

FINAL REPORT

Occupational Licensing and Certification Laws Committee SCR 146 (2018)

Members of the Committee

Senator Todd Lakey, Co-chair
Senator Fred Martin
Senator Lori Den Hartog
Senator Grant Burgoyne

Representative Gayann DeMordaunt, Co-Chair
Representative Jason Monks
Representative Dustin Manwaring
Representative Elaine Smith

Staff

Elizabeth Bowen, Principal Legislative Drafting Attorney
Matt Drake, Legislative Drafting Attorney
Christine Otto, Budget and Policy Analyst
Maggie Smith, Budget and Policy Analyst
Jennifer Kish, Committee Secretary

November 26, 2018

I. Committee Charge

The Occupational Licensing and Certification Laws Committee, authorized by Senate Concurrent Resolution 146 in 2018, was assigned to study the occupational licensing and certification laws and rules of the state of Idaho and to examine the necessity of such laws and rules. As part of its study, the Committee was tasked with reviewing reports filed pursuant to Executive Order No. 2017-06, regarding agency review of licensure requirements for various occupations.

II. Meetings

The Committee met on the following dates at the State Capitol in Boise:

1. June 22, 2018;
2. October 19, 2018; and
3. November 26, 2018.

III. Scope of Study

The meetings on June 22 and October 19 were informational in nature, as the Committee heard presentations relating to Executive Order No. 2017-06 and efforts on occupational licensing reform nationwide. It was the original intent of the Committee to meet more frequently in order to discuss and develop its recommendations to the Legislature; however, the Committee's study was delayed due to difficulties in collecting and compiling information from some of the executive order reports.

On October 19, the Committee heard a presentation from Greg Wilson, chief of staff for Lieutenant Governor Brad Little, on trends within the executive order reports. Mr. Wilson made several recommendations based on the reports, including:

1. Establish sunrise and sunset review processes for occupational licenses;
2. Create an internal review process of laws, rules, and policies for occupational licensing boards;
3. Improve political oversight of occupational licensure;
4. Centralize data relating to occupational licensure in Idaho; and
5. Increase license mobility and portability, especially for veterans and military spouses.

Also on October 19, the Committee voted to accept an invitation for Idaho to join the Occupational Licensing Policy Learning Consortium, an effort to study and alleviate labor market difficulties caused by unnecessary or overbroad occupational licensure. The consortium is sponsored by the National Conference of State Legislatures, the Council of State Governments, the National Governors Association Center for Best Practices, and the United States Department of Labor, and involves at least sixteen states, with Idaho's

participation scheduled to begin in the last week of November 2018.

On November 26, the Committee met to discuss its recommendations to the Legislature and to adopt this report.

IV. **Recommendation**

The Committee recommends that it be reauthorized to continue its study in order to make comprehensive recommendations to the Legislature, including any recommendations developed based on Idaho's participation in the Occupational Licensing Policy Learning Consortium.

The Committee further recommends developing and possibly introducing legislation on licensure by endorsement for military spouses and others during the 2019 legislative session.

Draft legislation to reauthorize the committee is included in Appendix I of this report.

APPENDIX I

Proposed Legislation

DRELB038

Resolution to reauthorize the Committee

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DRELB038

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fifth Legislature First Regular Session - 2019

This bill draft contains confidential and privileged information exempt from disclosure under Section 74-109(1), Idaho Code. If you have received this message by mistake, please notify us immediately by replying to this message or telephoning the Legislative Services Office at (208) 334-2475.

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF OCCUPATIONAL LICENSING AND CERTIFICATION LAWS AND RULES IN IDAHO.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Second Regular Session of the Sixty-fourth Idaho Legislature adopted Senate Concurrent Resolution No. 146, which authorized the appointment of a committee to undertake and complete a study of the occupational licensing and certifications laws and rules of the State of Idaho, and to examine the necessity of such laws and rules; and

WHEREAS, in the resolution, the Legislature tasked the committee with conducting a review of reports filed pursuant to Executive Order No. 2017-06, regarding executive branch review of Idaho's licensure requirements for various occupations; and

WHEREAS, due to delays in receiving some of the reports, the committee was unable to complete the comprehensive review contemplated by the Legislature; and

WHEREAS, the committee voted to accept an invitation made to Idaho to participate in the Occupational Licensing Policy Learning Consortium, an effort to study and reduce labor market difficulties caused by unnecessary or overbroad licensing requirements. The consortium involves several other states and is sponsored by the National Conference of State Legislatures, the Council of State Governments, the National Governors Association Center for Best Practices, and the United States Department of Labor; and

WHEREAS, it is the belief of the committee that further study, including study conducted through participation in the consortium, is necessary in order to make comprehensive recommendations on Idaho's occupational licensing and certification laws and rules to the Legislature.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of occupational licensing and certification laws and rules in Idaho and to examine the necessity of such laws and rules. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice, and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the cochairs of the committee who are appointed by the Legislative Council. Nonlegislative members of the committee shall not be reimbursed from legislative funds for per diem, mileage, or other expenses and

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2

1 shall not have voting privileges regarding the committee's recommendations
2 or proposed legislation.

3 BE IT FURTHER RESOLVED that the committee shall report its findings,
4 recommendations, and proposed legislation, if any, to the Second Regular
5 Session of the Sixty-fifth Idaho Legislature.