

1/8/20

Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed amendment to LAC 7:XXIX.113 adds language that addresses cheating on professional licensing exams and ensures that persons who cheat on exams know the consequences of their actions.

The proposed amendments to LAC 7:XXIX.115 and 117 to repeal the requirement that licensees or permittees selling sod in quantities of two pallets or 100 square yards or more provide a completed form to the consumer at the time of sale, indicating the type and class of sod. These rules and regulations were originally enacted to provide protection for the consumer when purchasing sod. The Department of Agriculture and Forestry ("Department") and the Horticulture Commission have determined that this requirement is no longer necessary to protect the consumer as consumer protections are adequately addressed in LAC 7:XXIX.117(F)(1), which regulates sod quality offered for sale by nursery stock dealers, and by routine inspections performed by the Department pertaining to sod quality.

- B. Summarize the circumstances, which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

The Department and the Horticulture Commission have determined that exam regulations are needed to address cheating on professional licensing exams. Promulgating rules for horticultural professional exams will provide uniformity among other professional certification exams offered by the Department.

The Department and the Horticulture Commission have determined that requiring licensees or permittees to indicate the type and class sod on a form for the consumer is no longer necessary. The form was created in the mid-'90s to address poor quality sod imported into Louisiana from neighboring states. In many instances, sod was found to include pasture grass which presented issues to the end consumer. The sod classification form was created by the Horticulture Commission to address the problem by requiring licensees and permittees to indicate on the form the type and class sod purchased, so the consumer would know the quality of sod they were buying or installing. The Horticulture Commission has determined that existing regulations in the Horticulture Law 3:3801 et seq. provide for inspections to prevent the sale of poor quality sod.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

The proposed rule will not result in an Increase in the expenditure of funds.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) _____ Yes. If yes, attach documentation.

(b) _____ NO. If no, provide justification as to why this rule change should be published at this time.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

It is not anticipated that implementation of the proposed rule will result In an Increase or decrease of costs.

COSTS	FY 20	FY 21	FY 22
Personal Services			
Operating Expenses			
Professional Services			
Other Charges			
Equipment			
Major Repairs & Constr.			
TOTAL	\$0	\$0	\$0
POSITIONS (#)			

2. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

It is not anticipated that the proposed rule will have a direct material effect on governmental expenditures.

3. Sources of funding for implementing the proposed rule or rule change.

It is not anticipated that the proposed rule will require any direct or indirect material funding.

SOURCE	FY 20	FY 21	FY 22
State General Fund			
Agency Self-Generated			
Dedicated			
Federal Funds			
Other (Specify)			
TOTAL	\$0	\$0	\$0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

It is not anticipated that the proposed rule will require any funds to implement.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

It is not anticipated that the proposed rule will have an impact on local governmental units.

2. Indicate the sources of funding of the local governmental unit, which will be affected by these costs or savings.

Not applicable.

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WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/DECREASE	FY 20	FY 21	FY 22
State General Fund			
Agency Self-Generated			
Dedicated Funds*			
Federal Funds			
Local Funds			
TOTAL	\$0	\$0	\$0

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

Not Applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS

- A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

Any applicant found to be cheating on an examination for licensure as an arborist, landscape horticulturist, landscape irrigation contractor, retail florist, utility arborist, landscape architect, or wholesale florist would be directly affected by the proposed rule. Any applicant found to be cheating shall not be allowed to take or re-take any examination for three years. As a result, the proposed rule may impact an applicant found to be cheating of income gain from being licensed in any of the aforementioned professions.

Anyone who hold a landscape horticulturist license, landscape architect license, or nursery grower permit would be directly affected by the proposed rule that repeals requirement of providing a form indicating the type and class of sod to consumers at the time of sale. As a result, the proposed rule is anticipated to result in a reduction in additional paperwork.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

It is not anticipated that the proposed rule will have a direct material effect on the revenues of any group.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

It is anticipated that the implementation of this proposed rule will not have an effect on competition and employment in either the public or private sector.