;

20 to ensure that the program is self-supporting.

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

23 **(b) The board shall:**

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

26 (2) judge an applicant on evidence of the applicant's
 27 professional competency and integrity under rules adopted by
 28 the board.

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

32 **(b) If the board adopts or amends a code of professional conduct**
 33 **under subsection (a), the board shall mail a copy of the code and**
 34 **any amendments to all individuals listed on the roster published**
 35 **under section 7 of this chapter.**

36 **(c) A mailing under this section constitutes service for purposes**
 37 **of this article.**

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

41 **(b) The board may employ private counsel at the expense of the**
 42 **board.**



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

3 **(1) the state chemist provides:**

4 **(A) clerical support;**

5 **(B) record keeping services; and**

6 **(C) office space;**

7 **to the board; and**

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

10 **(b) The contract entered into under this section may include**
 11 **provisions under which the state chemist, in exchange for**
 12 **compensation, fills needs of the board other than those described**
 13 **in subsection (a)(1).**

14 **Sec. 7. (a) Each year the board shall publish a roster that**
 15 **includes the names, addresses, and places of business of all**
 16 **registered soil scientists.**

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

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

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

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

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

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

27 **(1) registration fees paid under IC 25-41-4-10; and**

28 **(2) renewal fees paid under IC 25-41-6-3.**

29 **(c) Expenses of administering the fund shall be paid from money**
 30 **in the fund.**

31 **(d) The board shall submit the money in the fund to the state**
 32 **chemist on an annual basis. All funds submitted to the state**
 33 **chemist under this section shall be paid to the treasurer of Purdue**
 34 **University to meet all expenses necessary to carry out this article.**

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

37 **Chapter 4. Requirements for Registration as a Professional Soil**
 38 **Scientist or an Associate Soil Scientist**

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

41 **(1) satisfy the education requirement of section 2 of this**
 42 **chapter;**

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

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

4 Sec. 2. (a) The education requirement for registration as a
5 professional soil scientist consists of a bachelor's degree or
6 advanced degree in soil science or a closely allied field in which the
7 curriculum includes the following:

8 (1) At least fifteen (15) semester hours of course work in the
9 soil sciences, including at least three (3) semester hours in
10 courses that emphasize the field study of soils, such as soil
11 genesis, morphology, classification, interpretation, and
12 mapping.

13 (2) At least forty-five (45) semester hours of course work in
14 supporting sciences, including biology, chemistry, crop
15 science, engineering, geology, mathematics, physics, and
16 statistics.

17 (b) The board shall determine which courses fulfill the
18 requirements set forth in subsection (a)(1).

19 (c) The board shall specify the minimum number of credits in
20 each type of supporting science needed to satisfy the requirement
21 described in subsection (a)(2).

22 (d) If course credits used by an applicant to qualify for
23 registration are in units other than semester hours, the board shall
24 use the most generally accepted factor to convert the units to
25 semester hour equivalents.

26 Sec. 3. The board shall require an applicant for registration as
27 a professional soil scientist to pass:

28 (1) a written examination designed to demonstrate whether
29 the applicant has the necessary knowledge and skill to
30 exercise the responsibilities of the public practice of soil
31 science; and

32 (2) an examination that evaluates field skills in soil
33 morphology and landscape analysis.

34 Sec. 4. (a) The work requirement for registration as a
35 professional soil scientist consists of three (3) years of professional
36 experience in soil science.

37 (b) Experience obtained while working on an advanced degree
38 does not qualify toward the satisfaction of the work requirement
39 of subsection (a). However, the board may allow up to:

40 (1) one (1) year of work credit for a master's degree; and

41 (2) two (2) years of work credit for a doctorate.

42 (c) The board shall:

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1 (1) evaluate all work experience claimed by an applicant to
2 satisfy the work requirement under this section; and

3 (2) determine the amount of work credit to grant each
4 applicant.

5 **Sec. 5.** A registered associate soil scientist who satisfies the work
6 requirement of section 4 of this chapter is eligible to become a
7 registered professional soil scientist.

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

10 (1) must satisfy the education requirement of section 2 of this
11 chapter and pass the examinations described in section 3 of
12 this chapter; but

13 (2) is not required to satisfy the work requirement of section
14 4 of this chapter.

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

17 **Sec. 7.** The board may require an applicant for registration
18 under this chapter to provide documentation of competency and
19 integrity.

20 **Sec. 8.** Upon application by the individual, the board may allow
21 the registration under this chapter of an individual who is
22 registered as a soil scientist in a state that, as determined by the
23 board, has standards for registration at least equal to those of this
24 chapter.

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

26 (1) seeks registration under this chapter; and

27 (2) is aggrieved by a determination of the board under this
28 chapter;

29 may request administrative review under IC 25-41-9.

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

33 (b) All registration fees collected by the board under this section
34 shall be deposited in the soil scientist registration fund established
35 by IC 25-41-3-9.

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

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

39 **Sec. 1. (a)** Upon receipt of the registration fee required by
40 IC 25-41-4-10, the board shall issue a registration certificate to an
41 applicant who, in the opinion of the board, satisfies all the
42 requirements for registration under IC 25-41-4.

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

2 Sec. 2. The issuance of a registration certificate to a professional
3 soil scientist by the board is prima facie evidence that the
4 individual named on the certificate is entitled to all rights and
5 privileges of a registered professional soil scientist while the
6 certificate remains in force.

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

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

13 (1) be authorized by the board; and

14 (2) contain:

15 (A) the soil scientist's name and registration number; and

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

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

19 (1) affix the soil scientist's signature, stamp, or seal to a soil
20 science report or document; or

21 (2) certify a soil science report or document;

22 unless the registration has been renewed or reissued.

23 **Chapter 6. Renewal of Certificates; Continuing Education**

24 Sec. 1. A registration certificate issued under IC 25-41-5 expires
25 three (3) years after it is issued, at a time and date designated by
26 the board.

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

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

36 (b) All renewal fees collected by the board under this section
37 shall be deposited in the soil scientist registration fund established
38 by IC 25-41-3-9.

39 Sec. 4. The board shall notify each individual registered under
40 this article of:

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

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



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

4 (1) suspend the individual's registration under this article;
 5 and

6 (2) delete the individual's name from the roster published
 7 under IC 25-41-3-7;

8 until the renewal fee is paid.

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

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

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

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

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

18 **Sec. 1. Except for:**

19 (1) an individual described in IC 25-41-1-1; and

20 (2) an individual who is not a registered professional soil
 21 scientist but is authorized by statute or administrative rule to
 22 prepare a soil science report or document;

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

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

31 (1) use; or

32 (2) assume or advertise in any way;

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

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

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

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

38 (A) a code of professional conduct adopted under
 39 IC 25-41-3-4; or

40 (B) other rules of the board concerning professional
 41 competency and integrity; or

42 (2) other grounds for action against a registered soil scientist

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- 1 under this chapter.
- 2 **Sec. 2. (a) The board may file a complaint to impose conditions**
 3 **on, suspend, or revoke the registration of a soil scientist.**
- 4 **(b) The soil scientist to whom a complaint is addressed may:**
 5 **(1) agree to the terms of the complaint; or**
 6 **(2) within twenty (20) days after receiving the complaint,**
 7 **request an informal review of the complaint before the board.**
- 8 **(c) The failure of a registered soil scientist to request an**
 9 **informal review under subsection (b)(2) constitutes an agreement**
 10 **to the terms of the complaint.**
- 11 **Sec. 3. (a) An individual or organization may bring a complaint**
 12 **of fraud, deceit, gross negligence, or misconduct against a**
 13 **registered soil scientist.**
- 14 **(b) A complaint brought under subsection (a) must be:**
 15 **(1) in writing;**
 16 **(2) sworn to by:**
 17 **(A) the individual; or**
 18 **(B) an officer of the organization;**
 19 **making the complaint; and**
 20 **(3) filed with the board within two (2) years after the incident**
 21 **alleged in the complaint.**
- 22 **Sec. 4. (a) The board shall consider:**
 23 **(1) a request for an informal review of a complaint brought**
 24 **under section 2 of this chapter; or**
 25 **(2) a complaint brought under section 3 of this chapter;**
 26 **during a meeting of the board.**
- 27 **(b) The board may adopt rules under IC 4-22-2 to compel a**
 28 **registered soil scientist to respond to matters that relate to a**
 29 **complaint under section 2 of this chapter or a complaint brought**
 30 **under section 3 of this chapter.**
- 31 **(c) The board may adopt rules under IC 4-22-2 establishing**
 32 **procedures for the conduct of a meeting under this section,**
 33 **including the subpoena of witnesses and documents.**
- 34 **(d) A meeting held under this section shall be conducted in an**
 35 **informal manner. However, the board shall keep a written record**
 36 **of the proceeding.**
- 37 **(e) As soon as possible following a meeting under this section,**
 38 **the board shall:**
 39 **(1) terminate its proceedings on the complaint under section**
 40 **2 of this chapter or the complaint brought under section 3 of**
 41 **this chapter; or**
 42 **(2) provide notice under IC 4-21.5-3-6 of a determination to**

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

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1 made by the board under IC 25-41-3, IC 25-41-4, or IC 25-41-8
 2 shall be conducted before an administrative law judge appointed
 3 by the natural resources commission under IC 14-10-2-2.

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

- 5 (1) the individual seeking administrative review of the
 6 determination by the board; and
 7 (2) the board.

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

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

15 **SECTION 2. [EFFECTIVE JANUARY 1, 2001] (a)**
 16 **Notwithstanding IC 25-41-2-4, as added by this act, the terms of**
 17 **members appointed initially to the Indiana board of registration**
 18 **for soil scientists established by IC 25-41-2-1, as added by this act,**
 19 **are as follows:**

- 20 (1) One (1) member is appointed for a term of one (1) year.
 21 (2) One (1) member is appointed for a term of two (2) years.
 22 (3) One (1) member is appointed for a term of three (3) years.
 23 (4) Two (2) members are appointed for a term of four (4)
 24 years.

25 (b) The board shall waive education and examination
 26 requirements for registration under IC 25-41-4, as added by this
 27 act, for an individual who, on January 1, 2001, is:

- 28 (1) certified as a soil classifier or soil scientist by:
 29 (A) the American Registry of Certified Professionals in
 30 Agronomy, Crops, and Soils (ARCPACS); or
 31 (B) the Indiana Association of Professional Soil Classifiers
 32 (IAPSC); and

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

34 (c) The board shall waive the education and examination
 35 requirements for registration under IC 25-41-4, as added by this
 36 act, of an individual who is practicing as a soil scientist similarly to
 37 those who qualify under subsection (b) but who is not certified by
 38 ARCPACS and IAPSC if the individual:

- 39 (1) has at least five (5) years of experience in evaluating soil
 40 morphology and soil landscapes and has submitted reports
 41 dealing with environmental aspects of soil science that were
 42 acceptable to:



- 1 **(A) a county board of health;**
- 2 **(B) the state department of health;**
- 3 **(C) the department of environmental management; or**
- 4 **(D) a similar agency; and**
- 5 **(2) provides to the satisfaction of the board:**
- 6 **(A) examples of the individual's professional work; and**
- 7 **(B) names of people who can evaluate the individual's**
- 8 **professional competence and adherence to ethical**
- 9 **standards.**
- 10 **(d) This SECTION expires January 1, 2002.**

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