

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

**RE: Office of Agricultural and Environmental Sciences; Horticulture Commission
Professional and Occupational Standards and Requirements (LAC 7:XXIX.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 and the Louisiana 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.117 by expressly stating that an arborist, utility arborist and landscape irrigation contractor must maintain insurance coverage and that failure to do so may constitute a violation of the horticulture rules and regulations. Current regulation requires an arborist, utility arborist and landscape irrigation contractor to obtain insurance prior to licensure and to show proof of insurance prior to license renewal. Although the department and Horticulture Commission have consistently interpreted the current laws and rules to require continued insurance coverage, the proposed amendment expressly states the requirement and removes any confusion over the requirement for ongoing, continuous insurance coverage.

In addition, the proposed rule changes the word “must” to “shall” throughout Rule 117 for consistency.

II. THE REASONS FOR THE PROPOSED ACTION

The proposed rule is necessary to give the department a specific rule to cite as a violation when an arborist, utility arborist or landscape irrigation contractor is operating without the required insurance.

III. STATUTORY AUTHORITY

The proposed action is authorized R.S. 3:3801, which gives the Horticulture Commission the authority to adopt such rules and regulations “to govern the qualifications and practices of persons engaged in the professions and occupations regulated by the commission” and R.S. 3:3808, which sets forth the terms and conditions for licenses in the horticulture field and provides that “[e]ach person licensed under the provisions of this Chapter shall meet the professional standards determined by the commission for each profession”

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.



Ansel Rankins, Director, Horticulture & Quarantine Programs



Date of Signature