

## **Title 17. Professions, Occupations, and Businesses**

### **Chapter III. Arkansas Natural Resources Commission, Department of Agriculture**

#### **Subchapter A. Generally**

#### **Part 10. Registration for Professional Soil Classifiers Rules**

**Codification Notes.** Acts 2023, No. 691, § 4 provided:

"Abolition of Arkansas State Board of Registration for Professional Soil Classifiers.

(a) The Arkansas State Board of Registration for Professional Soil Classifiers is abolished, and its authority, duties, functions, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing, are transferred to the Arkansas Natural Resources Commission.

(b) The Arkansas State Board of Registration for Professional Soil Classifiers' statutory powers, duties, and functions, including the functions of budgeting or purchasing, records, contracts, personnel, property, and unexpended balances of appropriations, allocations, and other funds are transferred to the Arkansas Natural Resources Commission.

(c)(1) The abolishment of the Arkansas State Board of Registration for Professional Soil Classifiers does not affect the orders, rules, directives, registration, licensing, or standards made or promulgated by the Arkansas State Board of Registration for Professional Soil Classifiers before the effective date of this act.

(2) The orders, rules, directives, registration, licensing, or standards of the Arkansas State Board of Registration for Professional Soil Classifiers shall continue to be in effect until they are amended or repealed under authority given by law.

(d) All funds and unexpended balances of appropriations transferred under this section shall continue to be used for the purposes for which they were designated."

This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Act 460 of 1975 of the State of Arkansas establishes the profession of Soil Classifying and provides for the regulation of the profession by this Board. Act 460 outlines the activities and procedures of this Board. However, the act allows the Board latitude in certain areas and requires rules of application in other areas. The following are the rules of the Board adopted pursuant to Act 460."

## **Subpart 1. Generally**

### **17 CAR § 10-101. Application for registration.**

(a)(1) Application for registration as a soil classifier or certification as a soil classifier-in-training shall be made on a form provided by the Arkansas Natural Resources Commission.

(2) The applicant shall answer all questions on the form.

(b) Among other things, the applicant shall provide the commission with the following:

#### **(1) References.**

(A) Applicants for soil classifier shall provide five (5) references, three (3) of whom shall be professional soil classifiers and two (2) shall be character references.

(B) Applicants for soil classifier-in-training shall provide three (3) character references;

(2) **Transcripts.** Applicants shall provide the commission with certified transcripts for all college or university courses they have attempted; and

#### **(3) Experience.**

(A) Applicants are to provide the commission with a descriptive record of their present and past employment.

(B) Applicants holding valid soil classifier-in-training certificates are to provide the commission with detailed records of work experience in soil classification including examples of work and the name or names of professional soil classifiers worked under, as per 17 CAR § 10-103(b).

(C) Applicants are also to provide the commission with any other information that relates to their competence as a soil classifier or soil classifier-in-training such as reports published, professional organizations, etc.

(c)(1) The commission, at its discretion, may ask for additional information, or ask the applicant to appear before the commission.

(2) The commission may, with sufficient reason, waive any requirement not specifically made by Acts 1975, No. 460.

**Authority.** Arkansas Code § 17-47-202.

**17 CAR § 10-102. Educational requirements.**

(a) An approved soils curriculum shall consist of at least:

(1) A full four-year course of study leading to a Bachelor of Science (or equivalent) or higher degree from an accredited college or university with a major in a pertinent field of agricultural or physical science; and

(2)(A) Thirty (30) semester hours or equivalent in biological, physical, and earth sciences with a minimum of fifteen (15) semester hours in soil science.

(B) Soil science hours shall include at least one (1) course in soil classification and genesis with field instruction in site evaluation and writing soil descriptions.

(C) The fifteen (15) semester hours in soil science shall be acceptable toward a major in soil science at:

(i) The institution offering these courses; or

(ii) Another accredited institution in the event the offering institution does not grant a major in soil science.

(b) An unapproved soils curriculum shall consist of at least:

(1) A full four-year course of study leading to a Bachelor of Science (or equivalent) or higher degree from an accredited college or university with a major in a pertinent field of agricultural or physical science; and

(2)(A) Thirty (30) semester hours or equivalent in biological, physical, and earth sciences with a minimum of fifteen (15) semester hours in soil science, without a course in soil classification and genesis.

(B) The fifteen (15) semester hours in soil science shall be acceptable toward a major in soil science at:

(i) The institution offering these courses; or

(ii) Another accredited institution in the event the offering institution does not grant a major in soil science.

**Authority.** Arkansas Code § 17-47-202.

**17 CAR § 10-103. Experience requirements.**

(a)(1) Applicants for soil classifier-in-training who have completed an approved soils curriculum are not required to have experience.

(2) Applicants for soil classifier-in-training who have completed an unapproved soils curriculum are required to have one (1) year of:

(A) Soil survey field mapping experience in the National Cooperative Soil Survey Program; or

(B)(i) Soil survey field mapping, site evaluation, and description writing experience under the supervision of a registered professional soil classifier as defined in subsection (b) of this section.

(ii) The definition of supervision for the purposes of this part shall mean direct on-site observation of and participation in all training exercises, unless otherwise approved by the Arkansas Natural Resources Commission.

(b)(1) The experience requirement for registration as a soil classifier for applicants holding a valid soil classifier-in-training certificate consists of one (1) year of:

(A) Soil survey field mapping experience in the National Cooperative Soil Survey Program; or

(B) Soil survey field mapping, site evaluation, and description writing experience under the supervision of a registered professional soil classifier and a demonstrated ability to be independently productive.

(2) Each soil classifier-in-training not receiving his or her experience in the National Cooperative Soil Survey Program must:

(A) Prepare a training plan with his or her supervisor; and

(B)(i) Submit it to the commission for approval prior to the beginning of the training period.

(ii) At the end of the training period, the supervisor must submit to the commission signed documentation to support completion of the approved training plan including, but not limited to, training dates, training locations, and description of training.

(iii) The supervisor must also submit a signed letter to the commission stating that the training is complete and the trainee has received sufficient experience to apply for registration as a soil classifier.

(c) The requirement for a person not holding a soil classifier-in-training certificate consists of:

(1) Two (2) years of soil survey field mapping experience in the National Cooperative Soil Survey Program; and

(2) A demonstrated ability to be independently productive.

**Authority.** Arkansas Code § 17-47-202.

**17 CAR § 10-104. Examinations.**

(a) All applicants for certification as a soil classifier-in-training are to pass an examination on the fundamentals of soil classification.

(b)(1) All applicants for registration as a professional soil classifier are to pass at some time both the examination on fundamentals of soil classification and the examination on the principles and practice of soil classifying.

(2)(A) The applicant may take both examinations on the same date if he or she meets the other requirements.

(B) In the event an applicant taking both examinations on the same date fails the examination on the fundamentals of soil classification, the applicant's examination on the principles and practice of soil classifying shall not be graded and shall be considered void, i.e., neither passed nor failed.

(c)(1) Examinations on the fundamentals of soil classification and on the principles and practice of soil classifying shall be held on dates and at locations designated by the Arkansas Natural Resources Commission.

(2) Each applicant shall be notified in writing at least twenty (20) days in advance as to the date and location of the appropriate examination.

(3) Examinations shall be prepared and administered by persons designated by the commission.

(4) Applicants are required to score a minimum of seventy-five percent (75%) to successfully pass an examination.

(d)(1) Examinations on the fundamentals of soil classification and on the principles and practice of soil classifying will be written examinations.

(2) In addition, the commission may require, at its discretion, a field examination as part of the examination on the principles and practice of soil classifying.

(e)(1) Field examinations shall be held on dates and at locations designated by the commission.

(2) Each applicant shall be notified in writing at least twenty (20) days in advance as to the date and location of the examination.

(3) The field examination shall consist of three (3) parts:

(A) A field mapping exercise;

(B) Writing a complete, detailed soil profile description; and

(C) Making on-site interpretations for specific uses.

(4) Applicants are required to score a minimum cumulative score of seventy-five percent (75%) to successfully pass this examination.

**Authority.** Arkansas Code § 17-47-202.

**17 CAR § 10-105. Fees.**

- (a) Applications – twenty dollars (\$20.00).
- (b) Initial registration, soil classifier – sixty dollars (\$60.00).
- (c) Initial certification, soil classifier-in-training – fifty dollars (\$50.00) (valid for four (4) years).
- (d) Reexamination – twenty dollars (\$20.00).
- (e) Registration renewal, soil classifier – twenty dollars (\$20.00).
- (f)(1) Late renewals: Soil classifier – thirty dollars (\$30.00) plus two dollars (\$2.00) per month for each expired month.
  - (2) Late renewals may be affected for up to three (3) years.
  - (3) Late renewals are effective on August 1, following the June in which the certificate expired.
- (g) Temporary permits:
  - (1) Initial – seventy-five dollars (\$75.00); and
  - (2) Renewal – sixty dollars (\$60.00).

**Authority.** Arkansas Code §§ 17-47-202, 17-47-302, 17-47-303, 17-47-307, 17-47-308.

**17 CAR § 10-106. Residency changes.**

A professional soil classifier registered in Arkansas who becomes a resident of another domain may continue to renew his or her certificate.

**Authority.** Arkansas Code § 17-47-202.

**17 CAR § 10-107. Roster.**

The Secretary of the Arkansas Natural Resources Commission shall provide upon request a roster of professional soil classifiers registered by the commission.

**Authority.** Arkansas Code § 17-47-202.

**17 CAR § 10-108. Reciprocity and temporary or provisional licensure.**

**(a) Reciprocity.**

(1) **Required qualifications.** An applicant applying for reciprocal licensure shall meet the following requirements:

(A)(i) The applicant shall hold a substantially similar license in another United States jurisdiction or through the American Registry of Certified Professionals in Agronomy Crops and Soils (ARCPACS).

(ii) A license from another state or is substantially similar to an Arkansas professional soil classifiers license or soil classifier-in-training if the other state's licensure qualifications require educational requirements substantially similar to those found in 17 CAR § 10-102.

(iii) The applicant shall hold his or her occupational licensure in good standing.

(iv) The applicant shall not have had a license revoked for an act of bad faith or a violation of law, rule, or ethics.

(v) The applicant shall not hold a suspended or probationary license in a United States jurisdiction; and

(B) The applicant shall be sufficiently competent in soil classification.

(2) **Required documentation.** An applicant shall submit a fully executed application, the required fee, and the documentation described below:

(A) As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas's, the applicant shall submit the following information:

(i)(a) Evidence of current and active licensure in that state.

(b) The Department of Agriculture may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other state's licensing board; and

(ii)(a) Evidence that the other state's licensure requirements match those listed in subdivision (a)(1)(A)(ii) of this section.

(b) The department may verify this information online or by telephone to the other state's licensing board;

(B)(i) To demonstrate that the applicant meets the requirement in subdivisions (a)(1)(A)(iii) – (v) of this section, the applicant shall provide the Arkansas Natural Resources Commission or its designee with:

(a) The names of all states in which the applicant is currently licensed or has been previously licensed; and

(b) Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant has not had his or her license revoked for the reasons listed in subdivision (a)(1)(A)(iv) of this section and does not hold a license on suspended or probationary status as described in subdivision (a)(1)(A)(v) of this section.

(ii) The department may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other state's licensing board;

(C) As evidence that the applicant is sufficiently competent in soil classification, an applicant shall submit letters of recommendation as required in 17 CAR § 10-101; and

(D) Transcripts from educational institutions verifying the educational requirements.

**(b) Temporary and provisional license.**

(1) The applicant shall be issued a temporary and provisional license immediately upon receipt of the application, the required fee, and the documentation required under subdivisions (a)(2)(A)(i) and (ii) of this section.

(2) The temporary and provisional license shall be effective for at least ninety (90) days, not to exceed one (1) year, unless the commission or its designee determines that the applicant does not meet the requirements under subdivision (a)(1)

of this section, in which case the temporary and provisional license shall be immediately revoked.

(3) An applicant may:

(A) Provide the rest of the documentation required above in order to receive a license; or

(B) Only provide the information necessary for the issuance of a temporary and provisional license.

(c) **License for person from a state that does not license profession.**

(1) **Required qualifications.** An applicant from a state that does not license professional soil classifiers shall meet the following requirements:

(A) The applicant shall be sufficiently competent in soil classification;

(B) The educational requirements in 17 CAR § 10-102; and

(C) The experience requirements in 17 CAR §§ 10-101 and 10-103.

(2) **Required documentation.** An applicant shall submit a fully executed application, the required fee, and the documentation described below:

(A) As evidence that the applicant is sufficiently competent in the field of [name], an applicant shall:

(i) Pass examinations as required in 17 CAR § 10-104; and

(ii) Submit letters of recommendation as required in 17 CAR § 10-101; and

(B) Transcripts from educational institutions verifying the educational requirements.

**Authority.** Arkansas Code § 17-47-202.

### **17 CAR § 10-109. Standards.**

The Arkansas Natural Resources Commission adopts the current standards of the National Cooperative Soil Survey for the professional soil classifiers practicing in Arkansas.

**Authority.** Arkansas Code § 17-47-202.

**17 CAR § 10-110. Military automatic licensure.**

(a) As used in this section, "returning military veteran" means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.

(b) The Arkansas Natural Resources Commission shall grant automatic licensure to an individual who holds a substantially equivalent occupational license in good standing in another United States jurisdiction or through ARCPACS and is:

- (1) An active duty military service member stationed in Arkansas;
- (2) A returning military veteran applying for an occupational license within one (1) year of his or her discharge from active duty; or
- (3) The spouse of a person under subdivision (b)(1) or (2) of this section.

(c) The commission shall grant such automatic licensure upon receipt of all items listed below:

- (1) Payment of the initial license fee;
- (2) Evidence that the applicant is a holder in good standing of a substantially equivalent occupational license in another state or through ARCPACS; and
- (3) Evidence that the applicant is a qualified applicant under subsection (b) of this section.

**Authority.** Arkansas Code § 17-47-202.

**Codification Notes.** "ARCPACS" means American Registry of Certified Professionals in Agronomy Crops and Soils.

**17 CAR § 10-111. Prelicensure criminal background check and waiver request.**

(a) Prelicensure criminal background check.

(1) Pursuant to Arkansas Code § 17-3-103, an individual may petition for a prelicensure determination of whether the individual's criminal record will disqualify the individual from an occupational license and whether a waiver may be obtained.

(2) The individual must obtain a prelicensure criminal background check petition form from the Department of Agriculture.

(3) The Arkansas Natural Resources Commission or its designee will:

(A) Respond with a decision in writing to a completed petition within a reasonable amount of time, no later than its next regularly scheduled quarterly meeting; and

(B) State the reason for its decision.

(4) All decisions in response to the petition:

(A) Will be determined by the information provided by the individual; and

(B) Are not subject to appeal.

(5) A copy of the petition and response will be retained and reviewed during the formal application process.

(b) **Waiver request.**

(1) If an individual has been convicted of an offense listed in Arkansas Code § 17-3- 102(a), except those permanently disqualifying offenses found in Arkansas Code § 17-3-102(e), the commission may waive disqualification of a potential applicant or revocation of a license based on the conviction if a request for waiver is made by:

(A) An affected applicant for an occupational license; or

(B) An individual holding an occupational license subject to revocation.

(2) The commission may grant a waiver upon consideration of the following, without limitation:

(A) The age at which the offense was committed;

(B) The circumstances surrounding the offense;

(C) The length of time since the offense was committed;

(D) Subsequent work history since the offense was committed;

(E) Employment references since the offense was committed;

(F) Character references since the offense was committed;

(G) Relevance of the offense to the occupational license; and

(H) Other evidence demonstrating that licensure or certification of the applicant does not pose a threat to the health or safety of the public.

(3) A request for waiver, if made by an applicant, must be in writing and accompany the completed application and fee.

(4) The commission or its designee will:

(A) Respond with a decision in writing; and

(B) State the reason or reasons for the decision.

(5) An appeal of a determination under this section will be subject to the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

**Authority.** Arkansas Code § 17-47-202.