

The House Committee on Public Utilities and Telecommunications offers the following substitute to HB 1546:

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 1 of Chapter 2 of Title 12 of the Official Code of Georgia Annotated,  
 2 relating to general provisions relative to the Department of Natural Resources, so as to  
 3 provide that evaluations and reports of licensed soil scientists shall be accepted by the  
 4 Department of Natural Resources for certain purposes; to define certain terms; to amend  
 5 Code Section 31-3-5 of the Official Code of Georgia Annotated, relating to functions of  
 6 county boards of health, so as to provide that evaluations and reports of licensed soil  
 7 scientists shall be accepted by county boards of health for certain purposes; to provide for  
 8 certifications of certain reports by licensed soil scientists and other persons qualified to  
 9 conduct soil evaluations for on-site sewage management systems; to amend Title 43 of the  
 10 Official Code of Georgia Annotated, relating to professions and businesses, so as to regulate  
 11 the practice of soil science; to provide for a short title; to provide for legislative purpose; to  
 12 define certain terms; to provide for inapplicability; to provide for the State Licensing Board  
 13 for Professional Soil Scientists; to provide for board powers and duties; to provide for certain  
 14 records; to provide for filing and service of documents; to provide for applications; to  
 15 provide for eligibility; to provide for licensing; to provide for refusal and discipline; to  
 16 provide for seals; to provide for a code of professional conduct; to provide for charges of  
 17 violations; to require utilization of licensees by government entities; to provide for a legal  
 18 adviser; to provide for exemptions; to make certain acts unlawful; to provide punishment for  
 19 violations; to provide for related matters; to provide a contingent effective date; to repeal  
 20 conflicting laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 **SECTION 1.**

23 Article 1 of Chapter 2 of Title 12 of the Official Code of Georgia Annotated, relating to  
 24 general provisions relative to the Department of Natural Resources, is amended by adding  
 25 a new Code section to read as follows:

H. B. 1546 (SUB)

1 "12-2-10.

2 Any person who is a licensed soil scientist under Chapter 43B of Title 43 may submit  
3 evaluations and reports to the department when such are required by the department for  
4 purposes of satisfying requirements of this title; specifically erosion, sedimentation and  
5 pollution control, underground injection control, and large community subsurface systems.  
6 Such reports by a licensed soil scientist shall be accepted by the department for such  
7 purposes."

8 **SECTION 2.**

9 Code Section 31-3-5 of the Official Code of Georgia Annotated, relating to functions of  
10 county boards of health, is amended by striking subsection (d) and inserting in lieu thereof  
11 the following:

12 "(d)(1) Any person may register with the department to conduct soil investigations and  
13 prepare soil reports of a site within the state for an on-site sewage management system  
14 ~~who~~ if such person meets any one of the following criteria:

15 (A) ~~Qualifies as a soil classifier as defined in subparagraph (B) of paragraph (3) of this~~  
16 ~~subsection;~~

17 ~~(B)~~ Holds a valid certificate of registration as a professional engineer issued pursuant  
18 to Chapter 15 of Title 43 and is practicing within his or her area of engineering  
19 competency;

20 ~~(C)~~(B) Holds a valid certificate of registration as a registered geologist issued pursuant  
21 to Chapter 19 of Title 43 and is practicing within his or her area of geologic  
22 competency; or

23 ~~(D)~~(C) Is a soil and water conservation technician ~~as defined in subparagraph (A) of~~  
24 ~~paragraph (3) of this subsection~~ employed as such by a soil and water conservation  
25 district provided for in Article 2 of Chapter 6 of Title 2.

26 (2)(A) Upon the submission of an evaluation of the suitability of a site within the state  
27 for an on-site sewage management system by ~~such~~ a person who is a licensed soil  
28 scientist under Chapter 43B of Title 43 or who is registered with the department under  
29 this subsection, the county board of health shall be required to accept the evaluation  
30 unless such evaluation is found by the county board of health to be deficient or  
31 questionable. If the county board of health finds such evaluation to be deficient or  
32 questionable, the board shall, within three working days of making such finding, issue  
33 a written determination stating all deficiencies and all measures needed to correct the  
34 deficiencies. A copy of this determination shall be provided to the state director of  
35 environmental health.

1 (B) An evaluation shall not be deemed deficient or questionable and shall be accepted  
 2 by the county board of health if the following certification is printed on the report at  
 3 least one inch apart from any other text and in type size and boldness equal to or  
 4 greater than any other type size and boldness in the body of the report and signed by  
 5 a licensed soil scientist or a person registered with the department under this  
 6 subsection; provided, however, that such certification shall not be required except for  
 7 purposes of the guaranteed acceptance provided by this subparagraph:

8 'By affixing my seal and signature, I, (name), certify that I have mapped the soils of  
 9 the area covered by this report in accordance with National Cooperative Soil Survey  
 10 Standards of the United States Department of Agriculture Natural Resources  
 11 Conservation Service. This evaluation has met or exceeded the minimum field  
 12 standards of the Georgia Department of Human Resources, Division of Public Health,  
 13 Environmental Health Section. The soils map and its interpretation are my opinions  
 14 based upon the results of my evaluation. The Environmental Health Section or county  
 15 health department will make final determinations regarding use of these soils for  
 16 on-site sewage management systems. I have delivered a copy of this report to the  
 17 owner of the subject real property and, by this certification, I guarantee to such owner  
 18 and his or her successors in interest for a period of three years from the date of this  
 19 certification that an on-site sewage management system installed in accordance with  
 20 the recommendations of this report will not malfunction due to soil conditions during  
 21 such period; provided, however, that if the soils are altered after this report date or the  
 22 soils are not used as recommended, I will not be responsible for malfunctions arising  
 23 from such soils issues.

24 \_\_\_\_\_  
 25 Name

26 \_\_\_\_\_  
 27 Address'

28 (3) As used in this subsection, the term:

29 (A) ~~'Soil and water conservation technician' means a person employed as a soil and~~  
 30 ~~water conservation technician by a soil and water conservation district provided for in~~  
 31 ~~Article 2 of Chapter 6 of Title 2.~~

32 (B) 'Soil classifier' means a person who:

33 (i) ~~Holds at least a bachelor of science degree from an accredited college or~~  
 34 ~~university with a major in soil science or a related field of science. This degree shall~~  
 35 ~~include 30 semester credit hours or equivalent quarter credit hours in the biological,~~

1 ~~physical, chemical, and earth sciences with a minimum of 15 semester credit hours~~  
 2 ~~or equivalent quarter hours in soil science courses meeting the following distribution:~~

3 ~~(I) A minimum of one course in soil classification, morphology, genesis, and~~  
 4 ~~mapping; and~~

5 ~~(II) The remaining soil science credits must be in at least three of the following~~  
 6 ~~eight categories: introductory soil science, soil fertility, soil microbiology, soil~~  
 7 ~~chemistry, soil physics, soil management, soils and land use, or soils and the~~  
 8 ~~environment, soil mineralogy, or a three credit maximum in independent study,~~  
 9 ~~geology, or hydrology, and~~

10 ~~(ii) Has at least four years of verifiable full-time or equivalent part-time experience~~  
 11 ~~under the supervision of a soil classifier who has met the education and experience~~  
 12 ~~requirements provided in this subparagraph. Such experience must be obtained after~~  
 13 ~~meeting all educational requirements defined in this subparagraph and must have been~~  
 14 ~~spent actively mapping, identifying, and classifying soil features and interpreting the~~  
 15 ~~influence of soil features on soil uses including, but not limited to, conducting soil~~  
 16 ~~investigations for determining the suitability of sites for on-site sewage management~~  
 17 ~~systems as approved by the department's soil classifiers advisory committee; and~~

18 ~~(iii) Has successfully passed a written examination pertaining to site investigations~~  
 19 ~~for on-site sewage management systems administered or approved by the department."~~

### 20 SECTION 3.

21 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,  
 22 is amended by inserting a new chapter to read as follows:

#### 23 "CHAPTER 43B

24 43-43B-1.

25 This chapter shall be known and may be cited as the 'Soil Scientists Licensing Act of 2006.'

26 43-43B-2.

27 The purpose of this chapter is to protect life, property, health, and public welfare through  
 28 regulation of the practice of soil science in the state; to define the practice of soil science  
 29 as a profession by establishing minimum standards of ethical conduct and professional  
 30 responsibility and by establishing professional education and experience requirements; and  
 31 to prevent abuses in the practice of soil science by untrained or unprincipled individuals.

32 This action recommends itself through benefits to the people of this state and promotion

1 of the public welfare. These benefits are in the field of soil science as related to on-site  
2 disposal of domestic waste water (septic systems), land treatment of various waste waters,  
3 byproducts, and residual solids on land, bioremediation, erosion and sedimentation, soil  
4 productivity, protection of surface and ground water, identification of wetlands and unique  
5 natural resources, and other soil matters of concern to the people of the state.

6 43-43B-3.

7 As used in this chapter, the term:

8 (1) 'Board' means the State Licensing Board for Professional Soil Scientists.

9 (2) 'License' means a certificate issued by the board to an individual who satisfies the  
10 requirements established for a licensed soil scientist under this chapter and the rules and  
11 regulations adopted pursuant to this chapter.

12 (3) 'Licensed soil scientist' means a person who is licensed as a soil scientist under this  
13 chapter.

14 (4) 'Public practice of soil science' means any service or work, the adequate performance  
15 of which requires education in the physical, chemical, and biological sciences, as well as  
16 soil science; training and experience in the application of special knowledge of these  
17 sciences to the use and management of soils by accepted principles and methods;  
18 investigation, evaluation, and consultation in the use and management of soils; and in  
19 which the performance is related to the public welfare by safeguarding life, health,  
20 property, and the environment. The term includes, but is not limited to, investigating and  
21 evaluating the interaction between water, soil, nutrients, plants, and other living  
22 organisms that are used to prepare soil scientists' reports for subsurface ground  
23 absorption systems, including infiltration galleries; land application of residuals such as  
24 sludge, septage, and other wastes; spray irrigation of waste water; soil remediation at  
25 conventional rates; land application of agricultural products and processing residues;  
26 bioremediation and volatilization; soil erodibility and sedimentation; and identification  
27 of hydric soil and redoximorphic features.

28 (5) 'Responsible charge of work' means the independent control and direction, by the use  
29 of initiative, skill, and independent judgment, of soil science work or the supervision of  
30 such work.

31 (6) 'Soil' means the unconsolidated mineral or organic matter on the surface of the earth  
32 that has been subjected to and influenced by genetic and environmental factors of parent  
33 material, climate (including water and temperature effects), microorganisms, and  
34 topography, all acting over time and producing a product that differs from the material

1 from which it is derived in many physical, chemical, biological, and morphological  
2 properties and characteristics.

3 (7) 'Soil science' means the science dealing with soils as an environmental resource. Soil  
4 science includes soil characterization, classification, and mapping; the physical, chemical,  
5 hydrologic, mineralogical, biological, and microbiological analysis of soil; and the  
6 assessment, analysis, modeling, testing, evaluation, and use of soil for the benefit of  
7 mankind. Soil science does not include design or creative works, the adequate  
8 performance of which requires extensive geological, engineering, land surveying,  
9 forestry, or landscape architecture education, training, and experience or requires  
10 registration as a geologist under Chapter 19 of this title, professional engineer or land  
11 surveyor under Chapter 15 of this title, or forester under Part 2 of Article 1 of Chapter 6  
12 of Title 12 or licensing as a landscape architect under Chapter 23 of this title.

13 (8) 'Soil scientist-in-training' means a person who has passed the examination and  
14 satisfied all other requirements for licensure under this chapter except for the professional  
15 work experience requirement.

16 (9) 'Subordinate' means any person who assists a licensed soil scientist in the practice of  
17 soil science without assuming the responsible charge of work.

18 43-43B-4.

19 This chapter does not apply to the following individuals:

20 (1) An officer or employee of:

21 (A) The federal government;

22 (B) The state government; or

23 (C) Any local government

24 while such officer or employee is providing soil science services for the officer's or  
25 employee's employer;

26 (2) An individual engaged solely in soil science research or the instruction of soil  
27 science;

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

29 (4) A professional engineer registered under Chapter 15 of this title who applies soil  
30 science to the practice of engineering;

31 (5) A professional geologist registered under Chapter 19 of this title who applies soil  
32 science to the practice of geology;

33 (6) A professional forester registered under Part 2 of Article 1 of Chapter 6 of Title 12  
34 who applies soil science to the practice of forestry;

1 (7) A person who is a certified professional in erosion and sediment control (CPESC) or  
 2 soil conservationist who uses soil science in making land use decisions for the  
 3 conservation of soil and water resources;

4 (8) A professional wetlands specialist who applies soil science to make wetland  
 5 delineations or determinations;

6 (9) A person who conducts soil sampling solely for the purpose of determining plant  
 7 nutrient and lime application rates for gardening and agricultural purposes; or

8 (10) A soil and water conservation technician registered with the Department of Human  
 9 Resources under subsection (d) of Code Section 31-3-5 when applying soil science for  
 10 purposes of said subsection.

11 43-43B-5.

12 (a) The State Licensing Board for Professional Soil Scientists is created, whose duty it  
 13 shall be to administer this chapter. The board shall be composed of:

14 (1) Five members who shall be eligible for licensure under this chapter and who on and  
 15 after July 1 of the year following the effective date of this chapter shall be soil scientists  
 16 licensed under this chapter, one of whom shall be an academic soil scientist, one a  
 17 governmental soil scientist, one a salaried company soil scientist, one an independent or  
 18 consultant soil scientist, and one a soil scientist at large;

19 (2) A sixth member who shall be appointed from the public at large and who shall have  
 20 no connection whatsoever with the practice of professional soil science; and

21 (3) The commissioner of human resources, ex officio, or his or her designated agent.

22 (b) The members of the board provided for in paragraphs (1) and (2) of subsection (a) of  
 23 this Code section shall be appointed by the Governor, subject to approval as to  
 24 qualifications by the Secretary of State and confirmation by the Senate, for terms of five  
 25 years and until their successors are appointed and qualified. On the expiration of the term  
 26 of any member, the member's successor shall be appointed in the same manner as regular  
 27 appointments.

28 (c) Each member of the board shall be a citizen of the United States and a resident of the  
 29 State of Georgia.

30 (d) No person shall serve as a member of the board for more than two consecutive terms.

31 (e) The Governor may remove any member of the board pursuant to the authority of Code  
 32 Section 43-1-17. Vacancies in the membership of the board shall be filled for the unexpired  
 33 term by appointment by the Governor as provided for in this chapter.

1 (f) The members of the board shall, before entering upon the discharge of their duty,  
2 subscribe to and file with the office of the Governor the required oath of office, whereupon  
3 the Governor shall issue to each appointee a certificate of appointment.

4 (g) Each member of the board shall be reimbursed as provided for in subsection (f) of  
5 Code Section 43-1-2.

6 43-43B-6.

7 (a) In addition to other powers and duties specified in this chapter, the board shall:

8 (1) Promulgate, adopt, amend, and repeal all rules and regulations necessary for its  
9 government and for carrying this chapter into effect for the regulation of proceedings  
10 before the board. The board and all of its rules, regulations, and procedures are subject  
11 to and shall comply with Chapter 13 of Title 50, the 'Georgia Administrative Procedure  
12 Act';

13 (2) Adopt and have an official seal;

14 (3) Elect from its membership a chairperson, a vice chairperson, and any other officers  
15 deemed necessary who shall hold office for a term of one year;

16 (4) Issue, renew, refuse to renew, deny, suspend, revoke, and reinstate licenses or  
17 otherwise discipline licensees under this chapter;

18 (5) Initiate investigations for the purpose of discovering violations of this chapter;

19 (6) Hold hearings on all matters properly brought before the board and, in conjunction  
20 therewith, to administer oaths, receive evidence, make necessary findings, and enter  
21 orders consistent with the findings. The board may designate one or more of its members  
22 as its hearing officer;

23 (7) Adopt a code of professional conduct;

24 (8) Establish and receive fees as required by this chapter;

25 (9) Examine and determine the qualifications and fitness of applicants for licenses to  
26 practice soil science in this state;

27 (10) Bring proceedings in the courts for the enforcement of this chapter or any rules or  
28 regulations promulgated pursuant to this chapter;

29 (11) Establish reasonable standards for continuing professional education for soil  
30 scientists; provided, however, that no examination shall be required for a renewal of a  
31 license; and

32 (12) Have such other powers and duties as are necessary to effectuate the purposes of  
33 this chapter.

1 (b) The board shall be assigned to the office of the Secretary of State for administrative  
2 purposes, shall operate under the jurisdiction of the division director, and shall operate in  
3 accordance with and pursuant to the provisions of Chapter 1 of this title, as applicable.

4 43-43B-7.

5 All appeals from a decision of the board, all documents or applications required by law to  
6 be filed with the board, and any notice or legal process to be served upon the board shall  
7 be filed with or served upon the division director at his or her office.

8 43-43B-8.

9 An application for licensing as a soil scientist shall be made under oath and shall show the  
10 applicant's education and a detailed summary of the applicant's professional work  
11 experience as a soil scientist. The application shall be accompanied by an application fee  
12 fixed by the board.

13 43-43B-9.

14 (a) To be eligible for a license as a soil scientist in this state, an applicant shall meet each  
15 of the following minimum qualifications:

16 (1) Be of good ethical character;

17 (2) Hold at least a bachelor's degree in science from an accredited college or university  
18 with a major in soil science or a related field of science. Such degree shall include a  
19 minimum of 30 semester hours or equivalent quarter credit hours in agricultural,  
20 biological, chemical, physical, or earth sciences, with a minimum of 15 semester credit  
21 hours or equivalent quarter credit hours in soil science courses;

22 (3) Have at least four years of professional work experience as a soil scientist under the  
23 supervision of a licensed soil scientist or a soil scientist who is eligible for licensure  
24 under this chapter. An applicant may substitute an advanced degree in soil science for a  
25 portion of the professional work experience requirement. The board, in its discretion, may  
26 allow an applicant to substitute a master's degree in soil science for one year of  
27 professional work experience and to substitute a doctoral degree in soil science for two  
28 years of professional work experience. The board, in its discretion, may allow an  
29 applicant to substitute experience gained through teaching upper-level soil science  
30 courses at the college or university level or research in soil science for all or any portion  
31 of the professional work experience requirement if the board finds the teaching or  
32 research to be equivalent to the responsible charge of work by a soil scientist; and

1 (4) Successfully pass such examinations as are established by the board and which are  
2 designed to demonstrate that the applicant has the necessary knowledge and skill to  
3 exercise the responsibilities of the public practice of soil science.

4 (b) The board shall designate an applicant who meets all the requirements for a license  
5 under this chapter except the professional work experience requirement as a soil  
6 scientist-in-training. A soil scientist-in-training may apply for a license upon completion  
7 of the professional work experience requirement.

8 (c)(1) The board shall waive examination requirements for licensing for an individual  
9 who, on the effective date of this chapter, is certified as a soil scientist or soil classifier  
10 by:

11 (A) The American Registry of Certified Professionals in Agronomy, Crops, and Soils  
12 (ARCP ACS); or

13 (B) The Department of Human Resources.

14 (2) Examinations shall be held at least annually.

15 (3) The board shall determine the fee for and the scope, form, and content of the  
16 examinations provided for under this chapter.

17 (d) A person holding a license to engage in the practice of soil science on the basis of  
18 comparable licensing requirements issued to him or her by a proper authority of another  
19 state, territory, or possession of the United States or the District of Columbia and who, in  
20 the opinion of the board, otherwise meets the requirements of this chapter based on verified  
21 evidence may be licensed upon application without further examination.

22 43-43B-10.

23 (a) The board shall issue a license, upon payment of the license fee set by the board, to any  
24 applicant who, in the opinion of the board, has satisfactorily met the requirements of this  
25 chapter.

26 (b) All licenses shall be renewable biennially at such time as may be designated by the  
27 board. All applications for renewal shall be filed with the board prior to the expiration date,  
28 accompanied by the renewal fee prescribed by the board. A license which has expired for  
29 failure to renew may only be reinstated after application and payment of the prescribed  
30 reinstatement fee within six months of the expiration date, provided that the applicant  
31 meets such requirements as the board may establish by rule.

32 (c) A new license to replace any license that is lost, destroyed, or mutilated may be issued  
33 subject to the rules of the board and payment of a fee set by the board.

1 43-43B-11.

2 (a) The board shall have the authority to refuse to grant a license to an applicant therefor  
3 or to revoke or suspend the license of a person licensed by the board or to otherwise  
4 discipline a person licensed by the board the same as provided in Code Section 43-1-19 for  
5 professional licensing boards.

6 (b) The action by the board in granting or refusing to grant or renew a license under this  
7 chapter or in revoking or suspending or in refusing to revoke or suspend such a license may  
8 be appealed in accordance with Chapter 13 of Title 50, the 'Georgia Administrative  
9 Procedure Act,' to the superior court of the county of domicile of the board; provided,  
10 however, that if the findings of the board are supported by any evidence, such findings  
11 shall be accepted by the court.

12 43-43B-12.

13 Each licensee under this chapter may use a seal of such design as is authorized by the  
14 board, bearing the licensee's name and the legend 'Licensed Professional Soil Scientist.'  
15 All drawings, reports, or other papers or documents involving the practice of soil science,  
16 as defined in this chapter, which shall have been prepared or approved by a licensed soil  
17 scientist or a subordinate employee under his or her direction for the use of or for delivery  
18 to any person or for public record within this state shall be signed by him or her and  
19 impressed with the seal provided for in this Code section or the seal of a nonresident  
20 practicing under this chapter, either of which shall indicate his or her responsibility for  
21 them.

22 43-43B-13.

23 The board shall keep a record and shall publish annually a roster showing the names, places  
24 of business, and residence addresses of all soil scientists licensed under this chapter. Copies  
25 of such roster shall be made available to the public upon request and payment of a  
26 reasonable fee, established by the board, for copying.

27 43-43B-14.

28 The board shall prepare and adopt by rule a code of professional conduct that shall be made  
29 known in writing to every licensee and applicant for licensing under this chapter and shall  
30 be published by the board. Publication of the code of professional conduct shall be due  
31 notice to all licensees of its contents. The board may revise and amend such code of  
32 professional conduct. Prior to adoption of any revision or amendments, all licensed  
33 members and the public shall receive due notice and an opportunity to be heard.

1 43-43B-15.

2 Any person may file written charges of violations of this chapter or any rules adopted  
3 pursuant to this chapter with the board against any licensee. Any charges or allegations  
4 shall be in writing, shall be sworn to by the person making them, and shall be filed with  
5 the board. The board shall investigate reasonably all valid complaints.

6 43-43B-16.

7 On and after January 1 of the year following the effective date of this chapter, this state and  
8 its political subdivisions, such as a county, a municipality, or a legally constituted board,  
9 district, commission, or authority, shall contract for soil science services only with persons  
10 licensed under this chapter, a firm employing a licensed soil scientist, persons registered  
11 as professional engineers practicing in their area of engineering competency, or persons  
12 registered as professional geologists practicing in their area of geologic competency.

13 43-43B-17.

14 (a) This chapter shall not prohibit one or more soil scientists from practicing through the  
15 medium of a sole proprietorship, partnership, limited liability company, or corporation. In  
16 a partnership, limited liability company, or corporation whose primary activity consists of  
17 soil science services, at least one partner, member, or officer shall be a licensed soil  
18 scientist.

19 (b) This chapter shall not prevent or prohibit an individual, firm, company, association, or  
20 corporation whose principal business is other than the public practice of soil science from  
21 employing a unlicensed soil scientist to perform nonpublic soil science services necessary  
22 to the conduct of its business.

23 (c) This chapter shall not be construed to prevent or to affect:

24 (1) The practice of any profession or trade for which a license is required under any other  
25 provision of this Code;

26 (2) The practice of registered professional engineers from lawfully practicing soils  
27 mechanics, foundation engineering, and other professional engineering as provided in this  
28 title; or

29 (3) The practice of a person who is not a resident of and has no established place of  
30 business in this state or who has recently become a resident hereof practicing or offering  
31 to practice the profession of soil science herein for more than 30 days in any calendar  
32 year if the person shall have filed with the board an application for a license and shall  
33 have paid the fee required by this chapter. Such practice shall continue only for such time  
34 as the board requires for the consideration of the applicant for licensing.

1 43-43B-18.

2 (a) Except for persons registered as professional engineers or professional geologists who  
3 are practicing soil science within their areas of engineering or geologic competency, it:

4 (1) Shall be unlawful for any person other than a licensed soil scientist or a subordinate  
5 under the soil scientist's direction and not otherwise exempt under this chapter to conduct  
6 or participate in any practice of soil science or prepare any soil science reports, maps, or  
7 documents related to the public welfare or the safeguarding of life, health, property, or  
8 the environment;

9 (2) Shall be unlawful for any person, including a soil scientist-in-training or a  
10 subordinate, to practice, or offer to practice, soil science in this state or to use in  
11 connection with his or her name, otherwise assume, or advertise any title or description  
12 tending to convey the impression that he or she is a licensed soil scientist unless that  
13 person has been duly licensed or is exempted under the provisions of this chapter; and

14 (3) Shall be unlawful for anyone other than a licensed soil scientist to stamp or seal any  
15 soils related plans, maps, reports, or other soils related documents with the seal or stamp  
16 of a licensed soil scientist or use in any manner the title 'soil scientist' unless that person  
17 is licensed under this chapter.

18 (b) It shall be unlawful for any person to affix his or her signature to, stamp, or seal any  
19 soils related plans, maps, reports, or other soils related documents after the license of the  
20 person has expired or been suspended or revoked.

21 (c) It shall be unlawful for a licensed soil scientist to prepare plats and maps so as to  
22 engage in the practice of land surveying as defined in Code Section 43-15-2 unless the  
23 licensed soil scientist is also a registered land surveyor under Chapter 15 of this title.

24 (d) It shall be unlawful for a licensed soil scientist to engage in the design of engineering  
25 works and systems unless the licensed soil scientist is also a registered professional  
26 engineer under Chapter 15 of this title.

27 (e) It shall be unlawful for a licensed soil scientist to engage in the practice of geology  
28 unless the licensed soil scientist is also a registered geologist under Chapter 19 of this title.

29 (f) Paragraphs (1) and (2) of subsection (a) of this Code section shall apply only to acts  
30 committed on or after January 1 of the year following the effective date of this chapter.

31 43-43B-19.

32 (a) A person who:

33 (1) Willfully practices soil science or offers to practice soil science for any other person  
34 in this state without being licensed and who is not otherwise exempt in accordance with  
35 the provisions of this chapter;

- 1 (2) Presents or attempts to use as his or her own the license or the seal of any other soil  
2 scientist;
- 3 (3) Gives any false or forged evidence in the course of applying for a license under this  
4 chapter;
- 5 (4) Impersonates a licensed soil scientist;
- 6 (5) Practices or attempts to practice at any time while his or her license is suspended or  
7 revoked; or
- 8 (6) Commits any other act made unlawful by this chapter  
9 shall be guilty of a misdemeanor.
- 10 (b) Paragraph (1) of subsection (a) of this Code section shall apply only to acts committed  
11 on or after January 1 of the year following the effective date of this chapter."

12 **SECTION 4.**

13 This Act shall become effective only upon the effective date of a specific appropriation of  
14 funds for the purposes of this Act as expressed in a line item making specific reference to the  
15 full funding of this Act in an appropriations Act enacted by the General Assembly.

16 **SECTION 5.**

17 All laws and parts of laws in conflict with this Act are repealed.