
DIGEST

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HB 360 Original

2024 Regular Session

Melerine

Abstract: Repeals provisions regarding the creation and composition of the Workers' Compensation Advisory Council.

Present law provides that the Workers' Compensation Advisory Council is created within the Louisiana Workforce Commission (LWC).

Present law provides that the council shall consist of 17 members who are domiciled in La. and appointed by the governor to serve at the pleasure of the governor.

Present law provides that to the extent practicable, every organization or entity that provides nominations to the council shall strive for diversity in its appointments on the basis of sex, race, ethnicity, and geography. Present law further provides that each appointment by the governor shall be submitted to the Senate for confirmation.

Present law provides that the council shall be comprised of the following:

- (1) Two council members who are representatives of labor and who are presently or formerly affiliated with labor and residing and working in La.
- (2) Two council members who are representatives of business interests in La.
- (3) One member who is a representative of self-insured industries in La.
- (4) One member who is an attorney licensed to practice law in La. and who has previously represented employers in workers' compensation claims.
- (5) One member who is an attorney licensed to practice law in La. and who has previously represented claimants in workers' compensation claims.
- (6) One member who is a representative from the La. State Medical Society.
- (7) Five members from the general public, one from each Public Service Commission district.
- (8) One member who is a representative from the La. Orthopaedic Association.
- (9) One member who is the assistant secretary of the office of workers' compensation administration.
- (10) One member who is a representative of the Chiropractic Association of La.
- (11) One member who is a representative of the La. Psychological Association.

Present law provides that the chairperson of the council shall be the assistant secretary of the office of workers' compensation administration.

Present law provides that any change in membership to achieve the goal of geographic representation and diversity based on sex, race, and ethnicity shall occur by attrition.

Present law provides that the council shall monitor and, at least 30 days prior to the convening of the regular session of the legislature, report to the governor and the legislature

on the implementation and administration of present law and make specific recommendations.

Present law provides that the council shall review and make recommendations to the governor, through LWC, on any proposed rules affecting the administration or resolution of claims provided for in present law.

Present law provides that no member of the council acting within the scope of his official functions and duties shall be held individually liable for a policy recommendation or policy action by the council, unless damage or injury is caused by the member's willful or wanton misconduct.

Present law provides that a person immune from liability under the provisions of present law shall not be subject to civil or administrative subpoena for his recommendations or exercise of judgment as a member of the council, including a subpoena seeking his oral or written testimony at trial, discovery, or other proceeding, and a subpoena duces tecum seeking documents, inspections, things or information in electronic or any other form.

Present law provides that the Workers' Compensation Advisory Council is transferred to and shall be within LWC.

Proposed law repeals present law.

(Repeals R.S. 23:1294 and R.S. 36:309(B)(2))