

**Sixty-fifth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2017**

HOUSE CONCURRENT RESOLUTION NO. 3026
(Representatives Devlin, Delzer, Kempenich, Vigesaa, Weisz)
(Senators Klein, J. Lee)

A concurrent resolution requesting the Legislative Management to consider studying the membership and state supervision of the state's occupational and professional licensing boards in order to retain antitrust law immunity.

WHEREAS, in the February 2015 case "North Carolina State Board of Dental Examiners v. FTC", the United States Supreme Court held if a controlling number of state regulatory board members are market participants, the board must be actively supervised by the state to be immune from antitrust law; and

WHEREAS, market participants hold a majority membership in the dozens of North Dakota occupational and professional licensing boards; and

WHEREAS, in October 2015, the Federal Trade Commission released guidance regarding the level of state supervision required for state regulatory boards to receive immunity from antitrust claims; and

WHEREAS, multiple states have taken executive and legislative action to minimize the risk of regulatory boards being subject to antitrust laws; and

WHEREAS, North Dakota seeks to minimize the risk of its occupational and professional licensing boards being subject to antitrust laws;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Legislative Management consider studying the membership and state supervision of the state's occupational and professional licensing boards in order to retain antitrust law immunity; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-sixth Legislative Assembly.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

Filed in this office this _____ day of _____, 2017,
at _____ o'clock _____ M.

Secretary of State