
HOUSE COMMITTEE AMENDMENTS

2021 Regular Session

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

1 AMENDMENT NO. 1

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

3 AMENDMENT NO. 24 On page 1, delete line 12 in its entirety and insert "Department of Justice Occupational
5 Licensing Review Program"6 AMENDMENT NO. 3

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

8 "A. It is the policy of the state that where the state finds it necessary to
9 displace competition, occupational licensing boards shall use the least restrictive
10 regulation to protect the public from present, significant, and substantiated harms
11 that threaten public health, safety, or welfare. Active state supervision of
12 occupational regulatory actions is a method of ensuring adherence to this clearly
13 articulated state policy. By establishing this program, the state intends to ensure that
14 participating boards and board members will avoid liability under federal antitrust
15 laws."16 AMENDMENT NO. 4

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

18 "state, the attorney general shall have the authority to enter into an agreement
19 to provide active supervision of proposed occupational regulations and proposed
20 anti-competitive disciplinary actions of a state occupational licensing board. Such
21 active supervision shall be performed in accordance with this Section and the terms
22 of the written agreement between the occupational licensing board and the
23 Department of Justice. Participating licensing boards shall pay to the Department of
24 Justice annually the amount set forth in the agreement. The dollar amount set forth
25 in the agreement shall be equal to or less than the number of licensees multiplied by
26 ten."27 AMENDMENT NO. 528 On page 2, delete line 8 in its entirety and insert "C. Participation in the Department of
29 Justice Occupational Licensing Review Program"30 AMENDMENT NO. 631 On page 2, at the beginning of the line 12, change "37:42" to "37.41"32 AMENDMENT NO. 733 On page 2, line 16, after "received" and before "to" delete "regarding the proposed
34 regulation," and insert a comma "," and insert "agency response to comments, and the
35 statement of proposed fiscal impact"

1 AMENDMENT NO. 8

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

4 AMENDMENT NO. 9

5 On page 2, line 19, after "any" delete the remainder of the line and at the beginning of line
6 20 delete "Commission" and insert "other applicable law."

7 AMENDMENT NO. 10

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

9 AMENDMENT NO. 11

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

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

17 AMENDMENT NO. 12

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

20 AMENDMENT NO. 13

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

22 AMENDMENT NO. 14

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

24 AMENDMENT NO. 15

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

27 AMENDMENT NO. 16

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

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

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

35 AMENDMENT NO. 17

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

1 AMENDMENT NO. 18

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

4 AMENDMENT NO. 19

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

6 AMENDMENT NO. 20

7 On page 4, delete line 13 in its entirety

8 AMENDMENT NO. 21

9 On page 4, between lines 13 and 14 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 rational 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."