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 LEGISLATURE OF THE STATE OF IDAHO
 Sixty-fifth Legislature Second Regular Session - 2020

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1 AN ACT
 2 RELATING TO OCCUPATIONAL LICENSING REFORM; AMENDING CHAPTER 94, TITLE 67,
 3 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-9408, IDAHO CODE, TO PRO-
 4 VIDE FOR THE CREATION OF AN OCCUPATIONAL AND PROFESSIONAL LICENSURE RE-
 5 VIEW PILOT COMMITTEE; AMENDING CHAPTER 94, TITLE 67, IDAHO CODE, BY THE
 6 ADDITION OF A NEW SECTION 67-9409, IDAHO CODE, TO PROVIDE FOR UNIVERSAL
 7 LICENSURE; AND AMENDING CHAPTER 94, TITLE 67, IDAHO CODE, BY THE ADDI-
 8 TION OF A NEW SECTION 67-9410, IDAHO CODE, TO PROVIDE A PROCESS FOR CER-
 9 TAIN PREQUALIFICATION REQUESTS.

10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Chapter 94, Title 67, Idaho Code, be, and the same is
 12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 13 ignated as Section 67-9408, Idaho Code, and to read as follows:

14 67-9408. OCCUPATIONAL AND PROFESSIONAL LICENSURE REVIEW PILOT COM-
 15 MITTEE. (1) In order to establish oversight of occupational and professional
 16 licensure and related issues in Idaho, there is hereby established an occu-
 17 pational and professional licensure review pilot committee.

18 (2) The committee shall consist of eight (8) members, with four (4) mem-
 19 bers from the senate and four (4) members from the house of representatives.
 20 No more than three (3) members from the senate and no more than three (3)
 21 members from the house of representatives shall be from the same political
 22 party. Appointments to the committee shall be for the term of office of the
 23 member appointed. Any vacancy shall be filled in a manner consistent with
 24 the appointment procedure set forth in this subsection, except the appoint-
 25 ment shall be for the remainder of the unexpired term. A committee member may
 26 be reappointed to the committee. Two cochaIRS shall be appointed by the com-
 27 mittee from the committee membership, with one (1) cochair from the senate
 28 and the other from the house of representatives. The committee shall receive
 29 staff assistance from the legislative services office and an appropriation
 30 shall be made to the legislative services office for the purpose of covering
 31 additional staffing costs.

32 (3) The committee shall have as a primary duty and responsibility
 33 the task of conducting a sunrise review upon request that a lawful profes-
 34 sion that is not licensed by the state become licensed. The sunrise review
 35 process shall be as follows:

36 (a) If a government requestor or a representative of a lawful occupa-
 37 tion that is not licensed by the state proposes that the state license
 38 or newly regulate a lawful occupation, the requestor or representative
 39 shall, prior to the introduction of any proposed legislation, submit an
 40 application for sunrise review to the legislative services office in a
 41 form approved by the committee. An application shall be submitted by

- 1 June 1 for review and processing prior to the next regular legislative
2 session.
- 3 (b) Along with any other information requested by the committee, the
4 application shall include a description of:
- 5 (i) Why licensing or other regulation of the lawful occupation is
6 required to protect against present, recognizable, and signifi-
7 cant harm to the health or safety of the public; and
- 8 (ii) The least restrictive regulation of the lawful occupation
9 that would protect against recognizable and significant harm to
10 the health or safety of the public.
- 11 (c) If an application is submitted by a representative of a lawful occu-
12 pation, the application shall include a nonrefundable fee of five hun-
13 dred dollars (\$500).
- 14 (d) All application fees shall be deposited into the general fund.
- 15 (4) The committee shall meet as often as may be necessary for the proper
16 performance of its duties upon the call of the cochairs.
- 17 (5) In addition to the sunrise process, the committee shall study and
18 review occupational licensing and certification laws in general in order
19 to determine, as applicable, how the legislature may be able to ease occu-
20 pational licensing barriers while still protecting the public health and
21 safety.
- 22 (6) The committee shall operate on a pilot basis for two (2) years and
23 shall cease to exist following its report to the second regular session of
24 the sixty-sixth Idaho legislature in 2022 unless legislative action is taken
25 to extend the duration of the pilot committee or to make it permanent.

26 SECTION 2. That Chapter 94, Title 67, Idaho Code, be, and the same is
27 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
28 ignated as Section 67-9409, Idaho Code, and to read as follows:

29 67-9409. UNIVERSAL LICENSURE. (1) A licensing authority shall estab-
30 lish a procedure for the issuance of licensure to a person who possesses cur-
31 rent, valid, and unrestricted licensure in another state, district, or ter-
32 ritory of the United States and has practiced in such other state, district,
33 or territory of the United States for two (2) of the past five (5) years. Each
34 licensing authority shall promulgate applicable rules to implement the pro-
35 visions of this subsection.

36 (2) Subsection (1) of this section shall not apply to a person who is a
37 member of a profession or occupation covered by an interstate licensure com-
38 pact that the person's home state and Idaho have each adopted. In such a sit-
39 uation, a person shall apply for licensure pursuant to the terms of the ap-
40 plicable licensure compact rather than through licensure by endorsement. A
41 person from a state that has not adopted an interstate licensure compact that
42 Idaho has adopted is eligible for licensure by endorsement, provided that
43 such person is otherwise eligible for licensure by endorsement under this
44 section; however, such licensure shall be valid only in Idaho. A licensing
45 authority for a profession or occupation affected by an interstate licensure
46 compact that Idaho has adopted shall promulgate applicable rules if neces-
47 sary to implement the provisions of this subsection.

1 SECTION 3. That Chapter 94, Title 67, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 67-9410, Idaho Code, and to read as follows:

4 67-9410. PREQUALIFICATION REQUESTS. (1) An individual who has been
5 convicted of any criminal offense may request, at any time, that a licens-
6 ing authority determine whether the individual's criminal conviction would
7 disqualify the individual from obtaining a license issued or conferred by
8 the licensing authority. An individual making such a request shall include
9 details of the individual's criminal conviction and any payment required by
10 the licensing authority. A licensing authority may charge a fee of not more
11 than twenty five dollars (\$25.00) for each request made under this section,
12 to reimburse the costs it incurs in making the determination.

13 (2) Not later than thirty (30) days after receiving a request under this
14 section, the licensing authority shall inform the individual whether, based
15 on the criminal record information submitted, the individual is disquali-
16 fied from receiving or holding the license about which the individual in-
17 quired.

18 (3) A licensing authority is not bound by a determination made under
19 this section, if, on further investigation, the licensing authority deter-
20 mines that the individual's criminal convictions differ from the informa-
21 tion presented in the determination request.

22 (4) A licensing authority shall make available to the public on the
23 licensing authority's internet website a list of all criminal offenses of
24 which conviction of that offense shall disqualify an individual from obtain-
25 ing a license issued or conferred by the licensing authority.