

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

HOUSE CONCURRENT RESOLUTION NO. 3026  
(Representatives Devlin, Delzer, Kempenich, Vigasaa, 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

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President of the Senate

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Chief Clerk of the House

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Secretary of the Senate

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

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Secretary of State