

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number _____

Soil 300

1. Agency Name & Address:

**Board of Natural Scientists
c/o Office of Professional
Licensure & Certification
7 Eagle Square
Concord, NH 03301**

2. RSA Authority:

**RSA 310-A:82, II & III;
RSA 310-A:86, I; RSA 310-
A:92, I (g) and (h)**

3. Federal Authority:

n/a

4. Type of Action:

Adoption _____

Repeal _____

Readoption X

Readoption w/amendment _____

X5. Short Title: **Certification Requirements**

6. (a) Summary of what the rule says and of any proposed amendments:

The intended action of the Natural Scientist Board is to adopt sections of Soil 300 which expired 3/11/2019 and readopt with amendment sections of Soil 300 as follows:

Adopt Soil 301.01 describing the application process to become a Soil or Wetland Scientist Apprentice including all required documentation, the applicant's responsibility, and the Boards processing of the completed application. The adoption is being modified from the expired rule by specifying each item for submission with the application forms for both the apprentice wetland and soil scientist and the wetland and soil scientist;

Soil 301.02 describing the content of the "Application for Initial N.H. Certification as a Soil Scientist" and the "Application for Certification as a Soil or Wetland Scientist Apprentice. The rule is being readopted with amendment to remove all items listed on the previous form and creating 2 forms one for the Soil or Wetland Scientist Apprentice and one for Soil and Wetland Scientist;

Adopt Soil 301.03 describing how fees shall be paid. The adoption is being modified from the expired rule by removing cash from the forms of payments that are acceptable;

Adopt Soil 301.04 describing the fees for certification, examination, and renewal of Soil or Wetland Scientist Apprentices and Soil and Wetland Scientists. The adoption is being modified from the expired rule by increasing fees for certification from \$125.00 to \$155.00, increasing apprentice certification fees from \$75.00 to \$75.50, increasing biennial renewal and reinstatement fees from \$120.00 to \$155.00, and removing the written examination fee;

Soil 301.06 describing the "Professional Reference Form" and who completes the form and is being readopted with amendment by listing what information that is contained on the "Professional Reference Form" in the rule;

Adopt Soil 301.08, expired on 3/11/2019, describing the additional references required if the original references are unclear. The adoption is being modified from the expired rule by renumbering it as Soil 301.06 from Soil 301.08;

Adopt Soil 301.07 describing the additional references required if the original references are unclear. The adoption is being modified from the expired rule by renumbering as Soil 301.07 from Soil 301.08;

Adopt Soil 302.01 describing the candidate requirements for a soil scientist. The adoption is being modified from the expired rule by adding the requirement that the candidate for certification meet the requirements established by RSA 310-A:84II(a), clarify which law pertains to wetland or soil scientist apprentice, and remove the requirement form personal appearance before the Board to clarify information contained in the of education and experience;

Adopt Soil 302.02 describing experience requirements. The adoption is being modified from the expired rule by clarifying that this section pertains to the soil scientist candidate experience and updating the Standards of the National Cooperative Soil Survey's to the most current editions;

Adopt Soil 302.02 describing the additional requirements. The adoption is being modified from the expired rule by clarifying that this section pertains to soil scientist candidate education requirements, removing the citation to the soil course under RSA 310-A:84, (a) and (b) and listing the required educational requirements;

Adopt 302.04 describing experience requirements. The adoption is being modified from the expired rule by clarifying that this section refers to the wetland scientist experience requirements, changing the 6 required plans to maps, clarifying how the requirements for each map;

Adopt 302.05 describing additional requirements. The adoption is being modified from the expired rule by clarifying that this section pertains to the wetland scientist candidate mapping and education. The adoption is being modified from the expired rule by changing plans to maps;

Adopt Soil 303.01 describing the examination requirements for soil scientist candidates. The adoption is being modified from the expired rule by removing the requirement for the for the written exam to be administered by the Board and requiring it be administered by an outside exam company obtained through the State of NH RFP process and require a passing score on the written exam of at least 70% before taking the field exam;

Adopt Soil 303.02 describing examination requirements for the wetland scientist candidate. The adoption is being modified from the expired rule by describing the notification of eligibility to sit for the examination, the requirement to pass the written potion of the exam before being eligible to take the field portion of the examination, and requiring the exam be administered by an outside exam company obtained through the State of NH RFP process;

Adopt Soil 303.03 describing the reexamination for those who failed to pass the examination. The adoption is being modified from the expired rule by clarifying that this section applies to both the written and field portions of the examination, those that fail the written exam shall retake the exam by applying directly to the exam company and take the written portion in either March or July, those that fail the field portion pay the \$200.00 fee and take the exam in either June or September, clarifying that the limit of taking and failing the exam 3 time before additions requirements applies to both written and field portions of the exam.

Adopt 304.01 describing the certification as a soil or wetland scientist. The adoption is being modified from the expired rule by requiring a certificate be issued to and removing the requirements that that certificate be signed by the chairman and secretary of the Board.

Adopt 304.02 describing the certified soil scientist or wetland scientist pocket card and is not being modified from the expired rule.

Adopt Soil 304.03 describing the authorization to practice as an apprentice. This section is a new section describing what document a soil scientist or wetland scientist apprentice shall receive to practice as an apprentice.

Soil 304.04 describes the soil scientist seal to be affixed to all papers or documents involving the practice of soil science. The adoption is being modified from the expired rule by renumbering from Soil 304.03, removing the requirement to have the seal approved by the Board and changing the pronouns to non-gender specific.

Soil 304.05 describes the wetland scientist seal to be affixed to all papers or documents involving the practice of wetland science. The adoption is being modified from the expired rule by renumbering from Soil 304.04, removing the requirement to have the seal approved by the Board and changing the pronouns to non-gender specific.

Soil 305 describes rejections of an application. The adoption is being modified from the expired rule by renaming the part as Board Denial of an application for Certification.

6. (b) Brief description of the groups affected:

This proposal affects are those individuals who wish to become a soil or wetland scientist apprentice and those individuals applying for certification as a soil or wetland scientist.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Statute Implemented
Soil 301.01	RSA 310-A:82, I, 310-A:86
Soil 301.02	RSA 310-A:82, I, 310-A:86
Soil 301.03	RSA 310-A:92, I (g)
Soil 301.04	RSA 310-A:82, V, RSA 310-A:92
Soil 301.05 (formerly Soil 301.06)	RSA 310-A:82, I, II, 310-A:86
Soil 301.07 (repealed)	RSA 310-A:82, I, II, 310-A:86
Soil 301.06 (Formerly Soil 301.08)	RSA 310-A:82, I, II, 310-A:86
Soil 302.01	RSA 310-A:84, I, II, 310-A:85
Soil 302.02	RSA 310-A:84, II and RSA 310-A:86
Soil 302.03	RSA 310-A:84, II and RSA 310-A:86
Soil 302.04	RSA 310-A:82, RSA 310-A:84 II-a, II-b
Soil 302.05	RSA 310-A:82, RSA 310-A:84, II-a, II-b
Soil 303.01	RSA 310-A:82, III, RSA 310-A:84 I
Soil 303.02	RSA 310-A:82, III, 310-A:84, II-a
Soil 303.03	RSA 310-A:82, III, RSA 310-A:84, I, II & III
Soil 304.01	RSA 310-A:87
Soil 304.02	RSA 310-A:87
Soil 304.03	RSA 310-A:87
Soil 304.04	RSA 310-A:87
Soil 305.01	RSA 310-A:82, I, RSA 310-A:84

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Tina M. Kelley**

Title: **Program Specialist IV**

Address: **Office of Professional
Licensure and Certification
7 Eagle Square
Concord, NH 03301**

Phone #: **(603) 271-5247**

Fax#: **None**

E-mail: **OPLC-Rules@oplc.nh.gov**

TTY/TDD Access: Relay NH 1-800-735-2964 or
dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **September 4, 2023 at 4:00 p.m.**

☐ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Friday, August 23, 2023 at 9:30 a.m.**

Place: **Office of Professional Licensure and Certification
7 Eagle Square
Concord NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 23:110, dated 6/1/2023

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in costs when comparing the proposed rules to the existing rules.
Not applicable to the various rules which expired in March 2019.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

When compared to the expired rules, the proposed rules will increase revenue to the State Office of Professional Licensure and Certification Fund (OPLC Fund) and cost to citizens and independently owned businesses subject to the proposed fees. A comparison of the fees is presented in the table below.

	Expired Fee	New Fee	Change	# of Applicants	Fiscal Impact
Certification of a Soil and Wetland Scientist	\$ 125.00	\$ 150.00	\$ 25.00	18	\$ 450.00
Certification of a Soil and Wetland Apprentice	\$ 75.00	\$ 77.50	\$ 2.50	5	\$ 12.50

	Expired Fee	New Fee	Change	# of Applicants	Fiscal Impact
Biennial Renewal for Soil and Wetland Scientist	\$ 120.00	\$ 155.00	\$ 35.00	85	\$ 2,975.00
Soil Scientist and Wetland Written Examination	\$ 125.00	\$ -	\$ (125.00)	6	\$ (750.00)
Soil Scientist and Wetland Field Examination	\$ 200.00	\$ 200.00	\$ -	6	\$ -
Replacement Certification fee*	\$ 50.00	\$ -	N/A	0	N/A
Non-renewal Late Fee*	20% per month	\$ -	N/A	0	N/A
Total Estimated Fiscal Impact					\$ 2,687.50

A. To State general or State special funds:

Revenues to the OPLC fund will increase by the amount estimated above. There is no direct impact on the State general fund, however after paying all costs and salaries associated with the office, moneys in the OPLC fund lapse to the general fund at the close of each biennium.

B. To State citizens and political subdivisions:

State citizens subjects to the proposed rules will pay an increase on certain fees while also benefiting from the elimination of the written examination fee. There is no impact to political subdivisions.

C. To independently owned businesses:

Independently owned business will be impacted if they chose to pay certification, renewal, or reinstatement fees for employees.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

These rules do not violate Part I, Article 28-a of the New Hampshire Constitution. These rules do not mandate or assign this program to any political subdivision in any way.