LOUISIANA DEPARTMENT OF AGRICULTURE AND FORESTRY
LEGISLATIVE OVERSIGHT REPORT

RE: Honey Bees, Apiaries and Fire ant Regulations (LAC 7:XXIX.501-519; 701-725)

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 to take the proposed action with regard to the above cited rules.

I. THE PROPOSED ACTION

Rule 501 is being amended to remove definitions that are not used in this Chapter and/or which conflict with La. R.S. 3:2301-2311. Additional definitions have been added to bring clarity to this Chapter. Rule 503, regarding the movement of bees and regulated articles into Louisiana, is being amended to remove language that restates the substance of R.S. 3:2306 regarding shipment of bees or beekeeping equipment into the state. Rule 505, regarding interstate movement of supers and frames used in shipping honey, is being amended to make the rule easier to read. Rule 507, regarding annual registration of beekeepers and permit types, is being amended because the registration requirements, types of permits and fees are already provided for in R.S. 3:2305. The proposed rule sets forth the differences between a Class A and Class B beekeeper. The proposed rule places a mileage restriction on Class B beekeepers as a potential means to prevent the spread of pests and diseases among bees and apiaries. Rule 509, regarding the authority of LDAF personnel to enter premises for the purpose of determining whether a violation of law is occurring, is being amended to clarify, and not repeat, R.S. 3:2308. Rule 511, regarding applications for inspection clarifies that the intrastate relocation of bees or regulated articles does not require a certificate of inspection unless the bees or regulated articles are being moved from an area under quarantine. However, if a person desires to have a certificate of inspection, Rule 511 sets forth the procedure for obtaining such a certificate. Rule 513(A) regarding the issuance and use of certificates of inspection by LDAF is being amended to make the regulation easier to read. Rule 513(B) is being amended because the stricken language is more correctly placed in Rule 517 regarding eradication measures. Rule 513(C) is being added to allow LDAF discretion in issuing certificates of inspection if the colony or apiary is unregistered with the department, the applicant owes fees or fines to the department, the apiaries are not properly marked. The amendment to Rule 517 regarding eradication measures requires all persons who know of an infestation or infection of bees or regulated articles to report such information to the department. The proposed rule, like the current rule, addresses how a beekeeper must treat a hive with American Foulbrood. Language from the current Rule 513 is being moved to the proposed Rule 517 in an attempt to better organize this Chapter Rule 519 sets forth the penalties for violating apiary law and regulations and also provides for the adjudicatory process. This rule is being repealed because penalties and enforcement are addressed by La. R.S. 3:2310.

Chapter 7 of LAC 7:XXI is being repealed in its entirety (Rules 701-725) because our state is subject to a federal quarantine on fire ants and therefore, authorization for a state quarantine is no longer necessary. This is a repeal of regulations that are no longer used by the department.

II. THE REASONS FOR THE PROPOSED ACTION

The rules regarding honey bees and apiaries have not been amended since they were promulgated in 1985. It is the intent of these amendments to (1) make the rules easier to read; and (2) remove redundancies and strike language that is restated from La. R.S. 3:2301-2311.

III. STATUTORY AUTHORITY

The amendments referenced above are authorized by R.S. 3:2301-2311. More specifically, Rule 503 is authorized pursuant to R.S. 3:2303 and 3:2306; Rule 505 is authorized pursuant to R.S. 3:2303; Rule 507 is authorized pursuant to R.S. 3:2303 and 2305; Rule 509 is authorized pursuant to R.S. 3:2308; Rule 511 is authorized pursuant to R.S. 3:2303 and 2307; Rule 513 is authorized pursuant to R.S. 3:2303, 2306-2307; Rule 515 is authorized pursuant to R.S. 3:2303 and 2304 and Rule 517 is authorized pursuant to R.S. 3:2304 and 3:2308. The repeal of the fire ant regulations is authorized by R.S. 3:2351.

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

Lindsey Hunter
General Counsel, LDAF

12/10/15
Date of signature