

**LOUISIANA DEPARTMENT OF AGRICULTURE AND FORESTRY
LEGISLATIVE OVERSIGHT REPORT**

RE: Horticulture Commission--Licensure or Permitting Fees (LAC 7:XXIX.109)

This report is submitted electronically to the President of the Senate, Speaker of the House of Representatives, and the Senate and House Committees on Agriculture, Forestry, Aquaculture and Rural Development, in accordance with R.S. 49:968 regarding the intent of the Department of Agriculture and Forestry, through the Horticulture Commission, to take the proposed action with regard to the above cited rule.

I. THE PROPOSED ACTION

The proposed rule amends LAC 7:XXIX.109 and sets the fees for the issuance or renewal of certain licenses. Under the proposed rule, the fee for issuance or renewal of a license as an arborist, landscape horticulturist, landscape irrigation contractor, landscape architect, retail florist, utility arborist, or wholesale florist will increase from \$75 to \$100. The proposed rule increases the fee for issuance or renewal of a nursery stock dealer permit from \$130 to \$150. The proposed rule increases the fee for issuance or renewal of a cut flower dealer permit from \$70 to \$90. Each of the fees set forth in the proposed rule are authorized by R.S. 3:3806, as amended by Act 202 of the 2015 Regular Session. Finally, the proposed rule provides for a \$25 late fee to be charged after the fifteenth working day after a license or permit has expired. The late fee is also authorized by R.S. 3:3806 and is not a change in the law. Language regarding the late fee is being added to the rule to allow an individual or business to find all fees applicable to them in a single location.

II. THE REASONS FOR THE PROPOSED ACTION

Act 202 of the 2015 Regular Session set forth ranges which may be charged for the issuance or renewal of certain licenses. The proposed rule sets the fee based on the ranges provided by the legislature. The increased revenue generated by this proposed rule will allow the department to cover its costs in regulating the covered industries and in the administrative work and costs associated with issuing the licenses and permits.

Act 202 amended R.S. 3:3806(B) and now provides "[t]he license fee for each professional license which is issued or renewed by the commissioner shall not be less than seventy-five dollars nor more than one hundred fifty dollars per license." The proposed rule sets the fee for issuance or renewal of a license as an arborist, landscape horticulturist, landscape irrigation contractor, landscape architect, retail florist, utility arborist, or wholesale florist at \$100.

Act 202 amended R.S. 3:3806(C) and now provides "[t]he permit fee for each nursery stock dealer's permit which is issued or renewed by the commissioner shall not be less than one hundred thirty dollars nor more than one hundred seventy-five dollars per permit." The proposed rule sets the fee for issuance or renewal of a nursery stock dealer permit at \$150.

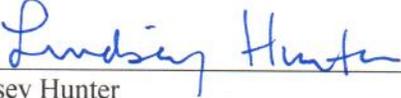
Act 202 amended R.S. 3:3806(D) and now provides "[t]he permit fee for each cut flower dealer's permit which is issued or renewed by the commissioner shall not be less than seventy dollars nor more than one hundred forty dollars per permit." The proposed rule sets the fee for issuance or renewal of a cut flower dealer permit at \$90.

III. STATUTORY AUTHORITY

The proposed action is authorized by R.S. 3:3806 as amended by Act 202 of the 2015 Regular Session.

IV. ATTACHMENTS

- A. The proposed action coded with any new rule or language underscored and with language to be deleted from an existing rule in struck-through type.
- B. A copy of the fiscal and economic impact statement approved by the Legislative Fiscal Office.
- C. A copy of the Notice of Intent filed with the State Register.



Lindsey Hunter
General Counsel, LDAF



Date of signature