
SENATE COMMITTEE AMENDMENTS

2018 Regular Session

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Engrossed House Bill No. 372 by Representative Connick

1 AMENDMENT NO. 1

2 On page 1, line 3, change "46" to "47"

3 AMENDMENT NO. 2

4 On page 1, delete lines 5 through 8 and insert:

5 "and respective boards; to require the commissioner of administration to provide
6 active supervision of occupational licensing boards; to provide for review of rules and
7 regulation; to provide certain exceptions; and to provide for related matters."

8 AMENDMENT NO. 3

9 On page 1, line 11, change "46" to "47"

10 AMENDMENT NO. 4

11 On page 2, delete line 4, and insert "(1) "Active market participant" means an individual or
12 entity that is any of the"

13 AMENDMENT NO. 5

14 On page 2, delete lines 10 and 11, and insert "(2) "Active supervision" includes but is not
15 limited to the commissioner of administration's responsibilities to do all of the following:"

16 AMENDMENT NO. 6

17 On page 2, delete lines 14 through 24 and insert:

18 "(b) Approve or disapprove with suggested amendments, or allow an occupational
19 licensing board to withdraw for revision such occupational regulation to ensure
20 compliance with state policy."

21 AMENDMENT NO. 7

22 On page 2, line 25, change "(5)" to "(3)"

23 AMENDMENT NO. 8

24 On page 2, delete line 29

25 AMENDMENT NO. 9

26 On page 3, line 1, change "(d)" to "(c)"

27 AMENDMENT NO. 10

28 On page 3, line 4, change "(e)" to "(d)"

29 AMENDMENT NO. 11

30 On page 3, line 6, change "(f)" to "(e)"

1 AMENDMENT NO. 12

2 On page 3, line 7, change "(g)" to "(f)"

3 AMENDMENT NO. 13

4 On page 3, line 8, change "(h)" to "(g)"

5 AMENDMENT NO. 14

6 On page 3, delete line 9

7 AMENDMENT NO. 15

8 On page 3, line 10, change "(j)" to "(h)"

9 AMENDMENT NO. 16

10 On page 3, delete lines 11 through 15 and insert "(4) "Occupational license" means a
11 nontransferable authorization granted by an occupational licensing board for an individual
12 or entity meeting certain qualifications or personal qualifications. In an occupation for
13 which a license is required, it is illegal for an individual or entity that does not possess a
14 valid occupational license to perform the occupation for compensation."

15 AMENDMENT NO. 17

16 On page 3, line 16, change "(7)" to "(5)"

17 AMENDMENT NO. 18

18 On page 3, delete line 18 and insert: "(a) Regulates the entry of persons"

19 AMENDMENT NO. 19

20 On page 3, line 23, change "(8)" to "(6)"

21 AMENDMENT NO. 20

22 On page 3, line 25, delete ", certifications,"

23 AMENDMENT NO. 21

24 On page 3, line 26, after "occupational licenses." delete the remainder of the line and delete
25 lines 27 through 29 and insert: ""Occupational regulation" excludes any license, permit, or
26 regulation established by a parish or municipality."

27 AMENDMENT NO. 22

28 On page 4, line 1, change "(9)" to "(7)"

29 AMENDMENT NO. 23

30 On page 4, line 3, after "examination" insert "or other assessment"

31 AMENDMENT NO. 24

32 On page 4, between lines 5 and 6 insert:

33 "(8) "Qualifications" means the criteria related to an entity's background and
34 characteristics, including but not limited to the personal qualifications of certain
35 persons associated with the entity, including but not limited to that or those of an

1 individual's personal background and characteristics, including completion of an
2 approved educational program, satisfactory performance on an examination or
3 assessment, work experience, other evidence of attainment of requisite skills or
4 knowledge, moral standing, criminal history, and completion of continuing
5 education."

6 AMENDMENT NO. 25

7 On page 4, delete lines 6 through 13 and insert:

8 "(9) "Registration" means a requirement to give notice to the state that may
9 include the individual's or entity's name and address, the individual's or entity's agent
10 for service of process, the location of the activity to be performed, and a description
11 of the service the individual or entity provides. "Registration" does not include
12 qualifications or personal qualifications but may require a bond or insurance. Upon
13 the state's receipt of notice, the individual or entity may use "registered" as a
14 designated title. "Registration" is not transferable."

15 AMENDMENT NO. 26

16 On page 4, line 14, change "(11)" to "(10)"

17 AMENDMENT NO. 27

18 On page 4, line 19, after "growth" insert "to the extent those values can be achieved without
19 harm or threat of significant harm to public health, safety, or welfare."

20 AMENDMENT NO. 28

21 On page 4, delete line 21 and insert:

22 "from present or potential harm that threatens public health, welfare, or"

23 AMENDMENT NO. 29

24 On page 4, between lines 22 and 23 insert:

25 "(3) Nothing in this Chapter shall be construed to restrict an occupational licensing
26 board from requiring, as a condition of licensure, that an individual's personal
27 qualifications or entity's qualifications include obtaining or maintaining certification
28 from an organization that credentials individuals in the relevant occupation, field, or
29 industry."

30 AMENDMENT NO. 30

31 On page 4, delete lines 23 through 28 and on page 5 delete lines 1 through 8 and insert:

32 "§45. Active supervision by the commissioner of administration"

33 AMENDMENT NO. 31

34 On page 5, line 9, delete "B. The commission" and insert "A. Beginning January 1, 2019,
35 the commissioner of administration"

36 AMENDMENT NO. 32

37 On page 5, delete lines 16 through 25 and insert:

38 "B.(1) An occupational licensing board shall submit any occupational
39 regulation it seeks to promulgate to the commissioner of administration prior to the

1 board submitting a notice of intent to the office of the state register if the
 2 occupational regulation is subject to the Administrative Procedure Act.

3 (2) The commissioner of administration shall review each occupational
 4 regulation submitted to ensure compliance with the state policy as provided in R.S.
 5 37:44. This review may include any Federal Trade Commission Guideline adopted
 6 by the commissioner of administration.

7 (3) Following the review, the commissioner of administration shall do either
 8 of the following:

9 (a) Approve the occupational regulation and authorize the occupational
 10 board to initiate promulgation of the regulation in accordance with the
 11 Administrative Procedure Act. This approval shall be in writing and explain the
 12 rationale for the approval.

13 (b)(i) Disapprove the occupational regulation with any recommended
 14 amendments and require the occupational board to resubmit the occupational
 15 regulation for approval prior to promulgating the regulation in accordance with the
 16 Administrative Procedure Act.

17 (ii) Any recommended amendments shall be provided to the occupational
 18 licensing board for its further consideration within thirty days of the date the
 19 occupational licensing board provides the proposed regulation to the commissioner
 20 of administration for review.

21 (iii) The disapproval shall be writing and explain the rationale for the action.

22 (iv) In the event the commissioner of administration elects to disapprove the
 23 regulation with suggested amendments, the occupational licensing board shall not
 24 go forward with promulgation of the proposed rule until such time as the
 25 occupational regulation is approved by the commissioner of administration.

26 C. Prior to submitting the notice of final rule to the proper legislative
 27 oversight committees, the occupational licensing board shall submit such notice to
 28 the commissioner of administration with a summary of any changes made to the
 29 proposed rule or indicate that not changes were made to the proposed rule. The
 30 submission shall include any comments received during the comment period or a
 31 recording or the minutes of any proceeding.

32 (1) If there are changes to the proposed rule, the commissioner of
 33 administration shall review the changes to the proposed rule and take any action
 34 provided in Subsection B of this Section.

35 (2) If there are no changes to the proposed rule or the commissioner of
 36 administration approves the proposed rule with submitted changes, the occupational
 37 licensing board shall submit the notice of final rule to the proper legislative oversight
 38 committees.

39 D. If the proposed occupational regulation is not subject to promulgation and
 40 adoption in accordance with the Administrative Procedure Act, an occupational
 41 licensing board shall submit such proposed regulation to the commissioner of
 42 administration for approval prior to enforcement.

43 E.(1) Emergency rules adopted by a occupational licensing board shall not
 44 be subject to the active supervision of the commissioner of administration as
 45 provided in this Section.

46 (2) However, the occupational licensing board shall submit such emergency
 47 rule to the commissioner of administration on the same day the rule is submitted to
 48 the office of the state register."

49 AMENDMENT NO. 33

50 On page 5, delete line 26 and insert "§46. Nonapplicability"

51 AMENDMENT NO. 34

52 On page 5, after line 28 insert:

53 "§47. Interpretation

54 Nothing in this Chapter shall be construed to prevent or limit any
 55 occupational licensing board from granting or recognizing reciprocity or mobility in
 56 the licensing, registration, or certification of occupations or professions where an

1 occupational licensing board has established or seeks to establish occupational
2 regulations providing for reciprocity or mobility of licensed, registered, or certified
3 occupations or professions as authorized by state law.

4 Section 2. The Act shall become effective upon signature by the
5 governor or, if not signed by the governor, upon expiration of the time for bills to
6 become law without signature by the governor, as provided by Article III, Section
7 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently
8 approved by the legislature, this Act shall become effective on the day following
9 such approval."