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To: Ms. Sandy Edmonds
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From: Farra Mughal
Louisiana Department of Justice
Occupational Licensing Review Program

Date: December 8, 2025

Subject: Louisiana Auctioneers Licensing Board
Proposed Amendments to LAC 46:III- Chapters 1, 3, 5, 7, and 10

I. SUMMARY

The Louisiana Auctioneers Licensing Board (the “**Board**”) proposes amending LAC 46:III.101, 103, 307(B), 501, 503, 505, 507, 701(B)(8), and 1001 (the “**Proposed Amendments**”) to (i) update and remove outdated language that references the Department of Economic Development, (ii) remove outdated language relative to the licensure of initial board members, (iii) authorize electronic delivery of special meeting notices while repealing the requirement that such notices be transmitted by U.S. postal mail, (iv) provide an outline of the requirements the Board asserts it has satisfied in order to conduct electronic meetings under Act 393, (v) detail the required information that must be published on the Board’s website prior to conducting a meeting electronically, (vi) establish electronic meeting requirements and limitations, (vii) provide electronic participation options for individuals with disabilities, (viii) remove the requirement that the Board, upon request, must provide a copy of the Louisiana auction laws and a list of all states having reciprocity with Louisiana, and (ix) replace “Auction Houses” with “Auction Businesses” and, (x) include a definition for internet-based platforms.

The Board published a Notice of Intent to promulgate the Proposed Amendments on August 20, 2025.¹ The Notice invited the public to submit written comments on the Proposed Amendments until 5:00 p.m. on September 22, 2025 and received no comments.²

The OLRP has the statutory authority to review the substance of each proposed occupational regulation submitted to ensure compliance with clearly articulated state policy and adherence to applicable state law.³ An Occupational Regulation is a “rule defined in the Administrative Procedure Act that has reasonably foreseeable anti-competitive effects. Any license, permit, or

¹ Louisiana Register, Vol. 51, No. 8, at pgs. 1230-1235

² Id. at 1235

³ LSA-R.S.49:260 (D)(2)

regulation established by a ... board not composed of a controlling number of active market participants is excluded.”⁴ The Louisiana Administrative Procedure Act (“APA”) defines a rule as an agency (Board) requirement for conduct or action prescribing the procedure or practice requirements of the agency (Board).⁵ Anti-Competitive behavior is an act, or series of acts, that have the effect of harming the market or the process of competition among businesses, or a tendency to reduce or eliminate competition, with no legitimate business purpose.⁶

Pursuant to La. R.S. 49:260, the Board submitted the Proposed Amendments to the Louisiana Department of Justice’s Occupational Licensing Review Program (*OLRP*) on October 17, 2025. The OLRP invited public comments on the Proposed Amendments October 18, 2025 through October 31, 2025 and received no comments.

As set forth below, the OLRP has determined the Board’s Proposed Amendments to LAC 46:III.101, 103, 307(B), 501, 503, 505, 507, 701(B)(8), and 1001 do not constitute occupational regulations with any foreseeable anti-competitive effects. Therefore, the Board may proceed with promulgating these amendments without further input from the OLRP in accordance with the Louisiana APA.

II. ANALYSIS

The Louisiana Legislature finds the licensure of qualified auctioneers and auction houses to be in the best interest of the citizens of this state.⁷ The legislature created the Louisiana Auctioneers Licensing Board⁸ to establish requirements that shall contribute to the safety, health, and property of the people of Louisiana in the transfer of property by auction.⁹ The Board is authorized to make reasonable rules and regulations relating to the form and manner of filing applications for licenses; the issuance, denial, suspension, and revocation of licenses; and the conduct of hearings consistent with the provisions of the Administrative Procedure Act, LSA-R.S. 49:950 *et seq.*¹⁰

A. Proposed Amendment LAC 46:III.101-Organization of the Board

The Board proposes amending §101 to eliminate the phrase “and is created as an agency of the state government in the Department of Economic Development.”

LAC 46:III.101 codifies LSA-R.S. 37:3111(A) which was amended by Act 8 of the 2001 Regular Session of the Louisiana Legislature to omit reference to the “Department of Economic Development” and to include “office of the governor.”

The Board is authorized to adopt rules and regulations governing auctioneers and auction houses in the state of Louisiana.¹¹ Although the Board has the statutory authority to adopt rules concerning

⁴ LSA-R.S. 49:260 (G) (4)

⁵ LSA-R.S. 49:951 (8)

⁶ Black’s Law Dictionary, 12th Edition p. 116

⁷ LSA-R.S. 37:310 (A)

⁸ LSA-R.S. 37:3111 (A)

⁹ LSA-R.S. 37:310 (B)

¹⁰ LSA-R.S. 37:3106 (A)

¹¹ LSA-R.S. 37:3112 (A)(3)

the regulation of auctioneers and auction houses, this revision is intended to remove outdated language and align with the current language of LSA-R.S. 37:3111(A). Thus, the Proposed Amendment does not have any foreseeable anti-competitive effects and is not an occupational regulation.

Therefore, the Board may proceed with promulgation without further input from the OLRP in accordance with the Louisiana APA.

B. Proposed Amendment LAC 46:III.103-Number, Qualifications of Members

The Board proposes amending §103 to remove the requirement that the initial auctioneer members be licensed, or obtain a license within a reasonable time after appointment, as well as the requirement that all subsequent members be licensed.

The Board is authorized to adopt rules and regulations governing auctioneers and auction houses in the state of Louisiana.¹² The Board was created in 1983 by Acts 1983, No. 508. Because the Board was created in 1983, the requirement addressing how the initial auctioneer members would obtain licensure is now obsolete. Those original appointments have long since occurred, and all current and future members are governed by the prevailing rule.

Although the Board has the statutory authority to adopt rules concerning the regulation of auctioneers and auction houses, the Proposed Amendment merely updates and clarifies §103 by removing language that no longer serves any practical purpose. Accordingly, the Proposed Amendment does not have any foreseeable anti-competitive effects and is not an occupational regulation.

Notably, the Board did not include the Proposed Amendment in their August 22, 2025 Notice of Intent. La. R.S. 49:961(A)(1) requires an agency to give notice of its intention to adopt, amend, or repeal any rule. The notice shall be published at least once in the Louisiana Register and shall be submitted with a full text of the proposed rule to the Louisiana Register at least one hundred days prior to the date the agency will take action on the rule.¹³

As the Proposed Amendment does not constitute an occupational regulation, the Board may proceed with promulgation without further input from the OLRP, provided it completes all procedural requirements for amending its rules under the Louisiana APA.

C. Proposed Amendment LAC 46:III.307(B)- Special Meetings

The Board proposes amending §307(B) to authorize the electronic delivery of special meeting notices and to repeal the requirement that such notices be transmitted by U.S. postal mail.

The Board is authorized to adopt rules and regulations governing auctioneers and auction houses in the state of Louisiana.¹⁴ The Board is also authorized to call special meetings which may be held at such time and place as specified by the executive secretary on call of the chairman or four

¹² LSA-R.S. 37:3112 (A)(3)

¹³ LSA-R.S. 49:961 (A)(3)

¹⁴ LSA-R.S. 37:3112 (A)(3)

members.¹⁵ The executive secretary shall give written notice of all meetings to the members of the board and the interested public.¹⁶

Although the Board has the statutory authority to adopt rules regulating auctioneers and auction houses and provide all members with written notice of special meetings, the Proposed Amendment merely updates the method by which such notices are delivered while still adhering to the written requirement. Accordingly, the Proposed Amendment does not have any foreseeable anti-competitive effects and is not an occupational regulation.

Therefore, the Board may proceed with promulgation without further input from the OLRP in accordance with the Louisiana APA.

D. Proposed Amendment LAC 46:III.501-Agency Eligibility

The Board proposes repealing Chapter 5 and renaming the chapter from “Order of Business; Rules of Order” to “Open Meetings via Electronic Means Policy.” The Board asserts that repealing the existing §501 (Board Meetings’ Order of Business) and §503 (Rules of Order) is necessary as the information is covered in other state statutes. As discussed below, the Board has proposed enacting new rules under these same section numbers relative to open meetings held electronically.

The Board is authorized to adopt rules and regulations to govern auctioneers and auction houses in the state of Louisiana.¹⁷ This authority includes the ability to repeal the current version of §§501 and 503 and redesignate the chapter to address the procedures applicable to open meetings. Additionally, the repeal of the existing §§501 and 503 do not impact licensure, market participation, or competition, and therefore do not have any anti-competitive effects.

Accordingly, the Board may repeal §§501 and 503 without further input from the OLRP in accordance with the Louisiana APA.

Moreover, the Board proposes enacting §501 and changing the title of the rule from “Board Meetings; Order of Business” to “Agency Eligibility.”

Act 393 of the 2023 Regular Session of the Louisiana State Legislature establishes the requirements an agency must satisfy to hold electronic meetings. The Proposed Amendment outlines how the Board meets these requirements and is therefore eligible to conduct its meetings electronically.

The Board is authorized to adopt rules and regulations to govern auctioneers and auction houses in the state of Louisiana.¹⁸ Under this authority, the Board may enact §501 and specify how it satisfies the eligibility requirement in Act 393. Because the Proposed Amendment addresses only the procedure by which the Board conducts its meeting and does not impact licensure, market participation, or competition, it does not have any anti-competitive effects.

¹⁵ LSA-R.S. 37:3112 (5)(E)

¹⁶ Id.

¹⁷ LSA-R.S. 37:3112 (A)(3)

¹⁸ LSA-R.S. 37:3112 (A)(3)

Therefore, the Board may proceed with promulgation without further input from the OLRP in accordance with the Louisiana APA.

E. Proposed Amendment LAC 46:III.503-Postings Prior to Meetings Via Electronic Means

The Board proposes enacting §503 and changing the title of the rule from “Rules of Order” to “Postings Prior to Meetings Via Electronic Means.” The Proposed Amendment also requires the Board, at least twenty-four hours before the meeting, to post on their website, (i) the meeting notice, (ii) agenda, (iii) detailed information on how members of the public may participate in the meeting, and (iv) information on how members of the public may submit written comments regarding matters on the agenda.

The requirements of the Proposed Amendment align with Act 393 concerning the information that must be posted to the Board’s website before holding an electronic meeting. The Board is authorized to adopt rules and regulations to govern auctioneers and auction houses in the state of Louisiana.¹⁹ Under this authority, the Board may enact §503 to require that specific information be posted on its website ahead of open meetings. Because the Proposed Amendment addresses only the procedure by which the Board conducts its meeting and does not impact licensure, market participation, or competition, it does not have any anti-competitive effects.

Therefore, the Board may proceed with promulgation without further input from the OLRP in accordance with the Louisiana APA.

F. Proposed Amendment LAC 46:III.505-Elecronic Meetings Requirements and Limitations

The Board proposes enacting §505 to establish requirements and limitations for electronic meetings. The Proposed Amendment states (i) all electronic meetings must ensure compliance with La. R.S. 42:17.2(C), (ii) the Board shall not conduct more than one-third of its open meetings electronically and will only conduct successive meetings electronically as needed, (iii) the Board shall schedule a meeting to discuss which meetings will be held electronically or in-person, compose a list, and make such a list available online, (iv) all members, whether participating from another location or electronically, shall be counted for the purpose of establishing a quorum, and (v) an online archive of any open meetings conducted electronically shall remain available on the Board’s website for two years.

These requirements and limitations to electronic meetings proposed under this amendment align with the requirements of Act 393. The Board is authorized to adopt rules and regulations to govern auctioneers and auction houses in the state of Louisiana.²⁰ Under this authority, the Board may enact §505 to establish requirements and limitations in how the Board may conduct electronic meetings. Because the Proposed Amendment addresses only the procedure by which the Board conducts its meeting and does not impact licensure, market participation, or competition, it does not have any anti-competitive effects.

¹⁹ LSA-R.S. 37:3112 (A)(3)

²⁰ LSA-R.S. 37:3112 (A)(3)

Therefore, the Board may proceed with promulgation without further input from the OLRP in accordance with the Louisiana APA.

G. Proposed Amendment LAC 46:III.507-Disability Accommodations

The Board proposes enacting §507 to require that it provide electronic participation options for individuals with disabilities. The Proposed Amendment establishes (i) a definition for disabilities, (ii) that public notice shall include the name, telephone number, and email address of the designated agency representative to whom accommodation requests must be submitted, (iii) the information the agency representative is permitted to request from the requestor, (iv) that the designated representative must provide the requestor a link to the teleconference as soon as possible, and (v) that all members, whether participating from another location or electronically, shall be counted for the purpose of establishing a quorum.

The requirements proposed under this amendment align with the requirements of Act 393. The Board is authorized to adopt rules and regulations to govern auctioneers and auction houses in the state of Louisiana.²¹ Under this authority, the Board may enact §507 to establish requirements ensuring electronic participation options for individuals with disabilities. Because the Proposed Amendment addresses the accommodations for individuals with disabilities to participate in open meetings and does not impact licensure, market participation, or competition, it does not have any anti-competitive effects.

Therefore, the Board may proceed with promulgation without further input from the OLRP in accordance with the Louisiana APA.

H. Proposed Amendment LAC 46:III.701(B)(8)-General Scope of Responsibilities

The Board proposes the elimination of §701(B)(8) which requires the Board, upon request, to provide a copy of the Louisiana auction laws and a list of all states having reciprocity with Louisiana.

The Louisiana auction laws and information on reciprocity are publicly available on the Board's website.²² The continued inclusion of this rule is unnecessary and duplicative, as the Louisiana auction laws and current reciprocity information are publicly accessible on the Board's website. Additionally, the current rule imposes an avoidable administrative burden on the Board by obligating staff to process and fulfill requests for materials that individuals can independently and readily access.

The Board is authorized to adopt rules and regulations to govern auctioneers and auction houses in the state of Louisiana.²³ Although the Board has the statutory authority to adopt rules concerning the regulation of auctioneers and auction houses, the Proposed Amendment merely decreases administrative redundancy by eliminating a rule no longer necessary to effectuate transparency or public access to information. Accordingly, the Proposed Amendment does not constitute an

²¹ LSA-R.S. 37:3112 (A)(3)

²² [Louisiana Auctioneers Licensing Board](#)

²³ LSA-R.S. 37:3112 (A)(3)

occupational regulation and does not have any anti-competitive effects because it does not impact licensure, market participation, or competition.

Notably, the Board did not include the Proposed Amendment in their August 22, 2025 Notice of Intent. La. R.S. 49:961(A)(1) requires an agency to give notice of its intention to adopt, amend, or repeal any rule. The notice shall be published at least once in the Louisiana Register and shall be submitted with a full text of the proposed rule to the Louisiana Register at least one hundred days prior to the date the agency will take action on the rule.²⁴

As the Proposed Amendment does not constitute an occupational regulation, the Board may proceed with promulgation without further input from the OLRP, provided it completes all procedural requirements for amending its rules under the Louisiana APA.

I. Proposed Amendment LAC 46:III.1001-General Definitions

The Board proposes amending the definitions under §1001 to replace “Auction Houses” with “Auction Businesses” and to add a definition for internet-based platforms.

The Board is authorized to adopt rules and regulations to govern auctioneers and auction houses in the state of Louisiana.²⁵ The Proposed Amendments to replace the word “houses” with “businesses” does not alter the substantive meaning of the definitions and the establishment of a definition for what constitutes an internet based platform do not have any reasonably foreseeable anti-competitive effects that would create a market barrier to entry or restriction for auctioneers or auction houses. Accordingly, the Proposed Amendment does not constitute an occupational regulation with any foreseeable anti-competitive effects.

Therefore, the Board may proceed with promulgation without further input from the OLRP in accordance with the Louisiana APA.

III. DETERMINATION

The legislature created the Louisiana Auctioneers Licensing Board²⁶ to establish requirements that shall contribute to the safety, health, and property of the people of Louisiana in the transfer of property by auction.²⁷ The Board is authorized to adopt reasonable rules and regulations relating to the form and manner of filing applications for licenses; the issuance, denial, suspension, and revocation of licenses; and the conduct of hearings consistent with the provisions of the Administrative Procedure Act, LSA-R.S. 49:950 *et seq.*²⁸

The Proposed Amendments to LAC 46:III.101, 103, 307(B), 501, 503, 505, 507, 701(B)(8), and 1001 do not constitute occupational regulations with any foreseeable anti-competitive effects. Therefore, the Proposed Amendments do not require input from the OLRP pursuant to LA R.S. 49:260 and the Board may proceed with promulgation of these amendments in accordance with the Louisiana APA.

²⁴ LSA-R.S. 49:961 (A)(3)

²⁵ LSA-R.S. 37:3112 (A)(3)

²⁶ LSA-R.S. 37:3111 (A)

²⁷ LSA-R.S. 37:310 (B)

²⁸ LSA-R.S. 37:3106 (A)

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