

Sunset Public Hearing Questions for
Soil Scientist Advisory Committee
Created by Section 62-18-210, *Tennessee Code Annotated*
(Sunset Termination June 2020)

1. Provide a brief introduction to the committee, including information about its purpose, statutory duties, staff, and administrative attachment.
 - The purpose of the Tennessee Professional Soil Scientists Licensing Program is to ensure that only qualified persons are licensed to practice soil science in Tennessee, thereby benefiting the safety, health, and property of the people of this state and promoting the public welfare as set forth in T.C.A. § 62-18-202. Given the small nature of this program, the Soil Scientist program is administered through the Centralized Boards program in the Regulatory Board Division of the Department of Commerce and Insurance. Accordingly, there is no dedicated staff for the Soil Scientist Licensing Program but one staff person oversees the Soil Scientists licensing, renewals, and other small matters. Additionally, management oversees this program.

2. Provide a list of current members of the committee and explain how membership complies with Section 62-18-201, *Tennessee Code Annotated*.
 - Currently there is no Advisory Committee. T.C.A. § 62-18-210 indicates that the commissioner may appoint an advisory committee for any purpose necessary to implement the provisions of the Soil Scientist statute. The statutory language is discretionary and therefore the advisory committee is not a requirement. The commissioner has not deemed it necessary to implement an advisory committee.

3. Are there any vacancies on the committee? If so, please indicate how long the position has been vacant and explain steps that have been taken to fill any vacancies.
 - No. Currently there is no Advisory Committee

4. How many times did the committee meet in Fiscal Year 2018 and to date in Fiscal Year 2019? How many members were present at each meeting? Please note meetings where the committee did not have a quorum.
 - No. Currently there is no Advisory Committee

5. What per diem or travel reimbursements do committee members receive? How much was paid to committee members in Fiscal Year 2018 and to date in Fiscal Year 2019?

- None
6. What were the committee's revenues and expenditure for Fiscal Year 2018 and to date in Fiscal Year 2019? Does the committee carry a fund balance? If yes, please provide additional relevant information regarding the fund balance.
- Fiscal Year 2018:
 - Expenditures \$2,493.32
 - Revenue \$3,897.25
 - Fiscal Year 2019: Forecast through June 30, 2019
 - Expenditures \$4,479.38
 - Revenue \$6,867.33
 - Fund Balance as of 4/30/19 \$24,219.69
7. Is the committee subject to Sunshine Law requirements (Section 8-44-101 et seq., *Tennessee Code Annotated*) for public notice of meetings, prompt and full recording of minutes, and public access to minutes? If so, what procedures does the committee have for informing the public of meetings and making minutes available to the public? Does the committee allow for public comment at meetings? Is prior notice required for public comment to be heard?
- While any meetings would be subject to Sunshine requirements, the Advisory Council does not currently exist and no meetings have taken place requiring public notice, minutes or public comment. Should the Advisory Council be constituted and convened, the Department would ensure that Sunshine laws are properly followed.
8. Please describe what policies and procedures the committee has in place to address potential conflict of interest by committee members, staff, and employees.
- Executive Order #2 regarding ethics policies applicable to, and ethics disclosures required of, executive branch employees, effective January 29, 2019, would apply to staff and employees. Further, the Department has an Ethics and Conflict of Interest Policy dated January 16, 2006 that would also be applicable to each.
9. Has the committee promulgated rules in accordance with Section 62-18-211(1), *Tennessee Code Annotated*? If yes, please cite the reference. What were the committee's major accomplishments during Fiscal Year 2018 and to date in Fiscal Year 2019?
- This program had one of the two exams eliminated by the Council of Soil Science Examiners. This resulted in a Rule change in 2018 to reduce the fee and change

the requirements to only one exam under Tenn. Comp. R. & Regs. 0780-05-06-.03

10. What were the committee's major accomplishments during Fiscal Year 2018 and to date in Fiscal Year 2019?

- See answer to Question 9.

11. In addition to the promulgation of rules, Section 62-28-211, *Tennessee Code Annotated*, enumerates various powers and duties to be carried out by the Commissioner of Commerce and Insurance under advisement from the committee. Please specify which of these powers and duties have been accomplished and the role taken by the committee in each.

- Currently there is no Advisory Committee per the discretionary language of T.C.A. § 62-18-210. The program is administered through the centralized boards program in the Division of Regulatory Boards. The Assistant Commissioner for Regulatory Boards acts as the Commissioner's designee in administering the program.

12. Has the Commissioner of the Department of Commerce and Insurance prepared a roster showing the names and places of business of all licensed soil scientists and filed copies of the roster with the Secretary of State per the requirements of Section 62-18-214, *Tennessee Code Annotated*? Is this roster furnished to any licensee, free of charge, or to the public upon request and payment of a fee? What is the amount of the fee?

- The roster is available and furnished to anyone free of charge, and since this reminder, has been filed with the Secretary of State.

13. Has the Commissioner of the Department of Commerce and Insurance promulgated a code of professional ethics as required in Section 62-18-215, *Tennessee Code Annotated*? Has the code of professional ethics been made available to every licensee and applicant for licensure? Please provide a link to or copy of this code of professional ethics.

- Yes. The Department promulgated a code of professional ethics via Tenn. Comp. R. & Regs. 0780-05-06-.10 [CODE OF ETHICS] which can be found via the following link: [Code of Ethics](#). The code has been made available to every applicant and licensee via the program's website at the following: <https://www.tn.gov/commerce/regboards/soil.html>

14. Per Section 62-18-216, *Tennessee Code Annotated*, any person may file a written complaint against a licensee alleging fraud, deceit, gross neglect, incompetence, or

misconduct. Please provide information about the number and type of complaints that have been filed Fiscal Year 2018 and to date in Fiscal Year 2019.

- This program had zero complaints filed in fiscal year 2018 or 2019. Anyone from the public, or the industry, could file a complaint via the online complaint process that applies to all regulatory boards.

15. How many applications for certificates of licensure did the board receive in Fiscal Year 2018 and to date in Fiscal Year 2019? Of those, how many were granted? How many were denied, and what was the primary reason for denial? What is the fee for a certificate of licensure?

- Fiscal Year 2018 = 1 application resulting in licensure, no denials
- Fiscal Year 2019 = 3 applications resulting in 3 licensures, none denied so far.
- The licensure fee is \$400

16. How many certificates of licensure were revoked under the provisions of Section 62-18-217, *Tennessee Code Annotated*? Please provide information about reason for revocation, suspension, or nonrenewal and relevant information regarding the administrative and judicial review process utilized. Were any certificates of licensure that were previously revoked renewed after the applicant showed good cause to justify reissuance?

- None

17. Please provide an explanation of any actions taken under the provisions of 62-18-219, *Tennessee Code Annotated*, regarding any disciplinary actions taken and/or penalties assessed in Fiscal Years 2018 and to date in Fiscal Year 2019.

- None

18. What reports does the committee prepare concerning its activities, operations, and accomplishments? Who receives copies of these reports? Please provide a link to any such reports issued in Fiscal Year 2018 and to date in Fiscal Year 2019.

- The Disciplinary Action Report is prepared monthly for all regulatory boards and published on the websites available to the public.

19. Please describe any items related to the committee that require legislative attention and your proposed legislative changes.

- None at this time.

20. Should the committee be continued? To what extent and in what ways would the absence of the committee affect the public health, safety, or welfare of the citizens of Tennessee?

- The creation of an advisory committee is at the discretion of the Commissioner pursuant to T.C.A. § 62-18-210. The licensure of soil scientists is the responsibility of the Commissioner pursuant to T.C.A. § 62-18-211. A determination of the propriety of the continuance of the Commissioner to have the discretion to appoint members of a committee is best left to the discretion of the legislature. Having no complaints filed in fiscal year 2018 and 2019, there has not been action by the program to resolve any issues affecting the public health, safety, or welfare of the citizens of Tennessee. The continuance of the program is also best left to the discretion of the legislature.