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**HOUSE COMMITTEE AMENDMENTS**

2021 Regular Session

Amendments proposed by House Committee on Judiciary to Original House Bill No. 398  
by Representative Butler

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1 AMENDMENT NO. 1

2 On page 1, at the end of line 3, delete "board"

3 AMENDMENT NO. 24 On page 1, line 8, after "certification;" and before "and to" insert "to provide for  
5 exemptions;"6 AMENDMENT NO. 37 On page 1, delete line 12 in its entirety and insert "§260. Department of Justice  
8 Occupational Licensing Review Program"9 AMENDMENT NO. 4

10 On page 1, delete lines 13 through 18 in their entirety and insert the following:

11 "A. It is the policy of the state that where the state finds it necessary to  
12 displace competition, occupational licensing boards shall use the least restrictive  
13 regulation to protect the public from present, significant, and substantiated harms  
14 that threaten public health, safety, or welfare. Active state supervision of  
15 occupational regulatory actions is a method of ensuring adherence to this clearly  
16 articulated state policy. By establishing this program, the state intends to ensure that  
17 participating boards and board members will avoid liability under federal antitrust  
18 laws."19 AMENDMENT NO. 5

20 On page 2, delete lines 1 through 7 in their entirety and insert the following:

21 "state, the attorney general shall have the authority to enter into an agreement to  
22 provide active supervision of proposed occupational regulations and proposed anti-  
23 competitive disciplinary actions of a state occupational licensing board. Such active  
24 supervision shall be performed in accordance with this Section and the terms of the  
25 written agreement between the occupational licensing board and the Department of  
26 Justice. Participating licensing boards shall pay to the Department of Justice  
27 annually the amount set forth in the agreement. The dollar amount set forth in the  
28 agreement shall be equal to or less than the number of licensees multiplied by ten."29 AMENDMENT NO. 630 On page 2, delete line 8 in its entirety and insert "C. Participation in the Department of  
31 Justice Occupational Licensing Review Program"32 AMENDMENT NO. 733 On page 2, at the beginning of the line 12, change "37:42" to "37.41"34 AMENDMENT NO. 8

1 On page 2, line 16, after "received" and before the comma "," delete "regarding the proposed  
2 regulation" and insert ", agency response to comments, and the statement of proposed fiscal  
3 impact"

4 AMENDMENT NO. 9

5 On page 2, line 17, after "review" delete the remainder of the line and insert "the substance  
6 of each proposed occupational regulation"

7 AMENDMENT NO. 10

8 On page 2, line 19, after "any" delete the remainder of the line and at the beginning of line  
9 20 delete "Commission" and insert "other applicable law"

10 AMENDMENT NO. 11

11 On page 2, line 21, after "do" and before "of" change "any" to "one"

12 AMENDMENT NO. 12

13 On page 2, after line 29, insert the following:

14 "(5) Compliance with this Subsection shall not be required for emergency  
15 rules adopted pursuant to the Louisiana Administrative Procedure Act, but  
16 emergency rules shall not be used to circumvent active supervision of proposed  
17 occupational regulations. Nothing in this Subsection shall prevent the occupational  
18 licensing board from electing to submit an emergency rule that meets the definition  
19 of occupational regulation for review."

20 AMENDMENT NO. 13

21 On page 3, delete line 1 in its entirety and insert "E.(1) Prior to taking an anti-competitive  
22 disciplinary action,"

23 AMENDMENT NO. 14

24 On page 3, line 2, after "proposed" and before "and" change "discipline" to "action"

25 AMENDMENT NO. 15

26 On page 3, line 4, after "the" and before "proposed" insert "substance of the"

27 AMENDMENT NO. 16

28 On page 3, line 6, after "any" delete the remainder of the line and insert "other applicable  
29 law."

30 AMENDMENT NO. 17

31 On page 3, at the end of line 18, insert the following:

32 "This written explanation shall be considered confidential until the disciplinary  
33 action has become a final determination of the board.

34 (e) All records, writings, accounts, letters, exhibits, data, pictures, drawing,  
35 charts, reports, or photographs shall be considered to be in the custody and control  
36 of the occupational licensing board, and all exemptions contained in R.S. 44:1, et  
37 seq., or any other provision of law shall continue to apply."

1 AMENDMENT NO. 18

2 On page 3, line 20, after "Licensing" and before "Review" delete "Board"

3 AMENDMENT NO. 19

4 On page 4, delete line 10 and insert "(a) Licensed by the occupational licensing board to  
5 which they are appointed, including subspecialties licensed by that board."

6 AMENDMENT NO. 20

7 On page 4, at the end of line 11, change "an" to "that"

8 AMENDMENT NO. 21

9 On page 4, delete line 13 in its entirety and insert the following:

10 "(2) "Active supervision" shall include all of the following duties and  
11 powers:

12 (a) Independent review and evaluation of the substance of the proposed  
13 occupational regulation or the proposed anti-competitive disciplinary action, not  
14 merely the procedures followed to produce it.

15 (b) The ability to approve, reverse, veto, or modify a proposed occupational  
16 regulation or proposed anti-competitive disciplinary action to ensure it complies with  
17 state policy rather than merely a party's individual interests.

18 (c) The ability to obtain the information necessary to perform a proper  
19 evaluation of the occupational board's proposed occupational regulation or the  
20 proposed anti-competitive disciplinary action.

21 (d) A written decision outlining the reasons and rationale for approving,  
22 reversing, vetoing, or modifying the recommended action."

23 AMENDMENT NO. 22

24 On page 4, at the beginning of line 14, change "(2)" to "(3)"

25 AMENDMENT NO. 23

26 On page 4, line 18, after "issue" and before "revoke" change "and" to "or"

27 AMENDMENT NO. 24

28 On page 4, delete lines 20 through 23 and insert the following:

29 "(4) "Occupational regulation" means a rule as defined in the Louisiana  
30 Administrative Procedure Act that has reasonably foreseeable anti-competitive  
31 effects. Any license, permit, or regulation established by a parish, municipality, or  
32 a board not composed of a controlling number of active market participants is  
33 excluded."

34 AMENDMENT NO. 25

35 On page 4, after line 29, add the following:

36 "J. Provisions of this Section shall not apply to the regulation of the practice  
37 of law."