HLS 10RS-3765 **ORIGINAL**

Regular Session, 2010

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HOUSE CONCURRENT STUDY REQUEST NO. 5

Approved 6-14-10

BY REPRESENTATIVE ELLINGTON

ADMINISTRATION: Requests a study of whether a regulatory agency should provide a regulated person or business with notification of a deficiency and an opportunity to correct the deficiency prior to a finding of a violation

A CONCURRENT STUDY REQUEST

2	To the House Committee on House and Governmental Affairs and the Senate Committee on
3	Senate and Governmental Affairs to meet and to function as a joint committee to
4	study whether a regulatory agency should provide a regulated person or business
5	with notification of a deficiency and an opportunity to correct the deficiency prior
6	to a finding of a violation, and to report the findings of the joint committee to the
7	legislature prior to the convening of the 2011 Regular Session of the Legislature of
8	Louisiana.
9	WHEREAS, there are a number of state departments, agencies, boards, and
10	commissions that exercise regulatory authority over certain segments of society, including
11	professions and occupations, and that are required to perform inspections; and
12	WHEREAS, such regulatory agencies have the authority to determine based on the
13	findings of the inspections whether a person or business has violated applicable regulations
14	and to impose penalties; and
15	WHEREAS, providing a regulated person or business notification of a deficiency and
16	an opportunity to correct the deficiency prior to a finding of a violation could be a valuable
17	regulatory enforcement alternative where the deficiency was not committed intentionally,
18	is correctable within a reasonable period of time, is not evidence of a pattern of
19	noncompliance, and does not pose a risk to any person or the environment or to the public
20	health, safety, or welfare.

THEREFORE, the Legislature of Louisiana requests the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs to meet and to function as a joint committee to study whether a regulatory agency should provide a regulated person or business with notification of a deficiency and an opportunity to correct the deficiency prior to a finding of a violation, and to report the finding of the joint committee to the legislature prior to the convening of the 2011 Regular Session of the Legislature of Louisiana.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Ellington HCSR No. 5

Requests the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs to meet and to function as a joint committee to study whether a regulatory agency should provide a regulated person or business with notification of a deficiency and an opportunity to correct the deficiency prior to a finding of a violation and to report the finding of the joint committee to the legislature prior to the convening of the 2011 R.S.