
DIGEST

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HB 372 Original

2018 Regular Session

Connick

Abstract: Creates the Occupational Board Compliance Act.

Occupational Board Compliance Act

Proposed law creates the Occupational Board Compliance Act.

By establishing and executing the policies provided in proposed law, the state intends to ensure that occupational licensing boards and board members will avoid liability under federal antitrust laws.

Proposed law defines the following terms: "active market participant", "active supervision", "certification", "commission", "least restrictive regulation", "occupational license", "occupational licensing board", "occupational regulation", "personal qualifications", "registration", and "state policy".

For occupational regulations promulgated by occupational licensing boards, proposed law provides each of the following as policy of this state:

- (1) The increase of economic opportunities for all of La. citizens by promoting competition and thereby encouraging innovation and job growth.
- (2) Use of the least restrictive regulation necessary to protect consumers from present, significant, and substantiated harms that threaten public health and safety.

Occupational Licensing Review Commission

Proposed law creates the Occupational Licensing Review Commission to be composed of the governor, the secretary of state, and the attorney general or his respective designee. Establishes the governor as the chairman of the commission and the secretary of state as the secretary.

Proposed law requires the commission to meet quarterly and at such other times as meetings may be called by the chair. Provides a majority of the members constitutes a quorum at any meeting. Further provides any final action taken by the commission requires the affirmative vote of a majority of the members.

Proposed law requires the office of the governor to provide such support of the commission

necessary to accomplish the purposes of proposed law, including but not limited to research and clerical assistance. Requires any department, division, board, bureau, commission, or agency of the state to provide, at the request of the chair of the commission, such assistance and data as will enable the commission to carry out its duties.

Proposed law establishes the commission's responsibility for active supervision of state executive branch occupational licensing boards controlled by active market participants to ensure compliance with state policy in the adoption of occupational regulations promulgated by an occupational licensing board. Active supervision described in proposed law does not extend to individual disciplinary actions taken or imposed by an occupational licensing board as to any active market participant subject to the jurisdiction of the occupational licensing board.

Proposed law requires an occupational licensing board to submit any proposed occupational regulation to the commission before the occupational licensing board files the occupational regulation in the office of the secretary of state, if the occupational regulation is required to be filed in accordance with the Administrative Procedure Act (hereinafter, "APA"), or before the occupational regulation becomes effective, if filing is not required.

Proposed law requires the commission to issue resolutions necessary to effectuate the provisions of proposed law, including the process, procedures, and timelines that will govern any submission filed in accordance with proposed law.

The provisions of proposed law are not be interpreted to subject the commission to any of the administrative procedures of the APA.

The provisions of proposed law are inapplicable to occupational licensing boards that are not controlled by active market participants.

(Adds R.S. 37:41-46)