

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

**RE: Office of Agricultural and Environmental Sciences;
Horticulture Commission
Examinations, Administration, Sod Quality and Classification Form
(LAC 7:XXIX.113, 115, and 117)**

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 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 These rules and regulations were originally enacted to provide protection for the consumer when purchasing sod.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.

II. THE REASONS FOR THE PROPOSED ACTION

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.

III. STATUTORY AUTHORITY

The proposed rules are being promulgated pursuant to the authority set forth in R.S. 3:3801(F)

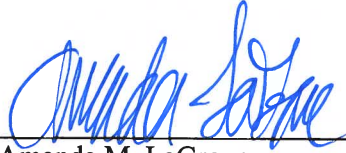
IV. ATTACHMENTS

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.



Amanda M. LaGroue
Attorney, LDAF
Office of Agricultural and Environmental Sciences



Date of signature