

HOUSE COMMITTEE AMENDMENTS

2018 Regular Session

Amendments proposed by House Committee on Agriculture, Forestry, Aquaculture, and Rural Development to Original House Bill No. 561 by Representative Emerson

1 AMENDMENT NO. 1

2 On page 1, line 2, after "(introductory paragraph)" insert "and (5) and (C)(2), 3805, 3806(E)
3 through (H), and 3808(I) through (P), to enact R.S. 3:3804(B)(3), 3806(I), and 3808(Q),"

4 AMENDMENT NO. 2

5 On page 1, line 3, after "3:3801" delete "(A)(5) and (6) and (C)(2) and (3)," and insert in lieu
6 thereof "(A)(6) and (C)(3),"

7 AMENDMENT NO. 3

8 On page 1, line 7, after "florists;" and before "to" insert "to establish the occupation of and
9 requirements for floral dealers;"

10 AMENDMENT NO. 4

11 On page 1, line 10, after "(introductory paragraph)" and before "hereby" delete "is" and
12 insert "and (5) and (C)(2), 3805, 3806(E) through (H), and 3808(I) through (P) are"

13 AMENDMENT NO. 5

14 On page 1, at the beginning of line 11, insert "and R.S. 3:3804(B)(3), 3806(I), and 3808(Q)
15 are hereby enacted"

16 AMENDMENT NO. 6

17 On page 1, delete line 16 in its entirety and in lieu thereof insert the following:

18 * * *
19 (5) A ~~licensed retail florist~~ floral dealer.
20 * * *

21 C. The following members shall be appointed by the commissioner, subject
22 to confirmation of the Senate, and shall serve terms of four calendar years beginning
23 with the year of appointment in accordance with the following provisions:

24 * * *
25 (2) The ~~licensed retail florist~~ floral dealer shall be appointed during the
26 second year of each administration from a list of three persons nominated by the
27 Louisiana State Florists Association, Inc.

28 * * *
29 §3804. Regulation of professions and occupations
30 * * *

31 B. The commission shall regulate the following occupations:
32 * * *

33 (3) Floral dealer.
34 * * *

35 §3805. Applications
36 Each application to take an examination and each application for a license or
37 permit shall be in writing and shall be on forms which shall be prescribed by the
38 commission. Each application shall be accompanied by the appropriate fee and by
39 such documents as the commission may require. Each applicant shall indicate on the
40 application the street address of his residence and the street address of his place of

1 business. If the residence or place of business does not have a street address, the
2 applicant shall provide sufficient information to establish the physical location of the
3 residence or place of business. Each applicant for a nursery stock ~~dealer's permit~~
4 dealer, ~~or a cut flower dealer's dealer~~, or floral dealer permit shall have an identifying
5 sales tax number issued by the secretary of revenue and taxation and shall indicate
6 that number on the application.

7 * * *

8 §3806. Fees

9 * * *

10 E. The permit fee for each floral dealer's permit which is issued or renewed
11 by the commissioner shall not be less than seventy dollars nor more than one
12 hundred forty dollars per permit.

13 E. F. In addition to the fees provided for in Subsections B, C, ~~and D~~, and E
14 of this Section, each applicant who applies for the renewal of a license or permit
15 more than fifteen working days after his license or permit has expired shall pay a late
16 fee of twenty-five dollars for each late application.

17 F. G. The fees established in this Section shall not be refundable except
18 under such conditions as the commission may establish.

19 G. H. (1) All assessments, fees, penalties, and all other funds received under
20 the provisions of this Chapter, subject to the exceptions contained in Article VII,
21 Section 9 of the Constitution of Louisiana, shall be deposited immediately upon
22 receipt into the state treasury and shall be credited to the Bond Security and
23 Redemption Fund.

24 (2) Out of the funds remaining in the Bond Security and Redemption Fund
25 after a sufficient amount is allocated from that fund to pay all obligations secured by
26 the full faith and credit of the state which become due and payable within any fiscal
27 year, the treasurer, prior to placing the remaining funds in the state general fund,
28 shall pay an amount equal to the total amount of funds paid into the state treasury
29 under the provisions of this Chapter into a special fund which is hereby created in
30 the state treasury and designated as the Horticulture and Quarantine Fund.

31 (3) All unexpended and unencumbered monies in the fund at the end of the
32 fiscal year shall remain in the fund. The state treasurer shall invest monies in the
33 fund in the same manner as monies in the state general fund. All interest earned on
34 monies from the fund invested by the state treasurer shall be deposited in the fund.

35 (4) Subject to appropriation, the monies in the fund shall be used for the
36 following purposes:

37 (a) To provide for the expenses of the program established by this Chapter
38 and the expenses of the office of agricultural and environmental sciences, as
39 determined by the commissioner.

40 (b) To fund any and all costs related to the purposes of this Chapter and to
41 carrying out the powers and duties granted the commission and the commissioner
42 under this Chapter.

43 H. I. The commission is authorized to promulgate rules and regulations, in
44 accordance with the Administrative Procedure Act, necessary to implement the
45 provisions of this Section.

46 * * *

47 §3808. Terms and conditions of licenses and permits

48 * * *

49 I. A cut flower dealer's permit authorizes the holder to ~~do any of the~~
50 following:

51 ~~(1) Sell~~ sell cut flowers either singly or in bunches, or both. However, the
52 holder of a cut flower permit may not sell cut flowers within three hundred feet of
53 the place of business of another person engaged in the ~~profession of retail florist~~.
54 occupation of floral dealer.

55 ~~(2) Operate under that permit a vending machine for the sale of cut flowers~~
56 ~~and floral design in accordance with the provisions of this Chapter and the rules and~~
57 ~~regulations adopted pursuant to this Chapter, if the holder is engaged in the~~
58 ~~profession of retail florist.~~

1 J. A floral dealer's permit authorizes the holder to sell cut flowers and
 2 ornamental plants in pots. Each person engaged in the occupation of floral dealer
 3 may operate a vending machine at a location remote from the individual's place of
 4 business for the sale of cut flowers, subject to all of the following requirements:

5 (1) No permittee shall operate more than five vending machines at any time.

6 (2) The permittee shall obtain a floral dealer's permit for each vending
 7 machine.

8 (3) The cut flowers sold from the vending machine shall be inspected at the
 9 owner's place of business prior to placement in the vending machine.

10 (4) The vending machine is monitored in person or electronically by an
 11 employee of the business at least once each business day and serviced as needed.

12 (5) The permittee shall not operate vending machines outside the parish more
 13 than twenty-five miles beyond their place of business.

14 ~~J. K.~~ Each person issued a permit ~~under~~ pursuant to the provisions of this
 15 Chapter shall meet the occupational standards determined by the commission for
 16 each occupation and shall notify the commission of each change in the address of the
 17 permit holder.

18 ~~K. L.~~ Each person who holds a valid Louisiana Nursery Certificate Permit
 19 may use that permit in lieu of a nursery stock dealer's permit, or a cut flower dealer's
 20 permit, or both, at any one outlet.

21 ~~L. M.~~ Each nursery stock dealer and cut flower dealer shall secure an
 22 appropriate permit for each outlet operated by the dealer.

23 ~~M. N.~~ Each license and permit issued ~~under~~ pursuant to the provisions of this
 24 Chapter shall expire on January thirty-first of each year and may be renewed in
 25 accordance with rules adopted by the commission.

26 ~~N. O.~~ Each holder of a license or permit issued ~~under~~ pursuant to the
 27 provisions of this Chapter shall present such license or permit upon demand of any
 28 authorized agent of the horticulture commission.

29 ~~O. P.~~ Utility arborists shall be subject to the following provisions:

30 (1) A utility arborist's license authorizes the holder thereof to recommend or
 31 execute the removal of trees or portions of trees along utility rights of way.

32 (2) For license renewal, each utility arborist is required to attend a continuing
 33 training seminar as determined by rule by the commission.

34 ~~P. Q.~~ Landscape irrigation contractors shall be subject to the following
 35 provisions:

36 (1) Notwithstanding any other law to the contrary, a landscape irrigation
 37 contractor's license authorizes the holder to construct, install, connect, repair,
 38 maintain, improve, or alter any portion of a landscape irrigation system, including
 39 the required wiring within that system, and to install and connect the landscape
 40 irrigation system to the required power supply and to a public or private water supply
 41 system.

42 (2) For license renewal, each landscape irrigation contractor shall obtain
 43 continuing training as determined by rule of the commission.

44 (3) He shall request and be issued any necessary permits from any governing
 45 authority.

46 (4) Prior to connecting to a public or private water supply system, a licensed
 47 landscape irrigation contractor shall obtain a water supply protection specialist
 48 endorsement from the State Plumbing Board. The State Plumbing Board shall issue
 49 a special endorsement of a water supply protection specialist to any licensed
 50 landscape irrigation contractor who completes the training required by the State
 51 Plumbing Board as provided for in R.S. 37:1368(H)(1); however, neither a
 52 journeyman plumber's license nor a master plumber's license shall be required.

53 (5) Backflow prevention devices shall be installed in accordance with the
 54 provisions of Part XIV of the Louisiana State Sanitary Code by a person holding a
 55 water supply protection specialist endorsement.

56 (6) Nothing in this Subsection shall permit any licensed landscape irrigation
 57 contractor to perform any electrical or plumbing services not provided for in this
 58 Subsection, for which a license is required from any other regulatory board. Nothing
 59 in this Subsection shall prohibit a licensed electrician or plumber from providing

1 electrical or plumbing services necessary to make or keep an irrigation system
2 operational.

3 AMENDMENT NO. 7

4 On page 1, line 17, delete "R.S. 3:3801(A)(5) and (6) and (C)(2) and (3)" and insert "R.S.
5 3:3801(A)(6) and (C)(3)"